

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 12 JUNE 2019, AT 9.00 AM\*

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

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Karen Wardle  
email: karen.wardle@nfdc.gov.uk

**PUBLIC PARTICIPATION:**

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

**Claire Upton-Brown**  
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
www.newforest.gov.uk

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

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meetings held on 1 and 20 May 2019 as a correct record.

**2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Club House, New Forest Water Park, Ringwood Road, Fordingbridge (Application 18/11690) (Pages 1 - 22)**

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

**RECOMMENDED:**

Refuse

- (b) **5 Sheridan Gardens, Totton (Application 19/10047) (Pages 23 - 30)**

First-floor side extension

**RECOMMENDED:**

Refuse

- (c) **All Weather Sports Pitch, Applemore College, Roman Road, Dibden Purlieu, Hythe (Application 19/10094) (Pages 31 - 44)**

Variation of condition 3 of Planning Permission 13/11340 to allow use of pitch between 09:00 – 22:00hrs Monday to Friday

**RECOMMENDED:**

Grant the Variation of Condition

- (d) **34A Christchurch Road, Ringwood (Application 19/10112) (Pages 45 - 62)**

Alterations to ground floor shop; block up existing windows; second-floor extension to create two 1 bed flats; demolition of single-storey rear extension and rear extension to provide one 2 bed flat and one attached 3 bed house

**RECOMMENDED:**

Grant Subject to Conditions

- (e) **Land adjacent to Halyard House & rear of 4 Avenue Road, Lymington (Application 19/10194) (Pages 63 - 76)**

Bungalow; parking; bin store; landscaping; access from Avenue Road

**RECOMMENDED:**

Grant Subject to Conditions

- (f) **Lambwood, Farmers Walk, Everton, Hordle (Application 19/10234) (Pages 77 - 86)**

Variation of condition 2 of Planning Permission 17/11756 to allow amended plans ASP.PL.17.145.003 rev A; ASP.PL.17.145.004 rev A; ASP.PL.145.005 rev A; ASP.PL.17.145.006 rev A to allow new windows to side elevation on both properties

**RECOMMENDED:**

Chief Planning Officer be Authorised to Grant Permission subject to the completion of a S106 agreement and subject to conditions.

(g) **Seletar Cottage, 1 Old Farm Walk, Lymington (Application 19/10279) (Pages 87 - 94)**

Replacement dormers (Retrospective) cedar cladding; slate cladding; render existing walls

**RECOMMENDED:**

Grant subject to conditions

(h) **Glasshouse Studios, Fryern Court Road, Burgate, Fordingbridge (Application 19/10291) (Pages 95 - 106)**

Amendments to existing hardsurfacing and car parking area

**RECOMMENDED:**

Grant subject to conditions

(i) **Old Forge, Salisbury Road, Breamore (Application 19/10408) (Pages 107 - 114)**

Variation of condition 3 of Planning Permission 16/10602 to allow longer letting periods

**RECOMMENDED:**

Chief Planning Officer be Authorised to Grant Permission subject to the completion of a S.106 Agreement and subject to conditions.

(j) **9-11 Old Milton Road, New Milton (Application 19/10478) (Pages 115 - 122)**

Display 1 Internally illuminated wall mounted logo sign (Application for Advertisement Consent)

**RECOMMENDED:**

Grant Advertisement Consent

**4. DELEGATION OF POWERS TO OFFICERS (Pages 123 - 124)**

To update the Scheme of Delegation of Powers to Officers.

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

**To:**

**Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Sue Bennison  
Hilary Brand  
Fran Carpenter  
Rebecca Clark  
Anne Corbridge  
Kate Crisell  
Arthur Davis  
Jan Duke

**Councillors:**

Barry Dunning  
Allan Glass  
David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Tony Ring  
Ann Sevier  
Beverley Thorne  
Malcolm Wade

**Application Number:** 18/11690 Full Planning Permission

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

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

**Applicant:** Mr Jury

**Target Date:** 08/03/2019

**Extension Date:** 12/04/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Principle of residential development in the countryside including sustainability of the proposal
- 2) Design considerations

1.2 This matter is before Committee as the application was reported to the April Planning Committee at which time Members resolved to defer consideration following a request from the applicant who was not able to attend. The applicant wished to provide updated information setting out a justification and background information relating to the business use.

1.3 The previous report presented to Members is appended.

## 2 THE SITE

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

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

2.3 The main site has a collection of buildings as follows

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

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

### **3 THE PROPOSED DEVELOPMENT**

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

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

- 3.3 The extended floorspace over two floors measures some 66 square metres (710 square feet). This would if permitted result in manager's accommodation of some 174 square metres (1894 square feet). This equates to a 60% increase in the accommodation floorspace. This does not include the large new domestic garage/store at ground level which measures an additional 43 square metres (462 square feet).
- 3.4 The plans as submitted also are inaccurate in a number of areas particularly in relation to the labelling of rooms within the building and some minor elevational details which do not tie up with floor plans. These points have been made to the applicant but with no corrected plans submitted.
- 3.5 This application has been submitted without the benefit of any pre application advice.

#### **4 PLANNING HISTORY AND NOTES OF AN PRE APPLICATION DISCUSSIONS**

- 4.1 **18/11130** - Clubhouse and additional accommodation for fishery manager -refused 09/01/19 (middle lake - Committee report January 2019 refers)
- This refusal is now the subject of an appeal
- 4.2 **16/10025** - Clubhouse with additional use for fishery manager accommodation refused 13/03/16 – appeal dismissed 19/01/17 (middle lake)
- 4.3 **15/11649** – Single storey extension to clubhouse with balcony over – approved 28/01/16 (main site)
- 4.4 **13/10191** - Clubhouse - granted 13/05/13 (middle lake)
- 4.5 **10/96273** - Clubhouse - granted outline planning permission 1/06/11 (middle lake)
- 4.6 **99/67058** – Garage/store building – approved 24/09/99 (main site - limited use by condition)
- 4.7 **57062** - Vary Condition 9 on 41232 (jet & water skiing use) – granted 09/08/95
- 4.8 **53713** – 1<sup>st</sup> floor addition with rooms in roof to form owner's accommodation – approved 09/03/94 (main site)
- 4.9 **52288** - Vary Condition 9 on 41232 to allow jet skiing - granted 14/7/93
- 4.10 **51715** – 1<sup>st</sup> floor addition to clubhouse to form owner's accommodation – approved 04/01/94 (main site - approved subject to supplemental S106 restricting occupation of flat)
- 4.11 **44205** – Erect two storey water sports clubhouse, parking and landscaping – approved 04/03/91 (Reserved Matters) (main site on northern lake)
- 4.12 **41232** – Change of use of former gravel pits to water based recreation and erection of clubhouse - granted 13/12/90 (Parent outline permission) (main site on northern lake – approved subject to S106 agreement on use of lakes)

4.13 The applicant did not enter into any pre application discussions with the Council prior to the submission of the current application.

## **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

### **The Core Strategy**

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

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

NPPF1 - presumption in favour of sustainable development  
DM2: Nature conservation, biodiversity and geodiversity  
DM20 Residential accommodation in the countryside

### **The Emerging Local Plan**

The National Planning Policy Framework 2019 states:

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **Advice on Emerging Development Plan Documents**

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making.

The following extracts from the Emerging Local Plan are considered to be material considerations in this case.



## Key issue 10

The rural economy and tourism - how can the Local Plan encourage sustainable rural enterprise and tourism that will benefit the local economy without harming the environmental and landscape qualities of the area.

### Strategic Objective SO8

Sets out support for the rural economy including tourism in ways compatible with and environmental and landscape objectives.

#### Policy 1 Achieving sustainable development

Directing development to within settlement boundaries with new residential development located in sustainable locations

#### Policy 3 Strategy for locating new development

To locate new development to accessible locations. Countryside development generally restricted unless policy 28 supports it.

#### Policy 28 Rural Economy (saved policy CS21 from current plan)

- d) support local business development through the conversion of existing buildings
- g) g) allow developments essential to support a rural workforce, including agricultural workers dwellings and rural community facilities.

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

#### Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

### **Relevant Advice**

#### National Planning Policy Framework 2019

Section 2 - Achieving sustainable development

Paras 77-79 - Housing in rural areas and sustainability

Section 6 - Supporting a prosperous rural economy

Section 12 - Achieving well designed places

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

**Fordingbridge Town Council:** recommend that permission is granted under PAR3 as there is a benefit for local jobs and the economy. Fordingbridge Town Council recommend the enhanced accommodation should be tied to use by staff.

## 8 COUNCILLOR COMMENTS

None received.

## 9 CONSULTEE COMMENTS

### 9.1 Natural England

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

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

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

### 9.2 Environmental Health

No concerns

## 10 REPRESENTATIONS RECEIVED

None received

## 11 OFFICER COMMENTS

### 11.1 Introduction

11.1.1 The key issues with this application are the principle of development for such residential development in the countryside taking into account sustainability issues; and the design issues of the new extension together with its local impact.

### 11.2 Relevant Considerations

#### Principle of development and sustainability

#### **a) Policy considerations**

11.2.1 The 2019 NPPF sets out the following advice regarding development in rural areas.

Section 2. Achieving sustainable development with regard to economic, social and environmental objectives with a presumption in favour of sustainable development.

Paras 77-79 Encourages housing in rural areas to be responsive to local need, reflecting sustainability and to avoid isolated homes unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside

Section 6 Supporting a prosperous rural economy encourages sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.

11.2.2 With regard to the principle of development the site is in the countryside where normal policies of restraint on development apply. DM20 allows for residential accommodation in the countryside in certain circumstances such as for agricultural, affordable housing, replacement dwelling or the limited extension of an existing dwelling. The policy is set out below.

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

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

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

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

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

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

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

## **b) Occupation of manager accommodation**

- 11.2.4 The Town Council raise no objection to the application provided that the unit as enlarged is tied by condition to staff. Officers would agree that there is a need to do so in an open countryside location such as this.
- 11.2.5 Members are also asked to note the current quantum of available residential and staff accommodation on the site. It is clear that there is a substantial amount of current accommodation. The justification for such a large increase in floorspace to the manager's maisonette accommodation is therefore questionable.
- 11.2.6 These points have been addressed to the applicant but no further justification has been provided at the time of writing this report.
- 11.2.7 In addition the following matters have come to light in the processing and assessment of this application.
- 11.2.8 There are considered to be current issues relating to occupancy of the manager accommodation. The earlier permission granted in January 1994 was for accommodation only at first floor level and was tied by a supplemental S106 agreement added to the original agreement signed under the original outline permission. The agreement tied the accommodation to the manager of the site and any dependants **or** [my emphasis] such person employed (and their partner and dependants) by the owner. That permission however was not implemented and was supplanted by the later permission referred to above which was not subject to any S106 agreement. It is clear that it was the later permission that was built not the earlier.
- 11.2.9 However, both permissions had a planning condition applied which reads as follows -
- “The residential accommodation hereby approved shall only be used by the owner/manager of the New Forest Water Park and their dependents whilst it is in operation*
- Reason – The site lies in an area where additional units of residential accommodation are not normally permitted”*
- 11.2.10 It appears to officers that at the present time the current occupation of the manager accommodation by the manager and his adult son and their respective partners is not strictly in compliance as the son and his partner are not dependants of the owner as is required by the condition. The supplemental S106 agreement referred to above and the condition therefore have the same thrust of allowing one family unit rather than two managers or staff members with their respective family units.
- 11.2.11 In addition to the above points it has also come to light that a building the subject of application 99/67058 (Garage/store building – approved 24/09/99 - main site - limited use by condition), appears to have accommodation at first floor level. This matter has been referred to the applicant for clarification.
- 11.2.12 A search of the electoral roll for this site has revealed that at the present time six adults reside at New Forest Water Park, or another property known as The Barn at the site and within the red line application boundary.

### c) Sustainability issues

- 11.2.13 With regard to the overall sustainability of the proposal it appears that there are a number of family units now residing at the site. It has always been recognised that there is a need for an on-site manager presence but in reality this now exceeds that essential requirement recognised in both local and national guidance. There appears no essential need for a significant large extension of the manager accommodation to allow two family units to occupy the building. The site does not lie in a sustainable location and any occupiers will need to travel to access essential services. Whilst it may be more convenient for the second family unit to occupy the site where they work it is not essential they do so. In addition to the applicant who is the original Director of the business who lives on site there is also a live in caretaker on site and other seasonal staff through the open period for the water park. There is currently a breach of planning control in relation to the occupation of the manager unit.
- 11.2.14 In this regard it is considered that the first reason for refusal needs to reflect the principles of sustainable development as set out in the NPPF and local policy.

#### Design Considerations

- 11.2.15 The 2019 NPPF sets out the following design advice

Section 12 Achieving well designed places encourages high quality buildings and places and good design is a key aspect of sustainable development. Planning decisions should ensure developments are inter alia visually attractive and sympathetic to local character. Para 130 states that permission should be refused for development of poor design

- 11.2.16 Policy CS2 of the Core Strategy states the following -

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

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

11.2.18 Concerns have been initially expressed to the applicant regarding the triple dormers but no substantive response has been received. On further reflection officers consider that the overall mass and bulk of the extension is not acceptable and consequently that design objections should be raised.

## **12 CONCLUSION ON THE PLANNING BALANCE**

12.1 The applicants have applied for a large extension to an existing manager accommodation unit in the open countryside. The proposed building is considered harmful in design terms. The proposed building will continue the likely accommodation of a further family unit which is not considered to be sustainable. This pattern of occupation is in breach of the implemented planning permission. It is considered that the business is already well catered for by on site staff and there is no essential need for new accommodation floorspace.

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

12.3 The proposal has been the subject of a recommendation of approval by the Town Council. The comments they make in support of this rural business are worthy of support if there was no current staff or manager accommodation.

12.4 It is considered given the harmful impact of the development the balance in this case should be to refuse the application.

## **13 OTHER CONSIDERATIONS**

### Proactive working statement

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

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

### Local Finance

13.3 Local finance considerations are not relevant to this application

## Human Rights

- 13.4 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 can only be safeguarded by the refusal of permission.

## Equality

- 13.5 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:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **14 NOTES FOR INCLUSION ON CERTIFICATE:**

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

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

## **15. RECOMMENDATION**

## **Refuse**

### **Reasons for refusal:**

1. The proposal is for a 60% floorspace increase to an existing manager's accommodation unit within this rural business based in the open countryside. Special consideration of any residential accommodation in the countryside is required to ensure that any development is sustainable as required by the National Planning Policy Framework 2019 (NPPF), Core Strategy policy CS1, and Local Plan part 2 policy NPPF1 and DM20. In this case the site already benefits from a significant amount of staff and manager accommodation and it is considered that there is no overriding justification or essential need to support such a large percentage increase in accommodation at this site. Occupation of the manager accommodation by a second family unit is not considered to constitute sustainable development
2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with NPPF section 12, policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2, which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.

### **Further Information:**

Stephen Belli

Telephone: 023 8028 5588



Planning Committee 10 April 2019

Item 3 c

**Application Number:** 18/11690 Full Planning Permission**Site:** CLUB HOUSE, NEW FOREST WATER PARK,  
RINGWOOD ROAD, FORDINGBRIDGE SP6 2EY**Development:** Three-storey extension; extend side dormers; balcony; rooflights;  
garage/store**Applicant:** Mr Jury**Target Date:** 08/03/2019**Extension Date:** 12/04/2019**RECOMMENDATION:** Refuse**Case Officer:** Stephen Belli**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**Countryside  
Avon Catchment Area  
Flood Zone**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**Objectives

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

**Core Strategy**

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

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

NPPF1 - presumption in favour of sustainable development  
 DM2: Nature conservation, biodiversity and geodiversity

DM20 Residential accommodation in the countryside

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

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

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

SPD Housing Design Guidance

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

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

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

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

## **8 COUNCILLOR COMMENTS**

None received.

## **9 CONSULTEE COMMENTS**

### **9.1 Natural England**

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

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

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

### **9.2 Environmental Health**

No concerns

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

Not relevant on this occasion

## **12 LOCAL FINANCE CONSIDERATIONS**

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

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

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management

Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

## 14 ASSESSMENT

### 14.1 Site description

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

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

14.1.3 The main site has a collection of buildings as follows

- A large two/three storey building including manager's accommodation on 1<sup>st</sup> and 2<sup>nd</sup> floor with changing rooms, commercial storage, boat shed, lockers, workshop, kit store and shop on the ground floor. This building also includes a customer reception, bar, commercial kitchen, eating facilities, toilets, and family room on the 1<sup>st</sup> floor. This building has a large outdoor amenity area for customers overlooking the northern lake.
- Within the grounds of the main site are a collection of three mobile homes used for staff accommodation, as well as another building which includes a residential flat, and another large garage/storage building with residential accommodation on the first floor. One static caravan is used by the site caretaker and this together with the other two caravans are either immune from enforcement action or are

occupied as seasonal staff accommodation considered at the time as not needing planning permission. A residential flat created in one of the outbuildings has become immune over the passage of time. The flat above the garage and store building is also occupied and it is not clear if there is a planning permission for this residential unit.

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

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

## 14.2 Proposals

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

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

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

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

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

## 14.3 Key Issues

The key issues with this application are the principle of development in this open countryside location, and design considerations including the

impact on character and appearance of the existing building and the immediate area.

#### 14.3.1 Principle of development

##### 14.3.1.1 a) Policy considerations

With regard to the principle of development the site is in the countryside where normal policies of restraint on development apply. DM20 allows for residential accommodation in the countryside in certain circumstances such as for agricultural, affordable housing, a replacement dwelling or the limited extension of an existing dwelling. The policy is set out below.

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

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

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

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

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

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

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

re-jigging the available floorspace without needing an extension.

#### 14.3.1.2 b) Occupation of manager accommodation

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

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

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

#### 14.3.2 Design considerations

##### 14.3.2.1 Policy CS2 of the Core Strategy states the following -

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

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

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

#### 14.4 Conclusions

14.4.1 This application raises issues relating to the principle of further residential development in the countryside which in all cases should be

properly justified. The site already benefits from a considerable amount of staff and manager accommodation and there is no overriding reason for allowing a substantial further increase in the manager's accommodation. Secondly, the mass and bulk of the extension with its detailing, exhibits poor design quality, contrary to stated policies.

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

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

## **15. RECOMMENDATION**

### **Refuse**

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

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



be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Stephen Belli

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**New Forest**  
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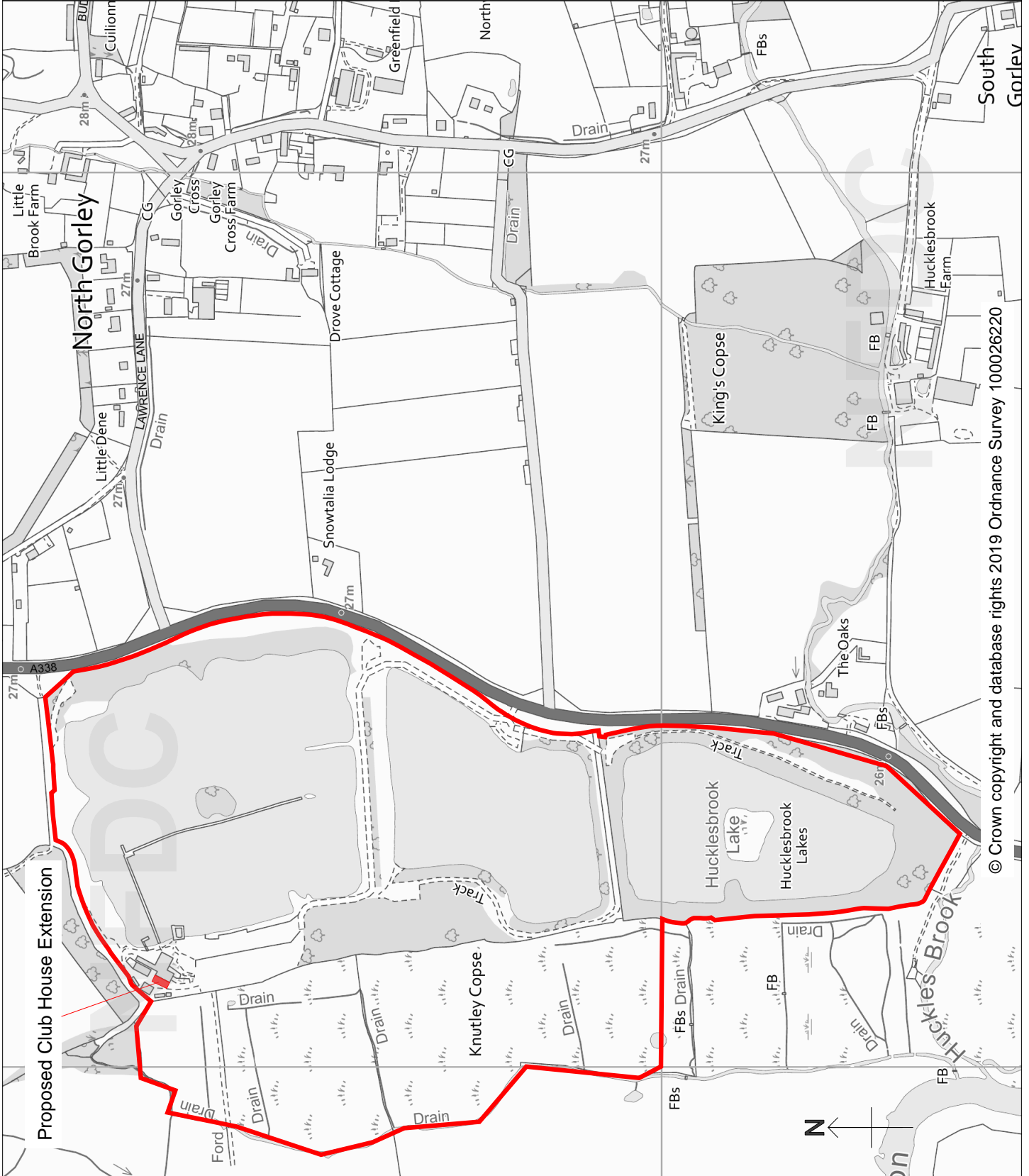
David Groom  
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New Forest District Council  
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Lyndhurst  
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**Planning Development  
Control Committee**  
June 2019

Item No: 3a  
Club House  
New Forest Water Park  
Fordingbridge  
18/11690

Scale 1:6000

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Planning Committee 12 June 2019

**Item 3 b**

**Application Number:** 19/10047 Full Planning Permission

**Site:** 5 SHERIDAN GARDENS, TOTTON SO40 8TP

**Development:** First-floor side extension

**Applicant:** Mr Carter

**Target Date:** 22/03/2019

**Extension Date:** 14/06/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

---

## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

1. The main issue to be considered is the impact that the proposed development would have on the neighbour to the west, 7 Shaw Close, in respect of their outlook, light and enjoyment of their garden.

1.2 The application has been brought to Committee for a decision because of an objection from a Councillor.

## 2 THE SITE

The application site relates to a two storey dwelling within a cul de sac of similar properties and is linked to the neighbouring property, 4 Sheridan Gardens, via the attached garage. The applicant's garage forms part of the boundary for the neighbour to the west, 7 Shaw Close. The application property has been extended to the rear with a conservatory and has a relatively large rear garden which is enclosed with high fences.

## 3 THE PROPOSED DEVELOPMENT

Planning permission is sought for a first floor side extension which would be positioned over the garage and store. The resulting development would be set back from the front elevation of the property and have a lower ridge height than the main dwelling. The proposal includes first floor windows to the front and rear elevations of the new development and these would both serve a master bedroom

## 4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

**05/86591** Rear conservatory 20/01/2006 Granted Subject to Conditions

## 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### The Core Strategy

CS2: Design quality

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

No relevant documents

### The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

### Supplementary Planning Guidance And Documents

No relevant documents

## 6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### National Planning Policy Framework

Chap 12: Achieving well designed places  
Paragraph 124  
Paragraph 127

## 7. PARISH / TOWN COUNCIL COMMENTS

### Totton & Eling Town Council

This proposed addition would be subservient to the existing dwelling and would not be out of keeping with the character of the area. There are some minor concerns about impact on neighbouring properties, but it is believed that these issues could be mitigated with conditions for obscure glazing.

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

## 8 COUNCILLOR COMMENTS

### **Councillor Louise Cerasoli**

Object to this application on the grounds that the impact on 7 Shaw Close will have a serious loss of garden amenity, namely more light loss in the morning and the height of the proposed building would give a feeling of enclosure, the garden is not large, so this will give a negative impact and I would say is unneighbourly.

## 9. CONSULTEE COMMENTS

The following is a summary of the comments received. They can be read in full via the link set out at the head of this report

Environmental Health Contaminated Land: No concerns

## 10. REPRESENTATIONS RECEIVED

The following is a summary of the representations received they can be read in full via the link set out at the head of this report

For 0 Against 1

The neighbour to the rear, 7 Shaw Close, has written three letters of objection on the grounds that the proposed development would result in a loss of light and would have an overbearing impact on their property.

## 11. OFFICER COMMENTS

### Introduction

11.1 The main issue when determining this application is in respect of the impact on the neighbour at 7 Shaw Close. Further to this, whether the proposal would be acceptable in terms of design and the impact on the street scene.

### 1. Design

11.2 The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.

11.3 Para 127 of the NPPF requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials.

11.4 The properties in the immediate vicinity are positioned in a cul de sac and therefore whilst the spatial gaps between the properties are important they are not consistent within the street scene. Because of its position next to a neighbour's garage the loss of some of the space above the garage would not have a detrimental impact on the spatial characteristic of the site. The proposed addition would be subservient to the main dwelling and would be in keeping within the street scene, complying with development plans and guidelines within the NPPF para 124 and 127.

### 2. Neighbour amenity

11.5 The neighbour at 4 Sheridan Gardens has a garage which is joined to number 5's garage. The proposed first floor would be set away from the front of this neighbour's property and therefore the impact on their outlook would be acceptable. The orientation of the site means there would not be any loss of light from the proposed development.

11.6 The neighbour at 7 Shaw Close has a garden which extends behind the proposed extension and therefore the impact on their amenity is a consideration. Given that the proposed first floor rear window would allow some views across this neighbour's garden it could be conditioned to be obscure glazed with restricted opening (1.7 metres above floor level) to limit the potential for overlooking.

11.7 Being to the east of this neighbour's property the proposed development would cause a degree of additional shading to the rear of this neighbour's garden. However, as the existing built form already results in some loss of light to the rear of their garden in the early morning the increased built form

would not increase this shading to such a degree to be harmful or have an unacceptable additional impact on their amenity.

- 11.8 On visiting this neighbour it is clear that their garden is relatively small. They have a conservatory to the rear of their property. No 4 Sheridan Gardens and 6 Shaw Close (which has been extended with a two storey rear extension) are all in close proximity such that their garden is already enclosed by built form. A part of the garage for 5 Sheridan Gardens forms a part of the shared rear boundary with an overhang of the eaves. The proposed first floor extension would result in an excessively high wall on the shared boundary which would result in a further sense of enclosure to a part of the garden which is currently used for outdoor seating. The visual impact of the proposed extension and overhanging guttering would be detrimental to the enjoyment of their garden having an overdominant and enclosing impact and therefore would be unacceptable.

## **12. CONCLUSION ON THE PLANNING BALANCE**

- 12.1 The proposals have been considered within the relevant local and national policy context. The proposed development would be acceptable in design terms and would not have a detrimental impact on the street scene.
- 12.2 Whilst it is accepted that there would be some loss of light to No. 7 Shaw Close during the early morning this would mostly be to the rear of the garden. Therefore on balance the officers' assessment after visiting this neighbour is that the resultant loss of light would not be to such a degree to be considered unacceptable or sufficiently harmful in its impact to justify refusal.
- 12.3 However due to the limited size of the neighbour's garden, the close proximity of the proposed development and its excessive height the proposed extension would have an overbearing impact and would result in a further sense of enclosure detrimental to the neighbour's amenity. Therefore the application is recommended for refusal for reasons related to its overbearing impact as set out above.

## **13. OTHER CONSIDERATIONS**

### Proactive Working Statement

- 13.1 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.

### Crime and Disorder

- 13.2 No relevant implications

### Local Finance

- 13.3 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.

## Human Rights

- 13.4 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.

## Equality

- 13.5 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.

## **14 NOTES FOR INCLUSION ON CERTIFICATE**

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

## **15 RECOMMENDATION:**

### **Refuse**

**Reason for Refusal:**

1. The proposed first floor side extension, due to its excessive height and solid built form in close proximity to the neighbouring amenity space at 7 Shaw Close, would result in a detrimental impact on the residential amenities of the occupiers of that property by reason of visual intrusion, overbearing impact and increased sense of enclosure. As such the proposed development would be contrary to the Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Further Information:

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**Planning Development  
Control Committee**  
June 2019

Item No: 3b

5  
Sheridan Gardens  
Totton  
19/10047

Scale 1:1250

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**Application Number:** 19/10094 Variation / Removal of Condition

**Site:** ALL WEATHER SPORTS PITCH, APPELMORE COLLEGE,  
ROMAN ROAD, DIBDEN PURLIEU, HYTHE SO45 4RQ

**Development:** Variation of condition 3 of Planning Permission 13/11340 to allow  
use of pitch between 09:00 - 22:00hrs Monday to Friday

**Applicant:** Mr Marsh

**Target Date:** 26/03/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

- 1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.
- 1) Impact on the amenity of local residents through noise and light pollution.
  - 2) Compliance with national and local policy on sport and community related developments.
- 1.2 This matter is before Committee because Hythe and Dibden Parish Council object to the proposals.

## 2 THE SITE

- 2.1 The site comprises part of the Applemore College complex located in the north eastern corner of Hythe close to the A326 Hythe by- pass. The complex comprises the main educational campus buildings and the adjoining recreation/leisure centre. At the rear (east) of the main college campus lies a large area of open space which has been formally laid out as an all-weather multi-sports pitch, and an adjoining full size football/rugby grass pitch and running track. The all-weather pitch is laid out to facilitate a range of sports and is aligned on a NW to SE axis. It would be possible to use the pitch by three sets of teams playing at the same time thereby allowing junior or senior use.
- 2.2 The pitches are separated by lines of trees to the north and south east from two nearby housing estates namely Cygnus Gardens to the north and Alder Close/Redwood Close to the south east. The all-weather pitch is surrounded by high metal fencing. The pitch is floodlit by 8 no. 15 metre high metal stanchion flood lights so as to allow evening use throughout the year. The estate to the south east is separated from the all-weather pitch by the intervening grass pitch/running track and a line of trees. The estate to the north is separated from the pitch by a bund and a line of trees. Between the trees and the estate to the north there is a pedestrian footpath. The distance between the edge of the all-weather pitches is approximately 60 metres to Cygnus Gardens and 130 metres to Alder Close. Access to the site is on foot only with non-college users needing to park in the nearby college or leisure centre car parks.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and is to continue the use of the site but to extend the hours of operation as set out in the earlier planning permission 13/11340 granted on 13 March 2014.

Condition 3 of that permission states the following -

No use shall be made of the approved sports pitch nor shall the approved lights be switched on, at any time other than between the hours of 09:00 and 21:00 Mondays to Fridays and 09:00 and 18:00 Saturdays, Sundays and Bank Holidays.

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

- 3.2 There were a number of other conditions applied to this development and these included the management of the site so as to minimise noise and disturbance to local residents. The full list of those conditions can be viewed on the planning pages of the Council's web site.
- 3.3 With an application under S73 of the Act any grant of permission will in effect constitute a new planning permission. The LPA can impose different or the same conditions that were applied to the original development if these are still relevant. The original permission will continue in place whatever the outcome of the current application. The applicant has the usual right of appeal in the event of a refusal.
- 3.4 This new application seeks an hour long extension of the use of the all-weather pitches until 10pm on Mondays to Fridays. The restricted hours on weekends and Bank Holidays will still apply. No other physical works or changes to the layout of the site are included in this new application. In support of their application the headmaster of the College has submitted a letter of support and justification for the change which is summarised in Section 11 below. It should be noted that the application seeks the extended period of floodlight use as well.

### **4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS**

- 4.1 17/11516 - Removal of condition 10 (perimeter kick board and fence noise management scheme) from Planning Permission 13/11340 – approved 10/01/18
- 4.2 14/11501 - Variation of Condition 3 of Planning Permission 13/11340 to allow changes to the period of illumination and usage of the pitch – application withdrawn 10/12/14
- 4.3 13/11340 - Construction of a full size synthetic turf pitch; 8 x 15m high floodlights and 2.4 metres high earth bund) – approved 13/03/14.

There are a number of other earlier planning permissions for the Applemore College site but these are not directly relevant. There were no pre application discussions regarding the current application.

### **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

#### **The Core Strategy**

- CS1 – Sustainable development principle  
CS2 – Design quality

CS7 – Open space standards, sport & recreation including preservation of green spaces  
CS8 – Community services & infrastructure including retention of existing community infrastructure

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

NPPF1 - presumption in favour of sustainable development

### **The Emerging Local Plan**

The National Planning Policy Framework 2019 states:

Para 47. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **Advice on Emerging Development Plan Documents**

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making. The following extracts from the Emerging Local Plan are considered to be material considerations in this case.

#### **Key issue 14**

Suitable provision for sport and leisure to enable active and healthy lifestyles

#### **Strategic Objective 10**

Encourages informal sport and recreation to facilitate a healthy lifestyle.

#### **Policy 1 Sustainable development**

Ensuring development contributes to a diverse and thriving local economy providing services accessible by sustainable transport.

#### **Policy 15 Open spaces sport and recreation (saved policy CS7)**

Repeats the provisions set out in CS7 with factual corrections

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

#### Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

#### Environmental Protection Act 1990

Sets out Council powers to deal with noise nuisance

For the noise to count as a statutory nuisance it must do one of the following:

- 1) unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- 2) injure health or be likely to injure health

### **Relevant Advice**

#### National Planning Policy Framework 2019

Para 7 - sustainable development

Paras 91-92 - promoting healthy and safe communities.

Para 96 - opportunities for sport

#### Planning Practice Guidance on Noise 2014

Advises LPAs on the determination of applications where noise is an issue. Noise can override other planning concerns, but neither the Noise policy statement for England nor the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

Local planning authorities' decision taking should take account of the acoustic environment and in doing so consider:

- 1) whether or not a significant adverse effect is occurring or likely to occur;
- 2) whether or not an adverse effect is occurring or likely to occur; and
- 3) whether or not a good standard of amenity can be achieved.

#### Noise Policy Statement for England 2010

The Noise Policy Statement for England was published on 15 March 2010. It sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise.

#### Sporting Future: A New Strategy for an Active Nation – December 2015

It is government's ambition that all relevant departments work closer together to create a more physically active nation, where our children and young people enjoy the best sporting opportunities available and people of all ages and backgrounds can enjoy the many benefits that sport and physical activity bring, at every stage in their lives.

## Sport England Advice – Playing Fields Policy and Guidance 2018

Sport England on this occasion are a non-statutory consultee but their response to a planning application affecting sports facilities should be considered material.

- Objective to maximise opportunities for sport and physical activity for all
- To enhance opportunities through better use of existing provision
- To provide new opportunities to meet the needs of current and future generations

## Sport England Artificial Grass Pitch Acoustics – Planning Implications 2015

Gives general advice relating to the provision of artificial pitches in particular in relation to noise levels.

## British Standard (BS) 8233:2014 Guidance on sound insulation and noise reduction for buildings 2014

Provides guidance on desirable noise levels affecting habitable rooms (living, dining and bedrooms).

### **7 Hythe & Dibden Parish Council**

Comment: PAR 4: Recommend REFUSAL. This is due to the noise pollution from the games being played on the pitch, the noise from spectators, and also the light pollution, causing a nuisance to the neighbouring residential properties. It has been evident in the past when the sports games finish at 9pm the packing up lasts until approx 9.30pm and therefore it is anticipated that games finishing at 10pm will complete packing up even later, causing further nuisance to the neighbours

### **8 COUNCILLOR COMMENTS**

None received

### **9 CONSULTEE COMMENTS**

The following comments are set out in full.

#### **9.1 NFDC Environmental Health (Pollution) – (EHO)**

**Comments 07/05/19** - Further to the noise impact assessment recently submitted by the applicant, raises no objection and makes the following comments:

The noise impact assessment has assessed the impact arising from an extension to the hours of use in line with relevant and up to date guidance, including that from Sport England. It outlines that noise from the use of the pitch will be below existing ambient noise levels between 21:00-22:00hrs and significantly below the level specified by the World Health Organisation (WHO) for outside areas during day time and evening periods to avoid moderate annoyance. Additionally, noise levels for internal areas are predicted to be within those also specified by WHO. Overall, the report advises that no adverse noise impact is anticipated from a planning point of view.

In light of the above, I wish to withdraw my earlier objection to this application.

However, I would confirm that whilst the noise impact may be acceptable in planning terms, I remain concerned about the use of the pitches into the late evening period and the potential for causing a statutory noise nuisance. It is important to note that the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received.

**Comments 05/03/19** - A number of representations against this application have been made in respect of the impact from noise and light upon residents living in Alder Close and Cygnus Gardens (which adjoin the school sports field on two sides). This department is also aware of historic complaints in relation to light and noise from the permitted use of the pitch. In the absence of any supporting information accompanying this application in relation to either of these issues, documents submitted with the original application (13/11340) have been reviewed and a visit was made during the evening of 25 February 2019 to obtain an overview of the impact with the pitches in use.

**Noise** - Observations made during a recent visit indicate that noise from shouting was found to be the dominant noise source associated with the use of the pitches. Objectively, persistent shouting from multiple groups of people was clearly audible and individual words discernible at some distance.

Measurements taken from along the boundary of Alder Drive (sic) and the playing fields indicate that noise levels associated with shouting exceeded ambient noise levels by up to 20dB LAFmax and frequently between 10-15dB LAFmax.

Such noise levels indicate that shouting is likely to have an adverse impact on surrounding properties, particularly during the warmer months when residents are wanting to use their gardens or have doors/ windows open for ventilation.

Other noise sources associated with the use of the pitch, such as the use of whistles, the ball being kicked or hitting the fence surrounding the sports pitches, whilst audible, was not felt to be as intrusive.

**Light** - Lighting levels associated with floodlighting on the pitch are already controlled via a condition limiting the level of obtrusive light in accordance with best practice guidance from the Institute of Lighting Professionals (ILP).

Observations made during a recent visit indicate that whilst floodlighting is clearly visible in the distance, obtrusive light levels are minimal and any adverse impact is not anticipated with any extension to the hours of use.

**Summary** - Overall, an initial assessment of use of the pitches indicates that noise is likely to have an adverse impact upon neighbouring properties in the late evening period. Therefore, a detailed assessment and characterisation of the noise impact, along with any necessary mitigation should be undertaken by a competent person (e.g. acoustic consultant) before further consideration can be given to the application.

In the absence of any information relating to the noise impact and until such information is available and acceptable to Environmental Health, I wish to raise an objection to this application.

## 9.2 Sport England

Sport England has consulted the relevant national governing bodies for sport and has received the following comments. The RFU comments that the proposed extension of hours of use will benefit the existing users of the facility, Tottonians RFC (who currently use the pitch on Tuesdays from 7pm-9pm) and the U13-16 players involved in the London Irish Development squad (who currently use the pitch on Thursdays from 6pm-8pm), as well as the wider rugby community.



The proposed extension could provide an opportunity for another local club, Fawley RFC, to hold their club training at the facility. Or Tottonians RFC have their three senior squads along with the U18 squad training on Tuesday evenings. The current restriction on hours of use mean that the squads have to train together which is not ideal. The additional hour provided by the extension would allow for greater flexibility in providing staggered training times for different teams/squads.

The 3G rugby pitch is the only facility of its type in the area and provides an important overflow training facility for local teams and clubs when poor weather prevents use of the grass pitches.

The Football Foundation on behalf of the FA is fully supportive of the proposal. The Football Foundation have funded the facility and it has strong usage by local community clubs, including Hythe and Dibden (30+ teams). The Football Foundation comments that the proposed extension of hours to 10pm will both increase the outcomes of the project, help partner clubs grow and also support the sustainability of the site.

Sport England notes the supportive comments from both the RFU and the Football Foundation, and considers that the proposed extension will provide improved access to the facility and bring benefits to sport in the local area. Sport England is supportive of the proposed variation to the condition.

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received - they can be read in full via the link set out at the head of this report

10.1 3 no. letters of objection received raising the following points

- General noise and swearing of participants audible at my property is unacceptable
- Extended hours of operation will exacerbate noise and disturbance
- Original intention to erect acoustic sound barriers was never followed through
- Circumstances leading to imposition of condition 3 still pertain
- Pitch was built closer to my boundary than was agreed previously
- Light pollution is an issue as the lights cause excessive amount of light to my bedroom

10.2 Letter of support from Rugby Development Officer Hampshire. The extended hour will bring the following benefits -

- Will increase opportunity for other local clubs which currently are prevented because of over subscription of facility
- A later start will allow more adults to participate – some being prevented at present by work commitments
- No other facility of this kind within the local area and extremely beneficial in adverse wet weather
- Stresses that users will be reminded of their responsibility to be respectful to local residents

### 10.3 Five letters of support from local users who state

- Great facility - additional flexibility will allow more young people to use it
- Will allow greater youth opportunity by shunting some adult groups later.

### 10.4 Letter of support from Hythe and Dibden Youth Football club

- We currently run 32 teams and the extra hour will improve capacity allowing more young people to participate
- Point to benefits of sport in building self-esteem, discipline and avoiding anti-social behaviour
- Will improve opportunities for coaching skills to be enhanced
- Will allow the club to seek higher FA charter status
- We will instil respect for local residents and ensure participants understand their responsibilities

In addition to the above the applicant has also submitted a letter of support which is summarised below.

A re-consultation exercise relating to the additional late information in support together with the acoustic noise survey will be undertaken. Any representations received as a result of the re-consultation exercise will be reported verbally at the Committee meeting

## 11 OFFICER COMMENTS

### Introduction

11.1 The key issues in relation to this proposal are the impact on local residential amenities and the need to balance these against the policies in favour of sport and recreation.

The applicant has submitted a letter of support including a business plan and financial statement. This is summarised below.

- The Applemore Community Pitch has been operated since 2016 and is regarded as one of the best facilities on the Waterside
- The pitch is valued by many local clubs both youth and adult and is in high demand
- Currently oversubscribed and cannot fulfil booking demands
- Strategic Group of funding partners (which includes the District Council) provided the funding for the pitch but this group must ensure there is a sink fund created to pay for ongoing maintenance
- Extra hour is essential to ensure we reach our yearly target of £25k so that the pitch can be replaced every 8-10 years. Ongoing current losses cannot be sustained and must be remedied.
- Budget for the pitch must be kept separate from the school budget
- Football Foundation of Sport England and Armed Forces Covenant require football and rugby development plans to be fulfilled and that the facility is self-financing
- Options have been considered aside from extending the hourly use e.g. increasing cost to participants but there are limits set by the Football Foundation with higher fees only for adult groups not youth groups
- Increased demand from local teams cannot be met at present
- Increased opportunity for training as well as playing actual matches

### Relevant Considerations

#### Neighbour amenities

This falls into two broad categories i.e. noise disturbance and light pollution.

- 11.2 **Noise** – Members are referred to the national policy guidance set out above when dealing with applications that have potential noise implications. The original planning permission for this site to set up the new all-weather pitch was the subject of a significant number of local objections (petition of 39 residents and 14 individual letters) relating in particular to noise and disturbance. To that end the application was considered by the Planning Committee and additional controls were imposed on the original recommendation to permit subject to time limitations. The Committee also imposed other conditions relating to the management of the site and the use of kick boards at the base of the fence for example. The benefits of the proposal were however noted and a reasonable balance was considered to be struck at the time between neighbour amenity and sport facility provision. The planning history above shows that some of these conditional requirements were modified with the agreement of the LPA.
- 11.3 With regard to the current application a wide ranging consultation exercise was carried out with 31 no. local residential properties nearest to the pitch. The resulting response this time has been lower than on the original application but that said the comments still require serious consideration.
- 11.4 Following the original objection of the EHO the applicant provided a professional noise acoustic report. The author of the report carried out a noise assessment using national guidance over the hour of extension, measuring potential noise levels over existing ambient and background noise levels. Noise measurement points were selected following advice from the EHO as to which properties were the most affected (taking his own measurements at the time from both estates referred to). The most affected properties were deemed to be Alder and Redwood Close because of the intervening bund and trees protecting Cygnus Gardens estate.
- 11.5 The BS guidance noted above advises there is no applicable standard for noise from recreational and sporting activities. The LPA must take into account how frequently the noise will be generated, the level of disturbance and balance the enjoyment of the participants against the risk of causing nuisance to other people. It may be reasonable to permit higher noise levels than (for example) from industrial developments, if there are limited hours of use and control of noise emission during anti-social hours.
- 11.6 The conclusions of the noise analysis was:  
*“that noise levels associated with the proposed extension of hours are unlikely to cause unreasonable disturbance to occupiers of the nearest residential properties”.*
- The important thing to bear in mind is the balance exercise referred to above. It is clear that the use of the pitch during the extended hours will be heard by those local residents but this needs to be balanced against the enjoyment of users and also the undoubted health benefits and government policy based on encouraging sport and activity for a healthy lifestyle and maximising potential sport facility use.
- It is also true to say that the planning assessment of noise can be a lower test (i.e. less tolerant of noise) than that employed by the EHO when they consider issues related to a statutory nuisance. This lower test has been considered in this case and the planning judgement when taking other benefits into account is that it would be unreasonable to refuse planning permission.
- 11.7 **Light pollution** – the other factor affecting local amenity is the added impact of having the flood lights turned on for another hour. The use of the lights during the summer period when most people may be in their gardens later will be at a time perhaps when the lights will be less used. Conversely during the winter time when the lights will be used after dark the extra hour up to 10pm is not considered unreasonable. The comments of the EHO are noted and there is no objection put forward on light pollution

grounds. Condition 3 on the original permission requires the lights not to be used after 9pm. A new clause to that condition will therefore need to be imposed if this application is to be approved. Condition 11 of the original permission required the lights to be erected in accordance with the approved plans and maintained in their operation afterwards. This condition is still relevant and should be re-imposed on any new permission with a slight modification to the wording to reflect the works are already in place.

#### National and local sport policy

- 11.8 Para 7 sustainable development – which includes a social objective to support healthy communities with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. An environmental objective also seeks to safeguard against pollution.
- 11.9 Paras 91-92 promoting healthy and safe communities. The NPPF encourages development which enables and support healthy lifestyles through sports facilities, a reduction in crime and disorder, and promoting social interaction.
- 11.10 Para 96 encourages opportunities for sport and access to a high quality network of facilities for sport and physical activity, and an ability to accommodate the needs of a community.
- 11.11 In addition to the support set out in the NPPF Members are also referred to the Sport England advice set out above.
- 11.12 It is clear from the exposition of local and national policy set out above that there is a general consensus that increased sporting activity has many benefits including increased better health and less anti-social behaviour in young people in particular. There is a particular drive from government to see increased levels of sporting activity to combat childhood obesity and other health problems. There is also evidence to show that increased sporting activity has benefits for mental as well as physical health and well being. Government policy is reflected in local policy and in government advice expressed through Sport England. The additional hour in usage also fulfils other key government policy objectives to make full use of existing facilities. There is no doubt that the additional hour in use will help to create more capacity and allow additional users to enjoy the facility. In addition it is clear from the applicant’s supporting information that the key requirement for the pitch to be self-financing and sustainable in the long term will be assisted by an additional hours use and the increased user fees that will be generated.

## **12 CONCLUSION ON THE PLANNING BALANCE**

- 12.1 It is clear that the extension of use of the artificial pitch by an extra hour during the week (excluding any Bank Holidays) will have some impact on the amenity of nearby properties on both sides of the pitch. This impact is considered to be at a reasonable level taking into account the planning test related to noise impact. The additional use of the pitch during this hour will have other benefits such as maximising the use of the facility leading to the benefits associated with sport and recreation leading to a healthy lifestyle which are all elements of government policy. The balance on this occasion therefore is in favour of permission. In addition the need to ensure the pitch is self-financing taking into account potential maintenance costs also weighs in favour of a permission. It should be noted as part of this balancing exercise that the statutory power to take action under environmental health legislation relating to statutory nuisance still remains regardless of the grant of planning permission

## 13 OTHER CONSIDERATIONS

### Proactive Working Statement

- 13.1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 13.2 In this case all the above apply. The concerns raised by local residents and the Council's EHO have resulted in a further noise assessment carried out by the applicant's agent which concludes that permission would be appropriate on this occasion.

### Crime and Disorder

- 13.3 The additional hour long extended use of the pitch is not considered to raise serious issues and there are sufficient controls which can be exerted by the owner of the facility if such matters are drawn to their attention.

### Local Finance

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

### Human Rights

- 13.5 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 use 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.

### Equality

- 13.6 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.

## 14 NOTES FOR INCLUSION ON CERTIFICATE

- 1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 2 In this case all the above apply. The concerns raised by local residents and the Council's EHO have resulted in a further noise assessment carried out by the applicant's agent which concludes that permission would be appropriate on this occasion. The applicant is reminded that regardless of the grant of planning permission there is separate legislation governing statutory noise nuisance. The Council retains the right to take appropriate action at a future date if there is found to be a statutory noise nuisance and it is considered expedient to do so.

## 15 RECOMMENDATION:

### **GRANT the VARIATION of CONDITION**

#### **Proposed Conditions:**

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

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

2. No use shall be made of the approved sports pitch nor shall the approved lights be switched on, at any time other than between the hours of 09:00 and 22.00 Mondays to Fridays (excluding any Bank Holidays), and 09.00 and 18.00 on Saturdays, Sundays or Bank Holidays.

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

3. The floodlighting installed in accordance with the approved drawing and calculated light spill contours (Synthetic Turf Pitch Landscape Proposals General Arrangement, Drawing Number EO2490-L-211 dated 12/08/2013) shall continue to be operated in accordance with the above drawing/lighting contours.

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

#### **For further information**

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**Planning Development  
Control Committee**

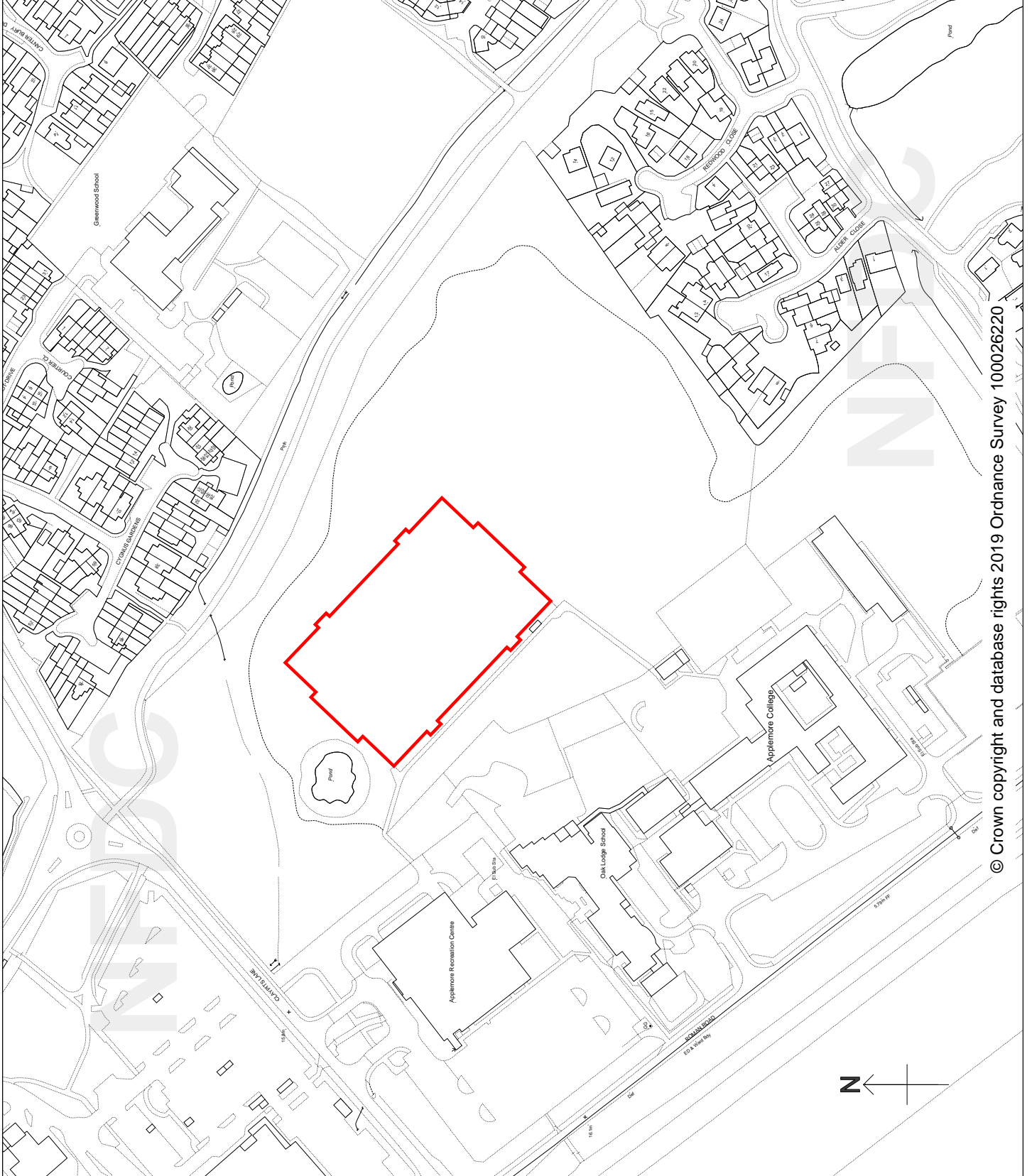
June 2019

Item No: 3c

Applemore College  
Roman Road  
Dibden Purieu  
19/10094

Scale 1:2500

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



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**Application Number:** 19/10112 Full Planning Permission

**Site:** 34A CHRISTCHURCH ROAD, RINGWOOD BH24 1DN

**Development:** Alterations to ground floor shop; block up existing windows; second-floor extension to create two 1 bed flats; demolition of single-storey rear extension and rear extension to provide one 2 bed flat and one attached 3 bed house

**Applicant:** Northshore Homes Ltd

**Target Date:** 26/03/2019

**Extension Date:** 14/06/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Loss of retail floorspace
- 2) Character and heritage impacts
- 3) The Living Conditions of Adjoining and Future Occupiers
- 4) Highway impacts

1.2 This matter is before Committee as the recommendation is contrary to retail protection policy

## 2 THE SITE

2.1 The site lies to the rear of the principal buildings fronting Christchurch Road, within the built up area of Ringwood, Ringwood Conservation Area and the town centre, within an area characterised by residential and commercial uses. The site is currently used as a service yard and occasional parking area to the rear of 34 Christchurch Road and is open in nature, with no structures in situ. The site lies immediately adjacent to the entrance to Ringwood Town Centre Car Park, and on the opposite side of the entrance of a Methodist Church and hall, a two storey building. On the land immediately to the rear of the site in Ebenezer Lane is a block of 4 dwellings.

2.2 The site itself has a poor appearance, the surface of the car park area is of gravel which spills onto the tarmac surface of the adjoining lane and the frontage building (no. 34a Christchurch Road) appears to be of more recent, flat roofed construction and is of limited visual merit, which would benefit from visual enhancement or redevelopment in a manner more conducive to its location within a conservation area. Access to the

site is gained via a narrow lane, which is typical of this part of Ringwood. The principal buildings are generally sited on long, narrow plots which likely reflect either Burgage plots or a post-medieval street pattern. The scale of buildings reduces from the principal buildings, down to a lower height as one moves away from the main road.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 The current planning application seeks planning permission for an additional storey to the flat roofed frontage building, together with alterations to enhance its appearance. To the rear a two and a half storey extension would graduate down to a two storey structure. A single storey car port has been removed from the scheme following comments from consultees and notified parties. Overall, the proposal would provide 4 no. dwellings. The development would be finished in clay and slate tiles, red brick, render and timber sash windows.
- 3.2 Planning permission has been granted in the past for alternative schemes for residential development to the rear of this site linked to the main building. One of the approved applications was for a three storey block of 3 houses under reference number 84974. The last scheme (11137) was a stand alone development, rather than being linked to the main building fronting Christchurch Road, which was withdrawn following officer concerns being raised.

### **4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS**

- 4.1 Following withdrawal of ref. 17/11137 in October 2017 the applicant sought the Council's pre-application advice, which saw evolution of the scheme to something similar to that now proposed and is evidenced in the applicant's Design and Access Statement.
- 4.2 One pair of semi-detached houses; parking; landscaping (11137) - Withdrawn October 2017
- 4.3 Three storey block of three houses under ref. 95733 (Renewal of 84974) - Withdrawn May 2011.
- 4.4 Residential development to form 5 flats (74001) - Granted July 2002
- 4.5 Three storey block of three houses (84974) - Granted July 2005.
- 4.6 2nd floor extension with pitch roof to create new dwelling (91237) - Refused December 2007.

### **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

#### **Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

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

CS10: The spatial strategy

CS20: Town Centres

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

DM1: Heritage and Conservation

DM3 –Mitigation of impacts on European nature conservation sites

DM15: Secondary shopping frontages

## **Supplementary Planning Guidance and other Documents**

Ringwood Conservation Area Appraisal

Ringwood Local Distinctiveness Document

Mitigation of impacts on European nature conservation sites

## **Local Plan Part Review 2016-2036 - Public Consultation Draft**

### **Advice on Emerging Development Plan Documents.**

The Local Plan review 2016-2036 is in what can be considered an advanced stage in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making.

The following extracts from the Emerging Local Plan are considered to be material considerations in this case.

Policy 1 - Achieving Sustainable Development

Policy 5 - Meeting our housing needs

Policy 10 - Mitigating the impact of development on International Nature Conservation sites

Policy 11 - Heritage and conservation

Policy 13 - Design Quality and local distinctiveness

Policy 25 - Retail development and other main town centre uses

Policy 26 - Primary, secondary and local shopping frontages

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

### **Relevant Advice**

National Planning Policy Framework

Chapter 5 (Delivering a sufficient supply of homes)

Chapter 6 (Building a strong, competitive economy)

Chapter 7 (Ensuring the viability of town centres)

Chapter 12 (Achieving well-designed places)

Chapter 16 (Conserving and enhancing the historic environment)

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

**Ringwood Town Council** - Refusal (2) Recommend refusal, but would accept the Planning Officer's decision. The Committee felt that issues identified in the previous application had not been addressed. The proposed development was cramped, with no amenity space provided. There were also concerns about the

impact of the proposal on the neighbouring properties and businesses in the vicinity, in terms of access and refuse collection. There remained safety concerns regarding access from the dwellings as it would be directly onto a narrow lane, which is also the entrance to NFDC's Blynkbonnie Car Park, however it was accepted that there were no objections from the Highways Authority, with regard to this.

## 8 COUNCILLOR COMMENTS

None received

## 9 CONSULTEE COMMENTS

The following is a summary of the comments received which can be read in full via the link set out at the head of this report.

9.1 Wessex Water - no objection, but give informatives

9.2 Conservation - This small lane comes south west off Christchurch Road with the Trinity Church on the opposite side of the access route. The area has a strong emphasis of locally distinctive traditional buildings from the 18th and 19th century. The proposal seeks a new rear addition of apartments along with some positive enhancement of the main frontage building. The revised proposal has moved in a very positive direction with regard to the impact upon the wider conservation area. It represents a real enhancement to this small side street and additional improvements to the main frontage building. Now that further details have been submitted, it is supported with the addition of conditions requiring large scale drawings of details and appropriate materials are used in the development.

9.3 Environmental Health Contaminated Land - no objection, subject to condition. Without this condition, the proposed development on this site could pose risks to human health and/or the environment as the site is within a zone of influence from potential hydrocarbon contamination associated with an underground fuel storage tank that is within the vicinity of the site. The risks from any hydrocarbon vapour are required to be assessed to ensure the site is suitable for its proposed sensitive use.

9.4 Hampshire County Council Highway Engineer - in order to address previous concerns, the car port has been removed and thus the reason for refusal on visibility is addressed. This raises the aspect of the scheme being a car-free development, which should be commented on by NFDC as local parking authority. From the viewpoint of the Highway Authority, this would not have a detrimental impact on the local road network and would therefore be deemed acceptable in this regard. A railing has been erected to safeguard pedestrians leaving unit 1. It should be noted that the positioning of the railing is in line with that of the existing building to be demolished, so any concerns regarding the reduction of width of the road are unfounded. Consequently all previous issues have been addressed, and no objections are raised.

9.5 Environmental Health (Pollution) - the location, in a mixed use commercial/residential area in the centre of the town, is likely to experience noise impacts from a variety of sources. The application proposes to introduce new residential properties directly above and to the rear of a commercial premises, and also has the additional impacts of

cars accessing the car park directly to the rear of the site on a daily basis, therefore noise should be mitigated sufficiently to ensure that there are no significant adverse impacts to future residents at this location. No objections, subject to noise condition.

9.6 Waste Management – no adverse comments.

## 10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received they can be read in full via the link set out at the head of this report.

Representations have been received from two parties raising the following points:

- The proposal will impinge upon vehicular access to Blynkbonnie car park
- The proposal does not provide safe pedestrian access.
- Where do sacks get put on refuse collection days?
- Detailed construction restraints should be placed upon the builder requiring them to demonstrate how they will keep the road and the footpath open at all times.
- The Ringwood Society commend the appearance of the development, but raise concerns over bin storage, access on to the street and the proximity of the restaurant next door - We will concur with the officer's recommendation.

## 11 OFFICER COMMENTS

### Introduction

11.1 The application seeks planning permission for an additional storey to the flat roofed frontage building, together with alterations to enhance its appearance. To the rear a two and a half storey extension would graduate down to a two storey structure. A single storey car port has been removed from the scheme following comments from consultees and notified parties. Overall, the proposal would provide 4 no. dwellings. The development would be finished in clay and slate tiles, red brick, render and timber sash windows.

### Relevant Considerations

#### Loss of Retail Floorspace

11.2 Policy CS20 places emphasis on retaining a good range of town centre uses, where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Policy DM15 relates to secondary shopping frontages and states that development which results in the improvement of retail premises will be supported and that residential development will not be permitted at ground floor level in premises within the defined frontage. These principles are echoed by Policies 25 and 26 of the Local Plan Review and paragraph 85 of the NPPF, which seek to support the retail role of town centres. Residential development may be provided on other floors where it does not result in the loss of retail floorspace. The proposal does result in the loss of some ground floor and ancillary retail space to the rear (approximately 23%). This is in order to provide access to the new flat above and it needs to be considered whether the overall

vitality of the town centre would be affected by this loss. On balance, it is considered that sufficient space is retained for the retail unit (50 sq.m) to make its continued commercial use a viable proposition. Overall, it is considered that the introduction of 4 no. independent town centre dwellings, with associated benefits to the appearance of the site and building, with only a marginal loss of retail space, would be a benefit to the vitality and viability of the town centre.

#### Character and Heritage Impacts

- 11.3 Consideration needs to be given to the impacts of the development on the conservation area, in accordance with the design and character related provisions of Policies CS2, CS3 and DM1 and the Ringwood Conservation Area Assessment and the Ringwood Local Distinctiveness Document.
- 11.4 The site is within the Ringwood Conservation Area, where Policies CS2, CS3, DM1 and the NPPF require the design of the proposal to enhance character and appearance and respect identified heritage assets. A positive feature of the proposal is that it now addresses the frontage building by linking directly into it, akin to the 2005 approval. The proposal no longer appears as an incongruous and isolated addition to the street scene, as previously proposed, which weighs in favour of the scheme. The Conservation Team note that the revised proposal has moved in a very positive direction with regard to the impact upon the wider conservation area. It represents a real enhancement to this small side street and additional improvements to the main frontage building, subject to conditions requiring large scale drawings of details and appropriate materials are used in the development. Consequently, the design and materials proposed would constitute an enhancement to the character and appearance of the conservation area, in accordance with adopted heritage policies and the NPPF (Chapter 16)

#### The Living Conditions of Adjoining and Future Occupiers

- 11.5 Policy CS2 also requires the impact of development proposals upon adjoining amenity and the amenity of future occupiers of the development to be considered. The NPPF sets out the core planning principles, one of which is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land.
- 11.6 In terms of existing amenity, the impact of the proposed structure on the adjoining dwellings to the south east (nos. 1 and 2 Ebenezer Lane) needs to be assessed. Removal of the car port from the south west elevation of the proposal has removed the overbearing presence from the rear of nos. 1 and 2, which does have windows in its eastern elevation, due to the degree of separation and scale of structure proposed. The curtilage space for future occupiers of the dwelling is considered to be acceptable.
- 11.7 The likely impact of a residential use on the operation of the restaurant at no.34b Christchurch Road also needs to be addressed, which has a kitchen extractor flue vent and air conditioning units on its rear elevation in close proximity to the proposal. The Environmental Health Section raise no objections to the proposal, subject to a condition requiring all living areas of the new dwellings to meet specific requirements in terms of noise mitigation.

- 11.8 The amended plan provides internalised refuse storage facilities for the flats, with scope for refuse storage provision within the garden curtilage of the dwelling. Refuse from the dwelling can be collected from the gate on bin day and the applicant proposes a code for the door so access to the flats bin store would be possible on collection day. The Waste Management Section have been consulted for their view on collection for the proposed development and they have no adverse comments to make.

#### Highway Impacts

- 11.9 In terms of highway impacts it is acknowledged that the proposal is now a car free development, following the initial concerns raised by the Highway Authority. This would not ordinarily comply with the adopted Parking Standards. However, few dwellings in the locality have dedicated off-street parking arrangements and provision of off-street parking in this location, within a conservation area may lead to additional design concerns. Furthermore, the site is in a town centre location, where future occupiers would have good access to public transport and other services, so in this instance it is not considered that a reason for refusal on the basis of under provision of off-street parking could be substantiated. The Highway Authority raise no objections to the proposal, although it is considered pertinent to apply a construction management plan condition to the proposal in light of the comments of notified parties and the constrained nature of the site and access.
- 11.10 With regard to comments that the proposed railings will impinge upon current access arrangements to Blynkbonnie car park, the railings follow the line of a portion of the existing building, which will be demolished and no part of the proposed development will impinge upon the line of the current access. The railings were provided following concerns raised by consultees and notified parties over the protection of pedestrians accessing and egressing the development.

#### Housing Supply

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

#### Habitat Regulations and Contributions

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

11.13 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

11.14 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

11.15 While 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), affordable housing contributions are not pursued in relation to developments of less than ten dwellings.

## **12 CONCLUSION ON THE PLANNING BALANCE**

While the development would result in the loss of some retail floor space within a Secondary Shopping Frontage, the loss is considered to be marginal and significantly outweighed by the benefits of the proposal in securing new housing and redevelopment of the site and building in a manner which would enhance the character and appearance of the Ringwood Conservation Area. The proposal raises no significant concerns in respect of adjoining amenity or highway safety. Accordingly the proposal is recommended for approval, subject to conditions.

## **13 OTHER CONSIDERATIONS**

### Proactive Working Statement

13.1 In this case the applicant sought the Council's pre-application views on the form of development proposed and further amendments were negotiated during the course of determination of the planning application, to address concerns raised by the case officer, consultees and notified



parties. Following submission of suitably amended plans the application was acceptable as amended and no specific further actions were required.

### Crime and Disorder

13.2 None

### Local Finance

13.3 If this development is granted permission, the Council will receive New Homes Bonus of £3,672 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 £20,854.68.

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

### Human Rights

13.4 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.

### Equality

13.5 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.

## 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	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£2,200 if CIL paid in full	£2,200 if CIL paid in full	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	317.81		317.81	213.14	£80/sqm	£20,854.68 *
Shops	42.53		42.53	28.52		£0.00 *

Subtotal:	£20,854.68
Relief:	£0.00
Total Payable:	£20,854.68

\* 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 2019 this value is 1.22*

## 14. NOTES FOR INCLUSION ON CERTIFICATE:

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

In this case the applicant sought the Council's pre-application views on the form of development proposed and further amendments were negotiated during the course of determination of the planning application, to address concerns raised by the case officer, consultees and notified parties. Following submission of suitably amended plans the application was acceptable as amended and no specific further actions were required.

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

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc  
SGN Plant Location Team  
95 Kilbirnie Street  
Glasgow  
G5 8JD  
Tel: 0141 184093 OR 0845 0703497

Search online at:

[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)

SGN personnel will contact you accordingly.

3. Wessex Water advise the following:

#### **New drainage and water supply connections**

Applications for household extensions do not usually require a new connection to the public foul or surface water networks. Your builder and plumber will explain how your existing arrangements may be altered to accommodate any new disposal requirements. The water service provider for this area is Bournemouth Water.

#### **What to do with rainwater from new driveways and roofs**

Rainwater running off new driveways and roofs will require consideration to provide the best solution for the local environment. Rainwater may already connect to our existing foul or surface water networks. If you or your builder believe rainwater connects to the foul water network this should be disconnected if possible and an alternative method of disposal considered; soakaways where possible or connection to a watercourse or surface water sewer. Rainwater flows from hard surfaces running via pipes outside of your property boundary should not be permitted to increase once your extension is built and be reduced, where possible, to reduce local flood risk. This can be achieved by soakaway (where ground conditions are suitable) or slowing flows down within your property with the use of rain butts, permeable paving and rain gardens.

## **What to do if there is a public sewer close to the proposed extension**

On assessment of our records we believe, due to our knowledge of the surrounding sewer network, there may be an existing small diameter sewer which will be affected by the proposals. Please call our operations team on 0345 600 4 600 to arrange a visit for this sewer to be located. Since the transfer of shared private sewers to public ownership (estimated at 16,000 kilometres) we have been plotting these sewers on our records, many remain uncharted. If a shared sewer is located and planning is permitted you will need to apply for a sewer build over. Our sewer protection team will work with you to accurately locate the sewer, assess the condition of the sewer, renovate where necessary and advise any extension foundation requirements. An application fee is payable and extra costs are occasionally required if, for instance a manhole requires relocating because of proposals. Sewer buildovers are subject to Building Regulations, if formal agreement is not made with Wessex Water as sewage undertaker difficulties may arise should you wish to sell your house. Furthermore sewer builders undertaken without inspection and mitigation can lead to property and sewer damage which you may be responsible for. Further information can be found on Wessex Water's website

<https://www.wessexwater.co.uk/services/building-and-developing/sewerage>

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. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.

## **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: 9143/100 Rev D - Site and Location Plan, 9143/101 Rev B - Proposed Floor Plans, 9143/102 Rev D - Proposed Elevations, 9143/103 - Existing Plans and Design and Access Statement by Pure Town Planning.

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 Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan Document.

4. Sample panels of render, brickwork (bond and mortar) and window mouldings shall be prepared on site and to be inspected and approved by the Local Planning Authority prior to works commencing. Work shall then be carried out in accordance with these details.

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

5. Large scale drawings (elevations 1:10 and sections 1:5) of the following:

- new timber doors, dormers and windows (including details of the painted finish);
- the new porch and railing details
- the new shopfront (including details of the painted finish)
- all chimneys, eaves, verges, window cills, window heads, blind windows and elevational details

shall be submitted to and approved by the Local Planning Authority prior to works commencing. These shall be traditionally referenced and work shall then be carried out in accordance with these details.

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

6. Works to enhance doors, shopfront and windows on the frontage building as shown in approved plans shall be carried out prior to first occupation of the new development.

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

7. Large scale drawings and details of all proposed flues, ducts vents and pipes to main scheme should be submitted to and approved by the Local Planning Authority prior to works commencing. Work shall then be carried out in accordance with these details.

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

8. No flues ducts and vents to be placed on front or side elevations of the proposed buildings due to their impact on these prominent facades, unless otherwise agreed.

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

9. All new rainwater goods shall be cast metal and match historic profiles and fixings.

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

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

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;

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

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

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, C or D 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: In view of the physical characteristics of the plot and to ensure an acceptable appearance of the building, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan Document.

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. No development shall take place until a risk assessment into potential hydrocarbon vapour intrusion into the proposed development has been undertaken by competent persons and a written report of the findings has been produced to include any remedial measures to render it suitable for the development. The risk assessment report along with the results of any site investigation undertaken shall be made available to the local planning

authority before any development begins. If the site is required to be remediated a validation report shall be submitted to and approved in writing by the local planning authority prior to occupation. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures, including validation.

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).

14. Upon completion of the development all bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and all living rooms and bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A).

Reason: In the interest of protecting the amenity of future occupiers of the development in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and as recommended in BS8233:2014.

15. 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 demolition (if any) and 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.



16. 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.

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

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

**Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

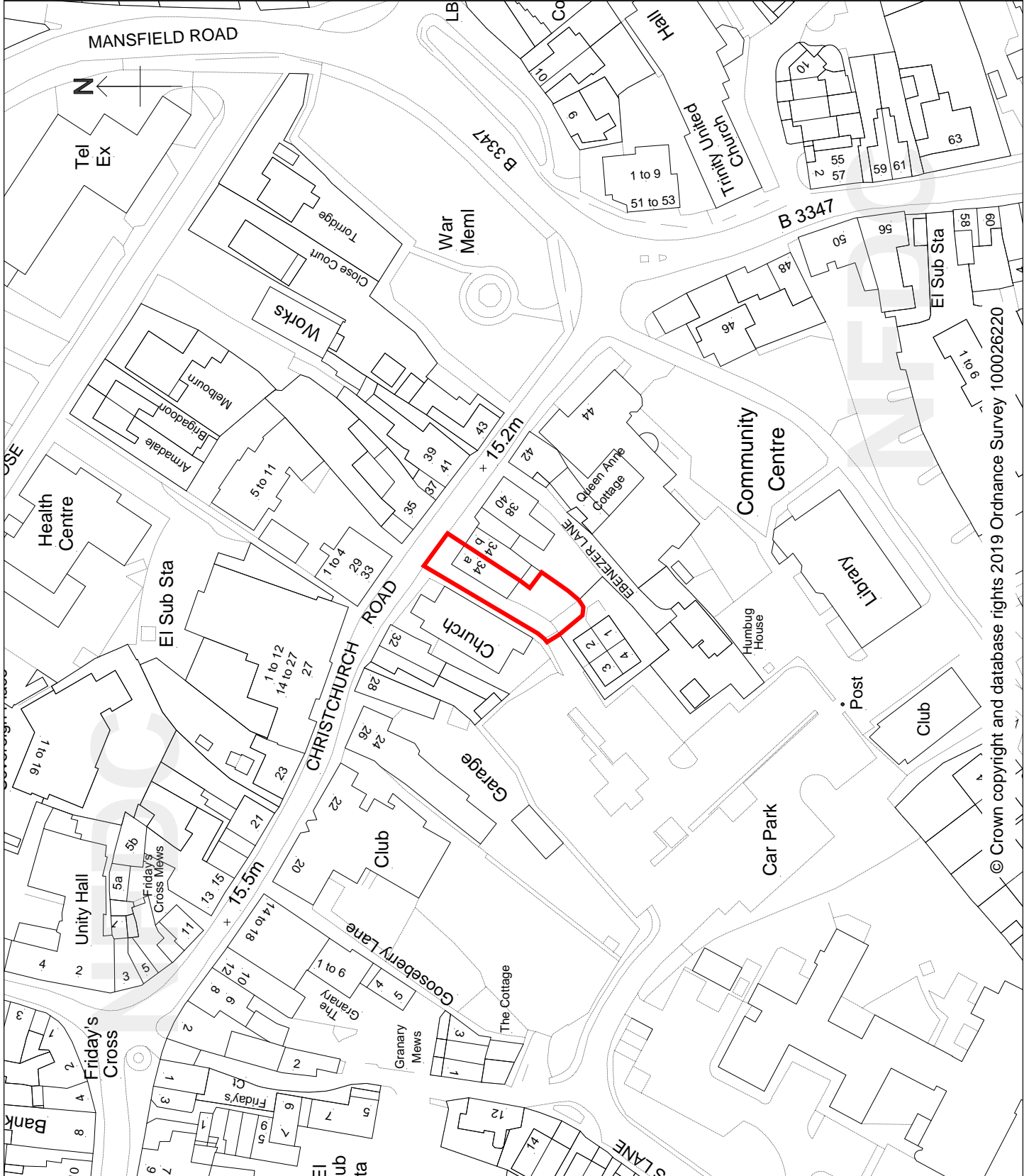
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2019

Item No: 3d  
34a  
Christchurch Road  
Ringwood  
19/10/112

Scale 1:1250

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



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**Application Number: 19/10194** Full Planning Permission

**Site:** Land adjacent to HALYARD HOUSE & rear of 4 AVENUE ROAD,  
LYMINGTON SO41 9GJ

**Development:** Bungalow; parking; bin store; landscaping; access from Avenue  
Road

**Applicant:** Mr Agnew

**Target Date:** 09/04/2019

**Extension Date:** 14/06/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) residential amenity
- 2) visual amenity including impact on the adjacent Lymington Conservation Area
- 3) highway considerations

1.2 This matter is before Committee as a contrary view from the Town Council has been received.

## 2 THE SITE

2.1 The site lies within the built up area of Lymington adjacent to the Lymington Conservation Area. It is formed from the rear garden and access drive to 38 Southampton Road and currently contains an outbuilding in association with that property. There are residential properties to the east and west of the site, a veterinary practice adjacent to the access and Lymington Sports Ground which falls within the Conservation Area to the southeast.

## 3 THE PROPOSED DEVELOPMENT

3.1 The proposal entails the construction of a detached single storey dwelling comprising 2 bedrooms, bathroom and large open plan lounge/dining area/kitchen. A basement has also been indicated in order to provide space for services such as a ground source heat pump. Pedestrian access to the rear of no.38 would be retained and two parking spaces for each of the host and proposed dwellings would be provided along the side of the wide (existing) access onto Avenue Road.

#### **4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE-APPLICATION DISCUSSIONS**

16/10372 - house, balcony, parking, access from Avenue Road. Refused 11.5.16, appeal dismissed.

Since the appeal was refused, there has been pre-application discussion where design advice was given relating to the size and form of the proposed dwelling.

#### **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

##### **The Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

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

CS24: Transport considerations

CS25: Developers contributions

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

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

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

##### **The Emerging Local Plan**

Policy 1: Achieving Sustainable Development

Policy 11: Heritage and Conservation

Policy 13: Design Quality and Local Distinctiveness

Policy 34: Developer Contributions

##### **Supplementary Planning Guidance and other Documents**

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character  
SPD - Lymington Local Distinctiveness

SPD - Parking Standards

#### **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

##### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

##### **Relevant Advice**

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 4 - Decision-making

NPPF Ch. 5 - Delivering a sufficient supply of homes  
Para 59  
NPPF Ch.7 - Ensuring the vitality of town centres  
NPPF Ch 12 - Achieving well-designed places  
Para 124 and 127  
NPPF Ch.16 - Conserving and enhancing the historic environment  
Paras 193, 194, 196

## 7 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council, Town Hall** : (PAR4): Recommend REFUSAL: we are somewhat disappointed with the lack of imagination and design in this application.

## 8 COUNCILLOR COMMENTS

None received

## 9 CONSULTEE COMMENTS

The following is a summary of the comments received which can be read in full via the link set out at the head of this report

Conservation Officer : The amended plans are much improved, please consider conditions relating to the flue, materials and joinery.

Southern Gas Networks : Offer advice

## 10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received. They can be read in full via the link set out at the head of this report.

Objections:5 Comment: 1

- cramped form of development
- out of keeping so close to the Conservation Area
- increased traffic flows, particularly if it ends up as an AirBnB property
- would be a sub-standard dwelling if used full time
- noise and disturbance from cars to 4 properties
- limited amenity value for future occupants
- dwelling would be higher than existing outbuildings
- concern that permission could be sought in future for accommodation in the roof space

## 11 OFFICER COMMENTS

11.1 The main issues to consider are the visual impact of the proposed dwelling in this important marginal area adjacent to the Lymington Conservation Area and the residential amenities of the area. Access and parking are also important considerations.

11.2 The current application follows pre-application advice after a previous scheme was refused due to its impact on the character and appearance of the adjacent Conservation Area, due to its scale and mass and its contrived design as well as impacts on amenity. This previous

application was subsequently dismissed on appeal in May 2016. The main concerns raised at that time were the impact of the proposal on the open nature of the edge to the recreation ground which lies within the Lymington Conservation Area and the impact on residential amenity given the two-storey nature of the previous scheme. The Inspector considered that the harm would be less than substantial and in such circumstances para 134 of the NPPF advise that such harm should be weighted against the public benefits of the proposal. In this case there were no such benefits beyond delivery of one additional dwelling which was considered to be insignificant given the housing land supply of 8.7 year that was available at the time of the decision (January 2017)

- 11.3 In responding to these matters, the proposal has been reduced in size to be a single storey property with narrower but longer footprint, and overlooking windows have been removed. Furthermore the detailing has been improved to make the design of a higher quality.

#### 1. Impact on the setting of the Conservation Area

- 11.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 11.5 Core Strategy Policy CS2 concerns design quality and requires new development to respect the character, identity and context of the area's towns villages and countryside and to contribute to local distinctiveness. Local Plan Part 2 Policy DM1 is applicable and includes a balancing exercise referred to in the NPPF 2019. Policy DM1 provides that development proposals and other initiatives should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets.
- 11.6 The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.
- 11.7 Para 127 requires planning decisions to ensure that development functions well, adds to the overall quality of the area and is visually attractive as a result of good architecture, layout and effective landscaping. Furthermore, development should be sympathetic to local character and history, respecting the surrounding built environment and its landscape setting and should establish or maintain a strong sense of place with reference to the arrangement of streets, spaces, building types and materials in order to create attractive and distinctive places.
- 11.8 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
- 11.9 Paragraph 194 states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.

- 11.10 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.
- 11.11 In dismissing the previous appeal on this site the Inspector considered that the margin of garden land around the Sports Ground and the openness of the Sports Ground itself were crucial to the setting of the Conservation Area. He considered that the full two storey building then proposed would be prominent in views from and towards the Conservation Area because of its position and height relative to other structures in this margin of garden land around the Sports Ground.
- 11.12 In seeking to address this issue, the single storey building now proposed would have less impact on the setting of the Conservation area. The proposed building is of a comparable size to an adjacent car port at the rear of the flats to the north east, Halyard House. The building has been designed to reflect the hipped nature of this structure and the southern elevation of the garage building to the north. As such, it is not considered to detract significantly from the character of the adjoining Conservation Area.
- 11.13 The building includes detailing such as brick arches, dentile brick courses and roof finial's which provide an appropriate quality of built form and interest in this sensitive location. Overall the proposed dwelling of similar proportions to the adjacent garage block would not have a harmful effect on the Conservation Area.
- 11.14 On balance therefore, the revisions made to the proposals would mitigate the adverse impact on the setting of the Conservation area such as to make it acceptable within its context. Thereby the proposals are considered to comply with Policy CS2 and CS3, DM1 and para 124, 127 and 193 and 194 of the NPPF.

## 2. Residential Amenity

- 11.15 With regard to residential amenity, as it is a single storey dwelling, there would be no first floor windows which would give rise to a loss of privacy for adjoining occupiers as the windows would be screened from other dwellings by fencing and vegetation. Concerns have been raised with regard to the future level of amenity for the new dwelling and in this respect, the proposed amenity space would be a little over 72m<sup>2</sup>. As the site is within the Town Centre, smaller, courtyard gardens can be acceptable and the proposed provision is in excess of the minimum suggested in the Lymington Local Distinctiveness SPD. This would be in line with policy CS1 and CS2 which encourages sustainable development and a balanced mix of uses in sustainable locations. As such, although the limited size of the plot is acknowledged no overriding objection is raised.

## 3. Access and Parking

- 11.16 Although the turning space for both existing and proposed dwellings is indicated immediately adjacent to the proposed dwelling, it is possible to turn a car in the existing access drive. It is not considered that the use of the turning area by an additional property would adversely affect the

level of amenity of this dwelling due to only limited additional noise and disturbance that would result.

- 11.17 The access onto Avenue Road is already used by the applicant and the neighbour at no.40 who have a right of way over the drive to access their garage. It benefits from good visibility and its use by an additional 2-bed bungalow would not give rise to unacceptable harm to highway safety.
- 11.18 The proposal provides 2 parking spaces for the new dwelling which is in line with the recommended parking provision in the SPD. Two parking spaces for the host dwelling are also shown as being retained. Subject to a condition to provide and retain this parking, no objection is raised on these grounds.

#### 4. Response to objections received

- 11.19 The proposed building will be higher and larger than the existing outbuilding on site. It would however, be comparable in size to the adjacent outbuilding. Regardless of whether the property is occupied by permanent residents or holiday makers it is considered that there would be enough space to meet the reasonable amenity requirements of these residents in this sustainable town centre location. With regard to traffic flows to a single 2-bed property, whilst peak times would be different between holiday lets and permanent dwellings, the trip generation would be lower. The existing access is currently utilised by two properties with the proposal adding a third. This would result in limited additional disturbance which is not considered to be harmful. It is considered that the single storey nature of the proposed building would have an acceptable impact on the adjoining Conservation Area - so it addresses previous concerns about the impact on its setting. Restrictions can be applied to future accommodation in the roof space to protect adjoining residential amenity.

## **12 CONCLUSION ON THE PLANNING BALANCE**

- 12.1 The proposals have been considered in the relevant local and national policy framework. The matters raised by the Inspector at the 2016 appeal about the previous scheme relating to residential amenity have been adequately addressed by the current proposal. The photo-montage provided with the application indicates that the proposed dwelling would have an acceptable impact on views from the Conservation Area given the flats, houses and garage buildings which are already in situ. In visual terms, the proposed dwelling reflects the hipped nature of other buildings in this backland area and is not significantly larger. It is thereby considered to be of an appropriate size and layout in this site. As such, the current proposals would address the previous reasons for refusal and dismissed appeal and approval is recommended.
- 12.2 Subject to appropriate materials and landscaping, the proposal is considered to make good use of an under utilised space and would conserve the historic environment to the south. This is in line with chapters 12 and 16 of the NPPF.



## 13 OTHER CONSIDERATIONS

### Proactive Working Statement

- 13.1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 13.2 In this case, clarification was sought with regard to the indicative basement area and further amendments provided in order to address initial concerns in respect of the design of the proposed building.

### Crime and Disorder

- 13.3 No relevant considerations

### Local Finance

- 13.4 If this development is granted permission, the Council will receive a New Homes Bonus of £1224 in each of the following four years, subject to the following conditions being met:
- a) The dwellings the subject of this permission are completed, and
  - b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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

### Human Rights

- 13.5 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.

### Equality

- 13.6 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.

### Housing Provision

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

### Habitat Mitigation

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

## 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	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£3,356		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	99	0	99	99	£80/sqm	£9,686.77 *
Subtotal:	£9,686.77					
Relief:	£9,686.77					
Total Payable:	£0.00					

\* 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 2019 this value is 1.22

## 14. NOTES FOR INCLUSION ON CERTIFICATE:

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

In this case, clarification was sought with regard to the indicative basement area and further amendments provided in order to address initial concerns in respect of the design of the proposed building.

2. In discharging condition No. 6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. This decision relates to amended / additional plans received by the Local Planning Authority on 26 February and 16 April 2019.

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

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)

SGN personnel will contact you accordingly.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Design Statement, 1267.03., 1267.08., 1267.07, 1267.11.

Reason: To ensure satisfactory provision of the development.

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

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

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

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

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

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

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

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

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

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

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

7. The development hereby permitted shall not be occupied until the spaces shown on plan 1267.11. for the parking of motor vehicles have been provided. The spaces shown on plan 1267.11. for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

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

Further information:

Vivienne Baxter

Telephone: 023 8028 5345 (Option1)



**New Forest**  
DISTRICT COUNCIL

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

David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
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Lyndhurst  
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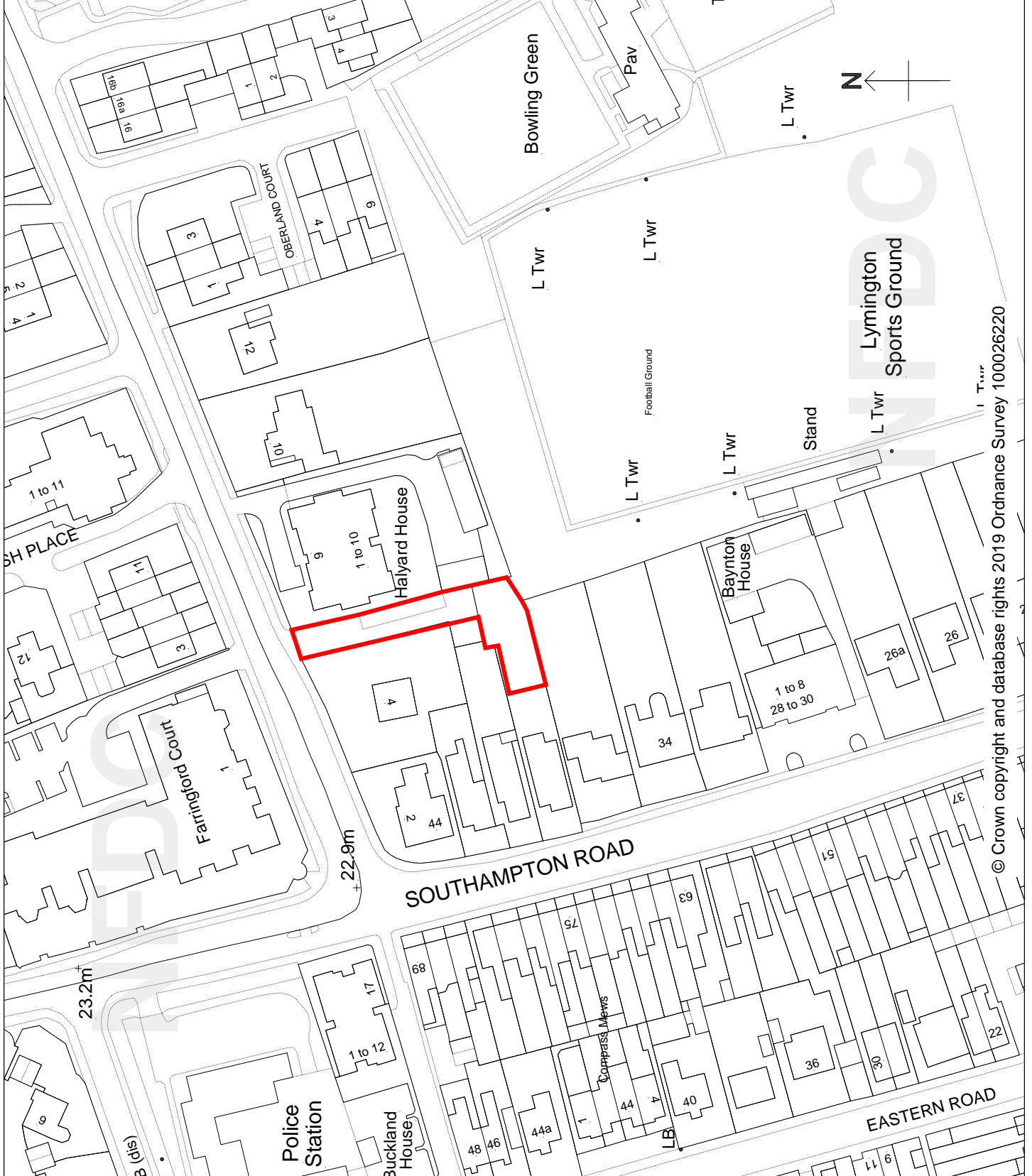
**Planning Development  
Control Committee**  
June 2019

**Item No: 3e**

Land adj Halyard House  
& r/o 4 Avenue Road  
Lymington  
19/10/194

Scale 1:1250

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



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**Application Number:** 19/10234 Variation / Removal of Condition

**Site:** LAMBWOOD, FARMERS WALK, EVERTON HORDLE SO41 0JZ

**Development:** Variation of condition 2 of Planning Permission 17/11756 to allow amended plans ASP.PL.17.145.003 rev A; ASP.PL.17.145.004 rev A; ASP.PL.17.145.005 rev A; ASP.PL.17.145.006 rev A to allow new windows to side elevation on both properties

**Applicant:** Priory Investments

**Target Date:** 17/04/2019

**Extension Date:** 14/06/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, Officer Comments, of this report after which a conclusion on the planning balance is reached.

- 1) visual amenity
- 2) residential amenity

1.2 This matter is before Committee as there is a conflict with the Parish Council request for a specific condition.

## 2 THE SITE

The site lies within the built up area of Everton in a residential area. The site contains a two storey dwelling and the two new ones subject of this proposal, together with statutorily protected trees. It is well screened from the road other than where the approved access point has been provided.

## 3 THE PROPOSED DEVELOPMENT

The proposal is for the variation of condition 2 of the original approval (17/11756) to allow for the insertion of two first floor side windows to each new dwelling. These windows have already been installed and are obscure glazed.

## 4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

17/11756 - roof alterations to existing dwelling, 2 detached houses, new access, alterations to existing access, parking, landscaping. Granted 7.2.18

## 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### The Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

None

### The Emerging Local Plan

Policy 1: Achieving Sustainable Development

### Supplementary Planning Guidance and other Documents

Although there were several SPDs (see below) valid for the consideration of the original approval, none are specifically relevant to the current proposal.

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Hordle Village Design Statement

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 197 Trees

Town and Country Planning Act 1990

### **Relevant Advice**

#### National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 4 - Decision-making

NPPF Ch 5 - Delivering a sufficient supply of homes

Para 59

NPPF Ch.12 - Achieving well-designed places

Para 124

Para 127

## 7 PARISH / TOWN COUNCIL COMMENTS

### **Hordle Parish Council**

Parish 1 We recommend permission but would accept the decision of the Planning Officers under their delegated powers. The Parish Council ask that conditions should be imposed that state that the hedge should be maintained to the existing height and thickness and that the windows should be obscured and fixed shut in perpetuity.

## 8 COUNCILLOR COMMENTS

None received

## 9 CONSULTEE COMMENTS

No Comments Received

## 10 REPRESENTATIONS RECEIVED

Three responses have been received to the application. These objections do not raise concerns about the proposed additional windows subject to them being obscure glazed and fixed shut. A request is made that the hedge to the eastern boundary is maintained at a certain height.

## 11 OFFICER COMMENTS

11.1 The principle of development of the site for 2 dwellings has already been agreed under planning approval 17/11756 which is now in an advance stage of construction on site. As originally determined the proposals for two dwellings comply with NPPF Chp 5 paragraph 59 relating to the delivery of new homes, along with Cpt 12 paragraphs 124 and 127 relating to achieving well-designed places. The proposed changes to the scheme are limited such that the principle assessment in relation to this policy framework remains the same.

### 1. Visual amenity

11.2 In visual terms, the provision of additional side windows has a very limited impact on the overall design of the dwellings and would not adversely affect the street scene or character of the dwellings.

### 2. Residential amenity

11.3 The new side windows are obscure glazed and relate to en-suites or stairwells so overlooking would be limited. Furthermore a condition to retain these windows as obscure glazed is proposed. To the west of unit 1 is a mature boundary hedge which further maintains the level of amenity currently enjoyed by Anoush. To the east of the site, although the mature boundary hedge has been trimmed in thickness and height in recent weeks it is not considered that the windows would significantly impact upon the residential amenities of the adjoining property as they would largely be opposite the forward sited garage and not face towards the dwelling. Both boundary hedges are shown as being retained in the approved landscaping plan so that the amenity of these adjoining neighbours would remain protected.

### 3. Habitats Mitigation

11.4 The original planning permission included a requirement for habitats mitigation; this was secured by condition and Section 106 agreement. This condition has now been discharged by the completion of a legal agreement on 15th November 2018. A variation of this S106 agreement is required prior to this planning permission being issued to ensure that this obligation is transferred to the new application.

#### 4. Response to objections

- 11.5 There have been concerns raised with regard to the retention of the eastern boundary hedge and whether this is realistic given its relationship with the approved attached garage to unit 2 which is very close. Details of the landscaping of the site, required under condition 5 of the original consent have been agreed which show the hedge to be retained. Legal opinion has been sought on what can be done to this hedge without conflicting with the requirement to retain it under the landscaping condition (5) of the original approval. The hedge has been cut back to trunks below the height of the neighbour's fence but its height and foliage to the east have been retained. The works undertaken to the hedge do not contravene the detailed scheme of landscaping approved through the discharge of this condition which indicated it to be retained and supplemented where necessary. It is not considered reasonable to include any further conditions relating to maintaining any particular height to the hedge.

## **12 CONCLUSION ON THE PLANNING BALANCE**

- 12.1 The application is recommended for permission with an additional condition requiring the additional windows to be fixed shut and obscure glazed in perpetuity.
- 12.2 Whilst there are concerns that the eastern boundary hedge should be maintained at a certain height this is not a reasonable requirement given that the approved landscaping plan adequately address both residential amenity and visual amenity issues on the site.

## **13 OTHER CONSIDERATIONS**

### Proactive Working Statement

- 13.1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 13.2 In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

### Crime and Disorder

- 13.3 No relevant considerations

### Local Finance

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

## Human Rights

- 13.5 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.

## Equality

- 13.6 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.

## Other Case Specific Factors

### Housing

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

### Habitat Mitigation

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

## 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	0		
Financial Contribution	0		
<b>Habitats Mitigation</b>			
Financial Contribution	£11,836		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	322.15		322.15	322.15	£80/sqm	£31,521.14 *
<b>Subtotal:</b>	£31,521.14					
<b>Relief:</b>	£0.00					
<b>Total Payable:</b>	£31,521.14					

\* 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 2019 this value is 1.22

## 14 NOTES FOR INCLUSION ON CERTIFICATE

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

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

2. The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken on accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at: <https://www.hants.gov.uk/transport/licencesandpermits/roadopening>

## 15. RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a satisfactorily worded S.106 Agreement relating to the provision of Habitat Mitigation and
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: ASP.PL.17.145.001, ASP.PL.17.145.003 rev.A, ASP.PL.17.145.004 rev.A, ASP.PL.17.145.005 rev.A, ASP.PL.17.145.006 rev.A.  
  
Reason: To ensure satisfactory provision of the development.
2. The development shall be constructed in accordance with the approved materials as agreed under 17/11756 by the Council's discharge of condition decision notice dated 6.9.18 unless alternatives are previously agreed in writing by the Local Planning Authority.  
  
Reason: To ensure an acceptable appearance of the buildings in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
3. The slab levels in relationship to the existing ground levels shall be as approved under 17/11756 by the Council's discharge of condition decision notice dated 6.9.18.  
  
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).
4. The landscaping scheme shall implemented in accordance with approved plan GD001 showing existing boundary hedges retained as approved by the Council's discharge of condition decision notice reference 17/11756 and dated 8.11.18 unless an alternative scheme is previously agreed in writing.  
  
Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The trees & hedges 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 statement.

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

6. The first floor windows on the west elevation of unit 1 and east elevation of unit 2 shall at all times be glazed with obscure glass and fixed shut.

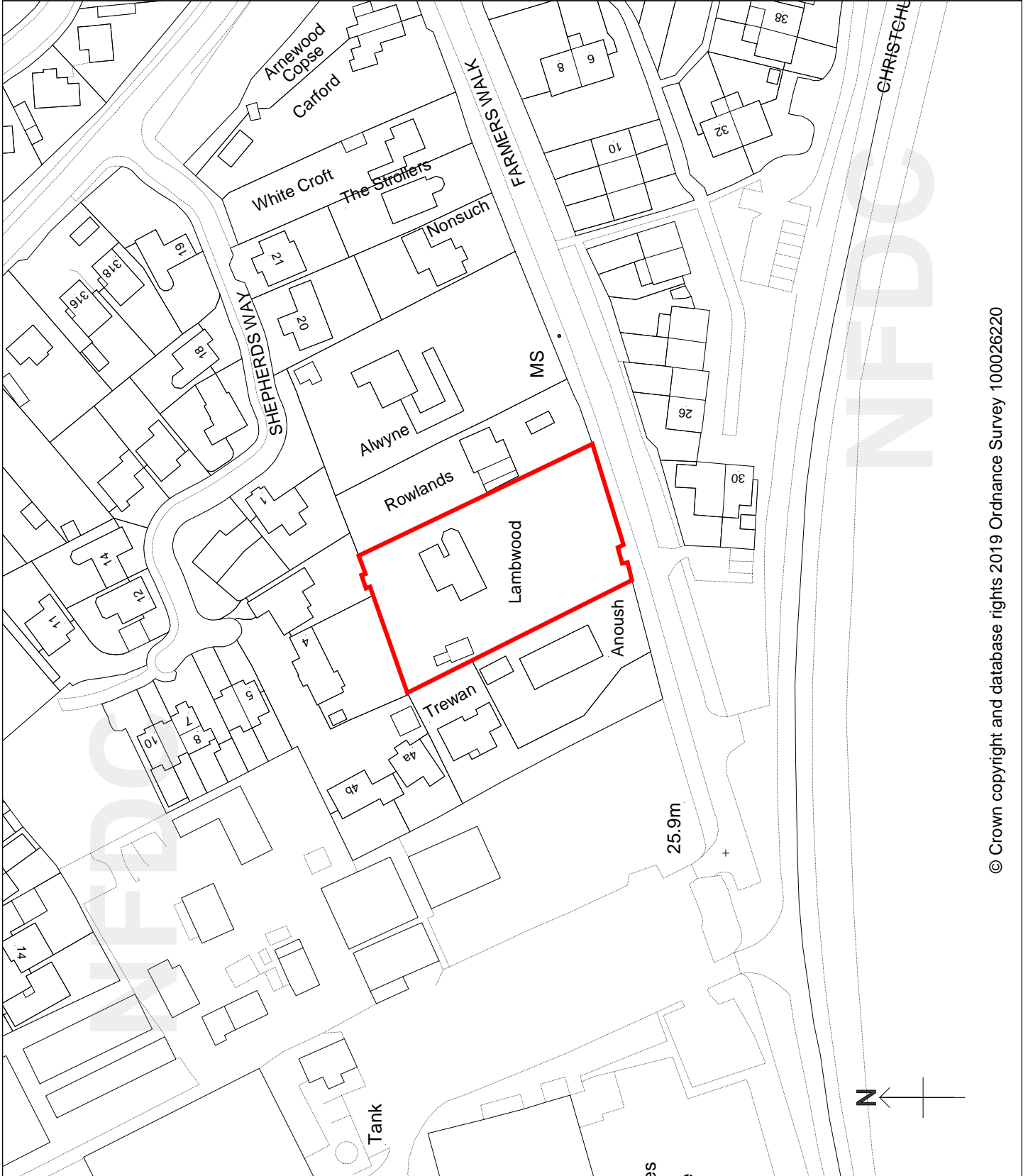
Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

Vivienne Baxter

Telephone: 023 8028 5345 (Option1)





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Planning Committee 12 June 2019

## Item 3 g

**Application Number:** 19/10279 Full Planning Permission

**Site:** SELETAR COTTAGE, 1 OLD FARM WALK, LYMINGTON  
SO41 3NY

**Development:** Replacement dormers (Retrospective) cedar cladding; slate cladding; render existing walls

**Applicant:** Mr Vokes

**Target Date:** 10/05/2019

**Extension Date:** 21/06/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

1. Residential amenity
2. Appearance of replacement dormers and materials within the street scene.

1.2 This matter is before Committee as the officers recommendation is contrary to that of Lymington and Pennington Town Council.

## 2 THE SITE

The property is a detached bungalow with first floor accommodation. The site is primarily surrounded on 3 sides by high hedges and has recently been substantially altered under permitted development. There is a mixed street scene of primarily bungalows in Old Farm Walk, and the nearby two storey properties of Belmore Road. There is evidence of other front dormer windows and a variety of roof forms in the wider street scene.

## 3. THE PROPOSED DEVELOPMENT

The proposals are for retrospective permission for two replacement front dormers. In addition it is proposed to change the materials to cedar, slate roof and white painted render to the property. The main considerations are impact on residential amenity and on the street scene

## 4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

XX/LYB/6730 – Proposed bungalow

## 5, THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### The Core Strategy

CS2: Design quality

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

None

### **Emerging Local Plan**

Policy 13 - Design Quality and Local Distinctiveness

### **Supplementary Planning Guidance and other Documents**

SPD Lymington Local Distinctiveness Document

## **6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Advice**

NPPF Chapter 12 - Achieving well-designed places  
Paragraph 124  
Paragraph 127

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

**Lymington & Pennington Town Council:** recommend refusal In the context of the host building the front facing dormers seem to be far too large and not appropriate within the street scene.

## **8 COUNCILLOR COMMENTS**

None

## **9. CONSULTEE COMMENTS**

None

## **10. REPRESENTATIONS RECEIVED**

The following is a summary of the representations received they can be read in full via the link set out at the head of this report

Total Number of Representations Received: 8

0 In Favour: 0 Against: 8

- Development not in keeping with area or local distinctiveness
- Works detailed to be permitted development requiring planning permission.
- Objection due to the rear dormer's size and scale.
- Assertion that rear dormer is part of street scene and not of similar size to previous.
- Objection to the hip to gable conversion.
- Objection to the materials (render, slate tiles, cladding)
- Concerns related to use of flat roof of the rear extension being used as a roof terrace.
- Concerns relating to privacy associated with rear dormer windows.
- Concerns relating to the quality and safety of the build and building control.
- The submitted plans state the "existing" development as the completed permitted development aspects of the proposal and this is not an accurate representation of the existing building before works started.

**Rt Hon Sir Desmond Swayne MP** has written on behalf of an objector raising the following points:

- Timescale for determination of the application.
- Retrospective application only relates to the front of the building and no other works.
- Works to the rear exceed permitted development rights and so also need planning permission.

**The applicants' agent** has submitted details of comparable dormers close to the site in order to demonstrate that they are not out of character or overly large. They state that the dormers are just 200mm taller than those they've replaced, and are the same width overall.

## 11. OFFICER COMMENTS

### Introduction

- 11.1 The proposals are for retrospective permission for two replacement front dormers. In addition it is proposed to change the materials to cedar and slate cladding, and white painted render to the property. These works to the front dormers have already been undertaken and so are retrospective. The remainder of these proposals are yet to be completed.
- 11.2 The main considerations are impact on the street scene and residential amenity. In addition a response will be made to the relevant objections particularly in relation to queries on permitted development

### Relevant Considerations

#### 1. Street scene

- 11.3 The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal. Para 127 requires planning decisions to ensure that development functions well, adds to the overall quality of the area and is visually attractive, Furthermore, development should be sympathetic to local character, respecting the surrounding built environment and should establish or maintain a strong sense of place with reference to its materials in order to create attractive and distinctive places.
- 11.4 The front dormers are similar in form and size to those that were replaced, with only an increase of 200mm in height retaining an equivalent width as the original dormers. The dormers are proportionate additions to the roof and do not dominate the roof form being of a recessive height relative to the ridge of the property. Furthermore they do not appear out of character due to the variety of property designs and dormers within the street scene. There are a number of examples of similar box dormers in the street scene, both single large or two small, as well as front dormers with cladding. As such there would not be an adverse impact on the street scene associated with the front dormers.

#### 2. Residential amenity:

- 11.5 The replacement dormers are of a similar size to those previously on the front elevation with similarly detailed fenestration; as such there would not be a material

increase in harmful overlooking associated with the dormers. In addition there is an acceptable degree for separation from neighbours to the front which are located across the highway so additional overlooking would not result.

- 11.6 The Lymington SPD makes no direct reference to Old Farm Walk, and there are examples of similarly rendered, clad, and tiled buildings within the street scene and surrounding area. Although more modern in appearance, given the mixed designs evident in the area and other examples of cladding or painted/rendered properties within the street scene the proposed change in materials would be acceptable within their context.
- 11.7 As such it would comply with the development plan policies and guidelines within the NPPF para 124 and 127.

### 3. Response to the issues raised concerning permitted development

- 11.8 Comments have been made about whether the other works are permitted development. These works relate to a hip to gable extension, a rear dormer and rear extension.
- 11.9 The hip to gable extension are within permitted development criteria set out in the Class B of the General Permitted Development Order 2015 (As amended). This is government legislation and as such if the criteria are complied with development can proceed without planning permission.
- 11.10 The submitted plans indicate that the eaves of the rear and side extensions are set below the level of the parapet wall. As such the eaves of the extensions are equal to the eaves of the house when measured in accordance with the Technical Guidance to the General Permitted Development Order (April 2017).
- 11.11 The slope of the original roof and the eaves are maintained below the rear dormer, which complies with Class B of this legislation. However in the case of an extension which joins the original roof to that of a rear extension, the dormer would simply have to not extend beyond the outside face of any external wall.
- 11.12 Although large, the rear dormer has a volume of 47.5 cubic metres which when combined with the additional volume created by the hip to gable conversion would exceed the limitations of permitted development. However, the size of the previous rear dormer would be discounted from this total; as such the alterations would be within the 50 cubic metre limit of Class B.
- 11.13 As the rear dormer fits within permitted development criteria, further consideration of its impact on the street scene, the fenestration or impact on residential amenity cannot be considered.
- 11.14 Concerns relating to the use of the flat roofed rear extension as a balcony and the full length windows in the rear dormer are not considerations within this application. In this instance the applicant has not indicated a balcony, and therefore it is not a consideration. Should the roof of the rear extension be used as a balcony in the future, this would be considered at that time. Additionally, the agent has confirmed that there is no intention to use the flat roof of the rear extension as a balcony.

### 4. Other non-planning matters

- 11.15 Regarding Building Control, this site was dealt with by Approved Inspector and not NFDC Building Control. In any case building control considerations are not a planning matter.

## 12. CONCLUSION ON THE PLANNING BALANCE

- 12.1 The proposals have been considered in the context of the national and local policy framework. As set out above the replacement dormers are of a similar size to those previously on the front elevation so as not to increase amenity impacts. Furthermore, due to their similar form and size to those that were replaced would be proportionate additions to the roof and do not dominate the roof form. They do not appear out of character due to the variety of property designs and dormers within the street scene.
- 12.2 The other matters raised in objections have been considered and the application is therefore considered acceptable within its context and permission is therefore recommended

## 13. OTHER CONSIDERATIONS

### Proactive Working Statement

- 13.1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 13.2 In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

### Local Finance

- 13.3 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.

### Human Rights

- 13.4 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.

### Equality

- 13.5 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.

#### **14 NOTES FOR INCLUSION ON CERTIFICATE**

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

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

2. This decision relates to amended / additional plans received by the Local Planning Authority on 13 March 2019 and 7 May 2019

#### **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.

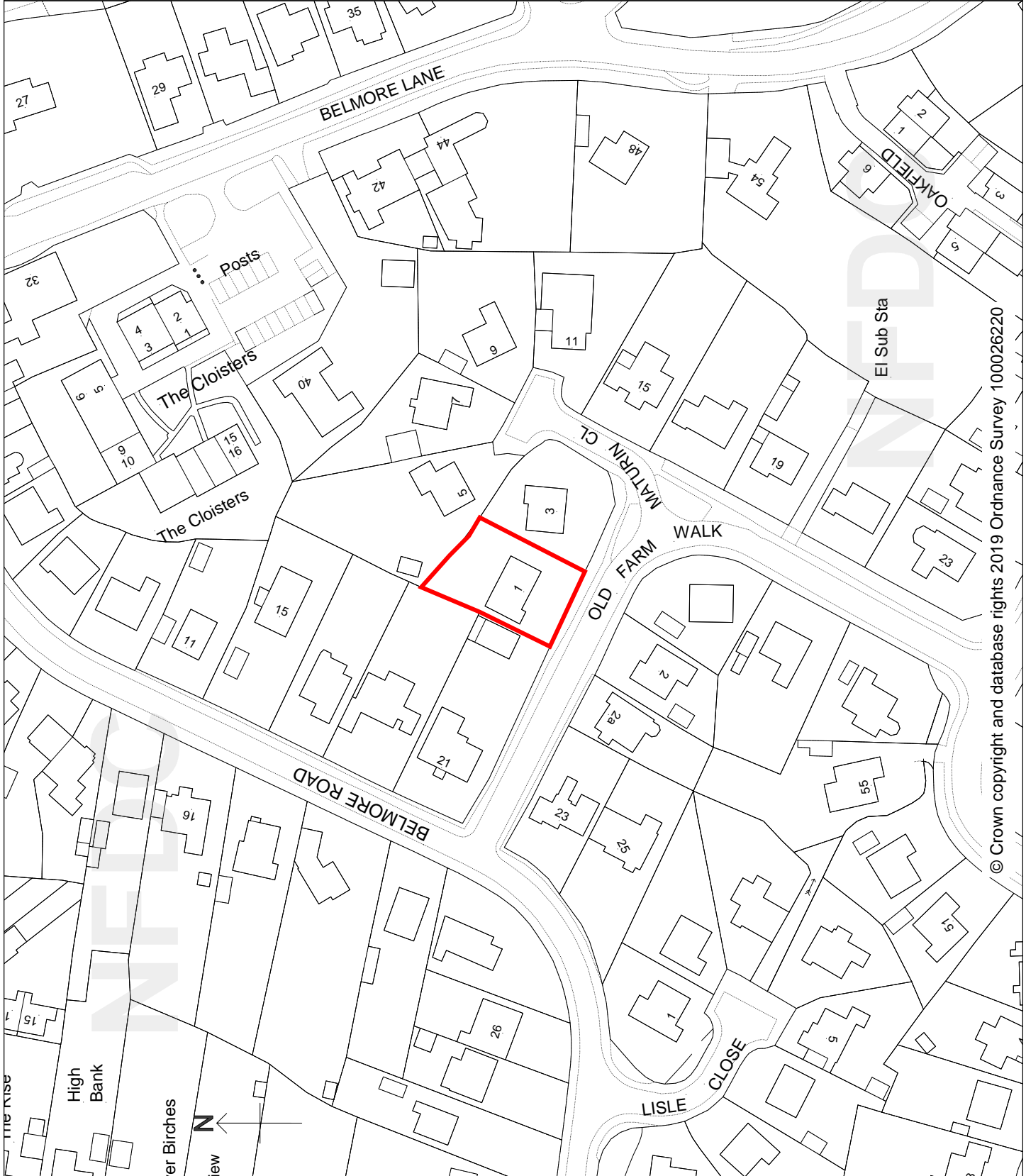
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01, EP.01, EE.01 REV A, PP.01, PE.01 REV B.

Reason: To ensure satisfactory provision of the development.

Further Information:  
Vivienne Baxter  
Telephone: 023 8028 5588





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**Application Number:** 19/10291 Full Planning Permission

**Site:** GLASSHOUSE STUDIOS, FRYERN COURT ROAD, BURGATE,  
FORDINGBRIDGE SP6 1QX

**Development:** Amendments to existing hardsurfacing and car parking area

**Applicant:** R J Morrall Ltd

**Target Date:** 30/04/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The effect on the character and appearance of the area.
- 2) The effect on public highway safety.

1.2 This matter is before Committee as the Officers view is contrary to Fordingbridge Town Council, as justification for additional parking is not accepted and ingress and egress to the site area difficult.

## 2 THE SITE

2.1 The application site forms part of an existing office complex known as Glasshouse Studios, which is located along Fryern Court Road, to the north of Fordingbridge. Within the complex, there are a mixture of office facilities including converted horticultural glasshouses and new purpose built buildings. On site car parking is provided around the buildings and access to the site is gained from Fryern Court Road, and runs between two residential properties known as Avon Vale and Roxburgh.

2.2 For the avoidance of doubt, the submitted application only relates to part of the land at Glasshouse Studios which is a completed development of two office buildings.

2.3 The site is located outside the settlement boundary of Fordingbridge in a fairly rural locality. A small settlement of residential properties is located close to the site at the southern end of Fryern Court Road, with a rest home located adjacent to the northern boundary of the Glasshouse Studios. A large new housing development is currently under construction to the south east of the site.

## 3 THE PROPOSED DEVELOPMENT

3.1 The planning application seeks consent to make amendments to an existing unauthorised area of hardstanding to be used as car parking spaces for the recently built office development. The area of

hardsurfacing has been constructed within an area of land that was approved to form the landscaping for the office development and accordingly, this application also seeks resolution to a breach of the landscaping condition (condition 4) under reference 15/11603.

- 3.2 As a way of background, this planning application follows an enforcement investigation in 2017 in relation to the construction of an unauthorised area of hardsurfacing used for car parking. Following the enforcement investigation, the applicant submitted an application to regularise the situation, however, this was refused under reference 17/11507 and the reason for refusal is set out in Section 4.
- 3.3 This current application seeks to amend the existing area of hardsurfacing by reducing its size and the number of car parking spaces. The proposed amendments, removing the second access, also change the shape and layout of the hardsurfacing area, so that there would be less encroachment into the approved landscaping space. This would be achieved by narrowing the car parking area. Moreover, the proposal seeks to provide additional soft landscaping and tree planting. The planning application is accompanied by a supporting statement which explains the need for the additional car parking.

#### **4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS**

- 4.1 Unauthorised development involving the creation of an area of hardsurfacing to be used as car parking in breach of Condition 4 of planning permission 15/11063 (17/11507) Refused on the 21st December 2017.
- 4.2 The unauthorised car parking area was created on part of the approved landscaping for the office development under planning permission 15/11063. The application to retain the hardsurfacing was refused on the following grounds:
- By virtue of its siting, size and unsympathetic design, the creation of the area of hardsurfacing for car parking is visually intrusive and harsh in its setting and unacceptably encroaches into part of the approved landscaping which formed an integral part of the recently constructed office development at the site to the detriment of the rural character and appearance of the area. For this reason, the development is contrary to Policies CS2 and CS10 of the Core Strategy for the New Forest District Outside the National Park and Policy DM22 of the Local Plan Part 2 Sites and Development Management Document.*
- 4.3 Two storey building for B1 use (15/11063) Granted with conditions on the 24th September 2015 .
- Works had commenced to implement the two office buildings approved under references 13/11101 and 14/10302, however, this application was granted to enlarge one of the office buildings compared to the approved scheme and this has been implemented.
- 4.4 Two buildings for office use and car parking - details of appearance and landscaping - development granted by outline 13/11101 (14/10302) Granted with conditions on the 9th June 2014

- 4.5 Two buildings for office use - outline application with details of access, layout and scale (13/11101) Granted with conditions on the 20th November 2013

Outline planning permission was granted to construct 2 two storey detached office buildings and associated landscaping and car parking on land to the south east at Glasshouse Studios.

- 4.6 Erect courtyard building for Class B1 use - demolition of two glasshouses (85426) Granted with conditions on the 1st November 2005

A planning application was granted in 2005 under reference 85426 to demolish the existing glasshouses and to construct a courtyard building for office use (Class B1) and this is now located to the east of the glasshouse building. That building is mainly single storey, with a two storey element centrally located on the northern side of the building. When planning permission was granted for the new building, two existing glasshouses were demolished.

- 4.7 Use of agricultural building for offices/ studios (79542) Granted with conditions on the 5th August 2004

The site was originally a horticultural operation with large glasshouses and ancillary buildings and consent was granted back in 2004 under reference 79542 for the conversion of one of the existing glasshouses on the site to form 10 individual offices/ studios. The conversion works were implemented, and this building is located on the northern boundary of the site adjacent to the access road.

- 4.8 Pre application advice (Enq 18/21049)

The applicant submitted a pre application enquiry in December 2018 to address the outstanding enforcement investigation and refused planning application for an unauthorised area of hardsurfacing used for car parking. The pre application enquiry set out justification for the need for additional car parking spaces on the site and a revised plan was submitted showing a reduced car parking area with more tree planting. In response, Officers felt that the additional car parking is justified, the design was more sympathetic and concluded that should a planning application be formally submitted, it would be supported by Officers

## **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

### **The Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS21: Rural economy  
CS24: Transport considerations

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

DM22: Employment development in the countryside

## **The Emerging Local Plan**

### **Advice on Emerging Development Plan Documents**

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making.

The following extracts from the Emerging Local Plan are considered to be material considerations in this case.

#### **Strategic Objective 01**

To safeguard where possible enhance the special qualities and landscape character of the Plan Area.

#### **Strategic Objective 06**

To facilitate a healthy and growing economy operating within environmental limits.

#### **Strategic Objective 08**

To promote a positive future for rural areas and to help secure their economic prosperity

Policy 13 Design quality and local distinctiveness

Policy 21 Employment land development

Policy 28 Rural Economy

Policy 31 Safe and sustainable travel

#### **The National Planning Policy Framework 2019 states:**

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraphs 80-84 of the NPPF Building a strong, competitive economy

Paragraphs 102 to 109 of the NPPF Promoting sustainable transport

Paragraphs 124-132 of the NPPF Achieving well designed places

### **Supplementary Planning Guidance and other Documents**

SPD - Parking Standards

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

**Planning and Compulsory Purchase Act 2004**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

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

Fordingbridge Town Council: Recommend refusal as the justification for additional parking is not accepted and ingress and egress to the site are difficult.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Highway Authority: No objection

There are previous applications regarding this site (13/11101, 14/10302 and 15/11063). At each application, the car parking provision was identified as meeting the recommended quantum for car parking provision. With regards to commercial use buildings (Class B), there are varying standards depending on the specific end use of the building. At each stage, the worst case has been used to calculate the parking required (that of Class B1a Office use). The provision of additional spaces above this will reduce the possible need for off site parking and would therefore improve highway safety. As the proposals have only a beneficial impact to the local highway network, the Highways Authority would raise no objection:

## **10 REPRESENTATIONS RECEIVED**

10.1 1 letter of objection concerned that the application was refused and do not understand why the car parking area has not been removed. Sufficient car parking was provided within the previously approved developments and there is no justification for more car parking spaces. Additional car parking will only mean more traffic movements in Fryern Court Road, which is not suitable to accommodate additional movements. The application should be refused and the land returned to the agreed landscaping scheme.

10.2 Cllr A Lewendon (Fordingbridge Town Council): Objection. Do not understand why an application is supported by Officers given that the approved development provided sufficient car parking spaces. I have concerns by the Highway Authority supporting the application 'as it will stop car parking off site'. The car parking area was created before the office units were occupied and therefore is not an afterthought. The access and visibility onto Fryern Court Road is poor. The car parking spaces on the site have never been full.

## **11 OFFICER COMMENTS**

### **Introduction**

11.1 There are two main issues in this case. The first main issue is whether the proposal to modify the unauthorised area of hardstanding on part of the site that formed the approved landscaping scheme for an office

development would have an unacceptable impact on the character and appearance of the area.

- 11.2 The second main issue is whether the increase in the number of car parking spaces would result in a significant impact on public highway safety or would result in an unjustified increase in car parking spaces.

### **Relevant Considerations**

#### Effect on the character and appearance of the area

- 11.3 In assessing the effect on the character and appearance of the area, it is clear that the unauthorised area of hardsurfacing has created an unsympathetic and unacceptable encroachment into the approved landscaping scheme which formed an approved office development. This was the main reason why the previous application was refused.
- 11.4 Whilst views of the hardsurfacing are fairly limited from the public domain, this does not make it acceptable to diminish the original design concept of the landscaping in an unsympathetic way. However, a scheme that is sympathetically design and responds to the design quality of the original approved office development should be supported.
- 11.5 This current application proposes several design improvements to address the issues raised. This includes a reduction in the size of the hardsurfacing which has resulted in less intrusion into the approved landscaping area. The layout of the hardsurfacing has been amended into a curved shape, rather than the existing rectangular shape. Moreover, the proposal would provide additional tree planting within the landscaping area.
- 11.6 The original design concept of the approved landscaping for the office development was fairly simple, incorporating an open grass area in a semi circular shape with very little tree planting or soft landscaping. The unauthorised works have not affected any trees and do not prohibit the opportunity to plant trees and soft landscaping. Indeed, this current application would provide a net gain of trees on the site.
- 11.7 By reducing its size and modifying its layout, it is considered that the area of hardstanding would not encroach so far into the approved landscaping area and has now been designed to appear as an integral part of the existing internal road and car parking network. Indeed, not only is the extent of car parking reduced but it also has a more sympathetic curved shape, which would leave the central part of the site generally open, similar to that approved. Moreover, the proposal would add a number of new trees into this space which would be a positive enhancement and provide a soft appearance to the development when viewed from the open field to the east.
- 11.8 The National Planning Policy Framework sets out a strong focus on creating high quality places and good design which creates better places in which to live and work. This is highlighted in Paragraphs 124 and 127 which states that new developments should be visually attractive as a result of good layout including appropriate and effective landscaping. In this case, whilst the proposal would still encroach into an area approved for landscaping, it has now been designed more sympathetically with opportunities for new soft landscaping and tree planting.



- 11.9 Accordingly, it is considered that the proposed amendments to the area of hardstanding are designed more sympathetically and have made a number of improvements to address the previous concerns.

#### Public Highway safety matters

- 11.10 The car parking area would provide approximately 25 additional car parking spaces to be used by the occupiers at Glasshouse Studios. It should be noted that there is no evidence that the site has suffered from a shortage of car parking, but the applicants supporting statement raises a number of points as to why additional car parking spaces are needed.
- 11.11 A point raised by the applicants is that some car parking spaces at Glasshouse Studios are not of a high quality or function very well as a space and the additional car parking spaces would provide sufficient space to park and manoeuvre. The supporting statement also highlights the fact that the site is not sustainably located. A further point made is that there are approximately 160 people employed at Glasshouse Studios and the Employment Densities Guide published by the Homes and Communities Agency indicates that the expected density range for B1 office accommodation is between 8 and 13 square metres per full time staff member. If full occupancy at the rates suggested in the HCA guidance were achieved then it could result in between 230 and 375 employees across the various buildings. Many of the businesses on the site are relatively young so that under occupation is likely to reduce as the site matures and businesses grow.
- 11.12 In response to the applicants justification, and as a way of background information, the total amount of commercial (Class B1 office) floor space at Glasshouse Studios equates to approximately 3000 square metres and the level of car parking currently on the premises is 121 spaces (not including the 25 spaces proposed). The adopted Car Parking Standards Supplementary Planning Document recommends that 1 car parking space should be provided for 30 square metres of office floor space. Based upon the floor space of 3000 square metres, the total car parking requirement is 100. Accordingly, the site currently provides 21 car parking spaces above that recommended and the proposal to provide an additional 25 spaces would result in 46 spaces above that recommended.
- 11.13 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.14 Whilst the proposal would far exceed the car parking standards, local and national policy do not have maximum car parking standards. Generally it is considered that the provision of additional spaces in this location would be a benefit, and not a negative. The Highway Authority also agree that the provision of additional car parking spaces in this location would be a benefit. Accordingly, it is accepted that the site is not highly accessible and that the nearby country lanes cannot accommodate any displaced cars and therefore, it is essential that sufficient car parking spaces are provided and if this means that this is above the recommended level, this would be acceptable.

- 11.15 Representations have been made that there is no justification for additional car parking spaces and the increase could result in additional traffic movements into the site which would not be acceptable given poor access and visibility onto Fryern Court Road. In response, the applicant has provided detailed justification for the need to provide additional car parking spaces. In addition, whilst the existing site has no evidence of a shortage of car parking spaces, this could be a result of unoccupied offices or units not fully maximised in terms of their occupation. Moreover, on the basis that the proposal would not result in any increase in floor space, it is considered that the provision of additional car parking spaces would not result in any significant increase in the use of the access and subsequent harm to public highway safety.

#### Other considerations

- 11.16 The National Planning Policy Framework highlights the importance of supporting businesses in rural areas and that significant weight should be placed in the need to support local business need to support economic growth and productivity. Paragraph 83 states that decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. The proposal to provide additional car parking spaces on the site would help sustain the attractiveness for existing and future occupants of this employment site by providing sufficient on site car parking which is one of the main objectives of the NPPF.

## **12 CONCLUSION ON THE PLANNING BALANCE**

- 12.1 The applicant has a desire to create additional car parking, which they consider is important to support the existing employment complex. The applicant has taken advice from Officers as part of a pre application enquiry to create a more sympathetic car parking layout and design with new tree planting.
- 12.2 Both local and national policies support achieving well designed places and proposals which support businesses in rural areas. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth. The proposal to sustain the functional operations of the employment site, weighs in favour of the development and accords with the NPPF.
- 12.3 The proposal would also provide benefits to ensure that sufficient car parking is provided. Any shortfall of car parking spaces in this location could result in significant impacts on public highway safety given that Fryern Court Road is a country lane. The Highway Authority are fully supportive of the proposal. Moreover, the proposal would have minimal impact on the living conditions of the adjoining neighbouring properties.
- 12.4 In terms of the negative aspect, the proposal to increase car parking makes it easier for car drivers and does not promote sustainable transport. In addition, it was unfortunate that the original design concept of creating an open grassed landscaped area has not been achieved.
- 12.5 However, in balancing out the issues, the benefits of the proposal far outweighs the harm and accordingly approval is recommended. It should be noted that a condition will be imposed for the approved landscaping and car parking layout to be constructed during the next planting season, and no later than December 2019.

## 13 OTHER CONSIDERATIONS

### Proactive Working Statement

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

In this case all the above apply.

### Local Finance

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

### Human Rights

- 13.3 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to use 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.

### Equality

- 13.4 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.

## 14 NOTES FOR INCLUSION ON CERTIFICATE

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

proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

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

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)

SGN personnel will contact you accordingly.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: 001 Rev B and 002 Rev A.

Reason: To ensure satisfactory provision of the development.

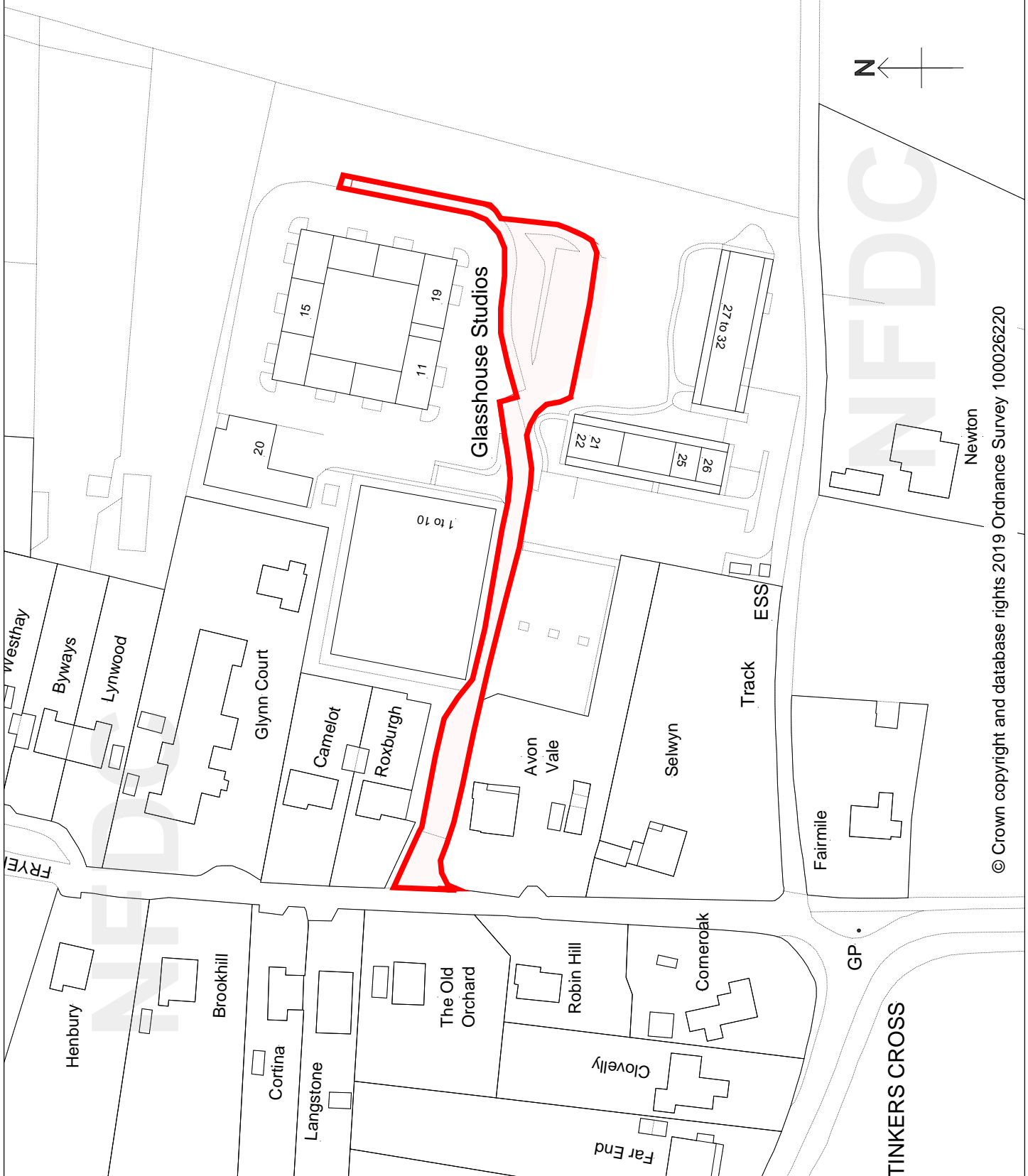
2. The car parking layout hereby approved and landscaping scheme shall be implemented in accordance with the submitted plan and landscaping planting plan set out on Drawing No 001 Rev B before the 30th December 2019. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

Further Information:

Richard Natt

Telephone: 023 8028 5345 (Option1)



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**Application Number:** 19/10408 Variation / Removal of Condition

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

**Development:** Variation of condition 3 of Planning Permission 16/10602 to allow longer letting periods

**Applicant:** Mr Rickman

**Target Date:** 23/05/2019

**Extension Date:** 14/06/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, Officer Comments, of this report after which a conclusion on the planning balance is reached.

- 1) Principle of allowing longer lets
- 2) Impact on the listed building and Conservation Area

1.2 This matter is before Committee as there has been a contrary view received from the Parish Council.

## 2 THE SITE

The site lies within the village of Breamore in the Breamore Conservation Area. It is a Grade II listed building, currently in use as a holiday let with small patio garden to the rear and a parking space to its frontage. There are residential properties either side.

## 3 THE PROPOSED DEVELOPMENT

3.1 The proposal was initially for the removal of condition 3 of the original approval which reads:

*The building hereby approved shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).*

3.2 The applicant has subsequently confirmed he would accept a variation of this condition.

#### **4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE-APPLICATION DISCUSSIONS**

16/10602 - use as 1 holiday let, retention of first floor side window. Granted 14.6.17

A pre-application enquiry was submitted in October last year requesting advice on a relaxation of the condition subject of this application. Officers advised that there were two options - that the condition could be varied or removed completely.

#### **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

##### The Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

CS19: Tourism

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

DM3: Mitigation of impacts on European nature conservation sites

DM13: Tourism and visitor facilities

##### The Emerging Local Plan

Policy 10 - Mitigating the impacts of development on International Nature Conservation sites

Policy 11 - Heritage and Conservation

##### Supplementary Planning Guidance and other Documents

SPG - Breamore Village Design Statement

#### **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

##### Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

##### Relevant Advice

##### National Planning Policy Framework

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



NPPF Ch.2 - Achieving sustainable development  
Para 11  
NPPF Ch. 4 - Decision-making  
Para 47  
NPPF Ch.12 - Achieving well designed places  
Para 124 and 127  
NPPF Ch.16 - Conserving and enhancing the historic environment  
Para 189, 192 and 202

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

**Breamore Parish Council** - PAR 4: We recommend REFUSAL, for the reasons listed:

The need for an extended letting period is unproven  
There are multiple locations in village and local area where properties are successfully let on a short term basis  
There is a proven demand for holiday lets in the local area  
Holiday lets promote local employment (e.g. cleaners)  
The members are concerned of creeping changes to original permission granted

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Conservation Officer - no objection

## **10 REPRESENTATIONS RECEIVED**

Three responses have been received from local residents two of whom are in support of the proposal and recent refurbishment of the property. The other raises an objection to the proposed relaxation of the letting period.

## **11 OFFICER COMMENTS**

11.1 The main issues to consider are the principle of allowing longer holiday lets and the impact on the listed building and conservation area.

### **1 Principle**

11.2 Information supporting the application indicates that the level of bookings in the first few months of the use of the property were limited as the type of enquiry was largely for longer letting periods which have been turned down in view of the restrictive planning condition. The details state that the property is predominantly empty out of season and was only occupied for 4 days from the beginning of November to mid-February. It is also noted on the website for the property, that there are limited future bookings over the next few months.

11.3 Policy DM13 relating to tourism allows visitor accommodation outside of defined built up areas to improve the efficiency or maintain the viability of businesses. The proposal would comply with this whilst maintaining the scale and appearance of the listed property. At the time, the last lawful use of the premises was used as lawnmower sales and repairs.

- 11.4 Concerns raised during the original consideration of the change of use application related to the loss of the commercial enterprise. This has been replaced with an alternative business which would not be adversely affected by the proposed change to lettings.

## 2. Impact on Listed building and Conservation Area

- 11.5 Whilst there could be many reasons for the lack of bookings out of season, it is probably typical of UK holiday cottages. Further to this, the property is listed and has suffered frequent and lengthy vacant periods for many years. The original approval (16/10602) enabled it to be refurbished and used, consistent with para 192a of the NPPF; it is not an ideal situation for it to be vacant for further extended periods. Furthermore Para 202 of the NPPF states that the Local Planning Authority should assess whether the benefits of a proposal for enabling development would secure the future conservation of a heritage asset.
- 11.6 The Conservation Officer has not raised any objections to the proposal which does not involve any physical alterations.

## 3. Response to comments

- 11.7 Having regard to the objection received, the proposal would not preclude short lets but enable a wider variety of lets. The applicant has stated that it is not their intention to cease letting the property. The other two responses are supportive of the applicant who has significantly improved the property through its reuse and refurbishment.

## 4. Habitat Mitigation

- 11.8 The original approval required a contribution towards Habitat Mitigation which has now been secured through the completion of a S.106 Agreement. A further agreement is now required in order to ensure that the monies already paid are not clawed back. This agreement needs to be completed before the decision is issued.

## **12 CONCLUSION ON THE PLANNING BALANCE**

- 12.1 These proposals have been considered in the context of the local and national policy framework.
- 12.2 The proposal would enable the continuation of viable enterprise which in turn would have a positive impact on the fabric of the listed building through fewer vacant periods. As the proposal would not have any adverse physical impact on the listed building it is considered that permission should be granted.

## **13 OTHER CONSIDERATIONS**

### Proactive Working Statement

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

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

#### Crime and Disorder

13.3 No relevant considerations

#### Local Finance

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

#### Human Rights

13.5 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.

#### Equality

13.6 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.

#### Habitat Mitigation

13.7 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

## Nutrient Management

13.8 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

## **14. NOTES FOR INCLUSION ON CERTIFICATE**

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants. In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## **15. RECOMMENDATION**

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a S.106 Agreement relating to Habitat Mitigation and
- 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: Design and Access Statement, Heritage Statement, site location, site layout, existing layout.

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved shall only be used for the purpose of short lets or self-catering holiday accommodation, and shall not be occupied by the same person or persons by more than 6 months in any one calendar year.

Reason: Permission is granted in this case in order to support a sustainable rural business, in an area in which housing would normally be resisted in accordance with Policies CS19 of the New Forest District Council Core Strategy and DM13 of the Local Plan Part 2 and having regard to the objectives of the NPPF.

4. The landscaping of the front of the site shall be as agreed by the Council's discharge of condition decision notice on 16/10602 dated 2.1.18 unless an alternative scheme is previously agreed in writing by the Local Planning Authority.

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

5. The first floor window on the side elevation of the approved building shall remain glazed with obscure glass.

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

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

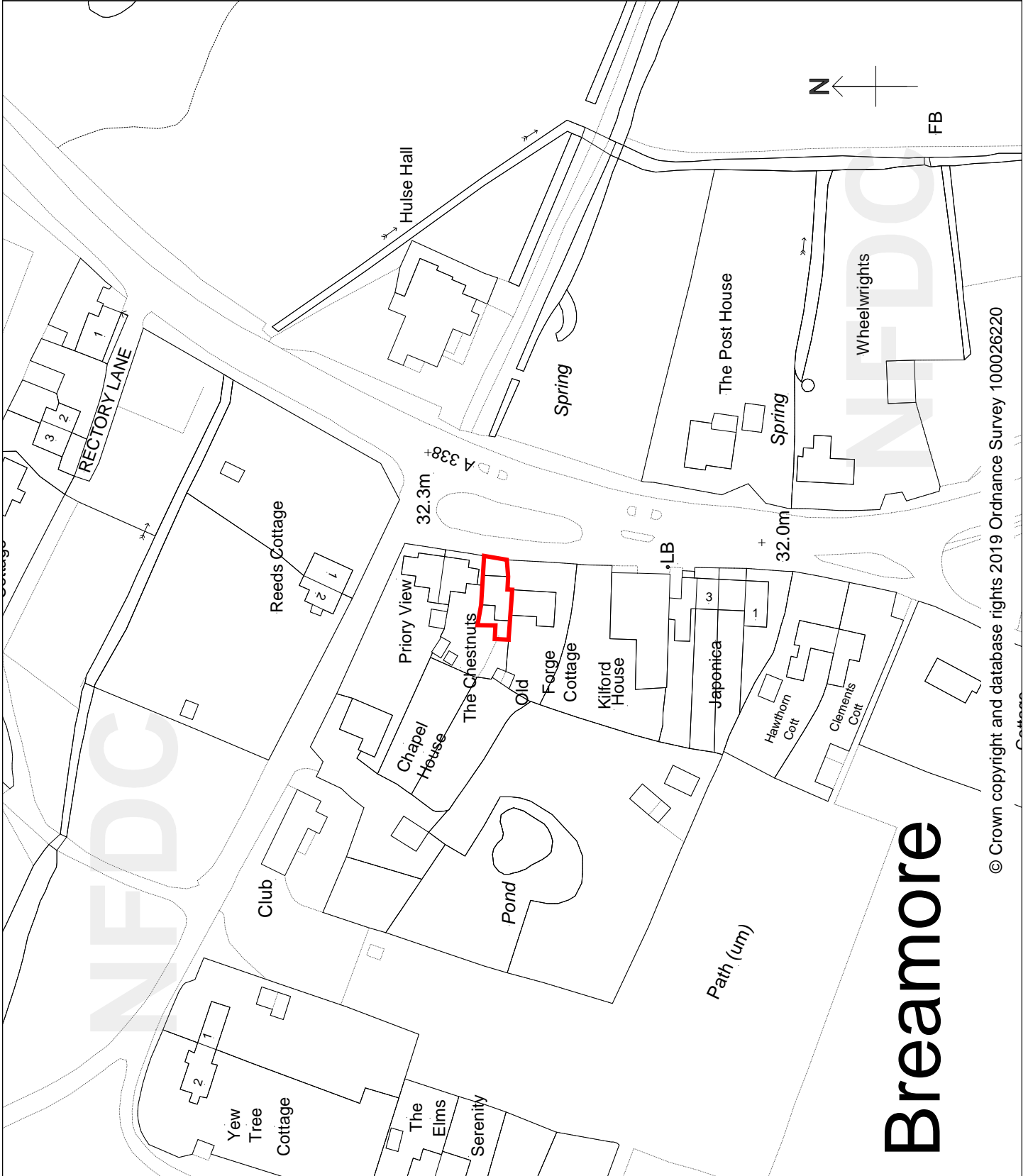
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
June 2019

Item No: 3i  
Old Forge  
Salisbury Road  
Breamore  
19/10408

Scale 1:1250

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



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**Breamore**

<b>Application Number:</b>	<b>19/10478</b> Advertisement Consent
<b>Site:</b>	9-11 OLD MILTON ROAD, NEW MILTON BH25 6DQ
<b>Development:</b>	Display 1 Internally illuminated wall mounted logo sign (Application for Advertisement Consent)
<b>Applicant:</b>	Ross Nicholas and Company
<b>Target Date:</b>	05/06/2019
<b>Extension Date</b>	14/06/2019
<b>Link to case file</b>	<a href="http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal">http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal</a>

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## 1. SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Amenity
- 2) Highway safety

1.2 This matter is before Committee because the officer's recommendation is contrary to the Town Council view.

## 2. THE SITE

The site consists of an end of terrace building with the gable end currently painted black. It is located within New Milton town centre and the area is predominantly commercial in character with a mixture of uses which include retail and estate agents. There are some residential uses above ground floor premises. The property is separated from the neighbouring building by a road and a narrow footpath leading to the public car park situated to the rear. The premises benefit from a dual frontage at ground floor level which include fascia signs and display windows on both front and side elevations.

## 3. THE PROPOSED DEVELOPMENT

Advertisement consent is sought for an internally illuminated wall mounted logo sign at first floor level. The sign would be at high level 4 m from pavement level set on a white gable end above the existing fascia sign. It would be oval shaped and have maximum dimensions of 2m (wide) by 1m (high). It would be 0.08m deep.

**4. PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS**

	Proposal	Decision Date	Decision Description	Status	Appeal Description
4.1	19/10139 Display 1 internally illuminated wall mounted logo sign (Application for Advertisement Consent)	03/04/2019	Refused	Appeal Received	
4.2	17/11502 Display 1 non illuminated wall painted sign on painted background (Application for Advertisement Consent)	18/06/2018	Refused	Appeal Decided	Appeal Dismissed
4.3	13/10744 Display 2 illuminated fascia signs	12/08/2013	Granted Subject to Decided Conditions		
4.4	89/NFDC/41024 /ADV Display non-illuminated fascia sign	13/04/1989	Granted Subject to Decided Conditions		
4.5	88/NFDC/37948 Consent display illuminated fascia and hanging sign.	01/07/1988	Granted Subject to Decided Conditions		

**5, THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

**The Core Strategy**

CS2: Design Quality

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

DM14: Primary shopping frontages

**The Emerging Local Plan**

Policy 13: Design quality and local distinctiveness  
SO3: Built environment and heritage



## **Supplementary Planning Guidance and other Documents**

SPD - New Milton Local Distinctiveness

SPG - Shopfront Design Guide

### **6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

#### **Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

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

Chap 12: Achieving well designed places

Para 132 - adverts

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

#### **New Milton Town Council**

NMTC Informal Comment: OBJECT (Non-Delegated)

- (1) Contrary to the Appeal Decision for application 17/11502 -
  - a) The logo will still be visible from the street scene and car park due to its placement and garish appearance (para.7)
  - b) It will be visually intrusive and increase clutter in the prominent town centre location, causing harm to amenity (para.8) The members note that the gable end already has a section of branded fascia on it, so any further advertisements would certainly add to clutter in a section of the high street already dominated by illuminated estate agent signage.
  - c) It is not comparable to others in the vicinity as will still be conspicuous within the street scene (para.8)
- (2) The painted background makes the gable end even more prominent in the street scene as neighbouring buildings including gable ends are brick faced, not painted render.
- (3) It would set a precedent for treatment of shopfronts with gable ends.

### **8. COUNCILLOR COMMENTS**

None received

### **9. CONSULTEE COMMENTS**

The following is a summary of the comments received which can be read in full via the link set out at the head of this report

Hampshire Highways: No objection subject to condition on level of illumination

## 10. REPRESENTATIONS RECEIVED

No comments received

## 11. OFFICER COMMENTS

### Introduction

- 11.1 The proposed sign would be 2 x 1 metres and oval in shape set on a white gable end background, there would be a limited protrusion of 0.08 metres to provide space for the internal illumination. This proposal presents a more modest sign that is not so visually intrusive as the previous proposals which were refused and one dismissed at appeal. The white painted gable end would be in keeping with the front of the terrace of buildings which is also painted white.
- 11.2 The 2017 sign, dismissed at appeal, was non- illuminated. It was 4.03m x 2.3m in size on a black and white background. In dismissing this appeal the Inspector considered that the sign would cover a large area of the gable end. The logo would be highly visible within the street scene by reason of its placement, proportions, height, size and garish appearance. This prominence was exacerbated by the position of the appeal premises forward of the adjacent building.
- 11.3 A subsequent proposal (19/10139) for an illuminated sign the same size as that currently proposed on a black painted gable end was refused in April 2019. This sign was refused due to its visual dominance that detracted from the character and visual amenities of the area. It is currently under appeal.

### Relevant Considerations

#### Amenity

- 11.4 The proposed logo would be a proportionately sized illuminated sign set on a white painted background which would be consistent with the frontage of the terrace of properties of which the site forms a part, there would remain a large area of the gable end which would be uncluttered by signage. The only changes from the previously refused proposal is the colour of the gable end which would now be painted white. However the provision of a white gable would be more in keeping with the existing property, reduce the contrast with its background and thereby reduce the prominence of the sign within the street scene. Whilst it is acknowledged that the position of the property, set forward from the adjacent terrace, and the height of the sign increases its prominence, there are other examples of first floor signs in conspicuous locations in the vicinity. On balance, it is therefore considered to be acceptable subject to a condition to retain the gable end painted white while the sign is in situ.

#### Highway safety

- 11.5 Hampshire Highways were satisfied that there would be no material adverse impact upon the operation or safety of the local highway network, however they require a condition be imposed to limit the level of illumination and that no light source, such as light bulbs or tubes, to be visible from the highway. The only issues of public safety relate to highway safety which is addressed above.
- 11.6 NPPF Chapter 12 Paragraph 132 states "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which

should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” The proposed sign would have limited illumination and would not harm public safety, furthermore although it would be prominently positioned at high level the harm to visual amenity would not be sufficient to justify a refusal.

#### 11.7 Response to New Milton Town Council’s comments

An advertisement by it’s nature is intended to have a degree of visibility in the street scene. The existing fascia sign above the display window just has the black and white branding, there is no other red logo exhibited on this elevation.

### 12. **CONCLUSION ON THE PLANNING BALANCE**

The proposed illuminated sign would not cause harm to highway safety. The proposed logo is brightly coloured and the proposal would by it’s nature have a degree of prominence, however this would not be such an extent that it would have an unacceptable impact on amenity and as such would not conflict with policy CS2 of the Core Strategy or paragraph 132 of the NPPF and as such the application is recommended for permission.

### 13. **OTHER CONSIDERATIONS**

#### Proactive Working Statement

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

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

#### Crime and Disorder

13.3 None relevant

#### Local Finance

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

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

#### Human Rights

13.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with

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

### Equality

13.7 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.

## **14. NOTES FOR INCLUSION ON CERTIFICATE:**

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

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

2 This decision relates to amended plans received by the Local Planning Authority on 22 May 2019

## **15. RECOMMENDATION**

### **GRANT ADVERTISEMENT CONSENT**

#### **Standard Conditions**

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

**Proposed Conditions:**

6. The development permitted shall be carried out in accordance with the following approved plans: Supporting planning statement dated 10 April 2019, 2898-1 RevA & 2898-3 RevC.

Reason: To ensure satisfactory provision of the development.

7. The external lighting herewith approved shall not exceed the luminance levels shown within the application form (150 cd/m<sup>2</sup>) unless otherwise approved by the Local Planning Authority in writing and no light source (e.g. light bulbs & tubes) shall be visible from the highway.

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

8. The full painting of the gable end wall shall be painted white fully prior to the erection of the advertisement hereby approved. The gable end shall thereafter be retained painted white at all times whilst the the sign is displayed.

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.

**Further Information:**

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**New Forest**  
DISTRICT COUNCIL

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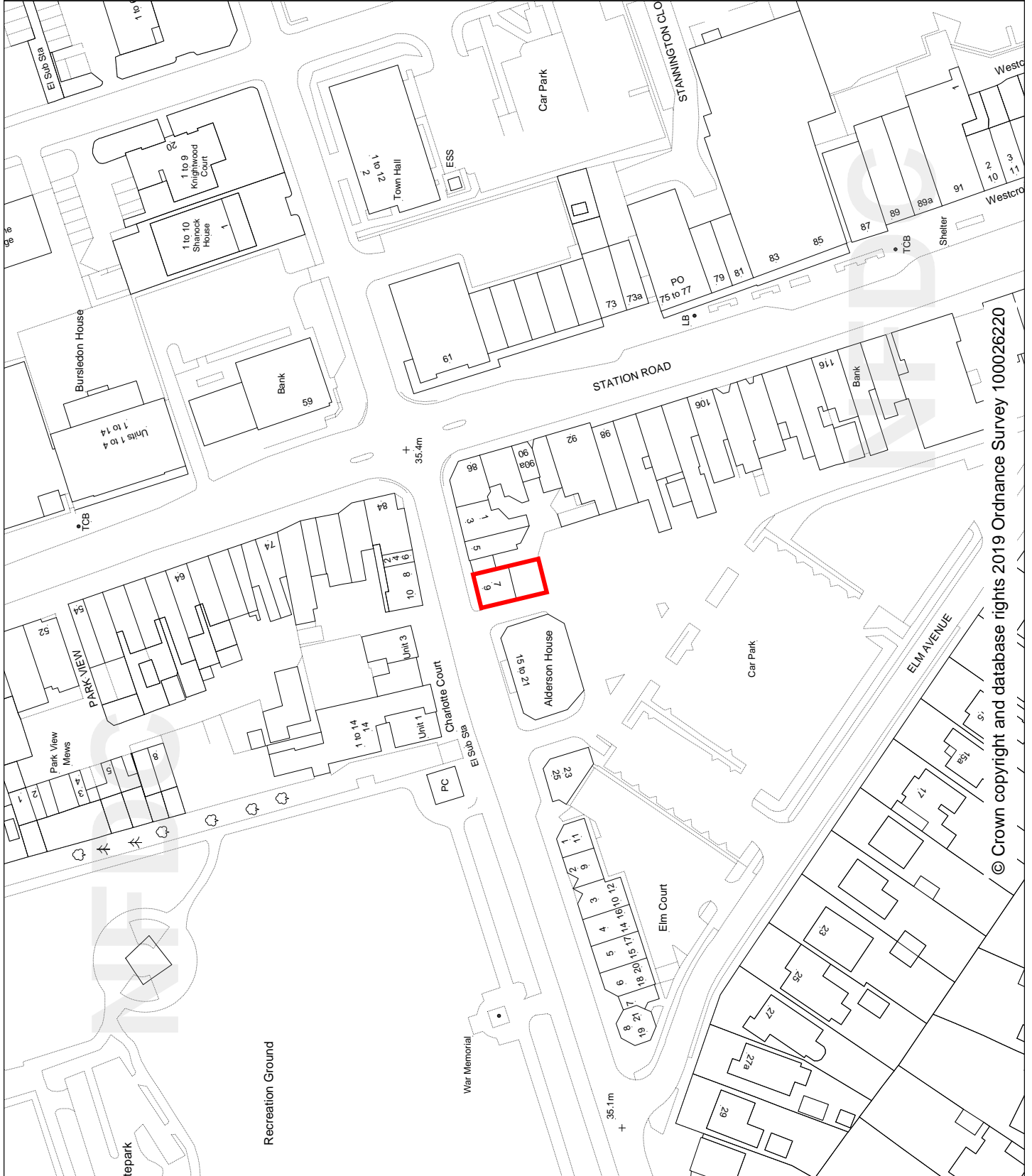
David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
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Lyndhurst  
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**Planning Development  
Control Committee**  
June 2019

Item No: 3j  
9-11  
Old Milton Road  
New Milton  
19/10478

Scale 1:1250

N.B. If printing this plan from  
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scale.



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## PLANNING COMMITTEE – 12 JUNE 2019

### SCHEME OF DELEGATION OF POWERS TO OFFICERS

#### 1. INTRODUCTION

- 1.1 The Council operates an extensive scheme of delegation of powers to officers, which allows decisions to be taken quickly and efficiently within defined policies.
- 1.2 New Forest District Council is the Local Planning Authority as referred to in the Conservation of Habitats and Species Regulations 2017 and, so far as they still apply, the Conservation of Habitats and Species Regulations 2010 ('the Habitats Regulations').
- 1.3 The Habitats Regulations relate to the conservation of natural habitats and wild fauna and flora as required by the European Council Directive Council Directive 92/43/EEC. Through its terms of reference the Planning Committee has been delegated the power to determine all matters in respect of the Habitats Regulations.
- 1.4 The following powers are recommended to be delegated from the Planning Committee to officers:-

Source	Power Delegated	Delegated to
Conservation of Habitats and Species Regulations 2010	To make an appropriate assessment, approve a development or otherwise exercise all powers and duties, to take all necessary action and make all decisions on behalf of the Local Planning Authority or a Competent Authority.	Executive Head, or Chief Planning Officer, or Service Manager, Development Control Team Leader, Planning Performance Team Leader, or Principal Planning Officer, or Senior Planning Officer.
Conservation of Habitats and Species Regulations 2017	To make an appropriate assessment, approve a development or otherwise exercise all powers and duties, to take all necessary action and make all decisions on behalf of the Local Planning Authority or a Competent Authority.	Executive Head, or Chief Planning Officer, or Service Manager, Development Control Team Leader, Planning Performance Team Leader, or Principal Planning Officer, or Senior Planning Officer.

#### 2. CRIME AND DISORDER, ENVIRONMENTAL, EQUALITY AND DIVERSITY AND FINANCIAL IMPLICATIONS

- 2.1 There are none arising directly from this report. Failure to maintain an up-to-date scheme of delegation of powers would however hamper the Council's efficiency.

#### 3. RECOMMENDATIONS

- 3.1 That the Scheme of Delegation of Powers to Officers be updated as shown at paragraph 1.4 above.

**For further information contact:**

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**Background Papers:**

None