

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 10 JULY 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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 31 May and 12 June 2019 as correct records.

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) **Ringwood Social Club, 19 West Street, Ringwood (Application 19/10223) (Pages 1 - 22)**

Removal of conditions 22 & 28 of 16/11254 to allow all residential units to be occupied before external works to the Listed Building are completed

RECOMMENDED:

Grant the variation of condition

(b) **Flanders Farm, Silver Street, Sway, Hordle (Application 19/10378) (Pages 23 - 36)**

Erection of a dwelling with detached garage; office with staff accommodation in association with private equestrian centre; livery barn with tack/wash & feed store; private stables; stables; indoor & outdoor riding school; demolition of existing

RECOMMENDED:

Refuse

(c) **Land adj 3 Kivernall Road (Rear of 10 Park Lane), Milford-on-Sea (Application 19/10465) (Pages 37 - 46)**

House; parking; access onto Kivernall road; landscaping

RECOMMENDED:

Refuse

(d) **7 Hursley Drive, Langley, Fawley (Application 19/10500) (Pages 47 - 52)**

Two-storey rear extension

RECOMMENDED:

Refuse

(e) **21 The Fallows, Ashley, New Milton (Application 19/10584) (Pages 53 - 60)**

Roof alternations and first floor extension, raise ridge height in association with new first floor; chimney

RECOMMENDED:

Refuse

(f) **Land rear of the White Horse, Keyhaven Road, Milford-on-Sea
(Application 18/11614) (Pages 61 - 82)**

Erection of 1 pair of semi-detached houses; 2 detached houses; access;
parking & landscaping

RECOMMENDED:

Grant subject to conditions

4. 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

This page is intentionally left blank

Application Number: 19/10223 Variation / Removal of Condition

Site: RINGWOOD SOCIAL CLUB, 19 WEST STREET, RINGWOOD
BH24 1DY

Development: Removal of conditions 22 & 28 of 16/11254 to allow all residential units to be occupied before external works to the Listed Building are completed

Applicant: Andrews Partnership

Target Date: 15/04/2019

Extension Date: 12/07/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

1.1 The following matters 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. Had an application been submitted for this development as a stand alone scheme would planning permission have been granted
2. The implications of removing conditions 22 and 28
3. Housing Land Supply
4. Habitat Regulations and Contributions
5. What are the implications if planning permission was refused

1.2 This matter is being considered by Committee as the recommendation is contrary to the original resolution reached by Members in considering ref. 15/11824 (varied by 16/11254). Members considered 15/11824 to be acceptable, subject to the proceeds derived from the sale of the rear portion of the site being used to enable works to enhance the associated listed building. Cllr J Heron also objects to the application as the enabling objective remains valid and is not negated by the change in ownership.

2 THE SITE

2.1 The whole of the application site is within the Ringwood Conservation Area, Ringwood Town Centre boundary, and the front part is within a Secondary Shopping Frontage location. 17-19 West Street are a pair of Grade II Listed Buildings which date from the 18th Century. The buildings are 3-storeys high under pitched roofs and are positioned at the back edge of the West Street pavement. Attached to the rear of the Listed Buildings was a large 2-storey flat-roofed structure dating from the early 1970s (now demolished). To the south of this was formerly a parking area, accessed from Strides Lane, which has been subject to groundworks associated with provision of 5 no. dwellings to the rear of

the site. The site was occupied by Ringwood Social Club since the 1960s, although it is understood that the premises have not been open since May 2011. Consequently the Listed Building is in a poor state of repair.

- 2.2 The applicant has made a material start to a housing development to the rear of the site approved under ref. 16/11254, through the laying of foundations and drainage infrastructure.

3 THE PROPOSED DEVELOPMENT

- 3.1 This application is made under Section 73 of the Town and Country Planning Act to vary the planning permission granted under ref. 16/11254. If granted it would result in the issuing of a new planning permission under ref. 19/10223, which seeks to remove condition numbers 22 and 28 of the varied planning permission granted under ref. 16/11254.

- 3.2 Condition 22 reads:

Prior to the first occupation of any dwelling, the existing club extension shown to be demolished shall have been demolished in full and prior to the first occupation of the pair of semi-detached dwellinghouses (units 4-5) all of the proposed external works to the Listed Building including the erection of the orangery extension, the lift shaft and the new / replacement windows and doors and the associated external repairs shall have been implemented in full.

Reason: The development is considered acceptable as a whole. However, partial implementation of the development without delivering the proposed benefits to the Listed Building would result in a development that would fail to adequately preserve or enhance the site's historic context

- 3.3 Condition 28 reads:

The permission to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Council on 11th August 2016 under reference 15/11824 is begun. Furthermore, should this planning permission be implemented, no part of the planning permission that was granted by the Council on 11th August 2016 under reference 15/11284 shall be implemented. Within one month of the commencement of either permission, the Local Planning Authority shall be provided with written notice as to which planning permission is being implemented.

Reason: To ensure that the approved dwellings are not built under separate planning permissions, which would be prejudicial to the implementation of all of the approved external works to the Listed Building, which would thereby result in development that would fail to adequately preserve or enhance the site's historic context.

- 3.4 The current application does not allow for a reassessment of the development, it only allows the Council to consider the matter before them, ie whether the two conditions are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable.

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

- 4.1 Planning permission was granted in August 2016 for an office building; 1 pair of semi-detached houses; 1 terrace of 3 houses; demolition of the existing club extension and a single storey rear extension; external window and door alterations; parking; access and landscaping (Ref. 15/11825). The application was subject to a number of conditions including Condition 22 which required all of the external works to the Listed Building to be implemented before the first occupation of Units 1-3. The reason for this condition was to ensure that the development is not partially implemented without delivering the proposed benefits to the Listed Building.
- 4.2 Subsequently, under ref. 16/11254, an application was made to vary Condition 22 of Planning Permission 15/11824 to allow the words pair of semi-detached houses (units 4-5) to be inserted instead of terrace of 3 (units 1-3). That application was granted in November 2016, subject to an additional condition (no. 28) to ensure just one permission - either 15/11825 or 16/11254 could be implemented.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk
CS15: Affordable housing contribution requirements from developments
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

Supplementary Planning Guidance and other Documents

SPG - Ringwood - A Conservation Area Appraisal
SPD - Ringwood Local Distinctiveness Document

Local Plan Part Review 2016-2036 - Public Consultation Draft

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

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 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 - Recommend refusal, but would accept Planning Officer's decision. The original permission was granted in exceptional circumstances to enable the development of the Listed Building and separate treatment of the housing development is not acceptable.

8 COUNCILLOR COMMENTS

Cllr J Heron - Objects to the application as the objectives, from which conditions 22 & 28 arise, remain valid and are not negated by the change in ownership of the freehold. Had the purchaser been concerned about the conditions it could have been mitigated through a legal agreement. If no such agreement has been secured this is either through an error on the part of the purchaser or is a deliberate attempt to circumvent the planning process and as such neither scenario would justify the granting of the application.

9 CONSULTEE COMMENTS

- 9.1 NFDC Conservation - This application seeks the removal of conditions specifically attached to the previous consent to set a trigger for restoration of the listed buildings to the front of the site.
- 9.2 The existing proposals were for the reuse of the existing buildings, demolition of a large 1970s block to rear and redevelopment of site with additional commercial and housing units to the rear. The principal of the scheme at the time was supported and balances the removal of the unsightly rear extension with the addition of contextually designed buildings to the rear of the site. Fundamentally conservation and design support for this scheme was given on the pre-requisite that it enabled the restoration of these important historic listed buildings within the Ringwood Conservation Area. This is a nationally recognised approach in the case of buildings at risk and is set out in numerous guidance notes supporting heritage led regeneration.
- 9.3 It was critical that any proposed development secured the restoration and potential reuse of the main listed building and this should be the priority before development is considered. At the time conditions were applied to the residential elements of the scheme seeking full restoration of the buildings prior to occupation of several residential units. This was

later altered to cover the occupation of the rearmost properties but still sought to secure the buildings restoration. Without this condition there is no incentive for the listed buildings to be restored and the LPA will find itself in the same position it was in before this permission was given. Removal of this condition would leave the listed building vulnerable and the enabling development allowed previously would cease to perform its function.

- 9.4 It is appreciated that there have been changes in ownership, but the trigger over the residential element of the scheme is the best method of securing the restoration of the buildings and therefore should be retained for these reasons. The reason for triggering the dwellings was due to the profit associated with those units and a commercial drive to get these finished and sold/occupied. Without an alternative the listed building will continue to decay. The costs and repair needs for the listed building will only increase over the next few years.
- 9.5 Removal of conditions 22 and 28 would remove the important trigger mechanism. If the key aim of the consent was to bring the listed building back into use and to secure its repair and restoration then the removal of this trigger condition could not be supported. It would also set a dangerous precedent for other similar proposals around the District where enabling development could help with the restoration and reuse of listed or historic buildings.

10 REPRESENTATIONS RECEIVED

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

- The listed building is dilapidated. If it were restored in accordance with the agreed plans it would greatly enhance West Street.
- The rear residential part of the consented scheme has been purchased separately by the applicant leaving ownership of the listed building with the original owners. The intent of the applicant in purchasing the rear part was that funds would be available for the original owners to effect repairs to the listed building thereby discharging the planning conditions
- The original owners have not, will not or cannot now afford to carry out the required repairs meaning that some of the residential units cannot be occupied because the conditions will not have been discharged.
- The situation was in the applicant's hands, as a simple legal agreement, withholding of part of the payment or agreeing a reduced price and carrying out the repair works themselves would have avoided this situation.
- The consent covers the development as a whole which included improvements to the listed building. To simply 'cherry pick' the best parts and avoid the more onerous elements of the consent, irrespective of ownership is at odds with the reasons permission was granted in the first place.
- It is acknowledged that the applicant could make a further planning application for just the residential units with no tie to the listed building, which could be granted.

- The application to remove the conditions should be refused unless there is a high probability that a separate scheme would be granted permission.

11 OFFICER COMMENTS

Introduction

- 11.1 This application is to vary the planning permission granted under ref. 16/11254 and if granted would result in the issuing of a new planning permission under ref. 19/10223. The current application seeks to remove condition numbers 22 and 28 of the varied planning permission granted under ref. 16/11254. Condition 22 is the central aspect here. The sole function of condition 28 is to prevent the impementation of both the earlier consent 15/11824 and the latter consent 16/11254 together and as a result circumvent condition 28.

Relevant Considerations

The implications of removing conditions 22 and 28

- 11.2 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable.
- 11.3 Condition 22 was imposed seeking to deliver enhancement works to the listed building fronting West Street. The sole function of condition 28 is to ensure that just one of the earlier consents could be implemented. Removal of condition 22 as sought is likely to compromise the works to the listed building being implemented, as there would be no lever to ensure those works are undertaken. This was an important element of the proposal, as works to the listed building would be secured by the site's wider redevelopment, commonly referred to as 'enabling development'.
- 11.4 The term 'enabling development' generally refers to a state of affairs in which development that would otherwise be considered 'harmful' is considered acceptable because it would facilitate (enable) benefits that outweigh that harm. Typically the benefits in question are the generation of funds that will be used to pay for work to be done to a listed building or other heritage asset that is in pressing need of substantial repairs. It was on this basis that the original proposal was presented as a scheme that would result in benefits to the Listed Building.
- 11.5 The applicant seeks removal of the conditions, considering them to be unnecessary, unreasonable, no longer relevant to the permission granted and contrary to the provisions and intentions of current Governmental Policy. This on the basis that the site subject to the planning permission has been split into two separate planning units and that there is no reasonable prospect or guarantee of the requisite works to the listed building being implemented, some two and a half years on from the grant of 16/11254.
- 11.6 The site has been subdivided, with the land to the rear, where five new dwellings are to be erected, now in separate ownership (Andrews Partnership) to the listed building fronting the site, which is still owned by Ringwood Social Club. The applicant states that in purchasing the land

to the rear, the agreed monies have been paid to the owners of Ringwood Social Club and it was anticipated that the money would stimulate the requisite works to the listed building. The transfer appears to have been carried out with little regard to condition numbers 22 and 28, which may have been addressed by a legal agreement between the parties to ensure the enabling works were undertaken. Unfortunately no such agreement was made between the parties and consequently, the current owner of the housing site has no control over the listed building or its curtilage and therefore no way of complying with condition 22. While the Social Club have received a capital receipt for the land to the rear, they have not facilitated the works to the listed building and there does not appear to be any realistic prospect or guarantee of the works coming forward soon. The local planning authority must therefore consider whether it has other powers to secure repairs to the listed building. Powers exist under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to specify works "reasonably necessary for the proper preservation if the buildings.

- 11.7 It is relevant to consider whether the Planning Authority would have granted the development to the rear, were it to come forward in isolation from the proposed works to the listed building. Whilst there was benefit to the investment that would have taken place to the listed building and the appearance of the Conservation Area, planning permission would have been granted for the scheme had it come forward without these enabling works.
- 11.8 The listed building is in a poor visual condition and will continue to deteriorate without intervention, although there is no indication that it is at immediate risk. While it is regrettable that the works will not come forward directly if this application is approved, on balance it is considered that a housing scheme of acceptable quality would still be delivered to the rear of the site, which in itself would not be 'harmful'. It should be noted that considerable time and effort has been taken to ensure the design, materials and detailing of the five units to the rear of the site are appropriate in terms of their impact upon the character of the area, in considering the original applications and discharging the conditions applied to 16/11254. Those conditions are re-applied below and include the specific details of materials, fenestration, archaeological investigation, landscaping, drainage, among other matters in order to ensure that the development is carried out to an acceptable standard. On balance officers consider that through imposition of the conditions outlined below, a housing scheme of acceptable quality and certainly not 'harmful' appearance will be delivered to the rear of the site, in accordance with the design and character related provisions of Policies CS2, CS3 and DM1 and the Ringwood Conservation Area Assessment. Conditions 22 and 28 are therefore not intrinsically required to bring a housing scheme of acceptable quality forward to the rear of the site.

Housing Land Supply

- 11.9 The heritage implications of the proposal also need to be balanced against other considerations, most pertinently the Council's current housing land supply position. In this respect, 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. 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. While approving the current application would result in only a modest number of dwellings coming forward, it would make a contribution to meeting the Council's housing shortfall. On balance it is considered that the benefits of bringing forward the housing site, at a time of housing land supply shortfall, outweighs the benefits of bringing forward the works to the listed building. The only way to facilitate this is to remove condition 22. It follows that condition 28 is not necessary.

Habitat Regulations and Contributions

- 11.10 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.
- 11.11 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.
- 11.12 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. A condition is proposed to ensure the development is implemented with phosphate

11.13 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 and it has previously been accepted that the proposal could not support an affordable housing contribution.

12 CONCLUSION ON THE PLANNING BALANCE

The development site now sits in separate ownership to the listed building. If this permission were not approved then the dwellings would remain incapable of occupation as the applicant has no ability to comply with the condition as it has no control over the listed building. The condition therefore is unenforceable.

It is concluded that continued development of the five units to the rear would not in itself be harmful to the character of the area and that in balancing the various considerations weight should be afforded to the contribution the proposal would make to meeting the five year housing land supply. Given the change in ownership, condition 22 and 28 are not enforceable and therefore no longer meet the tests set out in the NPPF.

The proposal raises no significant concerns in respect of adjoining amenity, flood risk, drainage or highway safety. Accordingly it is recommended that condition numbers 22 and 28 be removed, but that the new permission be subject to the conditions below.

13 OTHER CONSIDERATIONS

Crime and Disorder

None

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus of £6,120 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £35,888.01.

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

Human Rights

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

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:

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£2,750 if CIL liability paid in full	£2,750 if CIL liability paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	366.78		366.78	366.78	£80/sqm	£35,888.01 *
Businesses - Offices (non-Financial/ Prof	404.4		404.4	404.4	No charge	£0.00 *
Subtotal:	£35,888.01					
Relief:	£0.00					
Total Payable:	£35,888.01					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2019 this value is 1.22

14. 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. The development permitted shall be carried out in accordance with the following approved plans: 826.100e, 826.101e, 826.102b, 826.103a, 826.104a, 826.105, 826.106, 826.107, 826.108, 826.109b, 826.110a, 826.111a, 826.112d, 826.113c, 826.114d, 826.115d, 826.116b, 826.117c, 826.118c, 826.119c, 826.120c, 826.121b, 826.099c

Reason: To ensure satisfactory provision of the development.

3. The development shall only take place in accordance with the surface water discharge details approved on 19/03/2018 under ref 16/11254 - DISPOSAL OF SURFACE WATER (DRAINAGE DETAILS SHOWN ON DRAWINGS 17236-903 REV P1, 17236-904 REV P1, 1093C-333a P), which are considered to be acceptable and in line with policy requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

4. Before the development is first occupied details of the future maintenance of the drainage system to be approved under condition 3 shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Frank Tyhurst dated February 2015 and the proposed finished floor level and flood resistance/resilience measures recommended therein.

Reason: To prevent flooding / minimise flood risk in accordance with Policy CS6 of the Core Strategy for New Forest District outside of the National Park.

6. The development shall only take place in accordance with the updated ecological report, non-native plant species control and the general ecological mitigation plan approved on 01/12/2017 under ref 16/11254 - UPDATED ECOLOGICAL REPORTS (LINDSAY CARRINGTON ECOLOGICAL SERVICES PHASE 1 & 2 BAT SURVEY UPDATED AUGUST 2017; JAPANESE KNOTWEED - KNOTWEED MANAGEMENT PLAN - REMEDIATION REPORT UPDATED 29TH JUNE 2017 - REVISION (FOLLOWING SITE MEETING)), as adherence to the details and mitigation measures set out in the submitted reports would adequately safeguard ecological interests.

Reason: To safeguard ecological interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

7. No further demolition/development shall take place/commence in respect of the building and land at the northern extent of the site (comprising Ringwood Social Club, south facing amenity space, open air storage and commercial units as shown on drawing no. 826.102b) until a programme of archaeological work including a Written Scheme of Investigation associated with that portion of the site has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- c) The programme and methodology of site investigation and recording;
- d) The programme for post investigation assessment;
- e) Provision to be made for analysis of the site investigation and recording;
- f) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- g) Provision to be made for archive deposition of the analysis and records of the site investigation;
- h) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No further demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

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

8. Development of the southern portion of the site (comprising the 5 no. residential units as shown on drawing no. 826.102b) shall only take place in accordance with the DETAILS AS SPECIFIED IN COTSWOLD ARCHAEOLOGY 'WRITTEN SCHEME OF INVESTIGATION FOR AN ARCHAEOLOGICAL WATCHING BRIEF' - CA PROJECT 770644 - REPORT DATED SEPTEMBER 2017 REV A; COTSWOLD ARCHAEOLOGY 'ARCHAEOLOGICAL WATCHING BRIEF' - CA REPORT: 19002 DATED JANUARY 2019 REV A, as the submitted programme of archaeological work would ensure that potential archaeological remains are adequately recorded for the southern part of the site as outlined in red on Drawing 1093C.400.

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

9. The northern part of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the site's archaeological interest should be recorded in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. The southern part of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the site's archaeological interest should be recorded in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. There shall be no tipping or piling of materials into the River Avon System Site of Special Scientific Interest (SSSI).

Reason: To safeguard to ecological interest of the adjacent SSSI in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

12. The development shall only be implemented in accordance with the measures put in place to ensure contractors are aware of the boundaries of the adjacent Site of Special Scientific Interest, as set out in MEASURES TO ENSURE AWARENESS OF ADJACENT SSSI BOUNDARIES (MEASURES AS SHOWN ON DOT ARCHITECTURE DRAWING 826.300a) and approved by the Local Planning Authority on 01/12/17 under ref. 16/11254.

Reason: To safeguard the ecological interests of the adjacent SSSI in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

13. The development shall only be carried out in accordance with the samples of all external materials and DETAILS SPECIFIED ON DRAWINGS 1093C-333D & 1093C-334C, approved by the Local Planning Authority on 09/04/19 under ref. 16/11254, being:

Brickwork for the repairs and extensions to the Listed Buildings:-
Hoskins Scala brickwork with an English bond; Pointing to be tamped & brush finished; Lime mortar (1:3) in a buff colour
Brickwork for the new commercial units:-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour
Brickwork for Residential Unit 1:-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour; brickwork to be painted in Dulux Heritage Weathershield in Indian White
Brickwork for Residential Units 2 & 3:-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour
Brickwork for Residential Units 4 & 5 (plinth):-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour
Cladding for Outbuildings:-
Douglas Fir Cladding (square edge), finished in a translucent ebony stain
Cladding for use on Units 4 & 5:-
Burnt Larch cladding charred Shikoku
Roofing Tiles for Units 4 & 5:-
Hanbury Burmarsh Plain Clay Tiles
Roofing Tiles for new commercial units & Residential Units 1, 2 and 3:-
Natural Slate 600 by 300 mm
Ridge Tiles:-
Hogsback Ridge Tiles (to match Hanbury Burmarsh Tiles)
Rainwater Goods:-
Alutec, Black Heritage aluminium
Cills:- Brick as per site samples
Chimney Pots:- Redbank Cannon Head Chimney Pot 600mm
Wall Capping:- Round wall capping

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

14. The development shall only be carried out in accordance with the sample panels of brickwork, approved by the Local Planning Authority on 09/04/19 under ref. 16/11254, being:

Brickwork For The Repairs And Extensions To The Listed Buildings:-
Hoskins Scala brickwork with an English bond; Pointing to be tamped & brush finished; Lime mortar (1:3) in a buff colour
Brickwork For The New Commercial Units:-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour
Brickwork For Unit 1:-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour; brickwork to be painted in Dulux Heritage Weathershield in Indian White
Brickwork for Units 2 & 3:-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour
Brickwork for Units 4 & 5 (plinth):-
Hoskins Scala brickwork with a Flemish bond; Pointing to be tamped & brush finished; mortar to be in a buff colour

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

15. Development shall only proceed in accordance with the large scale drawings (elevations and sections) of the new and replacement windows, timber doors and porch details approved by the Local Planning Authority on 26/04/19 under ref. 16/11254, being:

WINDOWS FOR NEW RESIDENTIAL UNITS 1-3 & NEW COMMERCIAL UNITS:- DETAILS AS SHOWN ON DRAWINGS 1093C-307A, 1093C-308A, 1093C-311E, 1093C-312D, 1093C-313D, 1093C-332D.

WINDOWS FOR NEW RESIDENTIAL UNITS 4-5:- DETAILS AS SHOWN ON DRAWINGS 1093C-309, 1093C-314C, 1093C-315C, 1093C-316B, 1093C-317B, 1093C-318C, 1093C-332D.

WINDOWS FOR LISTED BUILDING: DETAILS AS SHOWN ON DRAWINGS 1093C-310F, 1093C-319D, 1093C-320D, 1093C-321E, 1093C-322C, 1093C-345A, 1093C-346A, 1093C-332D.

DOORS FOR NEW COMMERCIAL UNITS:- DETAILS AS SHOWN ON DRAWINGS 1093C-307A, 1093C-323, 1093-332D

DOORS FOR NEW RESIDENTIAL UNITS 1-3:- DETAILS AS SHOWN ON DRAWINGS 1093C-308A, 1093C-324, 1093C-325B, 1093-332D

DOORS FOR NEW RESIDENTIAL UNITS 4-5:- DETAILS AS SHOWN ON DRAWINGS 1093C-309, 1093C-326, 1093C-327, 1093C-328, 1093C-330, 1093C-332D

DOOR FOR LISTED BUILDING: DETAIL AS SHOWN ON DRAWINGS 1093C-310F, 1093C-329

PORCHES FOR ALL NEW RESIDENTIAL AND COMMERCIAL UNITS:- DETAIL AS SHOWN ON DRAWING 1093C-302B

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

16. Development shall only proceed in accordance with the following large scale drawings (elevations and sections) of all chimneys, eaves, verges, window cills, window heads and elevational details:

CHIMNEYS: DETAILS AS SHOWN ON DRAWINGS 1093C-302B, 1093C-307A & 1093C-308A

EAVES, VERGES: DETAILS AS SHOWN ON DRAWING 1093C-301B

WINDOW CILLS & HEADS FOR NEW RESIDENTIAL UNITS 1-3 & NEW COMMERCIAL UNITS:- DETAILS AS SHOWN ON DRAWINGS 1093C-307A, 1093C-308A, 1093C-311E, 1093C-312D, 1093C-313D, 1093C-332D.

WINDOWS CILLS & HEADS FOR NEW RESIDENTIAL UNITS 4-5:- DETAILS AS SHOWN ON DRAWINGS 1093C-309, 1093C-314C, 1093C-315C, 1093C-316B, 1093C-317B, 1093C-318C, 1093C-332D.

WINDOWS CILLS & HEADS FOR LISTED BUILDING:- DETAILS AS SHOWN ON DRAWINGS 1093C-310F, 1093C-319D, 1093C-320D, 1093C-321E, 1093C-322C, 1093C-345A, 1093C-346A, 1093C-332D.

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

17. Development shall only proceed in accordance with the DETAILED DRAWINGS OF ALL NEW LOW PROFILE METAL CONSERVATION ROOFLIGHTS (DETAILS AS SHOWN ON DOT ARCHITECTURE DRAWING REF 1093C-331 P).

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

18. Development shall only proceed in accordance with the DRAWINGS OF THE NEW BIN AND CYCLE STORE:- DETAIL AS SHOWN ON DRAWING 1093C-303D.

Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

19. The development shall only be carried out in accordance with the approved DRAWINGS OF THE NEW CONSERVATORY, REAR STORE, LIFT TOWER AND LANTERN:- DETAILS AS SHOWN ON DRAWING NUMBERS 1093C-310F, 1093C-306C, 1093C-304C, 1093C-301B, 1093C-305A
- Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.
20. No flues, ducts and vents shall be placed on the front elevations of the new buildings unless details have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.
21. All new rainwater goods shall be cast aluminium, painted black and match historic profiles and fixings.
- Reason: To safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.
22. The development shall only be carried out in accordance with the approved SCHEME OF LANDSCAPING AS SHOWN ON DRAWINGS:- 1093C-335, 1093C-336C, 1093C-337C, 1093C-338C, 1093C-339C, 1093C-340C, 1093C-341C, 1093C-342C, 1093C-343C, 1093C-344C, LANDP001 rev 04b(15)
- Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy), to safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.
23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed

or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

24. 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 intensity of the development and the site's sensitive historic context and the flood risk, ecological and amenity issues affecting the site, this is a site where small scale alterations could potentially have a significant impact, and the Local Planning Authority would therefore wish to ensure that any future development proposals do not adversely affect the amenities of the area and the site's historic context, contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

25. The development shall only take place in accordance with the approved SLAB LEVELS IN RELATIONSHIP TO THE EXISTING GROUND LEVELS (ALL GROUND FLOOR FINISHED LEVELS TO BE 15.15 METRES AOD AS INDICATED ON DOT ARCHITECTURE PLAN 826.300A).

Reason: To ensure that the development takes place in an appropriate way to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy), to safeguard the character and setting of the Listed Building and to protect the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

26. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking of motor vehicles have been provided. The spaces shown on the approved plans 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).

27. The bicycle store to be approved under condition 16 / the approved cycle storage areas shall be provided before any of the new buildings are first occupied and the approved cycle storage areas shall thereafter be permanently retained thereafter.

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

28. No further 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.

29. 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.

Notes for inclusion on certificate:

1. In discharging condition No. 28 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here
<http://www.newforest.gov.uk/article/16478/>
2. 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.linerearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

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

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

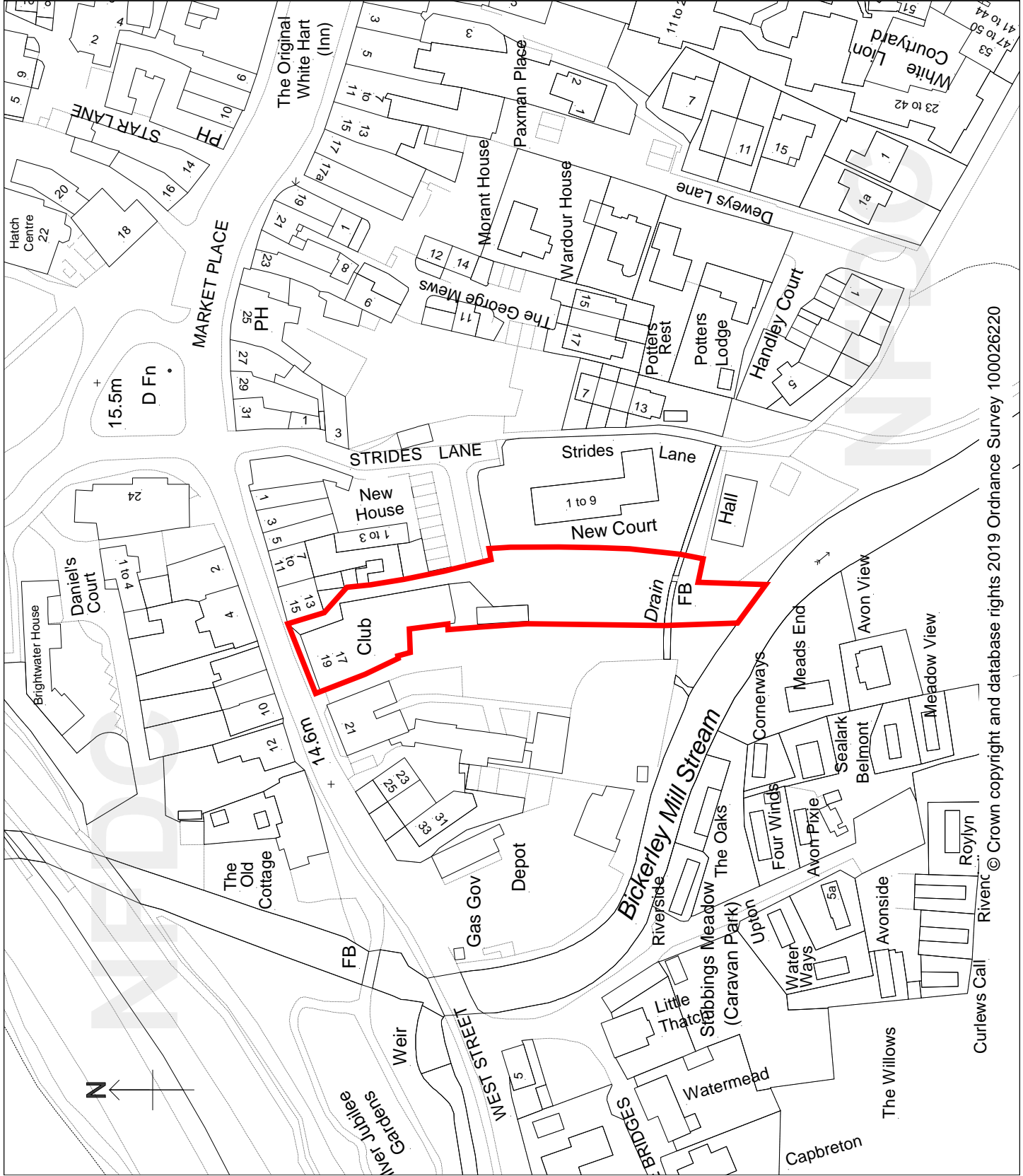
Further Information

The condition of the listed building will be reviewed , the Chief Planning Officer will meet with Ringwood Social Club to review its position and consider what action will be taken to ensure that work is carried out to the listed building.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



This page is intentionally left blank

Application Number: 19/10378 Full Planning Permission

Site: FLANDERS FARM, SILVER STREET, SWAY, HORDLE
SO41 6DF

Development: Erection of a dwelling with detached garage; office with staff accommodation in association with private equestrian centre; livery barn with tack/wash & feed store; private stables; stables; indoor & outdoor riding school; demolition of existing

Applicant: Mr McCarthy

Target Date: 24/06/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following matters 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 the proposed development within the countryside and Green Belt
- (2) Impact on residential amenity
- (3) Impact on trees
- (4) Traffic generation and impact on highway safety
- (5) Visual impact resulting from the development
- (6) Appropriateness of the Replacement Dwelling

This matter is being reported to Committee due to the contrary view expressed by the Parish Council.

2 THE SITE

The site lies within the countryside outside the New Forest close to the village of Hordle. It is an equestrian site comprising several large barn/arena structures, stables, grooms accommodation, other outbuildings, car parking and a dwelling of a temporary nature albeit on land with a permanent residential use, for which there is an extant permission for it to be replaced with a permanent structure. The lawful residential curtilage also includes a large man made pond. The site was in use for many years as a riding school and livery (both self and full) together with a stud and training business for dressage horses until it was sold to the applicant in April 2018. Prior to its closure, there were approximately 28 horses utilised for the riding school, 21 in self livery, 5 owners horses, 2 brood mares and 2 foals.

The site is accessed from Silver Street to the north by a central vehicular access which extends beyond the main courtyard into the paddocks to the rear of the building cluster. There are dwellings either side of the site and two between the site and road in the north western corner, one of which is listed Grade II (Orchard Cottage). The western boundary consists of a row of mature trees whilst the eastern boundary contains fewer trees but more hedging. To the south it is relatively open towards land in the applicants ownership, edged blue.

Since the closure of the business, many buildings within the site have been vandalised and their remains subsequently removed for safety purposes. These buildings include the grooms accommodation and adjacent stables and the mobile home.

3 THE PROPOSED DEVELOPMENT

The proposal entails the demolition/removal of all structures and facilities on site and their replacement with a livery barn (containing 20 stables, a washing area, feed and tack stores and 2 WCs), an office building with 2 small (1-bed) units for grooms accommodation, a small stable building comprising 3 stables and an attached muck enclosure, an indoor arena, an outdoor arena, a horse walker, a muck enclosure and a private barn (containing 10 stables, tack and feed stores, a dry area and wash area). The car park would remain in a similar location to the existing with further hard surfacing proposed across the extended central courtyard and within a new residential courtyard.

In addition to this, a replacement dwelling is proposed with a detached triple garage. The dwelling comprises lounge/dining room, kitchen/family room and WC at ground floor level with three bedrooms (one with ensuite and walk-in wardrobe) and a family bathroom at first floor level. It also has a small utility/WC attached at ground floor level for use in association with the private barn. The proposed floor space would amount to 156.5m². The large pond within its curtilage would be filled in.

It is intended that the site would accommodate 10 horses belonging to the owner together with training and livery for 20 horses to be maintained by yard staff and undergo dressage training by professional riders. Stabling of 5 broodmares and foals would also be provided. Use as a riding school would cease.

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

18/11528 - continued use of 3 chalet cabins as residential accommodation (LDCE). Was not lawful 25.3.19. These buildings have now been removed.

18/10846 - house, detached garage, office with staff accommodation in association with private equestrian centre, livery barn with tack/wash & feed store, private stables, stables, indoor & outdoor riding school, demolition of existing. Refused 16.1.19, an appeal, to be determined by written representations, has been lodged but there is no start date at present.

17/11622 - continued use of 3 chalet cabins as residential accommodation (LDCE). Was not lawful 9.2.18, appeal dismissed. These buildings have now been removed as per 18/11528.

17/10904 - house, demolition of log cabin. Granted 14.8.17. Demolished following vandalism in 2018.

08/93464 - extension to indoor riding school. Granted 13.2.09

A pre-application enquiry was considered in 2019 for a house, detached garage, office with staff accommodation in association with private equestrian centre, livery barn with tack/wash & feed store, private stables, stables, indoor & outdoor riding school, demolition of existing all remaining buildings on site.

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)
CS7: Open spaces, sport and recreation
CS10: The spatial strategy
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
DM20: Residential development in the countryside
DM25: Recreational uses in the countryside - including horse-keeping/riding

The Emerging Local Plan

Policy 6 - Sustainable economic growth
Policy 12 - The South West Hampshire Green Belt
Policy 13 - Design quality and local distinctiveness
Policy 14 - Landscape character and quality
Policy 34 - Developer contributions
Policy 35 - Development standards

Supplementary Planning Guidance and other Documents

SPD - Hordle Village Design Statement
SPG - Landscape Character Assessment
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development (paras. 8 & 11)
NPPF Ch. 4 - Decision-making (paras. 47-50)
NPPF Ch.9 - Promoting sustainable transport (para. 102 a))
NPPF Ch.12 - Achieving well-designed places (paras. 127-130)
NPPF Ch.13 - Protecting Green Belt land (paras. 141 & 145)

Section 197 Trees
Town and Country Planning Act 1990

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council

Parish 3 We recommend Permission. Resolved Unanimous

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.

New Forest National Park Authority - no comment

Southern Water - no objection but request informative

HCC Highways - No objection subject to conditions. This remains unchanged from the previous application.

NFDC Conservation - No objection

Southern Gas Networks - offer advice

NFDC Landscape - revised scheme is an improvement, apply standard landscape conditions if permission is granted.

Scottish and Southern Electricity Networks - removal or diversion of the existing electricity supply will require a job to be raised

NFDC Trees - no objection subject to conditions relating to tree protection and details of service routes and cellular confinement

Environmental Health (Pollution) - comments awaited

NPA Ecology - comments awaited

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 have been received from 3 local residents concerned with the following:

- location of muck heap close to residential boundary
- some vegetation removal has already occurred
- impact on neighbouring water treatment plant and drainage in general
- potential for additional noise and disturbance
- existing buildings may contain asbestos
- impact of the removal of concrete (noise, dust, etc.)
- conditions should restrict lighting, music and commercial use of site

One objection does state that the proposed buildings are a vast improvement over the existing situation. A further objection welcomes the continued use of the site as an equestrian centre.

11 OFFICER COMMENTS

- 11.1 The application follows a previously refused scheme which is currently at appeal. The proposal has been amended in order to try and address the concerns raised which were as follows:

By reason of the increased bulk and massing of the proposed new built form, together with their more solid appearance and encroachment into the Green Belt from the existing cluster of buildings, it is considered that the proposed redevelopment of the equestrian buildings as proposed would have a greater impact on, and therefore result in unacceptable harm to, the openness of the Green Belt, would not safeguard the countryside from encroachment or contribute positively to the landscape character of the area. As such the proposals would be contrary to policies CS3 and CS10(o) of the Core Strategy for the New Forest District outside of the National Park and Paragraphs 145b) and g) of the National Planning Policy Framework (2018).

The proposed replacement dwelling would, by virtue of its size, scale and design, be an inappropriate form of development within the Green Belt and countryside. It would affect the openness the Green Belt and be harmful within the countryside as it would significantly alter the impact of the built development on this part of the site within its sensitive context. As such it would be contrary to Policy DM20 of the Local Plan Part II for the New Forest District outside of the National Park and Paragraph 145d) of the National Planning Policy Framework (2018).

The proposal no longer extends away from the main cluster of buildings as significantly into the Green Belt as the previous scheme and the proposed dwelling has been reduced in size and improved in design. The main issues for consideration are the principle of the development in this location, the impact on residential amenity and trees, traffic generation and impact on highway safety, the appropriateness of the replacement dwelling and visual impact resulting for the development.

Principle of the proposed development

- 11.2 Paragraph 145 of the National Planning Policy Framework states that the construction of new buildings should be regarded as inappropriate within the Green Belt. Certain exceptions are however identified. These include provision of facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (b); the replacement of buildings provided they are the same use and not materially larger (d); or the limited infill, partial or complete redevelopment of previously developed land (g). Within this policy context given the site's location within the Green Belt and its existing use combining livery, training and riding facilities, its complete redevelopment could be acceptable in policy terms providing it does not have a greater impact than the existing on the openness of the Green Belt.
- 11.3 Having regard to policy DM25 which includes horse-keeping/riding, such development can be permitted provided the scale is appropriate to the rural setting and character and it will not result in harmful increases in riding pressures on sensitive parts of the New Forest.
- 11.4 As well as Green Belt policy, as the site is located in the countryside, the replacement dwelling falls to be considered under a specific policy (DM20) which would limit the size of the proposed dwelling in the interests of limiting new housing within the countryside to that of an appropriate scale to ensure that the character of the rural area is not adversely affected.

Appropriateness of the Replacement Dwelling

- 11.5 In the countryside, Policy DM20 applies strict limitations on the size of replacement dwellings. The principle of replacing the mobile home style dwelling previously in situ has already been found acceptable and there is an extant permission for its replacement. The approved replacement dwelling included sitting room, kitchen, utility, hall, cloakroom and en-suite bedroom at ground floor level with an office, bathroom and gallery space at first floor level. The land on which the mobile home was sited has a permanent residential use. However, this approved scheme restricted the floorspace, tied it to be in association with the riding school and most specifically, removed permitted development rights and restricted internal alterations to the fabric of the approved structure. In addition, the occupation of the dwelling was limited to a person solely or mainly working at Flanders Farm. It is considered that the principle of the need for the former equestrian centre to have an associated dwelling in view of the safety and security of the horses would be the same for the current proposal.
- 11.6 Furthermore, within the Green Belt new buildings are inappropriate, the exception being replacement buildings that are in the same use but materially larger.
- 11.7 The proposed dwelling would provide a hall, dining/living room, kitchen/family room and WC at ground floor level with 3 bedrooms (one with ensuite and walk in wardrobe) and a family bathroom at first floor level. There is also a small utility room/WC attached to the side of the property for use by those working at the private barn. A triple garage would also be sited within the existing lawful residential enclosure and the large man made pond would be filled in.
- 11.8 The proposed dwelling has been reduced in size since the previous application which was refused due partly to the size and design of that dwelling. That scheme had a floor space of around 222m² compared to the existing mobile home size of 88m², amounting to an increase of over 150%. Policy DM20 allows dwellings in the countryside to be replaced subject to them being of an appropriate design, scale and appearance for the rural area and providing the increase in floorspace does not exceed more than 30% of the original dwelling (as on 1st July 1982). The extant permission maximised the floorspace increase using the 30% allowance (a total of 114m²). The proposed dwelling clearly exceeds the permitted size for replacement dwellings having a floorspace of around 156.5m² compared to the existing floorspace of 88m² and extant approval of 114m². This represents an increase of over 77%.
- 11.9 The supporting information submitted with the application suggests that there are very special circumstances which should be considered in the determination of the scheme. Firstly, that the proposal as a whole represents a decrease in the overall footprint of built form which is of benefit in terms of the proposal's impact on the Green Belt, consolidating the built form into fewer buildings. The design of the proposed dwelling is also a significant improvement on the previous design and that whilst having a larger footprint than the existing dwelling, the proposal is not substantially larger than any other dwellings in the immediate area and would not appear out of context in this location. The planning statement goes on to say that approval of a previous replacement dwelling, last renewed in 2017 identified a need for a dwelling in order to maintain the

security and safety of the horses. At the time of the original permission for a replacement dwelling, the site accommodated around 50 horses, many of which were trained and used for national and international dressage competitions by the then applicant and resident of the site. It was considered that live in accommodation was a requirement in order that the applicants could maintain the welfare of the animals and provide security given their value. The proposed dwelling would accommodate a family member of the applicant for similar purposes to the previous occupant together with dressage training and livery for privately owned horses, all managed by the occupant of the dwelling. The applicant would be happy to accept a condition restricting occupancy of the dwelling.

- 11.10 Their final comment refers to the Council's five year land supply. The applicant also refers to policy DM21 (Agricultural or forestry workers dwellings) although equestrian uses are not agricultural or forestry based.
- 11.11 Having regard to these points, it is accepted that the redevelopment of the site does require someone to live there. It is also noted that the proposed design of the dwelling is a significant improvement on the previous scheme and it would not appear out of context having regard to the variety of dwellings in the immediate area. It could also be argued that the proposal as a whole would not significantly alter the impact of built development on the site within its setting within the countryside but also Green Belt. Para.145(d) of the NPPF states that replacement buildings should not be materially larger than those they replace. With regard to the five year land supply, whilst this is relevant, it should be noted that the proposed would be a dwelling specifically in association with the redeveloped site as a whole rather than contributing to the general housing stock, in addition to which, the proposal is for a replacement dwelling rather than a new one.
- 11.12 However, although the proposed new dwelling is around 68m² smaller than the previous scheme, it still amounts to a significant increase over and above the permitted allowance stated in policy DM20. The circumstances referred to above do not meet the exceptions referred to within the supporting text to the policy which includes the family needs of an occupier who works in the immediate locality, or to meet design considerations relating to the special character of the building. The latter is not relevant in this case, being a replacement dwelling and there have been no details submitted in respect of the future occupiers family circumstances or current location.
- 11.13 Overall there are no exceptional circumstances to justify the proposed replacement dwelling of such an excessive floorspace which would be contrary to Policy DM20. Furthermore it would be inappropriate development in the Green Belt contrary to guidance in the NPPF.

Residential Amenity

- 11.14 At present, and complying with para.102a) of the NPPF, the Transport Statement advises that the lawful use of the site (as a riding school, livery and training/stud facility) could result in a little under 57,000 trips to and from the site per year, averaging at around 156 trips per day. The proposed private use of the site would more than half the level of traffic movements associated with the site to 60 trips per day. In terms of

noise and disturbance, having regard to the fact that the parking area is immediately adjacent to residential properties, the proposal is considered likely to have less of an impact than the existing activities on the site.

- 11.15 The outlook from the adjoining cottages to the north west would be improved by virtue of the built form of the livery building being moved further away from their boundaries in combination with it being around 6m narrow where it is located closest to these dwellings. This would result in the livery barn being at least 11.2m from the nearest residential curtilage (Orchard Cottage) whereas at present, it is just 7.2m away. It is not considered that the change of this building from self livery to private livery would adversely affect the living conditions of the nearest neighbours.
- 11.16 The approved replacement dwelling included sitting room, kitchen, utility, hall, cloakroom and en-suite bedroom at ground floor level with an office, bathroom and gallery space at first floor level. Its orientation and low key nature did not adversely affect residential amenity. The proposed dwelling is sited to face the access road into the site with the rear elevation facing the boundary with Flanders House to the east. The proposed dwelling would be 19.2m from the boundary with this property with the adjacent dwelling a further 11m from the boundary. The provision of bedroom, landing, wardrobe and ensuite windows to the first floor is not considered to give rise to unacceptable impacts on residential amenity to this property, particularly in view of the mature boundary vegetation. The proposed private barn would be located approximately 2.8m closer to the residential boundary with this property although there would remain a separation of around 35m between the dwelling and the proposed structure, which is considered acceptable. It is not considered that the proposed private use of this building would significantly impact on the amenities of the adjoining occupants given the current lawful use. It is therefore considered that the proposal would not have a harmful effect on residential amenity.

Trees

- 11.17 The site contains statutorily protected trees, either side of the access point and along the front boundary to the north of the residential element of the site. Those to the entrance are a key part of the visual amenity in this part of Silver Street and as such, should be protected during any construction works. It is noted that the revised parking layout is closer to their root protection zones although given the existing surface and details shown in the submitted documentation, it is considered that the application is an improvement with regard to these particular trees. There are also mature, statutorily protected trees along the western boundary. They are outside of the site area, separated by a ditch and the proposed replacement livery building would be relocated a further 7m away (9m in total). Although there would be a minor incursion into the root protection zone, given the existing situation, this is considered acceptable.
- 11.18 Aside from providing the necessary protection during demolition and construction, it is requested that some additional details are provided prior to the commencement of development. These details relate to the location of any new services to the site which are not presently shown on the submitted documentation. The type of cellular confinement to be used would also be required prior to works commencing.

Highway Safety

- 11.19 The Transport Statement advises that the existing daily number of movements is 156 compared to a proposed level of 60. There are no proposals at this stage to make any alterations to the access point and the plans indicate adequate space to allow vehicles, both HGVs and cars, to turn on site.
- 11.20 With regard to the proposed parking provision, the plans show a similar area to that used at present although this is currently informal and not laid out. The Transport Statement advises that the site is expected to generate an average of 40 daily movements by cars, equating to 20 vehicles. The car park would accommodate 15 cars at any one time and on the basis that not all 20 cars would be on site at the same time, it is considered that this is an adequate level of car parking provision.

Visual Impact

- 11.21 Since the refusal, the proposal has been reduced in size and buildings are now proposed in a more closely arranged layout. Specific changes are the reduction in footprint and associated massing of the proposed dwelling, office/grooms accommodation building, livery barn, both stable buildings and the indoor arena. Additional work on the landscape assessment demonstrates that the site has a very limited zone of visual influence by virtue of its flat nature and vegetation cover and the landscape officer is satisfied that the proposals will not have a greater impact than the current situation. The reduction in the proposed massing of the buildings is helpful in this respect. Although some of the details in respect of boundary treatments and external areas are lacking, these details could be secured through suitably worded conditions.
- 11.22 Of specific concern previously was the solid form of the proposed buildings and their encroachment into the Green Belt in particular, the indoor arena and private barn. In order to address this, the built form of the indoor arena has been reduced by 13.4m to the south through a combination of reducing the size of the building and moving further north within the site. To the east, the private barn has been reduced in size by 6.6m. Again this is due to a combination of moving the building to the west and reducing its footprint. The design of these buildings incorporates timber and corrugated roofing as the main materials, both of which are typical of a rural setting. Overall, the proposed group of buildings would be a more homogenous group than the existing structures which are both in need of refurbishment and comprise a variety of materials. The proposed indoor arena has large areas of glazing to the western and southern elevations to assist with providing a less solid appearance. This is in comparison with the existing structure which is open above 1.5m on three sides.
- 11.23 The proposal indicates some external lighting to the buildings and it is considered appropriate to request more details of these. Given the enclosed nature of the arena compared to the existing, open sided to 3 sides arena, should approval be granted, it would be appropriate to restrict its hours of use in order to prevent light pollution and protect the rural character of the area.

11.24 The proposed livery barn would be further from the listed building (Orchard Cottage) to the north than the current built form, the muck heap relocated away from this boundary and the parking layout has been altered to be further from Orchard Cottage than the existing situation. Subject to appropriate boundary treatment, it is considered that the proposal is a positive one which would not adversely affect the character of any heritage assets.

12 CONCLUSION ON THE PLANNING BALANCE

Since the refusal of planning permission, the proposal has been amended through the reduction in size of the buildings' foot print and overall built form. Combined with the additional detail which has been provided in order to address the concern that it would harm the openness of the Green Belt, it is considered that the non-residential elements of the proposal would not have a greater impact on the character of the area and Green Belt than the existing situation, complying with relevant policy in the local plan and NPPF policy on Green Belt. The uses proposed are similar to the training and stud facilities previously operated at the site and in this respect, the proposal would not conflict with paragraph 145 of the NPPF.

However, in view of the concerns expressed with regard to the proposed 78% increase in the floor space of the dwelling, it is considered that this application should fail.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant concerns

Local Finance

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. Based on the information provided at the time of this report this development has a CIL liability of £8,144.75.

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

Human Rights

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

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

As the proposal includes a replacement dwelling, there is no requirement for habitat mitigation.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Dwelling houses	209.06		209.06	83.24	£80/sqm	£8,144.75 *
Sui Generis	2464.43		2464.43	981.25	No charge	£0.00 *

Subtotal:	£8,144.75
Relief:	£0.00
Total Payable:	£8,144.75

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2019 this value is 1.22

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed replacement dwelling would, by virtue of its excessive size and scale, be an inappropriate form of development within the Green Belt and countryside. It would be materially larger than the existing and extant dwelling on the site and as such it would be inappropriate development affecting the openness of the Green Belt. It would be harmful within the countryside as it would significantly alter the impact of the built development on this part of the site within its sensitive rural context. As such it would be contrary to Policy DM20 of the Local Plan Part 2 for the New Forest District outside of the National Park and Paragraph 145 of the National Planning Policy Framework (2019).

Notes for inclusion on certificate:

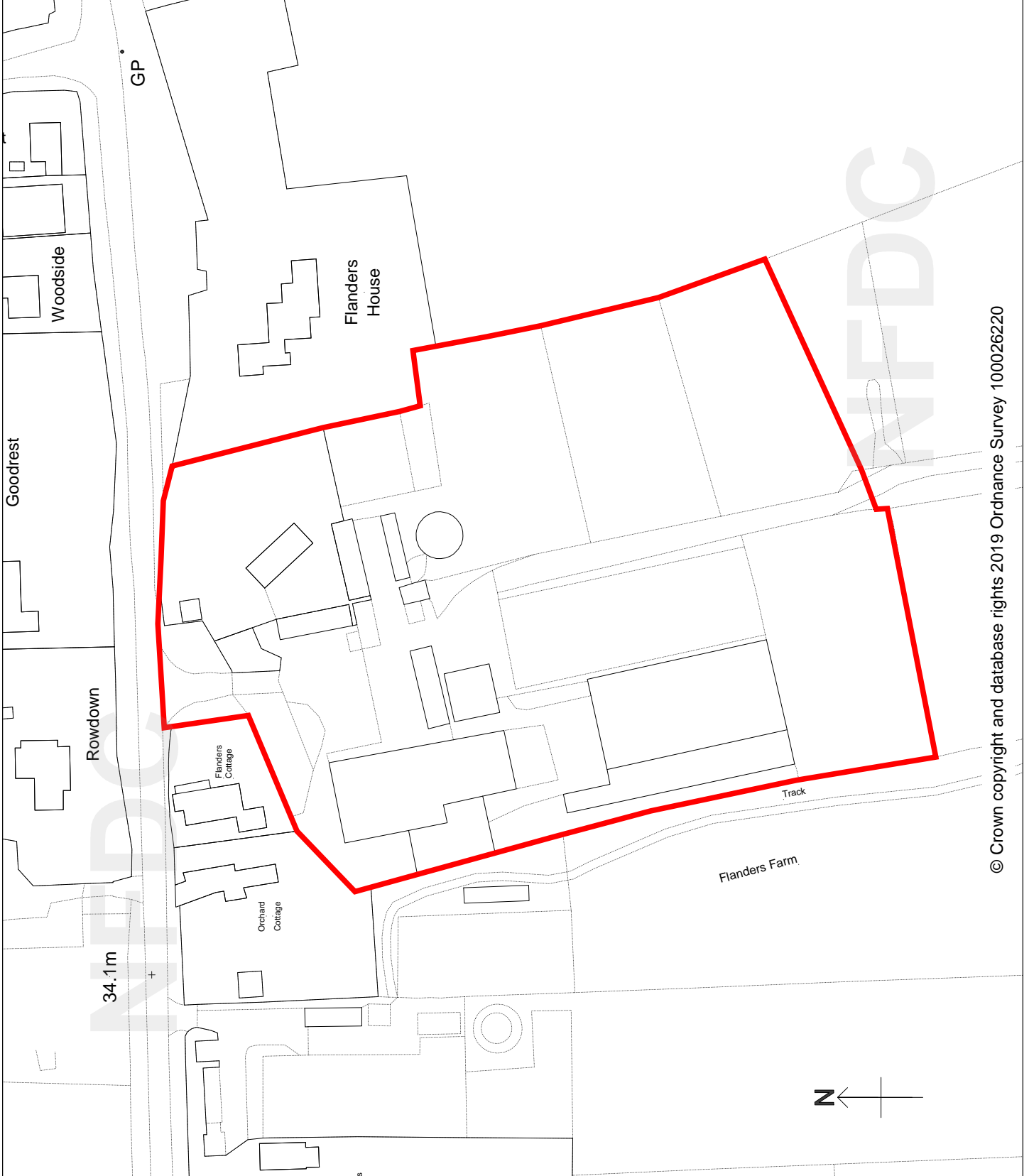
1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling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

The application follows pre-application advice which has resulted in addressing some of the outstanding concerns. However, with regard to the proposed replacement dwelling, although the scheme has been reduced in size, it still exceeds the policy limitations and it is not considered that there is sufficient justification to override this policy.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



This page is intentionally left blank

Application Number: 19/10465 Full Planning Permission

Site: Land Adj 3 Kivernall Road (Rear of 10 Park Lane),
MILFORD-ON-SEA SO41 0PT

Development: House; parking; access onto Kivernall Road; landscaping

Applicant: Mr R Clitherow and Dr F Gabbay

Target Date: 04/06/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

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 the development
- 2) visual amenity
- 3) residential amenity
- 4) trees
- 5) highways

This matter is before Committee as a contrary view has been expressed by the Parish Council.

2 THE SITE

The site lies within the built up area of Milford on Sea in a residential area. It is an L-shaped site containing a large, detached house fronting, but set back around 20m from, Park Lane with a detached double garage accessed off Kivernall Road. There is also a vehicular access to the site from Park Lane.

The level changes between the dwelling and garage are significant with steps leading from the garden area down to the garage which is set at a slightly higher level than the road. Dwellings to this side of Kivernall Road are largely set at the higher level, with properties opposite lower than the road with their gardens dropping down to the Danes Stream to the rear.

The site is well screened from Kivernall Road by an earth bank with vegetation, including a statutorily protected tree. There is also much vegetation to the side boundaries and within the site to this northern section.

The existing dwelling has several outbuildings within its site although these would not be affected by the proposed development.

3 THE PROPOSED DEVELOPMENT

The proposal entails the demolition of the garage and its replacement with a two storey dwelling accessed from Kivernall Road. The new dwelling would comprise double garage, utility/plant room, 2 bedrooms (one ensuite) a shower room, hall and study/snug at ground floor level with lounge, kitchen/dining room

and master bedroom with dressing area and ensuite at first floor level. A bin store would be provided in the retaining wall to the north side of the access.

In view of the changes in levels, a recessed courtyard would be provided, accessed from the rear of the ground floor. Steps from this and an external side staircase would lead up to the main garden area. At first floor level, the dining room would open out onto the main garden area to the rear and the lounge would open out onto a front terrace over the garage. The main bedroom would also have direct access to a small balcony above the courtyard.

4 PLANNING HISTORY INCLUDING NOTES OF PRE-APPLICATION DISCUSSIONS

In 1992, permission was allowed on appeal for a dwelling on a similar site to this. It followed a previously dismissed scheme. The permission was subsequently renewed in 1996, 2001 and 2005. More recently, the following applications should be noted:

10/95629 - house. Refused 6.8.10

11/97563 - house. Refused 29.9.11, appeal dismissed.

Pre-application advice for a new dwelling (including a meeting), was given in October 2018. The response highlighted concerns in respect of the resultant private rear garden for the host dwelling, the amount of accommodation proposed and that it would be a large, bulky building which would impact on the street scene and character of the area.

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)

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy 13 - Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPD - Mitigation Strategy for European Sites

SPG - Milford-on-Sea Village Design Statement

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 197 Trees
Town and Country Planning Act 1990

Relevant Advice

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development (paras. 8c & 11)
NPPF Ch. 4 - Decision-making (paras. 47-60)
NPPF Ch.11 - Making effective use of land (para. 118c & d)
NPPF Ch.12 - Achieving well-designed places (paras. 127 & 130-131)

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council
PAR3: Recommend PERMISSION.

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.

Waste Management - no issues

HCC Highways - no objection subject to conditions

Environmental Health (Contaminated Land) - no concerns

NFDC Conservation - objection due to scale and massing

NFDC Trees - no objection subject to 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.

A comment has been received stating

- the planning statement has inaccuracies in it
- the excavation could de-stabilise adjacent buildings
- hedging should not be damaged by building works
- proposal is an improvement on the previous scheme but could do with further refinement

A further response in support of the proposal, considering it to have architectural merit, has been received also stating that the vegetation needs to be retained.

11 OFFICER COMMENTS

Introduction

11.1 The application follows a pre-application submission towards the end of 2018 where concerns were raised in respect of the proposed size of the dwelling and its associated impact on the street scene and remaining garden for the host dwelling. Since that time, the proposal has been amended by setting back the first floor living accommodation. However, there has been no reduction in the footprint or level of accommodation proposed.

11.2 The main issues to consider relate to the principle of development, amenities of the area, the impact of the proposal on the protected tree and the highways implications of the scheme.

Relevant Considerations

The Principle of Development

11.3 There is a long planning history associated with this site. Permission was granted (at appeal) for a dwelling originally in 1993 and renewed in 1996, 2001 and 2005. It is, however, most relevant to consider the more recent appeal decision in 2011 where an application for a house was dismissed. The main issue at this appeal was the impact of the proposal on the character and appearance of the area, specifically how the proposed dwelling related to its plot and the level of mature vegetation which could be retained to maintain this spacious character.

11.4 The Inspector identified the generously sized plots with properties sitting within their mature gardens giving the area a spacious character. He considered that due to the proximity to both side boundaries the proposal would appear bulky and this would be accentuated due to its position forward within its plot. Although permission was previously granted for a dwelling at this address, the plot was larger and it was prior to the host dwelling (10, Park Lane) being extended to the rear with a two storey extension. However, new residential development can be acceptable in this location subject to the following considerations being acceptable.

Visual Amenity

11.5 The character of the area includes mature vegetation and family dwellings in a variety of styles including bungalows, chalets and full two storey houses. The street scene of the site has dwellings set at a higher level than that proposed and set back from the road. The proposed garage element would have a similar relationship to the road as the existing garage although the two storey nature of the house and its relationship with the road would be very different to other properties in both Kivernell Road and Park Lane. This would conflict with the advice in paragraph 127c) of the NPPF which states developments should be sympathetic to local character, including the surrounding built environment and landscape setting. Other properties on this side of the road have a gentle slope up to the dwelling/garage and the two properties immediately north west of the site have single storey eaves. Whilst the proposed dwelling would have its living accommodation and main bedroom at first floor level when viewed from the front (at a similar level to the ground floor accommodation of the adjacent dwelling), the presence of the entrance and accommodation below this and its visibility from the road would appear out of context, giving the appearance of a two-storey dwelling but at a significantly lower level than other properties in the area.

- 11.6 There is a significant level of vegetation in the area although some is relatively low key and allows glimpses through to the properties behind. As a result, the area has a feeling of spaciousness and gardens to the rear of nearby dwellings add to their setting. The proposal would provide a rear garden area significantly smaller than others in this part of Kivernell Road/Park Lane and would also reduce the size of the rear garden to the host dwelling, impacting on the ratio of built form to open space in the area and leading to a cramped form of development.
- 11.7 The proposed dwelling would appear to fill the full width of the plot - the ground floor would be just 0.8m from the south eastern boundary and the retaining wall with glass balustrade above would extend up to the boundary with no.3. This would also necessitate the excavation of the existing drive area, which is part of the character of this end of the road given that the levels drop down to the Danes Stream to the south east. In addition to this, the loss of vegetation required to achieve this would further erode this established character. Having regard to the concerns raised in the appeal, the Inspector concluded that the previous scheme was also too close to the boundaries and would therefore appear bulky and hemmed-in. It is not considered that this concern has been addressed through the submission of this application and therefore, there is no justification for a dwelling of this size on this site.
- 11.8 Although there are no particular objections to the modern design of the proposed dwelling which incorporates a green roof, it is considered that the site cannot accommodate the level of accommodation proposed without resulting in a cramped form of development out of character with the area. Further west along Kivernell Road (where it turns into Whitby Road and beyond), there are other examples of modern design which form part of the existing character of the area. The proposed design is considered to be one which could also add to this character, albeit on a smaller scale, and as such it would comply with the advice given in paragraph 131 of the NPPF which states that innovative designs which promote sustainability should be given great weight providing they fit in with the overall form and layout of their surroundings. Although the NPPF indicates that sustainable developments should not be resisted, proposals should also create high quality built environments which can then be protected and enhanced (para 8c) NPPF).

Residential Amenity

- 11.9 In view of the unusual nature of the proposed dwelling, the first floor windows are at the ground floor level of the adjoining dwellings and overlooking is not considered to be of concern. Similarly, in view of the low slab level to the proposed dwelling, the built form is unlikely to give rise to unacceptable impacts on light or have an overbearing impact on the neighbouring properties.
- 11.10 It is noted that one bedroom would be served by a large rooflight and would have no outlook and the other ground floor bedroom would have north-west facing windows/door onto a sunken courtyard where light would be limited, which would result in a poor standard of amenity to the occupants.
- 11.11 There were no residential amenity issues identified on the appeal scheme and no further matters identified with the current proposal.

Trees

- 11.12 The site contains a protected holm oak tree sited between the Kivernell Road boundary and the existing garage. Whilst the siting of the proposed garage is similarly located, the slab level would be lowered in order to accommodate the dwelling. Subject to the works being implemented in accordance with the submitted tree report and protection plan, the proposal would not have any detrimental impact on this protected tree.

Highways

- 11.13 The proposal would remove the second access to the host dwelling from Kivernell Road although it would retain the main Park Lane access which leads to a substantial area of drive, large enough to accommodate an appropriate level of parking and turning for this property.
- 11.14 The proposal does not entail altering the 4.5m width of the existing access onto Kivernell Road nor does the proposed parking layout vary significantly from the existing situation. On this basis, there are no objections to the proposed level of parking and turning facilities for the proposed dwelling.
- 11.15 However, the Highway Authority has advised that the access is substandard and vegetation should be cleared from either side of the access to enable adequate visibility in each direction. It is not considered that engineering works to lower the adjacent banks would be required in order to achieve the necessary splays although there would be much vegetation lost. The splays could be achieved through the imposition of a suitably worded condition however, this would have the effect of further eroding the existing character of the area which undermines the appearance of the street scene.

12 CONCLUSION ON THE PLANNING BALANCE

Although the proposal would offer a unique dwelling at this end of Kivernell Road, it is considered that its bulk and massing is such that it would appear out of context in the street scene through the lowering of levels within the site in order to provide a full 2-storey dwelling and impacting upon the character of the area through the cramped nature of the built form in relation to the spaciousness currently enjoyed in this area.

The current proposals do not address the concerns identified at the previous appeal and despite the current lack of 5 year housing land supply, the harm that would result from the scale and form of the development cannot be justified. The application is therefore recommended for refusal.

13 OTHER CONSIDERATIONS

Crime and Disorder

None

Local Finance

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 dwelling the subject of this permission is 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

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

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 Supply

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. In this case, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

Habitat Mitigation

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

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£4,706		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Self Build (CIL Exempt)	244.5	30	214.5	214.5	£80/sqm	£20,988.00 *
-------------------------	-------	----	-------	-------	---------	--------------

Subtotal:	£20,988.00
Relief:	£20,988.00
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. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By virtue of the excessive footprint, bulk and massing of the proposed 2-storey built form combined with reduced slab level and resultant small garden area for both the existing and proposed dwellings, the proposal would be out of context with the general pattern of development in this part of Kivernall Road. This would result in an imposing and cramped form of development, harmful to the street scene and character of the area, contrary to policy CS2 of the New Forest District Council Core Strategy and the NPPF.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

Planning Committee

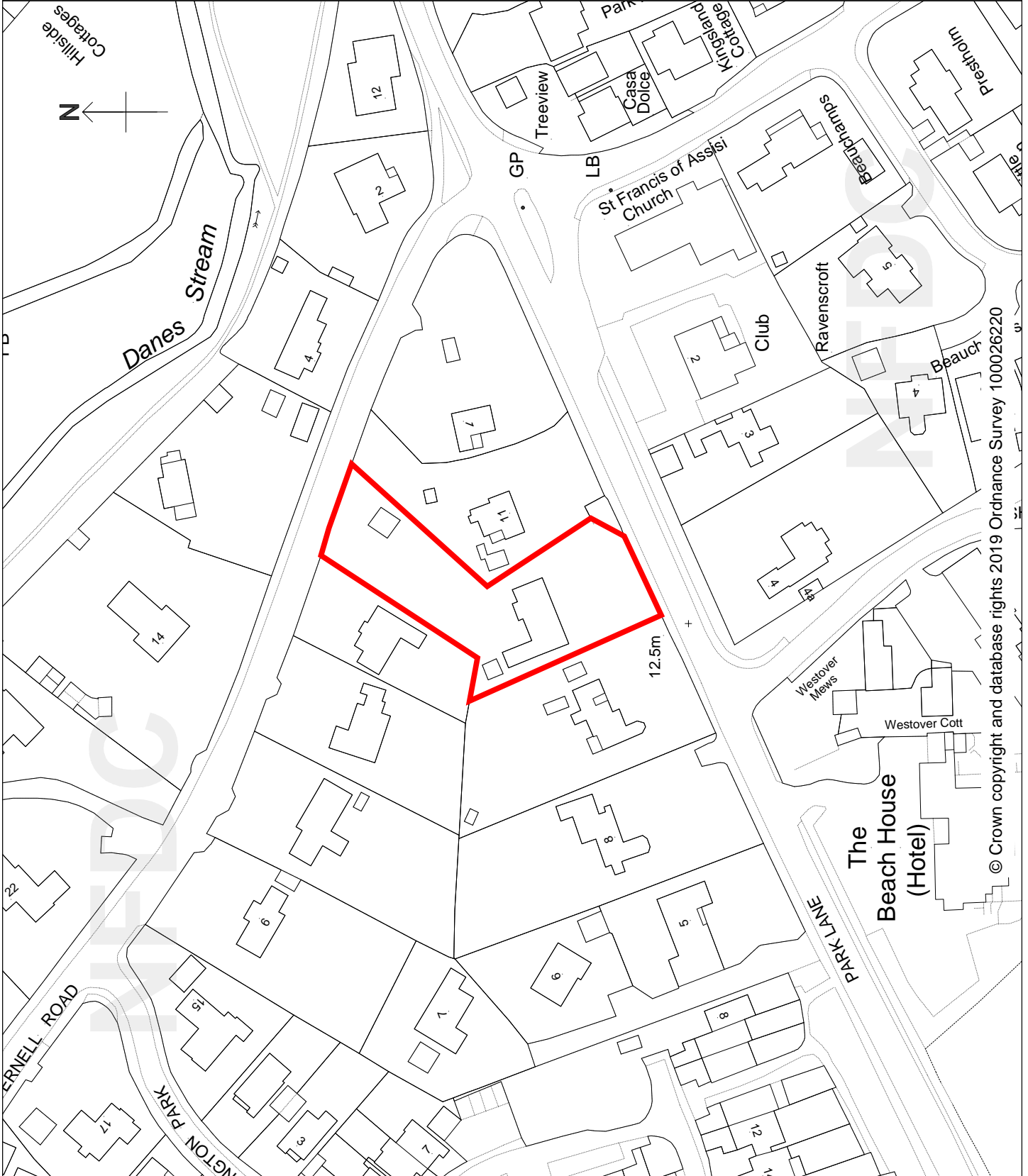
July 2019

Item No: 3c

Land adj 3 Kivernall Road
Rear of 10 Park Road
Milford on Sea
19/10465

Scale 1:1250

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



© Crown copyright and database rights 2019 Ordnance Survey 100026220

Application Number: 19/10500 Full Planning Permission

Site: 7 HURSLEY DRIVE, LANGLEY, FAWLEY SO45 1ZU

Development: Two-storey rear extension

Applicant: Mr & Mrs Guyat

Target Date: 19/06/2019

Extension Date: 10/07/2019

Link to case file: [view online here](#)

1 SUMMARY OF MAIN ISSUES

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.

- (i) the acceptability of the design of the extension and its impact on the street scene.
- (ii) impact on the neighbour to the north east, 6 Hursley Drive, in respect of overlooking.

The application has been brought to Committee for a decision due to a contrary view expressed by the Parish Council.

2 THE SITE

The application site relates to a detached two storey dwelling on an estate of similar properties. The property benefits from a conservatory to the rear and a detached garage positioned to the front. Beyond the rear boundary, outside the curtilidge there are some trees which are protected with Tree Preservation Orders.

3 THE PROPOSED DEVELOPMENT

Planning permission is sought for a two storey rear extension resulting in a larger master bedroom and additional en-suite at first floor and family room at ground floor.

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

No relevant history

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

Fawley Parish Council: recommend permission

8 COUNCILLOR COMMENTS

None received

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

Arboricultural Officer No objection

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

11.1 The main issue when determining this application is whether the extension is of an acceptable design and in respect of the impact on the neighbour at 6 Hursley Drive. Further to this, consideration should be given as to whether the proposal would be acceptable in terms of its visual impact in terms of design and impact on the local area.

Visual Impact

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 the surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials.
- 11.4 The proposed development would be to the rear of the property and finished in materials to match the existing property. With a ridge height the same as existing it would be partly visible from some vantage points on the street scene. However because of the position of the extension it would be sympathetic and proportionate to the existing property and therefore would have an acceptable impact on the street scene, complying with development plan and guidelines within the NPPF.

Neighbour amenity

- 11.5 The proposed development would be to the south east of number 6 Hursley Drive. Whilst the extension would be visible from their garden it would be set away from the boundary by 4 metres and therefore would not be visually imposing or overdominant.
- 11.6 The existing property already creates some shadow over the garden of number 6 when the sun is low in the sky and given the position of the proposed extension it would not cause a significant increase in loss of light.
- 11.7 Number 6 has a rear garden which has a side boundary forming the rear boundary of number 7. There are already first floor windows which serves bedroom and en suite and face this neighbour's garden and the main garden amenity space which is positioned just beyond the rear elevation of their property.
- 11.8 The proposed two storey rear extension would result in the first floor windows to the new bedroom and ensuite coming 3 metres closer than at present and within 4 metres from the shared boundary. Whilst the ensuite window could be conditioned to be obscurely glazed it would not be reasonable to condition the only window serving a bedroom as such. Furthermore this proposed bedroom window has the most direct view towards the open boundary and private amenity space of No 6.
- 11.9 Although no objection has been received from this neighbour consideration of the impact on their amenity and that of any future occupants is a relevant material consideration. On visiting the neighbour at number 6, it is clear that the introduction of windows closer to the boundary would result in greater real and perceived overlooking and therefore would have an unacceptable impact on the enjoyment of their garden contrary to local policy.
- 11.10 Suggestions were made to the agent on how to overcome these concerns by including a bedroom window to the side elevation which would allow for the rear facing bedroom window to be obscure glazed and high level opening. The agent advised that this was not acceptable to their client although he did suggest a reduction of the first floor extension by 50cm. This suggested modest reduction is not considered to materially change the degree of overlooking that would result. As such the application has been considered on the basis of the original plans submitted.

11.11 As such due to the limited separation with No.6 there would be an unacceptable increase in overlooking as a result which would have a harmful and detrimental impact on the neighbour's amenity.

11.12 Given the separation from No. 8 and properties to the rear on Chatewood Road there would be no unacceptable amenity impacts on these properties.

Arboricultural considerations

11.13 Beyond the rear boundary there are some trees which are protected with Tree Preservation Orders. The Council's Arboricultural Officer has advised that the proposed two storey rear extension is far enough from the protected off-site trees to not have an adverse effect on the trees. The existing boundary fence will act as sufficient tree protection. Therefore they have no objections on tree grounds.

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 visual terms and would not have a detrimental impact on the street scene.

12.2 It is accepted that the neighbour at number 6 does have a relatively large rear garden. However, being in close proximity to the neighbour's garden and main amenity space at the rear of their property the proposed first floor bedroom window would result in an unacceptable impact on their amenity due to increased overlooking. Therefore the application is recommended for refusal for this reason as set out above.

13 OTHER CONSIDERATIONS

Crime and Disorder

13.1 No relevant implications

Local Finance

13.2 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

13.3 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

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. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed extension, due to the limited separation and resultant proximity of the first floor bedroom window to the shared boundary with number 6 Hursley Drive would lead to an unacceptable increase in overlooking of this neighbour's private amenity space with a consequent unacceptable and harmful impact on their amenity. As such the proposal would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Further Information:

Julie Parry

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

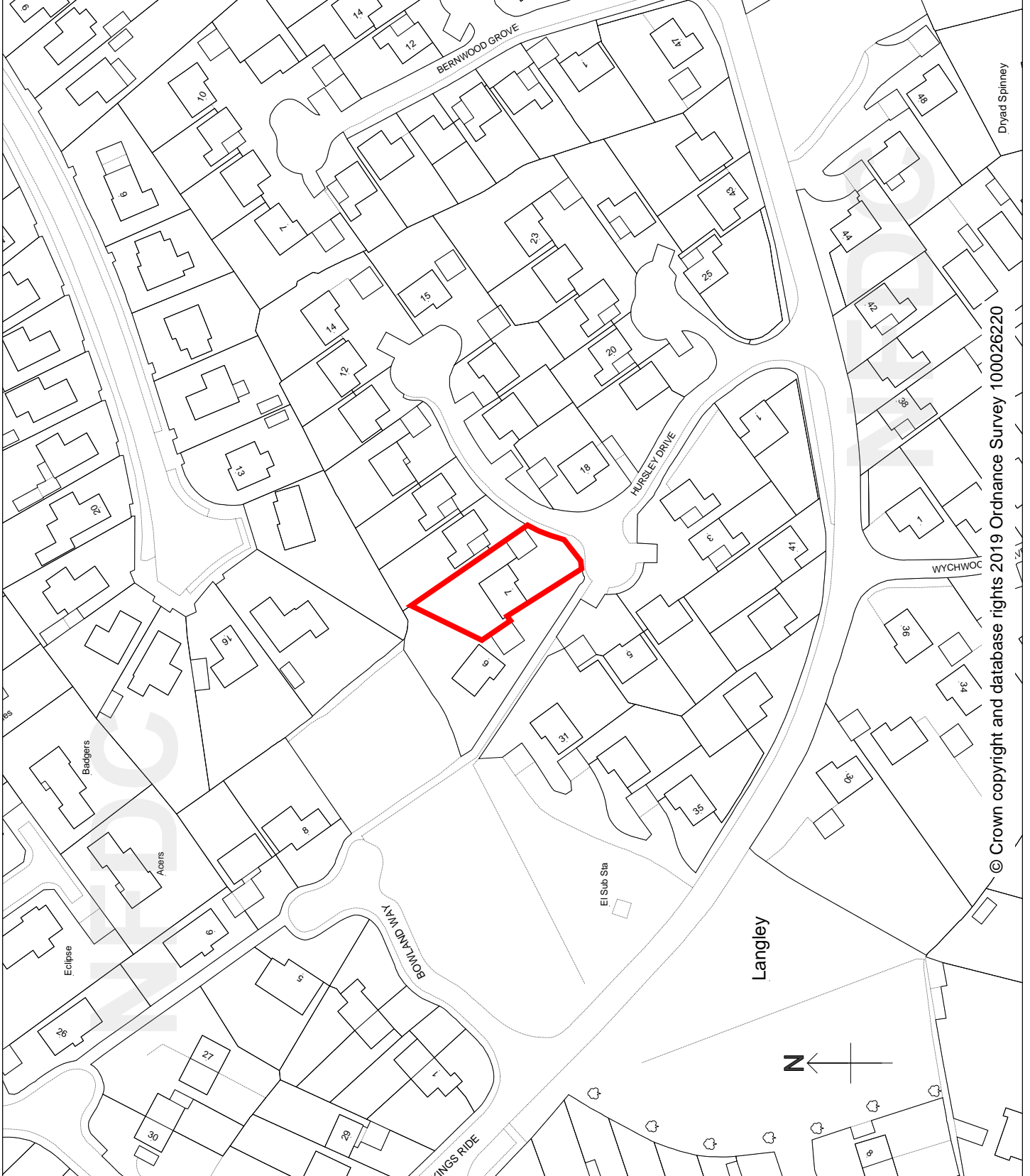
Planning Committee

July 2019

Item No: 3d
7 Hursley Drive
Langley
Fawley
19/10500

Scale 1:1250

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



© Crown copyright and database rights 2019 Ordnance Survey 100026220

Application Number: 19/10584 Full Planning Permission

Site: 21 THE FALLOWS, ASHLEY, NEW MILTON BH25 5RP

Development: Roof alterations and first floor extension, raise ridge height in association with new first floor; chimney

Applicant: Mr & Mrs Curtis

Target Date: 09/07/2019

Extension Date: 12/07/2019

Link to case file: [view online here](#)

1 SUMMARY OF MAIN ISSUES

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 character and appearance of the area and street scene.

This matter is being reported to Committee because a contrary view has been expressed by the Parish Council and a Councillor.

2. THE SITE

The application site is positioned at the end of a cul de sac. The application dwelling is a single storey dwelling with a lower profile double garage at right angles, located within a small group of 2 storey houses. The application property has a larger footprint than the three other dwellings within this small group of properties. By reason of its position within the cul-de-sac, the property is visible from Cull Lane to the south and Hollandswood Drive to the west.

3. THE PROPOSED DEVELOPMENT

The application seeks permission to construct a first floor to the existing 4 bedroom bungalow, to create a two storey 4 bedroom hipped roofed house. The new first floor would span the majority of the existing ground floor accommodation.

The overall ridge height of the resulting building would be 8.1m, an increase of 2.8m, and there would be an associated increase in eaves height of 5m. A gable feature would be introduced to the front elevation which would have a rendered finish, contrasting with the tile hanging and brick which would also be used on the remainder of the front elevation. The rear elevation would be finished with a mix of brick and render.

4. PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

16/11467 Roof alterations and raise ridge height in association with new first floor; chimney Refused 11/01/2017

95/NFDC/57407 Addition of a porch Granted 02/10/1995

NFDC/87/35778 22 dwellings and garages. Granted Subject to Conditions
12/04/1988

Pre application advice was given in July 2016 prior to submission of the last planning application (Ref 16/11467) This advise was that the principle of creating a two storey dwelling was acceptable, however there was a need to reduce the bulk of the extended dwelling to bring it into scale with neighbouring properties. It was suggested that this could be achieved by reducing the first floor so it would not extend beyond the attached garage.

No further pre-application advice has been sought since the refusal in 2017.

5. THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS2: Design quality

Emerging Local Plan

SO3: Built environment and heritage

Policy 13: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE

National Planning Policy Framework

Chap 12: Achieving well designed places

Para 124

Para 127

Para 130

7. PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: PAR 3 Acceptable (Non delegated)

8. COUNCILLOR COMMENTS

Cllr John G Ward: I have been made aware of the reasoning for wanting to extend the home into a proper long term four bedroom house for their young family.

NMTC supported the previous application, but it was lost at NFDC committee by one vote. I feel that the reworked application is much better. I assume that NMTC would also support this new application. Whether that happens or not, I give the proposal my support.

The resident has requested that the application is heard ASAP to enable work during the summer months if it is approved. I therefore ask that it goes to committee ASAP rather than being delegated to officers.

Cllr Mrs Jill Cleary: I ask this application goes to Committee ASAP rather than be delegated to officers please.

9. CONSULTEE COMMENTS

None received

10. REPRESENTATIONS RECEIVED

No letters of representations have been received.

11. OFFICER COMMENTS

Introduction

- 11.1 The key issues are the impact on the character of the area and the street scene and the impact on neighbour amenity.
- 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 scale of a proposed development is integral to its design, and para 130 of the National Planning Policy Framework states that:
'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'
- 11.5 A previous application for a similar development was refused in 2016, for the following reason:

"By reason of the size of the proposed first floor extension, it would result in an overly large dwelling that would be out of scale with neighbouring properties. This would result in an intrusive and overbearing form of development within the street scene of Cull Lane, Hollandswood Drive and The Fallows. Furthermore, it would detract from the spaciousness that the existing single storey dwelling contributes to the area, by creating an overly bulky dwelling in this location. Therefore, this proposed extension would also detract from the character and appearance of the area. As such, it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 7 of the National Planning Policy Framework"
- 11.6 This current proposal differs from the previously refused scheme in the following respects:
- hips introduced to both end elevations (whereas previously refused scheme had the eastern elevation was a full gable) and hip to western elevation.

- gable introduced to front elevation
- fenestration changes to front and rear elevation
- introduction of tile hanging to part front elevation and render to gable addition. Previously brick and small rendered and clad element
- rear elevation to be mixture of brick and render
- height of proposed ridge increased to 8.1m, whereas on previous scheme the ridge height was proposed as 7.5m
- slight increase in floor area to master bedroom, due to change of details to front elevation.

Character of the Area and Street scene

- 11.7 The character of the area is that of a spacious residential development as part of a planned development was generally arranged in clusters of house types, that consists of a mix of detached 2 storey and single storey dwellings in a variety of styles; to the south of the road the dwellings are arranged in small groups set off an access road contributing to the character of small courtyards.
- 11.8 Cull Lane is a rural lane that pre-dates the development at The Fallows that has subsumed it. Cull Lane has a rural character which is retained by virtue of the scale and form of development, hedgerows, ditches, mature boundary trees and the greenspace alongside.
- 11.9 The application site being positioned at the end of a small cul de sac is in a pivotal position on the corner of Cull Lane and with a rear boundary to Hollandswood Drive and as such any development needs to respect and retain this rural character.
- 11.10 When assessing the impact on the character of the area and the street scene there are a number of relevant considerations that relate to the proposed height and design, and its impact on the street scenes of The Fallows, Hollandswood Drive and Cull Lane which are characterised by properties set within spacious plots with green boundaries.

Height and design

- 11.11 The current proposal would increase the ridge height of the existing dwelling by 2.8m. This would be 500mm higher than the previously refused application, resulting in the current scheme for a dwelling with a ridge height of 8.1 m. However the proposed changes to increase the ridge height would not be dissimilar to other properties within The Fallows and it would be comparable in height to nos 20 and 23. No overriding objection is raised to this.
- 11.12 The proposed front elevation is a more acceptable design than the design presented in the refused application, reflecting the design of some of the other original house type in this development. The introduction of hips to the end elevations would reduce the bulk of the roof compared to the previous scheme. In addition to this, The Fallows exhibits a mixed palette of materials, and as such the proposed materials would not be out of keeping in this context. The articulation to the front elevation and the proposed materials are considered acceptable although further assessment of the impact on the street scene is required and considered below.

Street scene of The Fallows:

- 11.13 The existing dwelling, by reason of its single storey form creates a sense of spaciousness to the end of the cul-de-sac, especially when viewed from the entrance to the cul-de-sac looking towards the application site. There are identified improvements to the design of current scheme, when compared to the previously refused application 16/11467 but within its context the scale of the proposal remains of concern.
- 11.14 The extent of the first floor extension is fundamental to ensure that the resulting building would be of a comparable scale to its neighbours and would not result in an over dominant development that is out of character within its setting. Even though the resulting development when viewed from The Fallows would reflect neighbouring properties in appearance, it would still result in a larger dwelling being up to 2m wider than the other houses in The Fallows and although the overall footprint remains unaltered, thereby having a harmful impact due reason of its imposing and dominant form.
- 11.15 By virtue of the increased width of the proposed first floor this would intrude on the existing visual gap with no 22 The Fallows. Therefore, the spatial characteristics of the site would be eroded by the scale of the proposed extensions and despite the other improvements identified it would still be an unacceptable form of development.

Street scene of Hollandswood Drive and Cull Lane

- 11.16 By reason of its siting the application site also contributes to the character of both Hollandswood Drive and Cull Lane. As the proposed extension would extend past the ridge line of the existing garage, this would result in the two storey form being closer to the boundary with Hollandswood Drive than other existing two storey dwellings which back onto this road. The agent has noted that the distances between the rear elevations of nos 22 and 23 The Fallows would be similar to the side elevation of the extended dwelling on the application site; however, the extended dwelling would result in the two storey form of the building projecting beyond the rear building line of nos 22 and 23 The Fallows, which would result in the extended dwelling being more dominant and intrusive within the Hollandswood Drive street scene.
- 11.17 The impact of the proposals on the character of Cull Lane is especially important. This road is identified in the New Milton Local Distinctiveness Supplementary Planning Document as being distinctive from the surrounding modern development, as it has retained its rural character and consists of a variety of styles and periods of dwellings. The application site backs onto the entrance to Cull Lane the first floor extension would by reason of its design and scale, would create an intrusive and overbearing form of development that would be totally out of context with this adjacent development, and would create a sense of enclosure at the entrance to this adjoining road.
- 11.18 Furthermore, the rear elevation would have five windows at first floor level facing Cull Lane which would emphasise the excessive width and scale of the extended dwelling, compared to neighbouring two storey dwellings,. As such it would accentuate the visual impact and dominance of the resultant property and cause harm to the street scene.

11.19 The applicant has contended that the extension could not be reduced in width as this would result in the loss of a bedroom. However, the proposed first floor accommodation is proposing very generous sized rooms much larger than the existing 4 bedroomed neighbouring properties in The Fallows, as well as two ensembles and a dressing room. It is considered that a reduced floor area with reconfigured layout at first floor, could still allow for a sustainable family home.

Neighbour amenity

11.20 The previous application did not raise any issues with neighbour amenity. Even though the overall ridge height has been increased, the introduction of a hipped roof to the east elevation would mitigate any impact from this revision. The first floor bedroom window on the front elevation serving bedroom 3 could potentially achieve views into the rear garden of 22 The Fallows. However, as this room has the benefit of two windows, any loss of privacy could be overcome by conditioning this window to be obscure glazed with restricted opening.

11.21 No further amenity issues have been identified

12. CONCLUSION ON THE PLANNING BALANCE

12.1 The proposals have been considered within the identified relevant local and national policy context. Even though this is an improved scheme to that previously refused with respect to the design of the front elevation, it does not address the increased scale of the resulting development and the adverse impact on the street scene and character of the area that would result. As such the recommendation is to refuse.

13. OTHER CONSIDERATIONS

Crime and Disorder

None relevant

Local Finance

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

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

Human Rights

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

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. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of the size of the proposed first floor extension, it would result in an overly large dwelling that would be out of scale with neighbouring properties. This would result in an intrusive and overbearing form of development within the street scene of Cull Lane, Hollandswood Drive and The Fallows. Furthermore, it would detract from the spaciousness that the existing single storey dwelling contributes to the area, by creating an overly bulky dwelling in this location detracting from the character and appearance of the area. As such, it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, New Milton Local Distinctiveness SPD and Chap 7 of the National Planning Policy Framework

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Claire Upton- Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

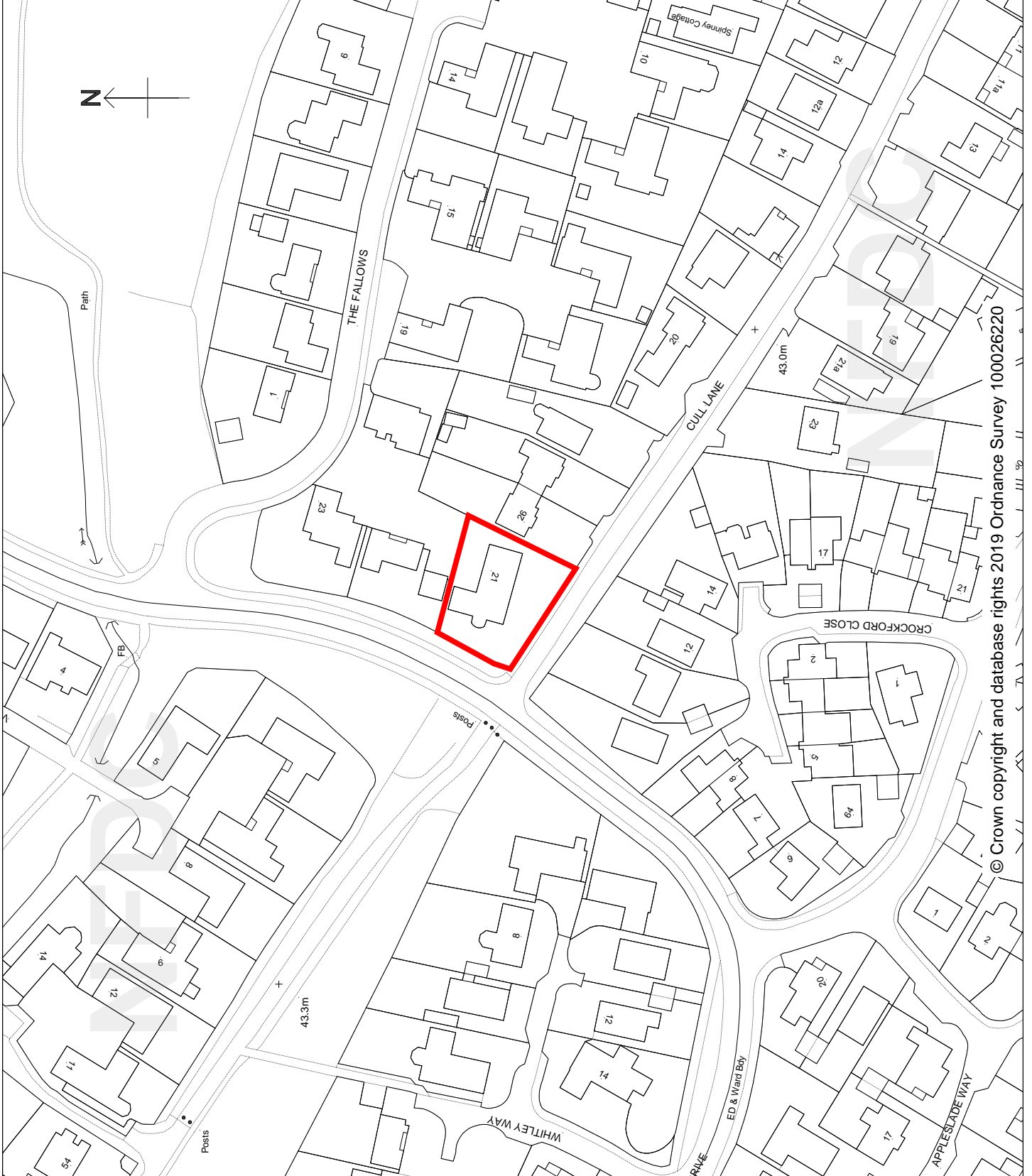
Planning Committee

July 2019

Item No: 3e
21 The Fallows
Ashley
New Milton
19/10584

Scale **1:1250**

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



© Crown copyright and database rights 2019 Ordnance Survey 100026220

Application Number: 18/11614 Full Planning Permission

Site: LAND REAR OF THE WHITE HORSE, KEYHAVEN ROAD,
MILFORD-ON-SEA SO41 0QY

Development: Erection of 1 pair of semi-detached houses; 2 detached houses;
access; parking & landscaping

Applicant: Bayview Developments Ltd

Target Date: 29/01/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

1.1 The following matters 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 setting of the adjacent listed building, 'The White Horse Inn' and the character and appearance of the adjacent Conservation Area,

2) the effect on the character and appearance of the area,

3) the effect on the living conditions of the adjoining neighbouring properties,

4) the effect on public highway safety,

5) the effect on the living conditions of future occupiers given the close proximity to the Public House and employment site.

1.2 This matter is before Committee as the application is contrary to the views of the Parish Council.

2 THE SITE

2.1 The application site comprises an open vacant piece of land that lies to the rear of a Public House known as the 'White Horse Inn'. The 'White Horse Inn' is a Grade 2 Listed Building which fronts onto Keyhaven Road and has a rear garden enclosed by an existing fence and car parking to the rear and side. There are no buildings on the application site and it should be noted that the site is separate and not used in association with the Public House. The application site is mainly laid to hardstanding with dense overgrowth.

2.2 The 'White Horse Inn' is listed as an Asset of Community Value. The site lies within the settlement of Milford On Sea and close to the village centre, and is considered to be in a reasonably sustainable location. The site lies just outside the boundary of the Conservation Area, which is just to the north boundary of the site.

- 2.3 The context of the area is mixed. Along the eastern boundary of the site comprises existing industrial buildings which are accessed off Laundry Lane. These employment buildings are fairly small 'single storey 'starter units' and have their side elevations bounding the eastern boundary of the site. Most of the units are used for light industrial, however, some of the units are vacant, and others are used for storage and general industrial areas. When planning permission was granted for the industrial building, a condition was imposed which restricted them to light industrial.
- 2.4 On the western boundary is a residential property at No 37 Grebe Close and there are further residential properties to the south which form part of the same street. Grebe Close is a relatively modern housing development comprising detached two storey houses, which form a cul de sac immediately adjacent to the boundary of the application site.

3 THE PROPOSED DEVELOPMENT

The proposal is to develop the site for 4 dwellings, comprised of two detached houses and a pair of semi detached houses. Access to serve the proposed development will be from Grebe Close. The proposed layout entails a pair of houses to front onto a public footpath next to Grebe Close and two detached dwellings would be sited in a different orientation facing the proposed internal road. Visually the proposed dwellings would rise to two storeys, although the first floor accommodation has been designed to be accommodated in the roof space. The proposed dwellings would be constructed from timber and have the appearance of agricultural buildings with a contemporary design. The proposed dwellings would rise to around 7.5 metres to the ridge. Car parking to serve the proposed dwellings would be to the west.

4 PLANNING HISTORY

None of direct relevance

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS5: Safe and healthy communities
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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

The Emerging Local Plan

Policy 1 Achieving Sustainable Development
Policy 10 Mitigating the impacts of development on International Nature Conservation site
Policy 11 (Saved DM1) Heritage and Conservation
Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea - A Conservation Area Appraisal
SPD - Mitigation Strategy for European Sites
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special regard shall be paid to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

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 102 to 109 - Promoting sustainable transport

Paras 117-119 - Making effective use of land

Para 120 - Achieving appropriate densities

Paras 124-131 - Achieving well designed places

Paras 184-192 - Conserving and enhancing the historic environment

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 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.

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council

Comments in relation to originally submitted application

Recommend Refusal:

The Parish Council is very concerned about the proposed access and concurs with the four key concerns that Hampshire Highways has about this development:

1. Insufficient parking provision
2. Insufficient turning width
3. Inadequate visibility splays
4. Shared access.

In addition, the Parish Council is concerned that Grebe Close is very narrow and in the evenings is full of parked cars. The through traffic from this development will have detrimental effects on the amenity value of the area and will pose safety concerns for current residents. The Parish Council is concerned that as this site is adjacent to the developer's additional site at 2-4 Keyhaven Road, it could become an even greater thoroughfare if the two developments were subsequently linked.

The Council also notes some of the proposed boundary treatments shown to be changed and the Sycamore tree shown in the plans due to be felled, are the property of householders of Grebe Close.

The Parish Council requests this application be refused.

Comments on revised application

To be updated when available

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

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

9.1 HCC Highways:

The Highway Authority raise no objections and consider that the layout would enable adequate vehicle parking and turning on the site. The parking requirements for the site are laid down by New Forest District Council in accordance with the Supplementary Planning Document. No cycle parking is noted on the submitted plans but this can be secured through a planning condition.

9.2 Conservation Officer:

The Heritage Assessment picks up on the curtilage connection of the application site and listed building, but there is still a lack of certainty over the defined curtilage status, however there has been a number of changes to boundaries and subdivisions over the years. It is felt that there is scope for some form of development on this plot and the key element for consideration is how this affects the setting of the Listed Building.

The Heritage Assessment makes it clear that the open land to the rear of the building has been part of its setting, although it is acknowledged that the setting to either side of the Listed Building is compromised by later development. The default position might be to suggest the space needs to remain open to preserve this open land and setting. However, it is felt that with regard to other development around the site and the length of the plot, a sensible compromise would be to look at a development that struck a balance between its open nature and some development. Well designed and spaciouly arranged built form could also provide the opportunity to enhance the currently neglected element of the site which exists at present.

In this case, adopting a simpler form to reflect former outbuildings to the listed building would be appropriate and assist in reducing bulk, scale and overly fussy detailing. The ability to adopt a more modern approach might also provide some dividends with being able to use modern materials and details in the final build. However, the proposal as submitted still appears rather cramped and there are concerns with the size and scale of the buildings. There is a lack of

9.3 Ecologist:

No objection subject to Ecological compensation/ enhancement plan to include measures such as native planting, wildlife access through boundary treatments, provision of additional artificial features such as bat tubes.

9.4 Natural England

No Objection Subject to Conditions. Given the nature, scale and location of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on nearby Hurst Castle and Lymington River Estuary SSSI as a result of the proposal.

9.5 Environmental Health (Pollution): _

The environmental Health Officer raises no objection. The proposal would bring residential uses closer to both the Public House and employment estate. The employment estate contains mainly light industrial uses, but there are some general industrial and storage uses. In addition the vacant Public House could be brought back into use. A noise report has been submitted which concludes that noise nuisance will be at a low level.

9.6 Environmental Health (Historic land use):

No objection subject to standard contamination condition.

9.7 Waste Collection Management:

No comments made.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

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

For: 0

Against: 10

Petition with 28 signatures

1 letter supports the principle of the site for residential development, but not in the manner proposed. The site is too small for 4 houses and the proposed development would be out of context with the spacial context of the surrounding area. The proposal would Impact on living conditions, by way of loss of privacy.

Grebe Close is a single carriageway cul-de-sac with passing places and traffic-calming measures. It is wholly unsuitable as an access road to additional homes. In the case of an emergency, vehicles, such as a fire engine, would not be able to access the properties, as the road is far too narrow in Grebe Close. The stretch of Grebe Close that coincides with the Solent Way is a popular walking route, both for locals and visitors. Encouraging additional traffic and parking along this route may be detrimental to the Sturt Pond nature reserve and to people's experience of visiting Milford, a village that relies on tourism to thrive.

The new homes should be accessed from Keyhaven Road, the most direct route from the village centre, where people already anticipate that vehicles will be turning in and out of driveways and side roads. The proposal would have inadequate car parking and the lack of car parking would impact on the neighbouring road Grebe Close.

Access to this site via Grebe Close would be unacceptable either during any building, or when occupancy takes place. Any and all access, should be via Keyhaven Road. Grebe Close does not offer a suitable thoroughfare for either heavy site machines, deliveries of building materials or additional vehicular traffic. The road in Grebe Close, is already restricted to one carriageway and access has already proved difficult and tiresome when small works have been carried out in this locality. Access along the 'emergency road' alongside Milford Body Works, would also not be acceptable.

A while ago there was a power failure in the local area as a result of a breakdown in the substation located adjacent to the site. This resulted in a large emergency generator being required and a replacement transformer. Owing to the restricted access from Laundry Road the supplier had to use the car park of the White Horse to access the substation to bring in the generator and heavy lifting equipment to carry out the work. What provision has the developer made for any further repairs that may occur.

The applicant has failed to consider the disturbances from the nearby commercial units in Laundry Lane to the potential residents of the proposed development.

Contradictory to the Biodiversity Report, bats do use this land for foraging food. Furthermore, the site's close proximity to the nature reserve in Sturt Pond could cause disruption to wildlife.

11 OFFICER COMMENTS

Introduction

- 11.1 There are five main issues in this case, which include the effect on the setting of the adjacent listed building, 'The White Horse Inn', the effect on the character and appearance of the adjacent Conservation Area, the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, the effect on public highway safety and the effect on the living conditions of future occupiers given the close proximity to the Public House and employment site.
- 11.2 In policy terms, the site is not allocated for development, and the 'White Horse Inn' is listed as an Asset of Community Value. It should be noted that the extent of the site subject to the application lies outside the listing area. There are no specific policies for the site in terms of allocation or opportunity sites.

Relevant Considerations

Effect on the setting of the listed building and the character and appearance of the Conservation Area

- 11.3 Local Plan Part 2 Policy DM1 states that development proposals 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. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2019.
- 11.4 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. Paragraph 196 of the NPPF 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.

- 11.5 The application site is accompanied by a Heritage Statement. The 'White Horse Inn' is a Grade 2 listed building situated within the Conservation Area. The boundary of the Conservation Area cuts through the rear of the plot and the application site is outside the Conservation Area. Rising to two storeys in height, the 'White Horse Inn' has a long frontage onto Keyhaven Road and is a white painted building with a clay tiled half hipped roof and sash windows. The building significantly contributes to the area when viewed from Keyhaven Road, however, there are some unfortunate additions to the rear, including an unattractive timber fence enclosing the rear garden and large areas of hard standing. In addition, there are views of the unattractive industrial buildings abutting the eastern boundary of the site, which currently have a negative impact on the setting of the listed building and views from the Conservation Area.
- 11.6 The Milford On Sea Conservation Area Appraisal identifies the important role that both the 'White Horse Inn' and the nearby 'Smugglers' Public House plays at either end of the High Street. In particular the openness around the building which contribute to its setting. Regression maps included in the Heritage Assessment indicate that the 'White Horse Inn' had a long narrow plot, in which the land to the rear was subdivided with open garden land with some small outbuildings, possibly stable buildings. The application site lies just beyond the rear of the Public House, but there is still a strong relationship and connection between the two sites.
- 11.7 In assessing this proposal, whilst there is still a lack of certainty over the defined curtilage status, given the number of changes to boundaries and subdivisions over the years, the extent of development on either side of the listed building, including the industrial units and the derelict condition of the site which makes little contribution to the significance of the 'White Horse', it is considered that there is scope for some form of development on this plot. one of the key element for consideration is how the proposal affects the setting of the Listed Building and the effect on the Conservation Area.
- 11.8 It is considered that a sensible compromise would be to look at a development that struck a balance between the sites open nature and some development, through well designed and spaciouly arranged built form, which could provide the opportunity to enhance the currently neglected appearance of the site.
- 11.9 In this case, the proposal would adopt a simpler form to reflect former outbuildings or former agricultural buildings to the listed building which would be appropriate and assist in reducing bulk, scale and overly fussy detailing. Indeed, the ability to adopt a more modern approach provides some dividends in being able to use modern materials and details in the final build, but retaining a simple building form. This has been acheived by reducing the ridge height to below 7.5 metres, creating reasonable proportions and accomodating the first floor in the roof space.
- 11.10 It is felt that the proposed layout is rather cramped, which is unfortunate, and if the proposal were to reduce the size or number of the units, this would certainly improve matters. However, It is also considered that the proposed layout with the narrow side gables adjacent to the listed building would still enable a fairly spacious feel to be created on either side and therefore create space around the buildings. This also has to be balanced against the positive elements of maximising the use of the site and reducing the unfortunate current views onto the industrial estate.

11.11 Overall it is felt that the proposed development has been designed in a fairly sympathetic manner with space around the buildings making an effective use of the long standing untidy and redundant site to the rear of the Public House. Moreover, Paragraph 117 of the NPPF 'making effective use of land' states that decisions should promote an effective use of land in meeting the need for homes and in a way that makes as much use as possible of previously-developed or 'brownfield' land. It is considered that the proposed development would meet these objectives.

The effect on the character and appearance of the area

11.12 Contextually the character of the area is very mixed. There are employment buildings which bound the eastern boundary, and a fairly modern housing development at Grebe Close on the west and south boundary. In Grebe Close, dwellings tend to be two storeys in height, constructed from red brick with simple pitched roofs, situated around a cul de sac with relatively short front and rear gardens, although there are pockets of greenery, trees and vegetation. A new housing development comprising 8 houses is currently under construction to the north west. This development has been designed as a traditional style, but with smaller plots in a fairly cramped layout.

11.13 The proposed development would have plot sizes that are slightly smaller than some dwellings in Grebe Close, but generally there is not a big difference. The proposed plot sizes would be comparable to the development of 8 houses under construction to the north west.

11.14 Paragraph 122 of the National Planning Policy Framework 'Achieving appropriate densities' states that decisions should support development that makes efficient use of land, taking into account, the identified need for different types of housing and other forms of development, and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change.

11.15 It is considered that generally, the proposed plot sizes are comparable to the surrounding context, and the overall layout and design has been designed to a high standard and a number of planning conditions can be used to ensure that the quality is reflected in the use of materials, detailing and landscaping.

The relationship between the proposed residential units and Public House and employment use

11.16 The proposal would bring residential uses closer to both the Public House and employment estate, which mainly contains light industrial uses, although there is a 24 hour vehicle recovery service. Accordingly the main issue is whether future occupiers will be unacceptably impacted by noise from the surrounding uses. The applicant has carried out a noise assessment and the Environmental Health Officer does not raise any objections as although there will be some disturbance arising this would be at a low level within acceptable limits. as a result, your officers are of the view that the proposal would be acceptable in this context.

Residential amenity matters

- 11.17 In assessing the effect on the living conditions of the adjoining neighbouring properties, it is considered that Nos 37, 38 and 40 Grebe Close would be affected by the proposal.
- 11.18 In terms of the impact on No 37, this property has its side elevation running parallel to the application site. It is accepted that there would be some noise and disturbance created from the proposed access and car parking spaces which would be situated immediately adjacent to the side boundary with No 37. Although, the provision of existing and new boundary treatment will help mitigate against the noise, and on balance, given the scale of development, it is not considered to result in such significant harm to justify a refusal of permission.
- 11.19 The proposed dwellings are sited a sufficient distance away not to compromise the available light or outlook of No 37, however, there are a number of proposed windows that would result in a degree of overlooking. The distance from the proposed roof lights and vertical glazed window on the front elevation of Units 3 and 4 to the side boundary with No 37 measures between 13 and 15 metres. Whilst this distance would normally be considered acceptable, given the amount of windows proposed (10 in total), and in order to mitigate against unacceptable overlooking, it is considered that the 4 bathroom roof lights are fitted with obscure glass. Equally, the proposed bathroom window on side elevation of Unit 2 facing No 37 should be obscure glazed.
- 11.20 Proposed Units 1 and 2 would face onto the existing houses at Nos 38 and 40, although they would be separated by an existing public footpath, driveway and road. The distance between the front elevation of Units 1 and 2 and Nos 28 and 40 measures approximately 14 to 16 metres, which is not considered to result in any material loss of light or outlook. A number of rooflights are proposed (6 in total) on the south elevation facing Nos 38 and 40, and whilst the distance would be reasonable, given the number of windows proposed, it is felt that the bathroom windows (2 in total) could be glazed with obscure glass to maintain a reasonable level of privacy.
- 11.21 There are existing residential flats on the rear elevation of Carrington Works, including a very small outside area, which immediately backs onto the south east boundary. Unit 1 has been design with no main windows facing these neighbouring residential properties. Whilst the physical relationship of Unit 1 is not ideal, this part of the building has been lowered in height and sited just off the boundary and on balance, it is not considered to result in an impact to justify a refusal of permission.

Public Highway Safety Matters

- 11.22 Access into the site would be gained from Grebe Close. The main issue is ensuring that car parking, turning and access for emergency/ refuse is acceptably achieved.
- 11.23 The key policy test is set out under Paragraph 109 of the National Planning Policy Framework which 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.

- 11.24 The Highway Authority does not raise any objections to the creation of the access onto Grebe Close and considers that there is sufficient space for vehicles to enter and access the site in a safe manner. Refuse collection would be located close to the site entrance and this will avoid the need for refuse vehicles to access the rear of the site. Whilst concerns have been expressed that in some places the width of Grebe Close is less than 3.7m, which is the required access width for emergency vehicles, the proposal is for four additional houses and would not significantly worsen the situation. In addition, the Waste Collection Management team do not raise any objections.
- 11.25 Concerns have been raised in relation to the lack of car parking spaces on the site and the potential impact of shortfall on the neighbouring roads. Based upon the Councils adopted car parking standards, the level of unallocated car parking spaces would equate to 8 spaces and this would meet the car parking standards. Moreover, the National Planning Policy Framework states that the car parking spaces to be provided should be considered against the sustainable nature of the site and the type of use. In this case, the application site is located in a fairly sustainable location, close to the village centre where there are a mixture of shops, community uses and other facilities.
- 11.26 The applicant has also confirmed that they are in a position where a condition restricting the access and movement of construction traffic to Keyhaven Road could be imposed in order to alleviate any impact during construction upon Grebe Close.
- 11.27 Overall whilst the concerns of the access onto Grebe Close and lack of car parking is appreciated, it is considered that the proposal would not result in severe harm to public highway safety and the Highway Authority does not raise any objections.

Response to objections received

- 11.28 Concerns have been expressed that there was a recent power failure in the local area as a result of a breakdown in the substation located adjacent to the site in Laundry Lane which resulted in repairs to the substation taking place via the car park of the White Horse. If planning was approved, this could restrict the access to the substation. In response, it should be noted that the substation is not located on the site and the fact there needs to be access is not for consideration as part of this application.
- 11.29 Concerns have been raised that the proposal could impact on protected species and wildlife on and near to the site, which is close to a nature reserve. In response, an ecological survey has been carried out on the site and this concluded that there was no evidence of bats roosting on the site or any other protected species. The Councils Ecologist raises no objection and states that provided that site clearance is managed and mitigation provided, harm to individuals can be avoided and accordingly these matters can be dealt with by condition.

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 In conclusion, it is considered that the proposal would `preserve the character and appearance of the Conservation Area under section 72 (1) of the LBCA and special regard has been be paid to the desirability of preserving the setting of the Listed Building as set out Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 12.2 Moreover, in accordance with paragraph 193 of the NPPF 2019 it is considered that the proposal would result in less than substantial harm to the character and appearance of the conservation area and setting of the listed building. It is noted that the degree of harm is higher to the setting of the listed building compared to the character and appearance of the Conservation Area. Although harm to both Heritage Assets would be at the lower end of the scale of less than substantial harm.
- 12.3 In applying the balancing exercise, the proposal would provide social and economic benefits including employment for construction workers and increased spending in local shops. The proposal would also provide environmental benefits, in particular, by making efficient use of land to provide housing in a sustainable location close to services and facilities. There is an inadequate supply of deliverable sites to meet the housing needs, although the proposal would provide a modest contribution. Moreover the proposal would bring forward an appropriate use of this vacant and derelict brownfield site and reduce the unattractive views of the existing employment buildings and this is reflected in the NPPF which seeks to optimise the use of brownfield sites and acheive appropriate densities.
- 12.4 Whilst the proposal has a rather congested layout, and there is some harm to residential amenity, in summary, it is considered that the public benefits far outweigh the less than substantial harm to the significance of the Conservation Area and setting of the Listed Building.

13 OTHER CONSIDERATIONS

Other matters

Housing

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

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.

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus £4896 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 £39,006.37

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

Human Rights

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

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. 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: ADP/1850/P/202, ADP/1850/P/203, ADP/1850/P/204, ADP/1850/P/205, ADP/1850/P/206/ADP1850/P/201ADP/1850/P/100, ADP/1850/P/201.

Reason: To ensure satisfactory provision of the development.

3. 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).

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

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

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

5. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- (a) the external facing materials
- (b) typical joinery details including window/doors,
- (c) the rainwater goods

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. The development hereby permitted shall not be occupied until the spaces shown on plan ADP/1850/P/202 for the parking of motor vehicles and turning have been provided. The spaces shown on plan ADP/1850/P/202 for the parking of motor vehicles turning 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).

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

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

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

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

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

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

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

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

10. Before first occupation of the 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.

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 12 to 14 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

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

12. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

14. Where a remediation scheme has been approved in accordance with condition 13, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

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

16. Where a remediation scheme has been approved in accordance with condition 14, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

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

17. The first floor bathroom rooflights on the front (west) elevations of the approved dwellings identified as Units 3 and 4, the first floor bathroom window on the side (west) elevation of the approved dwelling identified as Unit 2 and the first floor bathroom rooflights on the front (south) elevations of the approved dwellings identified as Units 1 and 2 shall at all times be glazed with obscure glass.

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).

18. Prior to the commencement of development, and notwithstanding the New Forest Ecological Consultants Ecological report dated 12th October 2018 a detailed scheme for biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

19. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of amenity and highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

Notes for inclusion on certificate:

1. In discharging condition No 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.
3. This decision relates to amended / additional plans received by the Local Planning Authority on the 7th June 2019.

Further Information:

Richard Natt
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

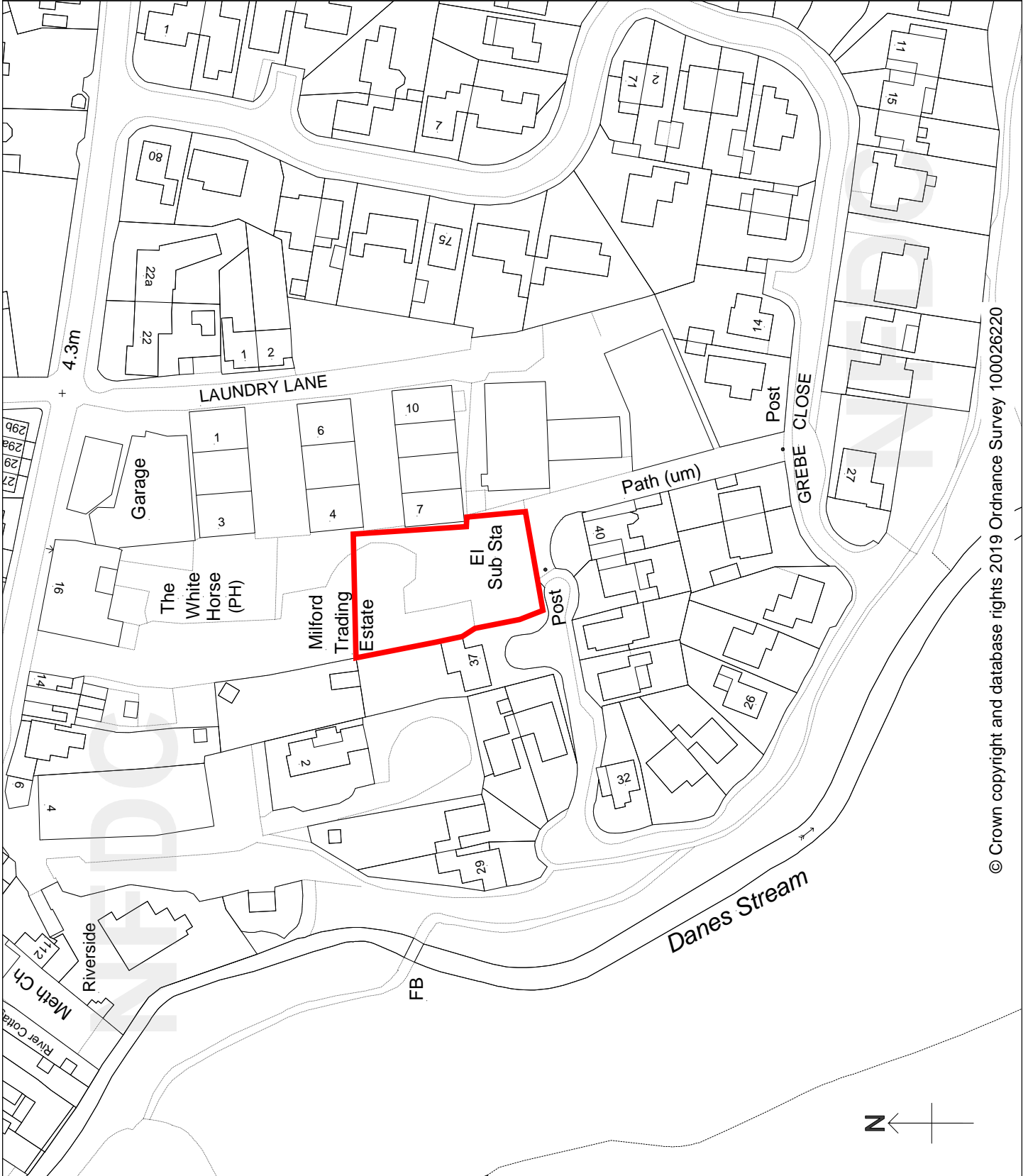
**Planning Development
Control Committee**
July 2019

Item No: 3f

Land r/o The White Horse
Keyhaven Road
Milford on Sea
18/11614

Scale 1:1250

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



This page is intentionally left blank