

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 9 OCTOBER 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: 023 8028 5345 or E-mail: DCAdministration@nfdc.gov.uk

**Claire Upton-Brown**  
Chief Planning Officer

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

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

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meeting held on 11 September 2019 as a correct record.

**2. DECLARATIONS OF INTEREST**

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

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

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land at Crow Arch Lane and Crow Lane, Ringwood (Application 18/11648) (Pages 1 - 24)**

Development of 20 dwellings comprised of semi-detached houses; terraces; 1 block of flats, bin & cycle store; detached garages; public open space, landscaping, internal access arrangement and ancillary infrastructure

**RECOMMENDED:**

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

(b) **Land adjacent to Forest Lodge Farm, Fawley Road, Hythe (Application 17/11770) (Pages 25 - 42)**

Variation of condition 21 of Planning Permission 15/10751 to allow revised drainage proposal (retrospective)

**RECOMMENDED:**

Grant the variation of condition

(c) **South Lawn Hotel, Lymington Road, Milford-on-Sea (Application 19/10841) (Pages 43 - 66)**

Second-floor extension to provide 18 bedrooms; 48 car parking spaces; associated landscaping; detached building to accommodate waste recycling

**RECOMMENDED:**

Grant subject to conditions

(d) **Land North of School Lane, Milford-on-Sea (Application 19/10917) (Pages 67 - 76)**

Erection of hoardings, Stack Sign; Flagpoles and flags for a temporary period (Application for Advertisement Consent)

**RECOMMENDED:**

Grant advertisement consent

(e) **Avonway Community Centre, 36 Shaftesbury Street, Fordingbridge (Application 19/10948) (Pages 77 - 84)**

Main entrance doors; glazing; entrance canopy

**RECOMMENDED:**

Grant subject to conditions

- (f) **36 Golden Crescent, Everton, Hordle (Application 19/11007)  
(Pages 85 - 90)**

Change of use of land to garden; fence

**RECOMMENDED:**

Grant subject to conditions

- (g) **Arrachar, Fox Pond Lane, Pennington, Lymington (Application 19/11072)  
(Pages 91 - 98)**

Variation of condition 2 of planning permission 17/10532 to allow revised plans

**RECOMMENDED:**

Grant the variation of condition

**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



**Application Number: 18/11648** Full Planning Permission

**Site:** LAND AT CROW ARCH LANE AND, CROW LANE, RINGWOOD  
BH24 3DZ

**Development:** Development of 20 dwellings comprised of semi-detached houses;  
terraces; 1 block of flats, bin & cycle store; detached garages;  
public open space, landscaping, internal access arrangement and  
ancillary infrastructure

**Applicant:** Linden Wates (Ringwood) LLP

**Target Date:** 13/03/2019

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

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## 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 development
- 2) Landscape and character impacts
- 3) Highway Impacts
- 4) Amenity Impacts
- 5) Affordable housing
- 6) Open Space Arrangements
- 7) Mitigating the impact of the development on European Sites

This matter is before Committee as the recommendation is contrary to the Town Council's view of the proposal.

## 2 THE SITE

The site is allocated by Policy RING3 of the Local Plan Part 2 for up to 150 dwellings, up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space. The wider site was formerly in agricultural use (Phases 1 and 2/3 are now under construction). To the north, the wider site is bound by existing residential development (Hightown Gardens). To the east it is bound by the line of Crow Lane, with residential development beyond. To the south it is bound by the line of Crow Arch Lane, with sporadic residential development present. To the west it is bound predominantly by existing employment sites known as Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate.

## 3 THE PROPOSED DEVELOPMENT

The current application is made on a stand alone basis, independent of the original outline approval. It relates to the greater portion of the site to the south of the Castleman Trail, which previously received approval for a total of 22 dwellings under Phase 2 (ref. 17/11309) and 10 dwellings under Phase 2/3 (ref. 17/11358), represented by those dwellings within the blue line on the Location and Masterplan. In light of the comments of consultees and representations, the

originally submitted application was amended to reduce the number of units sought from 24 to 20 dwellings. If approved, the proposal would see a total of 30 dwellings on the site to the south of the Castleman Trail and 195 units on the site allocated by Policy RING3.

The application therefore seeks permission for 20 dwellings, landscaping and ancillary infrastructure, accessed from an approved point from Crow Arch Lane, which is now in situ. Detailed layout, floorplans, elevations, sectional plans and materials schedules are submitted seeking to demonstrate that the scale and design of development proposed could satisfactorily be achieved within the confines of the site.

#### **4 PLANNING HISTORY**

17/11358 - Final Phase (2/3); development comprised of a care home (Use Class C2); flexible business units (Use Class B1), 113 dwellings (Use Class C3), public open space, associated parking; landscaping; internal access arrangements and ancillary infrastructure (details of appearance landscaping, layout and scale associated with development granted by outline permission 13/11450) - approved November 2018

17/11309 - Phase 2 - development of 113 dwellings comprised 34 detached dwellings; 13 pairs of semi-detached dwellings, 3 drive through car port and flat over, 1 terrace of 5 houses, 5 terraces of 3 houses, 1 terrace of 4 houses, 1 block of 9 flats, 1 block of 7 flats, 2 link detached houses, garages, parking, access, parking, cycle path -details of appearance, landscaping, layout and scale - Development granted by outline permission 13/1145 - approved January 2018

16/11520 - Phase 1: development of 62 dwellings comprised: 15 houses; 9 pairs of semi-detached houses; 3 terrace of 3 houses; 3 terrace of 4 houses; 8 flats; garages; public open space; SANG; ancillary infrastructure; allotment land (Details of appearance, landscaping, layout & scale development granted by Outline Permission 13/11450) - approved June 2017

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

#### **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)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS9: Settlement hierarchy
- CS10: The spatial strategy
- CS11: New housing land allocations

CS15: Affordable housing contribution requirements from developments  
CS23: Transport proposals  
CS24: Transport considerations  
CS25: Developers contributions

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

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane  
NPPF1 - Presumption in favour of sustainable development  
DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites

#### Emerging Plan

Policy 1 - Achieving Sustainable Development  
Policy 5 - Meeting our housing needs  
Policy 10 - Mitigating the impact of development on International Nature Conservation sites  
Policy 13 - Design Quality and local distinctiveness  
Strategic Site 13 - Land at Moortown Lane, Ringwood

#### Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites  
SPD - Ringwood Local Distinctiveness  
Housing Design, Density and Character SPG (NFDC 2006)  
Parking standards SPD (NFDC 2012)

#### Constraints

Built-up area  
Cycleway Improvement  
Archaeological Site

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

### **Relevant Advice**

NPPF Chap 5: Delivering a sufficient supply of homes  
NPPF Chap 12: Achieving well-designed places

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

**Ringwood Town Council - PAR4: Recommend REFUSAL.** The proposal does not address concerns previously identified and the Committee wished to reiterate its objections. The number of dwellings proposed would be overdevelopment of this parcel of land. The development is out of character with its rural setting and bearing in mind the nature and size of existing buildings in the area. It was not accepted that the mix of houses provided on the open market, compared to affordable housing, satisfies the local demand and it was requested that provision be made for 1 and 2 bedroom open market properties. The Construction Management Plan was considered not fit for purpose and there was disappointment that accessing the plot through the site (from Crow Lane) had not been detailed as an option, given the Committee's earlier

comments and uncertainty about the bridge on Crow Arch Lane. There were also concerns with the proposed route for construction vehicles in terms of the suitability of roads and junctions for HGV use and safety of pedestrians and cyclists.

## **8 COUNCILLOR COMMENTS**

No comments received

## **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 NFDC Urban Design - Generally this represents an overly intense section of the development. The outline permission included a far looser density corresponding to: a rural edge; the rural lane; and the greenness of the setting of an important footpath. Intensification leads to hardening of surface for car parking which would otherwise be green garden, a squeezing of greenspaces on streets for car parking. An objection is raised on design grounds as it fails to meet the requirements of CS2. It is not well designed in respect of character, identity and context. It fails to contribute positively to local distinctiveness being inappropriate in terms of scale, height, layout appearance and its relationship with adjoining buildings and landscape features.
- 9.2 NFDC Landscape Team - The DAS approved as part of the outline planning consent 13/11450 states that this parcel of land should be developed at a density of 15dph and restrict buildings to 1.5-2 stories. The current amended layout suggests a dph of 32 and consists of flats and terrace blocks, rather than semis and detached homes. There are a number of issues with this proposal, not least the overall provision of dwelling numbers afforded by the outline consent – rising from a maximum of 175 dwellings to 195 within the same red line area. The 10 units excluded from this proposal, granted under ref: 17/11358 has already increased the intensity of this site. The gradual increase in density of this site through various iterations of design result in a form of development that is too intense, does not offer adequate amenity, both private and public and fails to maintain or enhance local distinctiveness. In addition there is so little opportunity to provide adequate green infrastructure that there will be no net gain for biodiversity and therefore is clearly contrary to CS2, CS3 and CS7. If minded to grant please apply a standard landscape condition.
- 9.3 NFDC Open Spaces Development Team - With regard to the future maintenance of the Open Space the Landscape Strategy indicates several dotted lines on the northern section beside the “Village Green”. These utilities/drainage crates need to be identified and the restrictions and maintenance of such items outlined by the Developer for consideration. The southern open space adjoins the main entry/exit road has hedging either side of the pedestrian access. We would suggest that pavements are included in the design to ensure safe access to the public open space, refuge while waiting to cross and ensure good visibility for/of all ages of users wishing to access or cross the road at this location. There is no design for the play equipment to be installed and its location (required under CS7). Further details on the items proposed to be installed in the public open space for comment.



- 9.4 Natural England - No objection, subject to appropriate mitigation being secured, the application being in close proximity to designated European wildlife sites. Natural England has reviewed the mitigation plan submitted in support of the application and welcomes the additional SANG to be delivered and as mitigation for the additional houses at this location. Provided the area and ongoing management costs are secured, no further comments are made on this part of the mitigation proposal. However, as the amount of land proposed as SANG falls short of the minimum amount required, additional mitigation has been proposed, which is the upgrade of a section of the Castleman Trail adjacent to the development. The upgrade of the trail at this point would appear to provide a useful extension to the trail already upgraded as part of the first SANG phase to create a much improved local access corridor. Provided this mitigation can be brought forward prior to development, as set out and is secured through an appropriate planning condition or obligation Natural England are satisfied that this, in combination with the SANG land, would mitigate recreational impacts from the additional dwellings. An appropriate assessment of the proposal should be undertaken in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The Council's decision should be guided by paragraph 172 of the NPPF in relation to impacts upon the National Park and wider landscape.
- 9.5 Ecologist - The proposals for the additional SANG area are functional extension of the SANG is supported. The quantum still falls slightly short of the minimum required but improving access to the wider area seems capable of delivering some function within an overall mitigation package. Assessment of the efficacy of the proposal probably falls outside of a strictly ecological remit. Subject to other parties being content, the conclusions of the additional information are supported. Implementation of the measures may involve loss of habitats (i.e. reference to cutting back vegetation to facilitate access) and this should be offset in the conditioned biodiversity enhancement plan. Given the Government's proposals for net gain of biodiversity through the planning system and recent statements on the desirability of mandatory net gain, the Council's Local plan policy DM2, whilst unchanged, should be given due weight. The Council should, amongst other measures, be looking for native species landscape treatments to support ecological networks, features to minimise fragmentation caused by boundary treatments, and artificial habitat features such as swift boxes, house sparrow terrace and bat tubes amounting to the equivalent of 1 per property (noting some features being grouped on one property due to the social ecology of the target species). Consideration would also need to be given to other biodiversity impacts from the re-surfacing works if they comprise engineering activities capable of affecting protected species such as amphibians or reptiles.
- 9.6 Tree Officer - The proposal will not have a detrimental impact on trees. The protection of trees and hedges to be retained as outlined in the Middlemarch Environmental Tree protection Plan Ref: C129274-02-01-Rev A dated November 2018 is considered appropriate. No objection subject to tree protection condition:
- 9.7 Hampshire County Council Highways - The site in question was the southern land parcel of the development site which was granted outline permission 13/11450 for a development of 175 dwellings with other land uses. The applicant has since revised the scheme and now proposes to provide an additional 20 dwellings. A Transport Statement (TS) has been

submitted in support of the application. The proposed level of car parking is more than the required level of spaces as recommended in the Parking SPD adopted by the Council and is considered to be appropriate. The additional traffic generated by the proposed dwellings would not cause a material impact on the local highway network. Section 1 of the previously approved Travel Plan should be amended to reflect the increased number of houses. The cost estimate of travel plan measures associated with the additional residents, e.g., bike vouchers, more travel packs, etc should also be amended. These could be provided in an addendum document, secured by condition. Local concern has been raised over the impact that construction works would have on Crow Arch Lane. The developer should seek to avoid using Crow Arch Lane as much as possible. A revised Construction Management Plan (CMP) has been prepared and is considered to be satisfactory, however the temporary access proposed for residents shown in Appendix B on Drawing "Site Set Up", item "10" would result in removal of existing hedges and the developer is required to obtain permission from the highway authority under S171/S184 licence agreement to create the temporary access. The proposed works to the Castleman Trail are variable in terms of width, the adjudicator is the Highway Authority and will depend on the impact on the embankment holding up Crow Arch Lane. A note should be added to the drawing showing the works to the Castleman Trail adjacent to this development confirming the need to meet up in line and level with the works on the Embankment Way side of the Arch. The applicant will be responsible for providing the works under the Arch. No highway objection subject to conditions to address highways construction, parking, cycle storage, turning, travel plan and to ensure the Construction Traffic Management Plan is adhered to.

- 9.8 Hampshire County Council Drainage - The submitted information addresses our requirements and we have no further comments. Also give informatives.
- 9.9 Strategic Housing Officer - Supports the total number of affordable homes that have been committed (10) and the size of the dwellings and their plots, however, due to the reduction in numbers uncertainty has arisen over the most appropriate pre-designation of the individual plots that are to be allocated as affordable dwellings for rent or for shared-ownership. Due to the arrangement of 4 x flats in a small block and 6 houses in a separate group, it may be more appropriate or even necessary to see the affordable homes provided in a 60%/40% tenure mix rather than the 50%/50% approach that was applied to the larger neighbouring scheme. The potential scenarios are likely to be affected by the overall saleability and deliverability of the affordable dwellings in question - matters that the developer will find extremely difficult to answer until they are discussing options with an approved affordable housing provider, be that the District Council or another approved Registered Provider. With this in mind the legal agreement should be worded to require a general 50%/50% mix of affordable housing for social rent and shared-ownership but without designating specific plots. Flexibility around the detailed tenure mix can then be permitted for the 10 plots, subject to the legal agreement with the Council and prior to commencement of development. An additional commitment could be sought to ensure that no less than 4 of the affordable dwellings are to be provided for rent under any circumstances, and if that option were deemed acceptable to the Council that all 4 of those dwellings must be provided for Social Rent.

- 9.10 Environmental Health (Pollution) - From a noise perspective it is noted that two existing industrial/ business parks border the site within close proximity (<50m) to the North and West. Planning approval has recently been given for the creation of a further 31 industrial units (benefitting from use class B1 & B2) and a care home to the north of the proposed development site. In the absence of any acoustic data accompanying the application detailing background noise levels, concerns are raised that noise could have an adverse impact on any new dwellings (if unmitigated). As such, it is recommended that a noise assessment is carried out and submitted to the planning Authority for approval in advance of construction commencing. The findings of the assessment should thereafter be implemented and retained. The proposed development will be constructed in very close proximity to a number of existing dwellings and therefore to minimise any impact on these properties during the construction phase of the development (especially as complaints have previously arisen on other parts of the wider development site), it is recommended that the hours of construction be controlled. The hours of construction and the assessment/ mitigation measures proposed for dust outlined within the CMP are acceptable. Overall, the development is acceptable, subject to the above information being provided and agreed.
- 9.11 Environmental Health (Contaminated Land) - The wider site has previously been recommended for ground gas protection in buildings, however looking at the carbon dioxide data from previous reports in app 13/11450 for this particular part of the site there may not be a requirement for this. Following further information submitted by the applicant's consultant it is agreed that there is no requirement for gas protection in phase 3.
- 9.12 National Parks Authority - No comments received
- 9.13 Southern Gas Networks - No objections but give informatives.
- 9.14 Network Rail (Southern Region) - Having reviewed the submitted information, no comments are made.
- 9.15 Archaeologist - The area of this application was examined archaeologically as part of an archaeological evaluation. The evaluation trenches produced a small range of archaeological material and the post-excavation assessment report we accepted. The materials recovered have been quantified (see attached report) but a final report on the recovered material is all that is now outstanding. On the basis of the post-excavation assessment report we would not require any further on-site archaeological work.
- 9.16 Hampshire County Education - No objection to the planning application subject to the applicant entering into a section 106 agreement to secure a contribution of £77,042 towards expansion or adaption projects at Ringwood Infant and Junior schools in order to mitigate the impact of the development on educational infrastructure and ensure that sufficient school places are provided to accommodate the additional children expected to be generated by the development.

Comments in full are available on website.

## 10 REPRESENTATIONS RECEIVED

Representations have been received from six separate parties. The following is a summary of the representations received, full comments can be viewed online:

- Poor vehicular and pedestrian access arrangements via Crow Arch Lane
- This portion of the site is now overdeveloped and too intense.
- The application does not meet the initial outline permission, which indicated properties of a larger size would be built on this site.
- The block of flats is not in keeping with existing residential properties.
- Has a full structural survey been completed of the old railway bridge, to confirm that the structure will be able to withstand the vehicular impact from the development and construction traffic?
- Crow Arch Lane is unsuitable to provide construction vehicle access, with possible damage to property.
- Concern is raised that further applications will be submitted to further increase density
- The application incorporates affordable housing which was not previously proposed for this portion of the site.
- As this development will be constructed around two existing properties, work should be carried out in accordance with the Construction Management Statement (CMS), in terms of construction traffic access, working hours and dust control.
- Representations are made by The Royal Bournemouth and Christchurch Hospital NHS Foundation Trust and the University Hospital Southampton NHS Foundation Trust, which seek contributions of £23,848 and £22,914 respectively to enable them to provide services needed by the future occupiers of the twenty new homes.

## 11 OFFICER COMMENTS

### Introduction

- 11.1 The site is allocated by Policy RING3 of the Local Plan Part 2 for up to 150 dwellings, up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space. The wider site was formerly in agricultural use (Phases 1 and 2/3 are now under construction). To the north, the wider site is bound by existing residential development (Hightown Gardens). To the east it is bound by the line of Crow Lane, with residential development beyond. To the south it is bound by the line of Crow Arch Lane, with sporadic residential development present. To the west it is bound predominantly by existing employment sites known as Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate.
- 11.2 The current application is made on a stand alone basis, independent of the original outline approval. It relates to the greater portion of the site to the south of the Castleman Trail, which previously received approval for a total of 22 dwellings under Phase 2 (ref. 17/11309) and 10 dwellings under Phase 2/3 (ref. 17/11358), represented by those dwellings within the blue line on the Location and Masterplan. In light of the comments of consultees and representations, the originally submitted application was amended to reduce the number of units sought from 24 to 20 dwellings. If approved, the proposal would see a total of 30 dwellings on the site to the south of the Castleman Trail and 195 units on the site allocated by Policy RING3.

- 11.3 The application therefore seeks permission for 20 dwellings, landscaping and ancillary infrastructure, accessed from an approved point from Crow Arch Lane, which is now in situ. Detailed layout, floorplans, elevations, sectional plans and materials schedules are submitted seeking to demonstrate that the scale and design of development proposed could satisfactorily be achieved within the confines of the site.

## **Relevant Considerations**

### The principle of development

- 11.4 The site is within Ringwood's built-up area, is allocated for housing and associated infrastructure and is in a sustainable location. There are a range of services and facilities within walking distance of the site. The proposal includes measures to enhance pedestrian and cycle links to the site and areas beyond. Both local and national policy point to a preference for accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements. Furthermore, the site benefits from a planning approval under ref. 17/11309, which accepted the principle of 14 dwellings on this portion of the site. The principle of housing development in this location is therefore considered to be acceptable.

### Landscape and character impacts

- 11.5 Policy RING3 of the Local Plan Part 2 specifically allocates this site for a mixed use development of around 150 dwellings, employment development and open space. The plans submitted with the application seek to demonstrate that 20 dwellings could be accommodated on the site, the merits of which will be assessed against requirements such as provision of adequate levels of car parking, access, landscaping, private open space, retention of existing site features and the general impact upon the setting of the area. The Ringwood Local Distinctiveness Document and Policy CS2 of the Core Strategy stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside.
- 11.6 It is acknowledged that some consultees and notified parties have raised concerns over the density and character impacts of the form of development proposed. While the current proposal is more intense than the previous approval for 14 units on this portion of the site, the applicant has made concessions on the number of units to be provided in this location by removing 4 units, so that 20 are now proposed. The main changes to lie to the western extent of the site where previously approved detached dwellings have been replaced with semi-detached dwellings and a flatted block (Plots 181-194). The flatted block would provide four units in line with requests for smaller (1 and 2 bedroom) dwellings and would have a modest footprint and at two storeys, would not appear incongruous or harmful in this location. Similarly the semi-detached dwellings have footprints and massing similar to the previously approved detached dwellings and are acceptable. The layout provides sufficient space within the scheme to the benefit of landscape provision and generally providing more space about buildings.

- 11.7 While the site is currently on the rural fringe, it is well related to existing, albeit commercial development to the north and east and residential development fronting Crow Arch Lane. It is acknowledged that density has increased since the outline stage, but policy has moved on since 2013 and the application needs to be considered in light of the Emerging Plan, which allocates land to the south of Crow Arch Lane as Strategic Site 13. Weight may now be attached to the Emerging Plan and SS13, having undergone Inquiry and it is likely that the agricultural land to the south of Crow Arch Lane will be developed for residential purposes. Consequently, in the medium term, the site will no longer be a rural edge site and planning officers consider that the proposed density of 32 dph (similar to that approved for the remainder of the RING3 site) is acceptable in this location and that the intensity of built form would not significantly impact upon the character and appearance of the locality. Furthermore, the revised arrangement offers a better mix of smaller dwellings in this location, makes much more efficient use of land and will assist with meeting the District's shortfall of housing provision, without impinging to an unacceptable degree on local landscape quality.
- 11.8 The site is within the setting of the New Forest National Park, some 700m away to the east, across Crow Lane. However, given the degree of separation from the Park, considering the extant approval on this site and for the reasoning outlined above, the proposed development would not harm its setting in accordance with Paragraph 172 of the National Planning Policy Framework. The National Park Authority have not commented on the proposal.
- 11.9 In light of the above, the scheme complies with the character requirements of the Development Plan, subject to conditions to address outstanding details relating to landscaping, materials, planting, surfacing, boundaries and ancillary structures.

#### Highway Impacts

- 11.10 The site benefits from an extant outline planning permission under ref. 13/11450, at which time only the access onto the highway was considered. The point of access to this portion of the site (from Crow Arch Lane) was fixed by the outline approval and is not subject to change at this stage, indeed the access is now in situ.
- 11.11 The Highway Authority note that the proposed level of car parking is more than the required level of spaces as recommended in the Parking SPD. Additional traffic generated by the proposed dwellings would not cause a material impact on the local highway network. Local concern over the impact that construction works would have on Crow Arch Lane is acknowledged, but a revised Construction Management Plan (CMP) has been prepared and is considered to be satisfactory. The proposed works to the Castleman Trail are variable in terms of width, the adjudicator is the Highway Authority and will depend on the impact on the embankment holding up Crow Arch Lane. The works to the Castleman Trail adjacent to this development must meet up in line and level with the works on the Embankment Way side of the Arch. The applicant will be responsible for providing the works under the Arch. The Highway Authority raise no highway objections subject to conditions to address highways construction, parking, cycle storage, turning, travel plan addendum and to ensure the Construction Traffic Management Plan is adhered to.

11.12 The Town Council and notified parties have raised concerns over the routing of construction traffic to the development site, as well as the structural integrity of the Crow Arch Lane bridge. Construction access to the site has been addressed by the agreed CMP. The bridge was adopted by Network Rail, who raise no concerns over the proposal. The Highway Authority advise that the bridge would have been constructed for vehicles up to 44 tons. Abnormal loads would need to be notified to Network Rail for approval. This development however is unlikely to transport abnormal loads.

11.13 In light of the above a reason for refusal on highway grounds cannot be substantiated.

#### Amenity Impacts

11.14 The impact of the proposal upon the amenity of neighbouring residential properties needs to be assessed under the provisions of Policy CS2. The proposal does not significantly impact upon adjoining residential amenity in terms of overbearing impact, loss of outlook or loss of privacy as the dwellings are appropriately sited, orientated and separated from adjoining properties, with appropriate boundary treatments and landscaping. The proposal provides adequate living conditions for future occupiers of the development. While the proposal would result in additional vehicle movements and other activity on the site, the likely intensity of use would not be such to cause any significant loss of amenity in terms of noise nuisance or disturbance.

11.15 The impact of construction traffic, dust and hours of working have been addressed by the approved Construction Management Plan. Consequently, the proposed development would not result in any significant adverse impact to adjoining or future amenity of residents, which weighs in its favour. The proposal complies with the amenity related provisions of Policy CS2

#### Affordable Housing

11.16 Policies CS15 (b) and RING3 require 50% of all dwellings to be affordable housing, with appropriate splits between social rented and intermediate with 35% social rent and 15% intermediate housing. There is a policy requirement for development proposals of ten units or more to make an on-site contribution towards affordable housing. The application proposes that a total of 10 dwellings (50% of units) will be affordable. These comprise two 1 bed flats, two 2 bed flats, four 2 bed houses and two 3 bed houses although there is on going discussion around the tenure mix.

11.17 The Town Council do not consider the mix of housing provided on the open market, compared to affordable housing, satisfies local demand and requested that provision be made for 1 and 2 bedroom open market properties. The applicant has not taken up the Town Council's request for 1 and 2 bedroom open market housing, as is their prerogative. However, the Housing Strategy Section did request 1 and 2 bed units as part of the affordable housing units to meet local need, which has been provided by the applicant.. Jim this needs to be your consideration of whether this meet the planning outcomes set out in Policy which is based on needs we can not negotiate the terms after the resolution to permit – it is part of the material planning consideration

## Open Space Arrangements

- 11.18 The open space arrangements for this site are complicated by the open space/SANGs associated with previous phases of development, which slightly overprovided space in relation to the 175 dwellings provided. The applicant acknowledged that the over-provision was not sufficient to meet the requirements of a further 20 dwellings and therefore provided two pieces of open space close to the Crow Arch Lane access and a more distant piece close to the employment site. The applicant suggested these met both the open space and habitat mitigation requirements of 20 no. additional units.
- 11.19 The land to the north of the site, serves no particular function as public open space, as it is not directly connected to the site and will be encumbered by underground drainage tanks. This land will be adopted for maintenance purposes only and will not form part of the POS or Habitat Mitigation calculation. A commuted sum of £13,412.50 will be secured within the legal agreement for the future maintenance of the space and the proposed landscaping condition will ensure that it can be planted with suitable species and to a suitable standard in relation to underground drainage tanks so that the planting would not compromise their integrity. The underground tanks would be maintained by a third party.
- 11.20 The open space within the site itself is also encumbered by drainage tanks to a lesser degree than the land to the north. Policy requires on site designed play space for children and young people, of about 110m<sup>2</sup> to be provided on site. However, given the tight layout and the proximity of the on site open space to the junction with Crow Lane and Crow Arch Lane, it would be preferable for this provision to be made in the south western corner of the existing adjacent SANG land, in the form of a playable landscape with low key fixed equipment. The contribution for this play area/equipment has already been secured by the legal agreement for the outline approval and the maintenance contribution referred to above would secure the future maintenance of the space.
- 11.21 Although there are shortcomings with the open space offered by the proposed development, these may be offset by the applicant's proposals for enhancing the Castleman Trail adjoining the site. This will see a significant swathe of open space enhanced for the benefit of access, biodiversity and visual amenity, which is expanded upon in the following section. Overall the open space arrangements associated with the development are considered to be acceptable.

## Mitigating the impact of the development on European Sites

- 11.22 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.



11.23 In this case it is proposed to secure the contribution towards mitigation of impacts on European nature conservation sites through enhancements to the section of the Castleman Trail adjoining the site, as set out in the applicant's Mitigation Strategy. This is a departure from the standard approach, in light of the allocated nature of the site in question, but is based on NFDC's Mitigation Strategy for European Sites, where para 5.9 recognises:

*'the valuable contribution that can be made from enhancements to existing local green spaces and footpaths/rights of way networks. For example, the creation of circular walks, connecting open spaces and the public rights of way network into the countryside close to the settlement, can provide an attractive and convenient alternative to a walk in the New Forest SPA. The number of people using these routes could be increased through better sign-posting and facilities en-route which make them more attractive'.*

11.24 The proposed Castleman Trail enhancements include surface upgrades and landscaping, which will provide an attractive and more continuous walking route, linking not only future occupiers of the development, but existing residents of Ringwood to walking opportunities at Bickerley Common, Avon Valley Path and the existing Castleman Trail to the west, as well as the Castleman Trail, Hightown Lake and public footpaths to the east. Ultimately the footway enhancement will discourage car borne trips and dog walking within the New Forest SPA. In addition, opportunities will be explored to make biodiversity enhancements to those areas of public open space and landscaping within the applicant's control. This might include appropriate native planting of open spaces and other areas, which could bolster the Trail and its surroundings as a wildlife corridor/green link. These details may be finalised under the proposed landscaping condition.

11.25 Enhancements to the Trail are to be implemented prior to commencement of development, in addition to securing habitat mitigation monitoring and visitor management contribution of £11,000, all to be secured by legal agreement. The applicants are in the process of acquiring this land which would be maintained as part of the overall open space provision on the wider site. The form of mitigation proposed is supported by Natural England.

11.26 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.

11.27 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.

### Other Matters

11.28 The Royal Bournemouth and Christchurch Hospital NHS Foundation Trust seeks a contribution of £23,848, the University Hospital Southampton NHS Foundation Trust seek £22,914 and the Salisbury NHS Foundation Trust seek £15,827 to enable them to provide services needed by the occupants of the twenty new homes. The Trusts state that the development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said infrastructure, putting people at significant risk. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement. For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

The requests state that the sums are required for service delivery but it is not clear how this would be achieved in relation to this specific development. Indeed the individual Trust requests relate to 24 dwellings or 10 dwellings rather than 20, one refers to Hythe and the projected occupier rates are unclear, ranging from 1.65 persons per dwelling to 2.4. The contributions requested do not therefore appear to meet the test of Regulation 122 as:

- (1) There is no evidence to suggest that the medical needs of the occupiers of these new homes are not already being met by the NHS in the current system.
- (2) There is no local evidence to suggest that the assumed number of persons per dwelling is correct.
- (3) It is also unclear whether the Trusts have factored each other's requests into their equations, as there is no cross reference to the three requests.

In light of the above a reason for refusal due to the lack of a contribution for NHS services cannot be substantiated.

11.29 The County Education Authority seek a contribution of £77,042 towards expansion or adaption projects at Ringwood Infant and Junior schools in order to mitigate the impact of the development on educational infrastructure. However, they do not precisely identify what works the sum would be directed to in relation to these schools and it is not considered that the request is specific enough to meet the tests of Regulation 122. Furthermore, HCC evidence set out in the Education Developer Contributions Guidance Document only deals with a period up to 2023 and the only 'shortfall' in school place provision is for primary school places in New Milton.

11.30 With regard to the comments of notified parties and consultees not addressed above, further applications will not be submitted to further increase the density of housing on the site. There is simply no further land available to increase density and Linden Homes are seeking to complete works on the site in the short term.

## 12 CONCLUSION ON THE PLANNING BALANCE

In light of the form of development proposed there would be no significant harm to the character of the area, highway safety or neighbouring amenity, subject to conditions and a legal agreement to address highway matters, habitat mitigation, levels and landscaping. The proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise, they confirm the indication given by the development plan, namely that planning permission should be granted. Consequently the proposal is considered to comply with policies of the development plan and is accordingly recommended for approval.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

None

### Local Finance

If this development is granted permission, the Council will receive New Homes Bonus of £24,480 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 £187,540.75, although this may be reduced by £75,000 if the applicant applies for relief from CIL on the basis of the affordable housing to be provided on site.

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.

## 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	10	10	0
Financial Contribution	0	0	0
Public Open Space			
On site provision by area	1550	1550	0
Financial Contribution	£13,412.50	£13,412.50	0

## 14. RECOMMENDATION

That delegated authority be granted to the Chief Planning Officer to grant permission subject to conditions and the completion of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure :

- i. affordable housing with precise tenure mix to be agreed, habitat mitigation measures and contribution and provision of open space and associated commuted sum.
- ii. the imposition of the conditions set out below.

### 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:

PP1180-380-00 P Rev 4 (Street Elevation Final Phase)  
PP1180-400-00 P Rev 4 (Amended Location and Masterplan)  
PP1180-401/00 Rev P8 (Amended Site Plan)  
PP1180-401/00 Rev P9 (Amended Site Plan)  
PP1180-417-00 Rev P1 (Amended Floor Plans)  
PP1180-410-01 Rev P2 (Amended Elevations)  
PP1180-410-00 Rev P2 (Amended Floor Plans)  
PP1180-411-01 Rev P2 (Amended Elevations)  
PP1180-411-00 Rev P2 (Amended Floor Plans)  
PP1180-412-01 Rev P2 (Amended Elevations)  
PP1180-412-00 Rev P2 (Amended Floor Plans)  
PP1180-414-01 Rev P2 (Amended Elevations)  
PP1180-414-00 Rev P2 (Amended Floor Plans)  
PP1180-415-00 Rev P2 (Amended Floor Plans)  
PP1180-415-01 Rev P2 (Amended Elevations)  
PP1180-416-00 Rev P1 (Amended Floor Plans)  
PP1180-416-01 Rev P1 (Amended Elevations)  
PP1180-417-00 Rev P1 (Amended Floor Plans)  
PP1180-417-01 Rev P1 (Amended Elevations)  
PP1180-417-02 Rev P1 (Amended Elevations)  
PP1180-418-00 P Rev 2 (Amended Floor Plans)  
PP1180-418-01 P Rev 2 (Amended Elevations)  
PP1180-420-00 Rev P2 (Garage Plans and Elevations)  
PP1180-421-00 Rev P1 (Garage Plans and Elevations)  
PP1180-AHP1 Rev B (Amended Affordable Housing Plan)  
PP1180-CP2 Rev A (Amended Cycle Parking)  
PP1180-WMS1 Rev A (Materials Schedule Walls)  
PP1180-RMS1 Rev A (Materials Schedule Roof)  
LHS213-16-086/4004 (Castleman Trail Upgrade Plan)

A130 LA17 Rev C (Amended Landscape Strategy)  
 A130 LA18 Rev B (Amended Planting Strategy)  
 A130 PP10 Rev B (Amended Planting Proposals)  
 A130 PP11 Rev C (Amended Planting Proposals)  
 16-086/500 Rev D (Amended Preliminary Drainage and Levels Plan)  
 16-086/501 Rev B (Amended Refuse Vehicle Swept Paths)  
 16-086/502 Rev B (Amended Fire Tender Swept Paths)  
 16-086/503 Rev B (Amended Car Swept Paths)  
 Southern Parcel Construction Management Plan (Odyssey July 2019)  
 Transport Statement (Vectos Dec 2018)  
 Supplementary Statement of Community Involvement (Newgate 2018)  
 Residential Travel Plan (Vectos Oct 2018)  
 Planning Statement (Terence O'Rourke Dec 2018)  
 Amended Highways Technical Note (Odyssey May 2019)  
 Drainage Strategy and Flood Risk Assessment (Odyssey May 2019)  
 Design and Access Statement (Pope priestly Dec 2018)  
 Middlemarch Environmental Arboricultural Impact Assessment and Method Statement revised December 2018 ref: RT-MME-129274-01 Rev A and the Middlemarch Environmental Tree protection Plan Ref: C129274-02-01-RevA dated November 2018

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall be Ibstock Surrey Red Multi Brick, Ibstock Bexhil Red Brick, Painted Brick, Marley Eternit Rivendale Slate roof tile, Redland Richmond 10 Mockbond Rustic Brown roof tile, Redland Richmond 10 Mockbond Flame Red roof tile, Redland Farmhouse Red plain vertical tile to match red roof tile and Redland Breckland Brown plain vertical tile to match brown roof tile and as indicated on drawing numbers PP1180-WMS1 Rev A (Materials Schedule Walls) and PP1180-RMS1 Rev A (Materials Schedule Roof), unless the prior written approval of the Local Planning Authority is forthcoming.

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

4. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Middlemarch Environmental Arboricultural Impact Assessment and Method Statement revised December 2018 ref: RT-MME-129274-01 Rev A and the Middlemarch Environmental Tree protection Plan Ref: C129274-02-01-RevA dated November 2018 alongside the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

5. Details of the width, alignment, gradient and type of construction proposed for the adoptable roads together with any footway/cycleway shall be submitted to and approved in writing by the Local planning Authority before commencement of development above slab level.

Reason: To ensure the roads and footways are constructed to a standard which will enable them to be taken over as highway maintainable at the public expense.

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

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

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

Reason: To ensure adequate provision within the site.

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

Reason: In the interests of highway safety.

9. Prior to the commencement of development above slab level, the applicant shall submit for the written approval of the Local Planning Authority an addendum Travel Plan reflecting the increased number of houses. The applicant shall implement and monitor the approved addendum travel plan (associated with ref. 13/11450), and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

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

10. The development hereby permitted shall only be implemented in accordance with the Revised Construction Traffic Management Plan prepared by Odyssey (July 2019).

Reason: In the interest of Highway Safety

11. Details of the improvements to the section of Castleman Trail adjacent to the development, including confirmation that works shall meet up with, in line and level with the works on the Embankment Way side of the Crow Arch Lane bridge shall be submitted to and approved in writing by the Local Planning Authority, prior to the implementation of this improvement.

Thereafter the works shall be undertaken prior to commencement of development and retained.

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

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

- (a) ;
- (b) Full details of the utilities/drainage crates within the open spaces to be adopted by the Council, including details of any above ground apparatus and restrictions and arrangements ;
- (c) Full details of existing trees, hedges and shrubs which have been agreed to be retained;
- (d) A specification for new planting and its maintenance including species, size, spacing, location, tree pits and substrate and top soil prep
- (e) Areas for hard surfacing and the materials to be used, including details of paths of suitable all weather construction, including gravel surface with geotextile and wooden edges, using no-dig construction and geotextile cells where these pass within tree root zones;
- (f) Full details of the means of enclosure and boundary treatments, including the design, height, materials and precise location of all fences and gates;
- (g) Full details of benches and Combined Waste Bins Maintenance vehicle access and parking measures to open spaces
- (a) Full details of pedestrian access links to the open space to the south of the Castleman Trail

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).

13. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of above slab level 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).

14. Prior to commencement of any works above slab level, a noise assessment shall be carried out and submitted to the Local Planning Authority for approval in writing. The assessment should include an assessment of background noise levels and detail measures to ensure that internal and



external noise levels for the approved residential accommodation do not exceed the guideline noise values stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The findings of the assessment should thereafter be implemented and retained, unless the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of future occupiers of the residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

15. The installation of fittings and fixed appliances in the dwelling(s) 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.

16. Before any works commence on site above slab level, details of ecological enhancements to be carried out on the development site, to include native species landscape treatments to support ecological networks, features to minimise fragmentation caused by boundary treatments, artificial habitat features (swift boxes, house sparrow terraces and bat tubes amounting to the equivalent of 1 per property (some grouped on one property due to the social ecology of the target species) and details to minimise the impacts from the re-surfacing works to the Castleman Trail, if they comprise engineering activities capable of affecting protected species such as amphibians or reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To safeguard and enhance wildlife habitats within the site in accordance with Policy CS3 of the Local Plan for the New Forest District outside 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).

17. The buildings hereby approved shall be constructed in accordance with the slab levels in relationship to the existing ground levels as set out on drawing numbers PP1180-380-00 P Rev 4 (Street Elevation Final Phase Section B-B) and 16-086/500 Rev D (Amended Preliminary Drainage and Levels Plan) unless otherwise agreed 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).

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

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

In this case the applicant has worked with Council Officers to evolve the layout and appearance of the proposed development, mitigate the development's impact on habitats and achieve a more acceptable affordable housing mix, to address the concerns raised by consultees and notified parties. Appropriately amended plans and details were received, which satisfied the concerns of officers.

2. The County Drainage Authority recommends use of their Surface Water Management Pre-application service which provides clear guidance on works as best practise. For full details, please visit:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

and click on pre-application advice request form.

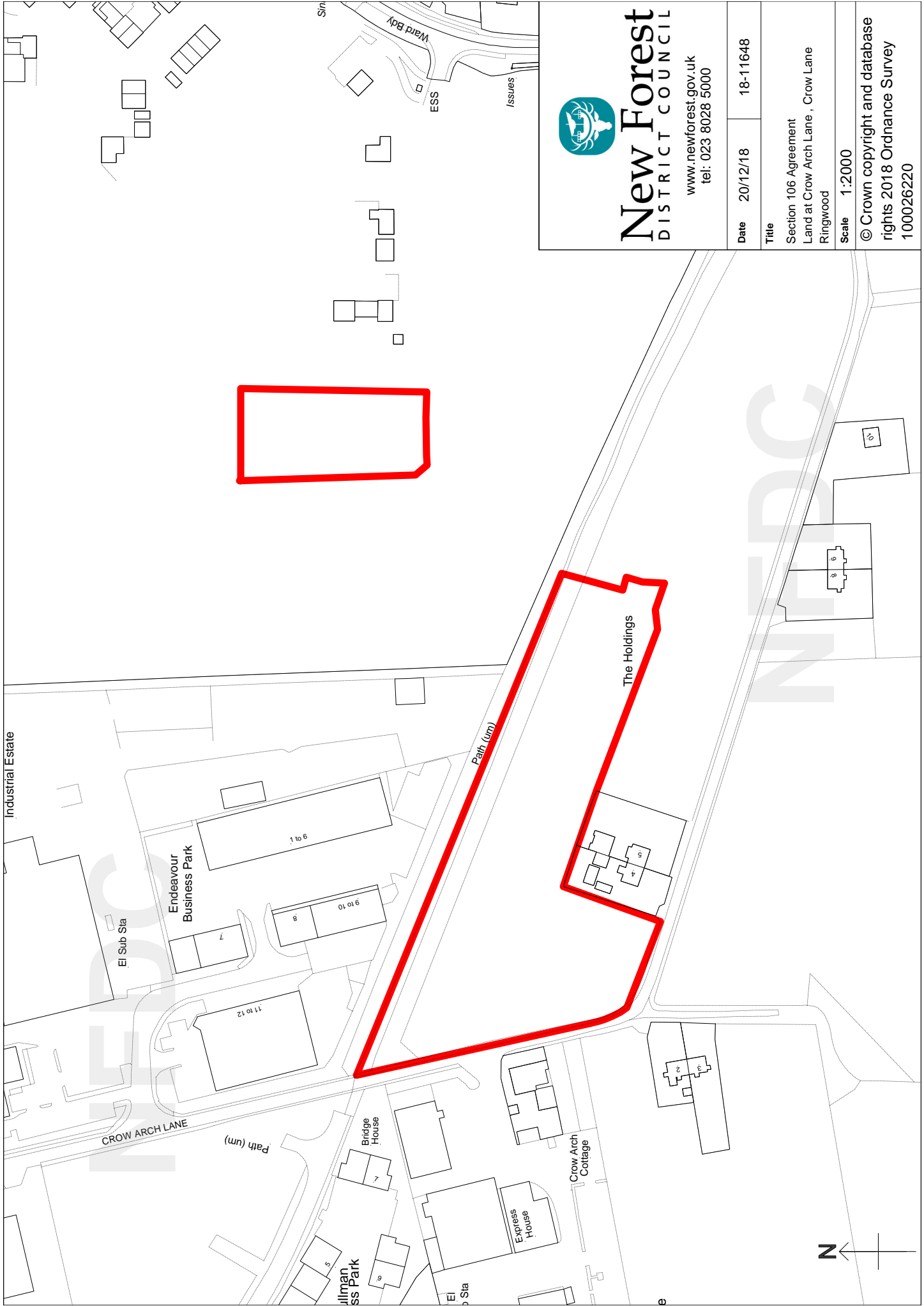
3. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year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

4. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

### **Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

<b>Date</b>	20/12/18	<b>18-11648</b>
<b>Title</b>	Section 106 Agreement Land at Crow Arch Lane, Crow Lane Ringwood	
<b>Scale</b>	1:2000	
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**Application Number:** 17/11770 Variation / Removal of Condition

**Site:** LAND ADJACENT TO FOREST LODGE FARM, FAWLEY ROAD, HYTHE SO45 3NJ

**Development:** Variation of condition 21 of Planning Permission 15/10751 to allow revised drainage proposal (retrospective)

**Applicant:** Vivid Build

**Target Date:** 11/04/2018

**Extension Date:** 18/10/2019

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

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## 1 SUMMARY OF THE MAIN ISSUES

The main issue to be taken into account when determining this application is whether or not the drainage scheme proposed in connection with the residential development of the application site would be appropriate. In particular, it is necessary to consider whether the proposed drainage scheme would increase flood risk elsewhere.

This, 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.

This matter is being considered by Committee due to a Member request and because the officer recommendation is contrary to the views of the Parish Council.

## 2 THE SITE

2.1 The application site is a former area of farmland between Forest Lodge Farm and Fawley Road. Following the granting of planning permission for 45 affordable dwellings in November 2015, the site has been developed for housing, with supporting infrastructure including public open space and allotments. What has been built, at least in terms of what is above ground, largely reflects what was approved in November 2015. Apart from a 3-storey block of 8 flats, all of the dwellings approved in November 2015 have been built, so that there are now 37 completed dwellings on the application site. However, due to issues that will be discussed in detail below, none of the dwellings are currently occupied. Areas of the site have also been laid out for allotments and public open space, although there are still outstanding works that would need to be implemented before these areas could be used for their intended purposes.

2.2 The development site is bounded by the Seadown Veterinary Surgery on its northern side, while to the north-east is an area of mature broad-leaved woodland. To the east side of the site is the residential dwelling at Forest Lodge Farm and a small paddock, which are visually separated from the site by mature trees and vegetation alongside the site's eastern boundary. There are also mature trees and vegetation along the site's southern boundary, beyond which is a gravel track that

serves Forest Lodge Farm and a small number of dwellings to the south. The western half of the site is either flat or gently sloping. However, there are some pronounced slopes to the eastern half of the site. A saddle of higher ground does extend across to the eastern boundary of the site, but either side of this the land drops away sharply. The site's topography is particularly relevant to this application proposal.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 The application that has been submitted seeks to vary Condition 21 of Planning Permission 15/10751 (as described in the planning history below). That condition states that:-

*"The surface water drainage layout shall be built fully in accordance with Drainage Strategy Drawing BPV-sk1 rev G, the Andrew Malcolm Associates Ltd Micro Drainage Calculations dated 28/08/15, and porous paving detail BPV-sk2. Development shall additionally be carried out in accordance with Geo-Environmental's letter of 10th September 2015."*

The stated reason for this condition was:-

*"In order to ensure that the drainage arrangements are appropriate and in accordance with Policies CS2 and CS6 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."*

- 3.2 In effect, the development that is now proposed seeks approval of an alternative drainage scheme to that which was approved in November 2015.
- 3.3 The drainage scheme approved in November 2015 was based on shallow soakaways. To address specific drainage concerns associated with the topography of the site, the approved scheme also included the provision of a swale in the northern corner of the site, which was designed to ensure that, during times when the design storm rates are exceeded, any surface water runoff would be contained within the site. The scheme also proposed a gravel drain along the site's boundary with Forest Lodge Farm. With this very specific drainage scheme, it was concluded that the approved development would have an acceptable drainage system that would not result in adjacent properties being at increased risk of flooding.
- 3.4 The drainage scheme that is now proposed no longer includes the previously proposed swale feature. Instead, the proposed drainage strategy looks to utilise multiple shallow soakaways to collect surface water flows. The soakaways have been redesigned and would be deeper than previously approved. The gravel drain adjacent to Forest Lodge Farm has been omitted.

### **4 PLANNING HISTORY**

- 4.1 Development of 45 affordable dwellings comprised: 1 three-storey block of 8 flats; 3 terrace of 4 houses; 1 terrace of 3 houses; 9 pairs of semi-detached houses; 4 detached houses; access, roadways & footpaths; parking; public open space; allotments; landscaping and associated works (15/10751) - granted 12/11/15

## 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### **Core Strategy**

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM5: Contaminated Land
- HYD1: Land at Forest Lodge Farm

### **Saved New Forest District Local Plan First Alteration**

- DW - E12: Protection of landscaped features.

### **Supplementary Planning Documents**

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

### **New Forest District Local Plan Review 2016-2036 Part 1: Planning Strategy Submission Document**

- Policy 1: Achieving Sustainable Development
- Policy 5: Meeting our Housing Needs
- Policy 10: Mitigating the impacts of development on International Nature Conservation sites
- Policy 13: Design Quality and Local Distinctiveness
- Policy 14: Landscape Character and Quality
- Policy 15: Open Spaces, sport and recreation
- Policy 16: Housing type, sizes and choice

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework (NPPF) (See Para 11.5 below for details)

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

Hythe & Dibden Parish Council - Recommend refusal - the plans presented do not resolve the significant flooding concerns and the impact on nearby residents. The current proposal does not satisfy the Council that the drainage issues have been resolved effectively; are concerned by conflicting and inaccurate information - for example, boreholes are shown in different places on various documents.

## **8 COUNCILLOR COMMENTS**

Cllr Crisell:- requests Committee consideration - has received representations from local residents who want to be convinced that there will be no detriment to their properties, which for the most part are sited on lower ground.

## **9 CONSULTEE COMMENTS**

The following comments are summarised, with the full comments being available to read online.

9.1 Hampshire County Council (Flood Water Management):- No objection - the information submitted with the application addresses their requirements; however, cannot comment on ground water flooding issues as would require pre and post winter groundwater monitoring to determine if soakaways have had any input on groundwater; confirm soakaways SK6 and SK7 should be removed from made ground and reconstructed at a greater depth within the natural sub-strata.

9.2 Southern Water:- Have no objections to the use of soakaways to dispose of surface water; had initially raised an issue with the proximity of the soakaways to the foul sewer, but confirm that this matter has since been resolved and agreed with Southern Water Services.

9.3 NFDC (Land Drainage):- Both HCC's Flood & Water Management team & Southern Water should be satisfied prior to any approval being granted.

9.4 Natural England:- Concur with the conclusions of the Local Planning Authority's Appropriate Assessment, provided that all mitigation measures are appropriately secured in any permission given.

9.5 Environmental Health (Contaminated Land):- No comment

9.6 Southern Gas Networks:- advise of site's proximity to gas main

## **10 REPRESENTATIONS RECEIVED**

The following comments are summarised, with the full comments being available to read online.

10.1 Letters of objection have been received from 8 local residents. Objections have been raised on the following grounds:- The proposed drainage scheme is inadequate and would not have adequate exceedance overflow capacity; it would not comply with SUDS Guidance; it would result in an increased risk of flooding to neighbouring properties; the drainage scheme would be less effective than the previously approved scheme; the topography and geology of the site would mean that the proposed drainage scheme would pose a particular flood risk to Forest Lodge Farm;



there is a lack of information and investigative evidence to support the drainage scheme that is proposed; the drainage maintenance arrangements are inadequate and do not comply with the NPPF; the scheme since it has been implemented has discharged significant low level volumes of water onto Forest Lodge Farm, with water erupting through the ground; Soakaways SK6, SK7 and SK10 pose a particular problem due to their location at the top of a steep slope and in land where levels have been raised; the proposal could impact on slope stability; concerns about the development's retrospective nature; concerns about construction traffic; concerns about asbestos; Consider that Southern Water do not support the proposals.

- 10.2 A Statutory Declaration has been submitted (dated July 2018 & supplemented in July 2019) by a local resident, declaring that since development commenced there have been various instances of ingress of water onto Forest Lodge Farm from the application site, causing flooding. This water ingress was not seen to occur before development commenced, at least going back to 2009.
- 10.3 The owner of Forest Lodge Farm has commissioned an independent drainage report that has been submitted by Herrington Consulting Ltd (in August 2019). This drainage report concludes that the developer has failed to quantify the pre-development (baseline) conditions of the site accurately, with no seasonal groundwater monitoring having been undertaken, meaning that it is not possible to make an accurate assessment as to whether the development would have an adverse impact off-site. The applicant's drainage proposal would potentially enable water to reach the groundwater table at a faster rate than it would otherwise do naturally, which could lead to elevated groundwater levels at this location, resulting in an increased risk of flooding to Forest Lodge Farm. The developer has not provided sufficient evidence to confirm what the impact would be if additional water was drained to the ground; and nor has sufficient evidence been provided to validate their assumption that the risk of flooding has not been increased by the introduction of soakaways at the site. Therefore, it is considered that the proposal is not compliant with the fundamental requirements of the NPPF.

## **11 OFFICER COMMENTS**

### **Introduction**

- 11.1 As set out above, the main consideration is whether or not the alternative drainage scheme that is proposed to serve the approved development of 45 dwellings on land adjacent to Forest Lodge Farm, would be of an acceptable design, thereby ensuring the development would not increase the risk of flooding elsewhere.

### **Application Context**

- 11.2 Before considering the impact of the proposed drainage scheme, it is important to provide some context to this application. As set out above, planning permission 15/10751 was granted in November 2015. The site was then sold on to First Wessex Homes (who are now known as Vivid Homes). They sought to discharge a large number of pre-commencement conditions from July 2016 onwards. Development duly commenced in November 2016. As development proceeded, it became evident during the course of 2017 that the

developer was seeking to develop the site in a manner that would not accord with Condition 21 of Planning Permission 15/10751 (as described in Paragraph 3.1 above) - i.e. they were looking to build out an alternative drainage scheme to what had been approved. The developer were therefore asked to submit a fresh planning application to reflect the drainage scheme they were actually intending building.

- 11.3 The current planning application was submitted in January 2018, by which time the development was already well advanced. Much (but not all) of the proposed drainage infrastructure had already been implemented by this stage, meaning the application was to a large extent retrospective. During the initial consultation process, concerns were raised by both Hampshire County Council's Flood Water Management team and Southern Water, so that in April 2018, when the Local Planning Authority became aware that properties were starting to be marketed for sale, it became necessary to write to the applicants to advise them that no properties on the development should be occupied until planning permission had been granted for this current application / the implemented scheme as proposed to be amended.
- 11.4 Since April 2018, the applicants have proceeded to build out the development to a largely completed state, except for the previously approved block of 8 flats and some of the public open space areas / landscape infrastructure. In accordance with the Local Planning Authority's request, none of the dwellings have been occupied. Meanwhile, the Local Planning Authority has worked closely with the applicants and the key consultees to seek to address the valid concerns that the consultees have raised. In addition, because of third party concerns about how the alternative drainage scheme is affecting the neighbouring property Forest Lodge Farm (which is set at a much lower level than the application site), the Local Planning Authority has sought expert independent advice from Such Salinger Peters, who are an experienced firm of engineering consultants, with a particular specialism in drainage matters. This process has taken a long time to resolve, partly because the issues needing to be addressed have required the submission of additional detailed technical responses.
- 11.5 Clearly, the situation of a largely completed development without a valid planning permission is far from ideal. However, in considering this application and the implemented works, officers have been mindful of the need to deliver homes to meet housing need within the District, particularly the high level of need for affordable homes, but in a way that does not have an adverse impact on the environment.

### **Policy Context**

- 11.6 The National Planning Policy Framework (NPPF) provides the most relevant and up-to-date policy guidance. The guidance is fairly straightforward, with it being clearly stated that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere". With respect to major developments, the NPPF goes on to say that they should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The NPPF then suggests that the systems used should take account of advice from the lead local flood authority, should have appropriate proposed minimum operational standards, and should have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

## **Drainage and Flood Risk Impacts associated with the Proposed scheme**

### Overview

- 11.7 Firstly, it needs to be made clear that the application site is in Flood Zone 1 - i.e. land with a low probability of flooding from rivers or the sea. Neither the site itself nor immediately adjacent land should therefore be considered to be at risk of flooding from fluvial sources.
- 11.8 It also needs to be made clear that there can be no objection, in principle, to the developer seeking to provide an alternative drainage scheme to that which was granted planning permission in 2015. The drainage scheme approved in 2015 was the subject of careful consideration by the Local Planning Authority, with a conclusion being reached that the proposed drainage scheme would not result in adjacent properties being placed at increased risk of flooding. However, the positive conclusion reached on the 2015 drainage scheme does not alter the fact that alternative drainage proposals may be equally acceptable.

### Consultation with the Lead Local Flood Authority

- 11.9 When the application was initially submitted, Hampshire County Council, as the Lead Local Flood Authority, were of the view that inadequate information had been submitted to demonstrate that the proposed alternative drainage scheme would be fit for purpose. They highlighted a number of areas where they felt additional information was needed. This included a request for an independent Geotechnical Report to be undertaken, detailing any impact the soakaways may have on the steep bank on the eastern side of the development.
- 11.10 In response to the concerns raised by Hampshire County Council, the applicants submitted a Surface Water Drainage Design Report, which was subsequently followed by a Surface Water Drainage Supplementary Design Report and a Geotechnical Interpretive Report. Collectively, these reports set out why the applicants consider their proposed soakaway design (comprising 21 soakaways in total) would be appropriate and would not result in an increased flood risk elsewhere. On the basis of the information contained within these reports, Hampshire County Council were able to conclude that all of their concerns had been addressed, meaning that in their professional view, the drainage scheme was of an acceptable design and would not result in surface water flooding elsewhere.
- 11.11 Subsequently, Hampshire County Council have reviewed the Herrington Consulting Report (referred to in Paragraph 10.3 above) and have advised that they are unable to comment on whether the proposal would lead to an increased risk of ground water flooding (as opposed to flooding from surface water), as there is not the information on pre and post winter groundwater monitoring to be able to reach a definitive conclusion on this point. However, this does not change their basic position that the applicant's drainage proposal is compliant with best practice.

### Independent Expert Drainage Advice

- 11.12 Usually, Officers would be happy to rely solely on the advice of the Lead Local Flood Authority when determining whether or not a proposed drainage scheme is acceptable. However, in this case, representations

have been submitted questioning the veracity of the information presented by the applicants, with it being stated that the developing scheme has been discharging significant low level volumes of water onto land at Forest Lodge Farm. Given these representations, and having regard to the steepness of the slopes on the site's eastern boundary and the fact that Forest Lodge Farm is set so much lower than the application site, Officers felt that further expert advice needed to be sought before reaching a conclusion on the acceptability of the applicant's drainage scheme. Hence, the reason Such Salinger Peters (SSP) were appointed to review the case.

- 11.13 SSP's initial review of the applicant's drainage proposals noted that because flow routes from the proposed development are similar to the existing site, there are no problems when it comes to the direction of potential overland surface water flow routes.
- 11.14 SSP's initial review compared the approved 2015 scheme with the proposed alternative scheme. In SSP's view the loss of the swale, and the change to highway soakaways is not considered to cause any detrimental issues with regards to flooding. Indeed, their conclusion is that soakaways are preferable to the originally proposed swale because they enable flows to discharge locally, which more accurately represents the original greenfield drainage mechanism. Therefore, SSP's conclusion is that the drainage strategy now proposed is an acceptable one.
- 11.15 SSP have compared the levels of the approved 2015 scheme against the current scheme, and whilst there are some differences in levels between the 2 schemes, SSP's conclusion is that the changes in levels is not seen as significant enough to incur issues with flooding.
- 11.16 SSP's initial review noted that the boreholes that have been undertaken do not show any evidence of clay strata that would be significant enough to direct water in such a way that would cause flooding issues to the areas surrounding the site. Therefore in terms of underlying ground conditions, SSP's conclusion is that there are not any issues that could create flooding of the development site or the surrounding area.
- 11.17 The one area where SSP's initial review did identify a concern was with the position of 3 of the soakaways (SK6, SK7 and SK10) lying within an area of filled ground. SSP's advice is that for these 3 soakaways, they need to be located within the underlying soils and not the made ground, because if located within made ground there is the possibility of creating a perched water table, which may in turn cause issues with ground instability.
- 11.18 In response to SSP's single point of concern, the applicants have submitted additional information that shows that whilst soakaway SK10 is located within the underlying soil, soakaways SK6 and SK7 have been laid into made ground. These 2 soakaways, therefore, if left as they are, have the potential to create a perched water table, leading to a potential unacceptable impact on the stability of the steep slopes on the eastern side of the development.
- 11.19 To address the concern raised by soakaways SK6 and SK7, the applicants have submitted a further plan which proposes that these 2 soakaways will be relaid to a lower depth that would be below the original ground level. These works will necessitate digging up part of the access

road and associated car parking spaces and then making the area good after the soakaways have been laid to their new depth. SSP have confirmed that there should be no issues with the relocation of these 2 soakaways, and that if this work is done, then their concerns about a perched water table and slope stability would be addressed. As such, SSP's conclusion is that the applicant's drainage scheme would be acceptable if soakaways SK6 and SK7 were to be relocated, as is now proposed.

11.20 In response to the independent drainage report submitted by Herrington Consulting, SSP have carried out a further review. SSP note that the Herrington Consulting Report does not provide any substantive evidence as to what is causing observed flooding at Forest Lodge Farm. SSP have reviewed the applicant's borehole data, from which they have concluded that the groundwater beneath the development is at significant depth (albeit that it will be subject to seasonal variation), and also that it has a significant gradient across the slope, which is likely to continue into the adjacent property. SSP note that the catchment area of the impermeable areas of the development is very small compared to the total area of land feeding the Becton Sands Formation Aquifer (that extends beneath the application site). As such, their view is that it is 'hard to conceive' that the relatively small increase in direct connectivity of some 5000 square metres of impermeable area will have any significant impact on groundwater levels, given the extent of the Becton Sand Formation catchment. Furthermore, SSP note that the applicant's proposed infiltration system is located some 40 metres plus away from observed groundwater emergence and is 'unlikely to be directly resulting in the emergence of groundwater'. SSP accept that, as always, additional site investigation could have been done to investigate groundwater effects, but this may well not have yielded any further relevant information. SSP's conclusion remains that the applicant's drainage scheme is consistent with industry best practice and that there should be no adverse effects arising from the applicant's proposed drainage scheme.

11.21 Officers can see no reason to disagree with SSP's expert drainage advice. Whilst the representations in respect of the development's impact on Forest Lodge Farm are recognised, and whilst the professional views of Herrington Consulting are noted, there is no compelling evidence to show that any cited incidents of water ingress onto this site are a direct consequence of the development for which planning permission is now sought. Instead, the evidence that has been presented in support of the application and which has been assessed by professional drainage experts is felt to adequately demonstrate that the proposed drainage scheme should not increase flood risk elsewhere.

#### Consultation with Southern Water

11.22 Southern Water did initially indicate that they could not agree to the proposed surface water drainage layout as there were concerns that soakaways were to be located over foul drainage, which would not comply with their normal standards for adopting foul sewers. However, following discussions between Southern Water and the applicant, Southern Water have confirmed that they would adopt the foul sewers, with the drainage scheme as proposed. Southern Water have made it clear that they have no objection to the use of soakaways to dispose of surface water from the development site.

11.23 SSP in their advice to the Local Planning Authority have also confirmed that the concerns initially raised by Southern Water are not such that the proposed drainage strategy would cause significant issues to the surrounding area.

#### Drainage Maintenance

11.24 With respect to maintenance of the proposed drainage assets, a statement has been submitted with the application setting out how the drainage assets will be managed and by whom. Hampshire County Council's Flood Water Management team have reviewed this statement and have confirmed that the proposed drainage maintenance arrangements are acceptable. By implication, therefore, it can be reasonably concluded that the maintenance arrangements are consistent with policy.

#### **Other Relevant Considerations**

11.25 Although drainage is the key consideration, it is still necessary to have regard to the wider impacts of the development. Because the above ground development does not differ from what has already been granted planning permission, the development would, in this respect, have no additional impact over and above the impact of the 2015 approved development. The proposal would remain consistent with policy, and would have no greater impact than what has already been granted planning permission.

11.26 There is considered to be a need to impose a number of the conditions that were applied to Planning Permission 15/10751 to ensure that relevant condition requirements are still satisfied. This includes a requirement to resolve some outstanding contamination concerns affecting the allotments, as well as some outstanding landscape concerns in respect of the public open space. Also, conditions are necessary to ensure that the 'unimplemented' above ground elements of the 2015 approved scheme are still satisfactorily implemented.

11.27 A Section 106 legal agreement has been completed, which ensures that a policy compliant level of affordable housing would be secured, which in this case is 70% of the dwellings. The Section 106 legal agreement also secures the on-site areas of public open space and allotments for their intended purposes, thereby ensuring the development provides the required amount of both these public areas to satisfy policy requirements. A separate Section 106 legal agreement is (at the time of writing) about to be completed, which will ensure that the already paid habitat mitigation contribution of £166,350 (that is needed to meet the requirements of Policy DM3) is secured in respect of this application as well.

11.28 Because the application is a Section 73 (variation of condition) application rather than a fresh full planning application, it is not considered necessary to consider 'new' issues such as nitrates, which would be relevant were the application for a completely new full planning permission.

11.29 The proposed development would deliver much needed affordable housing. Policy requires that 70% of the proposed dwellings be for affordable housing, although, as a Registered Social Landlord, the developer is seeking to deliver a scheme that would be 100% affordable housing. As such, the development would deliver significant social

benefits that would weight strongly in favour of granting planning permission.

11.30 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.

#### 11.31 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 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.

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

12.1 The proposed development zx from the scheme that was granted planning permission in 2015 only by virtue of the alternative drainage scheme that is proposed. This alternative drainage scheme has been the subject of extensive consultation. Whilst concerns about the development's impact have been raised by local residents, this must be balanced against the professional expert advice from the Lead Local Flood Authority and a firm of independent consultants (SSP), both of whom have advised that the proposed drainage scheme is an acceptable one that should not increase flood risk elsewhere - i.e. it would be policy compliant. In these circumstances, and given the scheme's significant benefits in providing much needed additional affordable housing, it is considered the balance weighs very much in favour of granting planning permission. As such, the recommendation is to grant planning permission subject to relevant conditions.

## 13 **OTHER CONSIDERATIONS**

### Crime and Disorder

There are no additional issues to those that were considered in respect of Planning Permission 15/10751.

### Local Finance

Under the New Homes Bonus, once all of the dwellings are built, the Council will receive £51,840 in each of the following six years from the dwellings' completion, and as a result, a total of £311,040 in government grant under the New Homes Bonus will be received.

### 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 the VARIATION of CONDITION**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: HGP Site Location Plan 14.072.001, HGP Site Plan 16.031.034, Scott White & Hookins - B01130/115 rev C03 Proposed Drainage Sheet 1 of 5, Scott White & Hookins - B01130/116 rev C07 Proposed Drainage Sheet 2 of 5, Scott White & Hookins - B01130/117 rev C07 Proposed Drainage Sheet 3 of 5, Scott White & Hookins - B01130/118 rev C03 Proposed Drainage Sheet 4 of 5, Scott White & Hookins - B01130/119 rev C07 Proposed Drainage Sheet 5 of 5, Simon Jones-Parry - SW Drainage Summary Drawing No 100B, Scott White & Hookins - B01130/214 rev C04 Soakaway Detail, Scott White & Hookins - B01130/312 rev P04 Engineering Layout & Drainage, Scott White & Hookins - B01130/126 rev P01 Flood Exceedance Flows, Scott White & Hookins - B01130/210 rev P09 Adoptable Drainage Section 104 Layout, Scott White & Hookins - B01130/315 rev P01 Surface finishes, Scott White & Hookins - B01130/309 rev P01 Section 278 Drainage and Contours, Scott White & Hookins - B01130/213 rev C03 Surface Water Manhole Schedule,



Scott White & Hookins - B01130/212 rev C04 Foul Drainage Manhole Schedule, Scott White & Hookins - B01130/209 rev P05 Section 104 Rising Main Long Sections, Scott White & Hookins - B01130/203 rev C01 Private Drainage Standard Details, Scott White & Hookins - B01130/202 rev C02 Adoptable Drainage Construction Details, Simon Jones-Parry - Proposed Alterations to Soakaways SK6 & 7 – Drawing No 500A, Simon Jones-Parry - Surface Water Drainage Design Report dated 9 April 2018, Simon Jones-Parry - Surface Water Drainage Supplementary Design Report dated 5 July 2018, Simon Jones-Parry letter dated 11th January 2019 (Drainage maintenance details), Geo-Environmental Geotechnical Interpretive Report dated June 2018 Reference GE17281 - GIRv1LD180622.

Reason: To ensure satisfactory provision of the development.

2. The surface water drainage layout shall be built so as to be fully in accordance with the Simon Jones-Parry SW Drainage Summary Drawing No 100B, the Simon Jones-Parry Proposed Alterations to Soakaways SK6 & 7 Drawing No 500A, the Scott White & Hookins Proposed Drainage Sheets 1-5 (Drawings B01130/115 rev C03, B01130/116 rev C07, B01130/117 rev C07, B01130/118 rev C03 & B01130/119 rev C07), and the Scott White & Hookins B01130/214 rev C04 Soakaway Detail. The approved Soakaway details for SK6 and SK7 shall have been implemented before any dwelling on the approved development is first occupied and all of the approved drainage arrangements shall thereafter be maintained in accordance with the drainage maintenance details set out in Simon Jones-Parry's letter dated 11th January 2019.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policies CS2 and CS6 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.

3. The remediation scheme approved in connection with Condition 6 of Planning Permission 15/10751 must be carried out in accordance with its terms prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. 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).

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, 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 3 of this planning permission.

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).

5. The scheme for the protection of trees that was approved in connection with Planning Permission 15/10751 - the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14389-AIA-PB and Plan Ref: 14389-BT2 dated 20/05/15 - shall be implemented and maintained for the full duration of the construction of the development hereby approved.

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

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

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

7. The cycle storage / parking provision within the site that was approved in connection with Condition 12 of Planning Permission 15/10751 shall be carried out in accordance with the approved details before the use of the development is commenced and shall be permanently retained thereafter.

Reason To ensure adequate cycle parking provision within the site, in accordance with Policies CS1, CS2, and CS24 of the Core Strategy for New Forest District outside of the National Park.

8. The approved areas for the turning of vehicles on site shall be kept available for their intended purposes at all times.

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

9. The external lighting details that have been approved in connection with Condition 15 of Planning Permission 15/10751 shall be implemented in accordance with the approved details, and no external lighting shall be installed thereafter, outside of the residential curtilages of the approved dwellings, unless details have been first submitted to and approved in writing by the Local Planning Authority.

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

10. The detailed ecological mitigation and biodiversity compensation and enhancement plan that has been approved in connection with Condition 16 of Planning Permission 15/10751 shall be implemented fully in accordance with the approved details.

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

11. The facing and roofing materials to be used on those parts of the development that are still to be implemented / completed shall be in accordance with those details that were approved in connection with Condition 17 of Planning Permission 15/10751.

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

12. The slab levels of the dwellings that are yet to be completed shall accord with those details that were approved in connection with Condition 18 of Planning Permission 15/10751.

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).

13. The detailed landscape scheme for the site shall be implemented in full accordance with the landscape details approved pursuant to Condition 19 of Planning Permission 15/10751.

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).

14. 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).

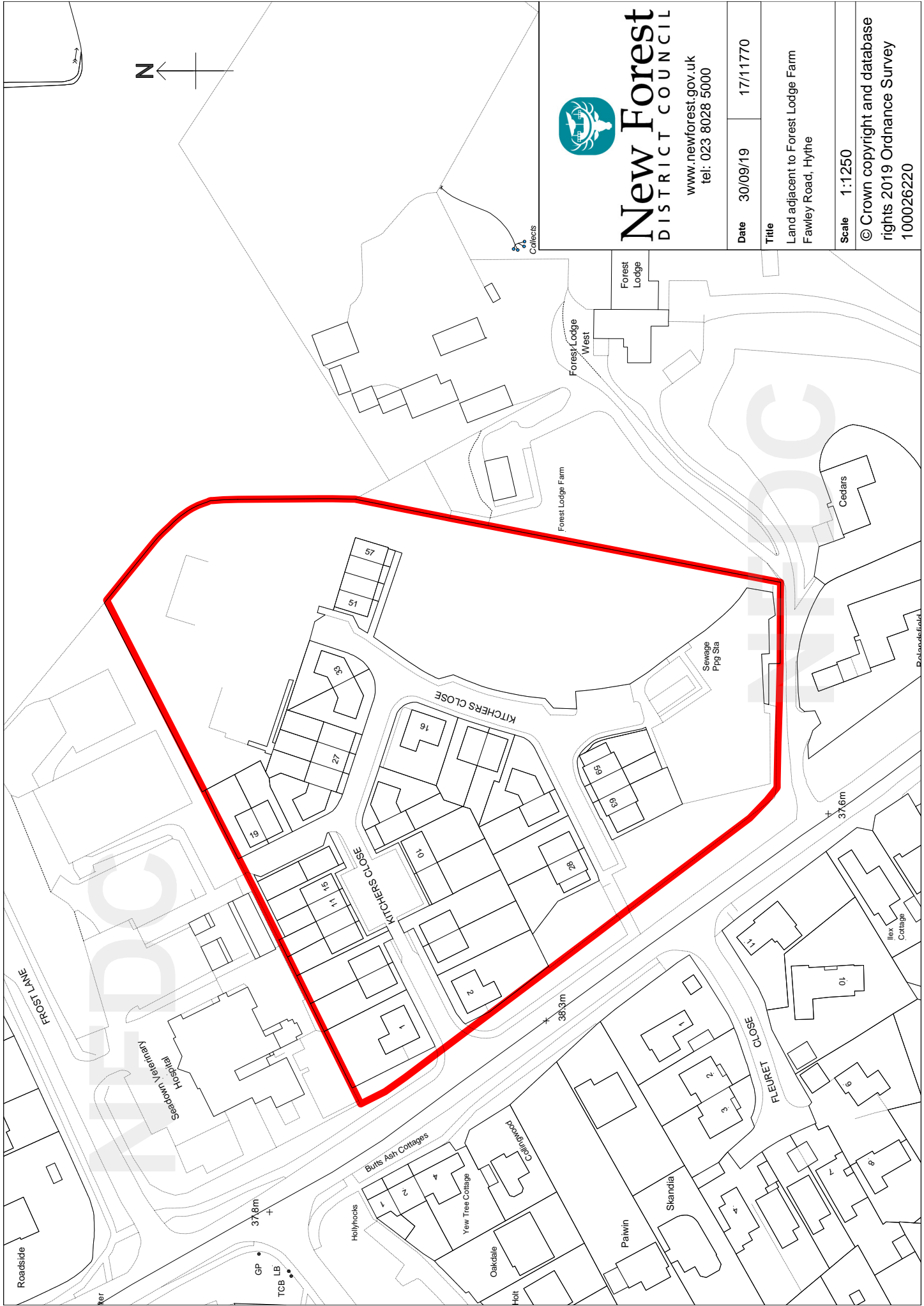
**Notes for inclusion on certificate:**

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

In this case, there has been extensive discussions and negotiations with the applicants, with additional information and amended plans having been submitted since the application was first registered. This has enabled a positive recommendation to be made.

**Further Information:**

Ian Rayner  
Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

<b>Date</b>	30/09/19	17/11770
<b>Title</b>	Land adjacent to Forest Lodge Farm Fawley Road, Hythe	
<b>Scale</b>	1:1250	
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Planning Committee 09 October 2019 **Item 3 c**

**Application Number:** 19/10841 Full Planning Permission

**Site:** SOUTH LAWN HOTEL, LYMINGTON ROAD,  
MILFORD-ON-SEA ,SO41 0RF

**Development:** Second-floor extension to provide 18 bedrooms; 48 car parking spaces; associated landscaping; detached building to accommodate waste recycling

**Applicant:** S L Hotels Ltd

**Target Date:** 26/08/2019

**Extension Date:** 09/10/2019

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

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## 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.

The main issues in this application are:

- Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Other Material Considerations

- Landscape and visual impacts
- Impact on tourism/ economy
- Transportation & Highway Issues
- Neighbour Amenity
- Impact on heritage assets
- Ecology

- 1.2 This matter is before Committee as the application is a departure from policy.

## THE SITE

- 2.1 The application site comprises the South Lawn Hotel, which is a rectangular shaped two storey building located to the north of the village of Milford On Sea. The existing building is relatively attractive with a white painted facade with mock Tudor detailing, situated in a prominent location on the main road leading to Milford On Sea.

- 2.2 Access is currently gained from Lymington Road where there is a large graveled car park providing up to 60 unmarked car parking spaces set behind a fairly dense tree screen along the north and west boundaries. The hotel accommodates 26 bedrooms, staff accommodation, restaurant and bar, and function room set within spacious and well landscaped grounds.
- 2.3 Milford On Sea Primary School lies immediately to the south of the hotel, on the opposite side of Lymington Road. There are open fields and paddocks to the west, north and east. Further to the north of the site, is Newlands Manor, which is a grade 2 listed building which provides up to 13 residential flats and is set amongst a dense woodland of trees and cannot easily be viewed from the hotel. Other than Newlands Manor, the nearest residential property's to the hotel is South Lawn Lodge.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 This planning application proposes a second floor extension to provide an additional 18 guest bedrooms, together with the re-organisation of the car park to provide 48 additional car parking spaces including electric charging bays, and associated landscaping. A storage building is also proposed to accommodate waste recycling.
- 3.2 The proposed second floor extension would be constructed on top of the existing flat roof and has been designed to reflect the appearance of the existing building. The proposed outbuilding to accommodate the waste/recycling would be sited within the existing car park close to the main entrance. Visually the proposed building would be constructed from timber rising to 2.5 metres tall, 9.4 metres long by 4.6 metres wide. The proposed additional car parking spaces and re-configuration of the car park would result in new spaces being created to the rear of the hotel replacing the existing outside patio areas and part of the existing open grassed area to the front of the site would be utilised.

### **4 PLANNING HISTORY**

Function suite with staff bedrooms above, groundsman store additional car parking (77204) Granted with conditions on the 16th April 2003

Function suite with staff bedrooms over and additional parking (76370) Refused on the 9th January 2003

Detached dwelling for owners accommodation (75789) Refused on the 11th October 2002. Appeal dismissed.

Extension to dining room (27520) Granted with conditions on the 24th October 1984

Alterations and erection of a two storey addition (24949) Granted subject to conditions on the 28th October 1983

Alterations and additions of a dining room and lounge and 5 bedrooms (11453) Granted with conditions on the 16th October 1978

Alterations and additions of a first floor bedroom (09029) Granted on the 30th December 1977



Alterations and addition of a front porch (06849) Granted on the 10th February 1974

Alterations and additions to existing hotel (LYB 14195) Granted with conditions on the 16th January 1973

Change of use from dwelling to licensed hotel and new vehicular access (LYB 12628) Granted with conditions on the 29th September 1970

## **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

CS8: Community services and infrastructure

CS10: The spatial strategy

CS19: Tourism

CS21: Rural economy

CS24: Transport considerations

CS25: Developers contributions

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

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM13: Tourism and visitor facilities

DM22: Employment development in the countryside

### **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 12 The South West Hampshire Green Belt

Policy 13 Design quality and local distinctiveness

Policy 21 Business and the economy

Policy 27 Tourism

### **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**

## 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.

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.

## **Relevant Advice**

### National Planning Policy Framework 2019

- i. Section 2 definition of sustainable development and presumption in favour particularly if local plan policies are out of date.
- ii. Section 6 Building a strong, competitive economy. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.
- iii. Section 7 ensuring the vitality of town centres
- iv. Section 11 making effective use of land including promotion of airspace above existing residential and commercial premises
- v. Section 12 achieving well designed places, sympathetic to local character and visually attractive
- vi. Section 13 Protecting Green Belt land
- vii. Section 16 Conserving and enhancing the historic environment

### Planning practice guidance notes

Green Belt (July 2019) Advice on the role of the Green Belt in the planning system

Historic environment (July 2019)\_Advises on enhancing and conserving the historic environment.

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

**Milford On Sea Parish Council:** Recommend permission

Concerns were expressed as to the potential noise caused by a gravel car parking area to the rear of the property.

The Parish Council would like to see consideration of electric charging points being placed where large volumes of cars are likely.

After discussion the Parish Council recommended permission, but would not accept the decision of the case officer if in contrary to the Parish Council.

## 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 subject to conditions. The proposal accords with the car parking standards as set out in the adopted the NFDC document - 'Parking Standards Supplementary Planning Document (SPD). The submitted drawing 1283-P037 (D) has shown the refuse collection and service area and it is considered that there is sufficient space for refuse and service vehicles to wait and turn around on the site and enter the highway in forward gear. Having reviewed the proposal, the Highway Authority is satisfied that the proposed development is unlikely to cause material impact upon the operation or safety of the local highway network.

### 9.2 Ecologist:

No objection subject to condition. An Ecological survey comprising a bat report has been submitted as part of the D&A Statement. Given the landscape setting, the risk presence of protected species presence is high, however it appears appropriate work has classified the potential of the building and confirmed absence currently. It is not considered that the building activity is likely to result in adverse impacts on locally and nationally designated sites in the vicinity

The ecology report makes recommendations in relation to working methods and opportunities for measures to provide offset and enhancement for biodiversity in order to meet national (NPPF) and local planning policy tests (net gain wherever possible). It is recommended that the a final plan of biodiversity enhancement is submitted through a planning condition.

### 9.3 Hampshire County Council Lead Local Flood Authority

Having reviewed this application it is noted that the building footprint is not changing, and the proposed parking area will remain as gravel. As such there is no change in impermeable area and there will be no change in flood risk. The existing drainage network is unlikely to be to the current standards and we would suggest that this is investigated and assessed however at present, we have no comments to make regarding this development.

### 9.4 Economic and Tourism Business Manager:

The prospect of allowing a popular and well-reviewed hotel to increase capacity, with which there already appears to be additional existing demand to meet, is something the economic development department would be in favour of. The increase in number of bedrooms should boost the number of overnight visitor stays in the local area, thus bringing increased investment to the New Forest economy and benefit to local

supply chains. This application would fall in line with the NFDC corporate plan priority of helping local business grow.

#### 9.5 Tree Officer:

South Lawn Hotel is subject to a single Tree Preservation Order 114/02 and includes five individual trees and one group of trees, a majority of which are situated to the south of the main hotel building. While the aforementioned trees are included within the TPO the site has a large tree stock with trees of varying size, quality and significance. This is therefore a constraint to the development. The Tree Officers comments will be updated.

#### 9.6 Conservation/ Design Officer:

Design comments on how the hotel might adapt to the need for more space.

Still unconvinced that placing an additional storey of this design within the existing roof profile will result in a well-designed solution for the hotel. This has now become larger and more dominant than the proposal and as with any adaption of roofline for this amount of accommodation it will always feel like a 'bolt on'. It does not visually appear as a natural addition or adaptation of the existing building. The proposed results in a large flat roofed element which is perceptible from the site and the wider context. The architecture while traditional, will sit at odds with the architectural form of the existing building.

Notwithstanding this the existing facilities are in need of some upgrade and the need for hotels to diversify in the current climate means the need for re imagined uses and spaces should be explored if possible. It is suggested that the scheme needs to look more comprehensively at remodelling of the hotel. If an additional floor is required it would be much better in design terms if this looks and feels like an actual third storey. While not unduly increasing overall impact is a consideration which has to be balanced with ensuring that the final design solution has a positive visual appearance.

The landscape proposal seeks the erosion of some areas of greenspace from within the site. This will lead to large areas of parking dominating the setting of the existing hotel. The erosion of the rear lawn area is particularly regrettable and it will lead to the building being marooned in a sea of cars. This feels like the level of parking required for an out of town retail store rather than a country hotel. It is suggested that this parking is scaled back or redesigned to retain the green areas and become less dominant.

#### 9.7 Southern Water

Southern Water confirm that they can facilitate the foul sewage disposal to service the proposed development Southern Water requires a formal application for a connection to the public foul sewer.

## 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: 6; Against: 2

### Comments in support

South Lawn Hotel is a critically important business and community resource which creates much of the non-resident spending which helps maintain the village qualities and facilities currently enjoyed in Milford On Sea. The additional bedrooms and rationalisation of operation infrastructure are essential if the property is to remain viable in the long term as a quality small hotel.

Trends in hotel keeping have changed considerably since the hotel was first developed in the 1970s, a small extension in 1983 has helped, but since then the hotel has constantly battled against a very low bedroom to service ratio. In all hotels, large or small, overnight guest accommodation is the bedrock of income which enable a business such as South Lawn to provide a wide range of facilities enjoyed by both staying guest and the local economy.

The design of the proposed extension would be both in keeping and sympathetic addition to the existing hotel.

### Comments raising objections

Milford on Sea does not need the additional visitors.

Concerns over additional traffic onto the already congested roads with school traffic. The exist drive from South Lawn Hotel is very close to the already approved new entrance to the school car park. The road is already dangerous. This will be exacerbated when the newly approved housing development in School Lane is completed.

The effect of additional cars into Milford On Sea where the car park is now a problem.

Concerns over additional noise due to the construction work, noise from additional cars parking and visitors arriving and departing.

The effect of additional visitors to areas of outstanding natural beauty, including the New Forest and protected wildlife and bird sanctuaries in nearby Keyhaven and the Marshes.

## 11 OFFICER COMMENTS

### **Introduction**

#### 11.1 The main issues in this application are:

- Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area;

- Whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

#### Other Material Considerations

- Landscape and visual impacts
- Impact on tourism/ economic
- Transportation & Highway Considerations
- Neighbour Amenity
- Impact on heritage assets
- Ecology

#### Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies

- 11.2 Guidance in relation to development within the Green Belt is contained with Chapter 19 of the NPPF, the advice within which is broadly echoed within Policy CS10 of the Core Strategy and Policy 12 of the emerging local plan. The NPPF and Policies CS10 of the Core Strategy and Policy 12 of the emerging plan attaches great importance to Green Belts and advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 11.3 The site lies within the Green Belt where national policy states the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.
- 11.4 As set out under Paragraph 145 of the NPPF, one exception is that an extension or alteration to an existing building can be appropriate development in the Green Belt, but this is provided that the extension does not result in disproportionate additions over and above the size of the original building. The proposed extension to provide additional bedrooms for the hotel would fall under this exception, however, in order to make an assessment of the impact, it is important to establish what is meant by 'original building'.
- 11.5 A reasonable approach is to consider the 'original building' as the extent of building on the site when the Green Belt was designated, which was in 1980. Although the building changed into a hotel from a modest dwelling back in the 1970s, the building has been substantially extended since 1980, including a large two storey addition used as the function room and staff bedrooms, added in 2003.
- 11.6 The proposed second floor extension would rise to approximately 2.5 metres above the existing ridge, extending 37 metres in length by 16 metres wide. The overall increase in floor space is around 640 square metres, which would equate to around a 30% increase in floor space compared to the existing building. It is considered that the proposed extension would be significantly larger in scale and size compared to both the 'original' building and the building as it stands today.

- 11.7 It is therefore considered that the proposal is inappropriate development and harmful by definition in terms of the NPPF. The NPPF at paragraph 143 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The applicant has submitted a series of considerations in the Planning Statement and Need Statement, outlining the applicant's case as to why very special circumstances exist in this case. These are referred to later in this report.
- 11.8 Paragraph 146 states that certain forms of development are also not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are referred to as engineering operations. In this case the proposal seeks to increase the size of the car park and this would largely involve remodelling the existing car parking areas. For the most part, the existing gravel car parking would be re-configured, but there will be some existing grassed areas replaced with new graveled car parking areas to the north east and south of the existing building. On the basis that the proposed car parking would be contained within the existing grounds of the hotel, and it is not proposed to extend the level of hardsurfacing into the open countryside, and there is scope for new soft landscaping, it is considered that the proposed car parking would be appropriate development in the Green Belt.

What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

- 11.9 The NPPF sets out the 5 main purposes of the Green Belt. In this case it is considered that the proposal will conflict with one of the purposes, which seeks to safeguard the countryside from encroachment. In its simplest terms, the openness can best be described as being land devoid of urbanising features or structures, and as such, as soon as urbanising features are proposed on an area of land, openness is physically and visually harmed irrespective of the degree of visual impact of said structures.
- 11.10 The proposed development would undoubtedly change the appearance of the existing building, when considering the amount of extensions over the years, which would impact on the openness of the Green Belt. Moreover, it is considered that the proposed extension would increase both the scale and massing of the existing building, resulting in a more prominent building in its setting. This conflicts with the aim of the Green Belt Policy to keep land permanently open and will result in some urbanising development that will clearly be at odds with this purpose. Accordingly, it is concluded that there is a loss of openness to the Green Belt, which adds to the harm resulting from inappropriate development.
- 11.11 Therefore very special circumstances (VSCs) need to be demonstrated before the development can be approved. The applicants consider that in this instance there are VSCs that clearly outweigh the harm of the proposal by reason of its inappropriateness and any other harm. The significance and weight to be attached to the submitted VSC will be assessed at the end of this report, once the extent of any potential 'other harm' has been properly assessed and identified.

## Would there be any other non-Green Belt harm?

### Landscape and visual impacts

- 11.12 South Lawn Hotel sits on the northern edge of Milford, beyond the settlement boundary in a prominent position along Lymington Road. Open fields bound the north and west boundaries of the site, which enable the building to sit in a pleasant spacious setting. The hotel is a significant feature from the Lymington Road on the approach into the village and is notable for the fine Cedar collections to the south of mature ornamental and native trees neatly clipped hedges of various species, and unsurprisingly, the expanse of lawns in front of the eastern elevation. Both the appearance of the hotel and its spacious and well landscaped setting make a significant contribution to the character of the area.
- 11.13 South Lawn Hotel is a rectangular shaped building rising to two storeys in height set back from Lymington Road. From the outside, a simple pitched roof wraps around the external envelope of the building, disguising the large flat roof within the middle of the building. There are a number of small single storey elements attached to the two elevations facing Lymington Road. The building has a white painted facade with mock tudor detailing on the first floor under a dark brown tiled roof and does have a traditional appearance. The main entrance into the hotel is from the south elevation, which was the original part of the building.
- 11.14 The proposed extension would utilise the existing flat roof of the building, designed to reflect the character, form and materials of the existing building. The applicants explored several options to provide additional accommodation to the hotel including a ground floor extension to the existing building or a detached building. However, the applicant felt that both these options would further urbanise the site and unacceptably encroach into the current landscape setting of the site. The applicant also considered the option to completely remodel the existing building, however, such a scheme would have resulted in a building of greater scale and impact on the rural setting and Green Belt and would not have been financially viable.
- 11.15 Officers agree that given the constraints of the site, the proposal to utilise the existing flat roof of the building to create a second floor would be the correct design approach. The main views would be from Lymington Road. Rising to around 2.5 metres in height, the proposed extension would largely sit behind and back from the existing roof. In total, the extended building would result in a building rising to around 9 metres in height. Visually, the design seeks to match the form, materials and appearance of the existing building. The dormer windows are appropriately proportioned and their siting would add interest in the building and help break up the roof form.
- 11.16 Although the proposed extension would increase the physical presence of the existing building, it has been designed with gentle sloping roofs in a traditional form, which enables the extension to sit sympathetically with the existing building. Indeed, the design of the proposed extension does not seek to compete with or detract from the form and character of the existing building. For these reasons, it is considered that the proposed extension would not unacceptably detract from or appear visually discordant with the existing building, its setting and wider character.



- 11.17 The proposal to re-configure and create additional car parking spaces will have some impact on the landscape setting of the site. Currently the car park is laid out in a very informal manner, with gravel surfacing, unmarked car parking set amongst trees, grassed areas and ornamental plants. The proposed car parking would be constructed from the same gravel material and would be sited within the existing grounds resulting in only a small loss of grassed areas and ornamental plants. The main increase in car parking would be to the rear of the existing building, on an existing outside seating and patio area. Whilst the increase in car parking and loss of some greenery is unfortunate, it is considered that a landscaping scheme to provide new tree and shrub planting within the site can be provided to enhance the setting of the site and this can be secured through condition. It should be noted that the existing trees along the sites frontage would be retained. All existing trees, which are covered by a Tree Preservation Order will also be unaffected.
- 11.18 In relation to the proposed outbuilding, this would be a modest structure constructed from timber and positioned behind existing trees and vegetation. Currently refuse bins are stored in the open to the front of the site which has a negative impact. The proposal to create a traditional timber structure to accommodate the recycling and waste on the site would be sympathetic to the surroundings.
- 11.19 It is therefore considered that the proposal is of an acceptable design and would not be unduly harmful to the character of the area.

#### Impact on tourism/ economic

- 11.20 Retaining and enhancing existing hotel accommodation is one of the main focuses for tourism within the Local Plan, in particular, the historic towns and villages of Lymington, Hythe, Ringwood, Fordingbridge and Milford-on-Sea, and the coast. These areas can provide facilities and amenities which will complement and relieve visitor pressures on the National Park, as well as being visitor destinations in their own right. Visitors staying in serviced accommodation, such as hotels and guest houses, spend on average three times as much as those staying in self-catering accommodation and more than seven times the amount spent by day visitors.
- 11.21 Local Plan Part 2 Policy DM13 relates to tourism and states that outside defined built up areas, development to provide visitor accommodation and/or facilities will only be permitted where it is to extend an existing hotel, to improve its operating efficiency or to maintain the viability of the business and where any physical extension is of a scale and design which does not have an unacceptable impact directly or indirectly on the character and setting of the building or the surrounding area.
- 11.22 The overall local plan strategy for tourism is echoed in the NPPF which seeks to support a prosperous rural economy, the sustainable growth and expansion of all types of business and sustainable rural tourism with respect the character of the area.
- 11.23 The proposed extensions and alterations to the hotel are compliant with policy.

## Transportation & Highway Considerations

- 11.24 The main issue in this case is whether the existing accesses into the site can acceptably accommodate the increase in use, whether there would be sufficient car parking spaces provided to serve the development and whether the internal layout enables all vehicles types to safely enter and egress the site onto Lymington Road.
- 11.25 South Lawn Hotel currently has 26 bedrooms and around 60 car parking spaces. The proposal would increase the total numbers of bedrooms and car parking spaces to 44 and 105 respectively. The proposal would accord with the Councils adopted 'Parking Standards Supplementary Planning Document (SPD)' adopted in October 2012. The proposal does not shown any provision for cycle parking, however, details can be secured through an appropriately worded planning condition.
- 11.26 It is considered that the increase in the use of the existing access onto Lymington Road would be acceptable, in which there is sufficient visibility in both directions to the north and south. Equally, the submitted plans show sufficient space for all vehicle types, including refuse and service vehicles to manoeuvre on the site and enter the highway in a forward gear. The Highway Authority do not raise any objections to the proposal.
- 11.27 It is therefore considered that the proposal will not be harmful to highway safety

## Residential amenity

- 11.28 The only residential property that is likely to be affected by the proposal is South Lawn Lodge which lies to the south of the site. Currently this property is separated from the application site by an existing private road which access the existing flats at Newlands Manor. Given the overall scale and design, and the degree of separation, in which there would be a distance of at least 36 metres between South Lawn Lodge and the proposed extension, it is considered that the proposal would not unacceptably impact on their outlook.
- 11.29 In terms of overlooking, two second floor dormer windows are proposed on the south elevation facing South Lawn Lodge. Given that there are a number of existing first floor windows on the south elevation, the degree of separation of at least 36 metres, the windows would serve a plant room and the fact that the dormer windows sit largely beneath the ridge, it is considered that the proposal would not unacceptably impact on the privacy of South Lawn Lodge.
- 11.30 It is accepted that the proposal to create 18 additional bedrooms at the hotel would increase the level of noise and disturbance in the area and therefore would result in some impact on the living conditions of South Lawns Lodge by way of noise and disturbance.
- 11.31 The impact would be a result of increase in activity from both staff and customers arriving and leaving the hotel and utilising the existing and new gravel car parking area. In addition, the increase in the use of the second access which is adjacent to South Lawn Lodge.

- 11.32 A majority of increase in car parking would be accessing the main existing access from Lymington Road, which is sited a sufficient distance away from South Lawn Lodge. It is accepted that the increase in the use of the second access adjacent to South Lawn Lodge is not ideal and would lead to a degree of impact on these proposed in this area and they would be sited at least 35 metres away from the boundary of South Lawn Lodge. Moreover, the proposed 12 car parking spaces would be sited on an area currently used for outside seating, and as such, this area already generates a degree of noise from customers using this space.
- 11.33 It is therefore considered that the proposal would not adversely impact on the living conditions of the adjoining neighbouring properties.

#### Impact on Heritage Assets

- 11.34 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision-maker to ask whether there would be some harm to the setting of listed buildings. 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. Accordingly, if the proposal would lead to harm, then planning should be refused unless that harm is outweighed by the planning benefits of the proposed development.
- 11.35 Newlands Manor is a Grade 2 listed building which lies to the north of the application site. The building is late C18/ early C19 house in Gothic style which is currently separated into several flats and sits in a dense woodland setting separate from the neighbouring buildings with open fields between. A tree lined track leads to Newlands Manor which runs between South Lawn Hotel and South Lawn Lodge. Before arriving at Newlands Manor, the access runs through a dense woodland area.
- 11.36 It is likely that originally the South Lawn Hotel would have been part of the Newlands Manor grounds, offering long views from the manor house and lake to the Solent, with its southern access and Lodge adjacent to the south of the extended hotel. The Manor and its grounds are not retained intact and are no longer visible from the south where woodland has been allowed to develop a thick edge to the immediate gardens of the original Manor, whilst the southern access drive retains its original lines of formal tree planting.
- 11.37 For the reason given above, it is considered that there is now a clear separation between Newlands Manor and the two buildings along the shared access at South Lawn Lodge and South Lawn Hotel. In addition, South Lawn Hotel has substantially grown in size and no longer has the appearance of a lodge or residential building associated with Newlands Manor.
- 11.38 The proposed extension to the hotel would result in a building of larger size and scale, however, it would create only a low degree of 'less than substantial harm' without significantly compromising the appreciation of the heritage asset relative to its value. The 'less than substantial harm' must then be weighed against the degree of public benefit derived from

proposals and carefully assessed including the setting of heritage assets as part of the wider consideration of development proposals. Having regard to the benefits created by the proposal (see following sections of this report), it is considered that the low degree of less than substantial harm is not a sufficient reason to resist this application.

11.39 The proposal is therefore compliant with Policy DM1 of the Local Plan and neutral weight should be afforded to this in the planning balance.

### Ecology

11.40 The application site does not lie within or immediately adjacent to any designated nature conservation sites. In support of the application an Ecological survey comprising a bat report has been submitted. Given the landscape setting, the risk of presence of protected species is high, however it is considered that appropriate work has classified the potential of the building and confirmed absence present.

11.41 The Ecologist does not believe that the building activity is likely to result in adverse impacts on locally and nationally designated sites in the vicinity. The ecology report makes recommendations in relation to working methods and opportunities for measures to provide offset and enhancement for biodiversity in order to meet national (NPPF) and local planning policy tests (net gain wherever possible).

11.42 On the basis that these have not been confirmed, a planning condition can be imposed to secure a final plan of biodiversity measures. As a minimum, the enhancements measures could include bat tube/habitat box and if ecologically feasible, provision of three swifts features due to their strategic importance in this location.

11.43 Subject to the conditions as set out above, it is considered that the proposal will not have any unduly harmful impacts upon the protected species or the ecological value of the site.

### Are there any considerations which weigh in favour of the development?

11.44 The applicant has provided the following details in relation to 'need as part of the submission that very special circumstances (USCs) exist which justify allowing inappropriate development in the Green Belt.

The submitted VSCs are as follows:

11.45 *the proposal constitutes the reasonable expansion of an established hotel in the Green Belt, and that the proposal makes a significant contribution to the local economy and local employment.*

11.46 The supporting statement states that South Lawn Hotel is a well established hotel which has operated for many years, and is an important and popular local independent hotel hosting many thousands of visitors and guest a year. South Lawn is a 26 bedroom hotel with a banqueting suite for 150 people and the 'Cedar Restaurant' with 50 covers. The banqueting suite is used for weddings, conferences, parties and fund raising events.

- 11.47 The hotel runs at about 80% occupancy over the week and generally 100 % occupancy at weekends, throughout the year. This is in part explained by the imbalance between the banqueting facilities (150) people and the number of bedrooms (26 rooms). The applicants consider that there is a clear quantitative and qualitative need for the proposed additional bedrooms, because the existing business capacity cannot accommodate sufficient bedrooms for guest attending an event at the function room, to be able to stay.
- 11.48 The hotel plays an important part in helping to underpin the viability and viability of the nearby shops, restaurants and services at Milford On Sea and wider area. New links are being forged with a growing number of local groups.
- 11.49 Further support has been provided by, 'Go New Forest', a not-for-profit Community Interest Company (CIC), which principle aim is to market the New Forest as a quality destination through co-operation with all interests, to enhance our environment and grow business. In their supporting letter, they state that *'South Lawn Hotel is a critically important business and community resource which creates much of the non -resident spending which helps maintain the unique village qualities and facilities currently enjoyed in Milford On Sea. Without such sources, these have been lost in so many other small settlements across the district'*.
- 11.50 As stated above, the applicants consider that there is a clear need for the proposed additional bedrooms, because the existing business capacity cannot accommodate sufficient bedrooms for guests attending an event at the function rood, to be able to stay. This is corroborated by 'Go New Forest' as follows:
- "Trends in hotel keeping have changed considerably since the Hotel was first developed in the 1970s, a small extension in 1983 has helped, but since then the hotel has constantly battled against a very low bedroom to service ratio. In all Hotels, large or small, overnight guest accommodation is the bedrock of income which enable a business such as South Lawn to provide the wide range of other facilities enjoyed by both staying guests and the local community."*
- 11.51 The hotel currently employs 13 full time and 7 part time employees. It is anticipated that the proposed additional bedrooms will create vacancies for an additional 4 full time and 3 part time employees. The supporting statement highlights that the hotel is an important asset to Milford on Sea and the surrounding area and helps underpin the local community socially and economically. The proposal will improve public access to the facility to visitors from the local area, UK and world.
- 11.52 There are no alternative sites at Milford on Sea that would meet the requirements of the development outside the Green Belt. Even if there is a site(s) – which there are not - because the hotel is very well established it is not possible to relocate the hotel within the settlement boundary – the applicants sequential site search which failed to identify suitable, available and viable sequentially preferable site.
- 11.53 The Economic Development Manager supports the proposal and considers that the prospect of allowing a popular and well-reviewed hotel to increase capacity, when there already appears to be additional existing demand, is something the economic development department would be

in favour of. The increase in number of bedrooms should boost the number of overnight visitor stays in the local area, thus bringing increased investment to the New Forest economy and benefit to local supply chains. This proposal would fall in line with the NFDC corporate plan priority of helping local business grow.

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

11.54 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. However, while the proposal would lead to some loss of openness, which adds to the harm to the Green Belt, albeit to a limited extent.

11.55 With respect to 'any other harm, the proposed design would be sympathetic to the character of the area, a detailed landscaping and ecological scheme can be provided through planning conditions to provided further enhancements, there would be limited impact on residential amenity and sufficient car parking is made available.

11.5 Your officers are not aware of any other matters raised in representations that would weigh against the scheme.

11.57 In respect of those matters which weigh in favour of the scheme, the applicant has provided evidence in relation to the need for the addition of the extra bedrooms which will increase the capacity of the hotel and add to/ complement its existing facilities to the extent that current turn away business is not lost. Consequently this will enable the economic expansion of the hotel to the benefit of the local economy and that an increase of additional employment would result from the development.

11.58 Officers consider that there would be an increase in employment and local economic benefits from the business. The capture of lost spend with wider benefits to the local economy is also substantial and could be regarded as making a not insignificant contribution, and this is primarily about the additional rooms.

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

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

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

12.1 This report has set out that the proposal represents inappropriate development in the Green Belt that is harmful to openness by definition and to the purposes of including land within the Green Belt. With this borne in mind is considered that very special circumstances have been demonstrated that outweigh the harm to the Green Belt and any other harm and as such there is no reason to withhold the granting of planing permission for this proposal.

## 13 OTHER CONSIDERATIONS

### Other matters

#### 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

#### 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: 1283-P048(A), 1283-P030(C), 1283-P031 (B), 1283-P032(A), 1283-P033 (B), 1283-P034(B), 1283-P035 (B), 1283-P036(B), 1283-P040(D), 1283-P041(E), 1283-P045 (B), 1283-P026(-), 1283-P038(B), 1283-P039(B), 1283-P042(D), 1283-P043(D), 1283-P044(D), 1283-P027 (A), 1283-P018(-)1283-P025 (-), Proposed site plan, 1283-SK023(-), 1283-P037 (D)

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby permitted shall not be occupied until the spaces shown on plan 1283-P037(D) for the parking of motor vehicles have been provided. The spaces shown on plan1283-P037(D) for the parking or motor vehicles shall be retained and kept available for the parking of motor vehicles for the Hotel 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).

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

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

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



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

6. All external works (hard and soft landscape) as approved at Condition 5 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

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

7. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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

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

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

(c) The development shall be carried out in accordance with and subject to the approved proposals.

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

9. Prior to the commencement of development, and notwithstanding the Daniel Ahern Ecology Report dated May 2019 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).

10. Prior to the first occupation of the extension hereby approve, the detailed design of the cycle parking facility including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the first occupation of the extension hereby approved, the cycle store shall be installed in accordance with the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel.

11. 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 Highway Safety.

12. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter;
  - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
  - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that enough mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy 10 of the Local Plan Review 2016-2036.

**Notes for inclusion on certificate:**

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

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

2. In discharging condition No 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

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

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

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

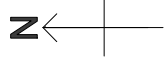
SGN personnel will contact you accordingly.

**Further Information:**

Richard Natt

Telephone: 023 8028 5588

NFDC



14.9m

15.2m

South Lawn Hotel

South Lawn Lodge



**New Forest**  
DISTRICT COUNCIL

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

Date 30/09/19 19/10841

Title  
South Lawn Hotel  
Lymington Road, Milford on Sea

Scale 1:1250

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## 19/10917 Advertisement Consent

**Application Number:**

**Site:** LAND NORTH OF, SCHOOL LANE, MILFORD-ON-SEA  
SO41 0TU

**Development:** Erection of hoardings, Stack Sign; Flagpoles and flags for a temporary period (Application for Advertisement Consent)

**Applicant:** Pennyfarthing Homes Ltd.

**Target Date:** 07/10/2019

**Extension Date:** 11/10/2019

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

---

### 1 SUMMARY OF THE MAIN ISSUES

This is an application for advertisement consent and accordingly the matters for consideration are limited to:-

- 1) Visual amenity
- 2) Highway safety

These, are considered in Section 11, of this report after which a conclusion on the planning balance is reached

This matter is being considered by Committee as a contrary view has been expressed by the Parish Council

### 2 THE SITE

The site is currently under construction with 42 dwellings and flats. This development was allowed at appeal in April of this year. The development includes a new vehicular access from a point to the south of the site from Lymington Road and parking arrangements for the proposed housing. A dual use car park /school drop off for 36 spaces is to be provided within the open space and Green Belt accessed from Lymington Road to the north of the site. Five full size allotments are to be provided to the northern end of the site.

### 3 THE PROPOSED DEVELOPMENT

The current application seeks temporary advertisement consent for hoardings, a stack sign and flagpoles on the Lymington Road frontage of the site and part of School Lane.

Amendments have been made to the number and height of the flagpoles through negotiation. This reduced the number of flagpoles from 6 to 4 and the height of the flagpoles from 6m to 4 m. With the exception of the highway authority no re-consultation was undertaken on these amendments

The hoardings, signs and flagpoles would be located along the frontage of the site to the south of Milford on Sea Primary School close to the construction access wrapping around the corner onto School Lane.

The advertisements are as follows:

- Hoardings which would be 2.4m high with various illustrations relating to the development on the site.
- A stack sign which would be V shaped and 6 m high. It would be non illuminated and located close to the corner of Lymington Road and School Lane.
- Four white flagpoles of 4 m high. The flagpoles would be white and the flags green with a white background. The flags would be 900mm wide x 1800mm high in size. The original proposal was for 6 flagpoles of 6 m high.

The period for display is proposed until 30th June 2021

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10606 Development of 42 dwellings comprised: 17 detached houses; 8 semi-detached houses; 11 terraced houses; 6 flats; garages; parking; landscaping; estate roads; junction access; footpaths; open space, play area; 5 allotments; cycleway	19/07/2018	Refused	Appeal Decided	Appeal Allowed with Conditions 08/04/2019

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

##### Core Strategy

CS2: Design quality

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

MoS1: Land north of School Lane

##### The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

##### Supplementary Planning Guidance And Documents

SPG - Milford-on-Sea Village Design Statement

##### Constraints

Tree Preservation Order: TPO/0030/17/T2

##### Plan Policy Designations

Green Belt  
Built-up Area



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

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Control of Advertisement Regulations 2007

### **Relevant Advice**

NPPF: Chap 12: Achieving well designed places

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

### **Milford On Sea Parish Council**

PAR 4: We recommend REFUSAL.

The Parish Council strongly objects to the proposed flagpoles and hoardings. It considers them to be intrusive in the context of the open, rural character of the area and also highly dangerous as they would be a distraction to drivers on this busy road in such close proximity to the Primary School. The Parish Council would not object to one stack being placed on the corner with School Lane to keep local residents informed of developments on this site.

Comment can be viewed under Related Documents

## **8 COUNCILLOR COMMENTS**

No commented received

## **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 Hampshire County Council Highways - No objection

9.2 Southern Water - No objection

9.3 Southern Gas Network - offer advice

Comments in full are available on the NFDC website.

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

The 53 objections have been received on the following grounds :

- Intrusive, unsightly advertisements.
- Out of keeping and dominate the entrance to the village
- Out of place in landscape, countryside and Green Belt
- Excessive size and number of advertisements proposed - 2 flags would be sufficient.
- Highways /safety hazard due to bends in road, traffic lights, pedestrian crossing, bus stops and access to the school and hotel.

- Highway distraction on B3058 to cars, cyclists and pedestrians particularly due to the location near school.
- Unnecessary advertisements.
- Impact on wildlife, trees and hedges.
- 2 years is too long for advertisements to be in place.
- Noise of flags on windy days.
- Unwanted development.
- Loss of views of the fields.
- Inconvenience of building works.
- Traffic and construction noise from the development.

The 1 letter of support has been received which comments:

- The Advertisements are for a temporary period
- This is normal marketing
- need to accept development on the site

## 11 OFFICER COMMENTS

### Introduction

- 11.1 As this application is for advertisements the only issues for consideration are visual amenity and public highway safety.
- 11.2 Signage is characteristic of many large-scale development projects when they are marketing the site. Whilst this type of signage would not be considered appropriate for permanent retention a temporary period for display until 30th June 2021 is sought which could reasonably be secured by a planning condition.

### Relevant Considerations

#### Visual amenity:

- 11.3 The assessment of the appropriateness of the proposals and their visual impact needs to be considered in the context of the site and its location. This is a large site that has until recently had an open rural character located between the Milford on Sea Primary School buildings and other residential development on the eastern side of Lymington Road.
- 11.4 The flagpoles and hoardings would be located along a road frontage length of approx 75 m to Lymington Road and would wrap around the corner of the site onto School Lane either side of the temporary construction access. Three of the flagpoles would be located along the frontage with Lymington Road within a length of approx. 18m close to the construction access. The fourth flag pole being positioned further north almost opposite the junction with Manor Road. The stack sign would be located on the corner of School Lane.
- 11.5 The type of signage proposed is considered acceptable in principle. Consideration has been given to the amount of signage and its appropriateness to the site. The character of the site will change when the development is complete and the signage is considered to be of an appropriate level particularly when seen against the backdrop of the construction that is now underway on the site

- 11.6 Overall, when considered within the context of the site, its changing character as the development progresses, the temporary period proposed and the need to market the dwellings the proposed advertisements are considered to be of a proportionate level and have an acceptable impact on visual amenity of the area.

#### Highway Safety:

- 11.7 The Highway Authority have been consulted and have raised no objection to the revised plans. These plans show the flagpoles would be positioned within the site and the hoardings placed against the hedgerow and suitably set back from the edge of the road. The highway authority are satisfied that the proposed positioning of the hoardings and flagpoles will not obscure visibility from the site access or road.
- 11.8 Whilst numerous objections have been received on highway grounds, given the comments of the highway authority it is not considered that an adverse impact on highway safety or resultant driver distraction would result from the proposed signage such that refusal could be justified on this basis.

#### 11.9 Other Case Specific Factors

Numerous objections have been received to these proposals (original plans). Most of the comments - insofar as they relate to visual amenity and highway safety - are covered in the assessment of the main issues set out above

Other comments made have referred to noise and disturbance from the development site, however whilst noted this it is not material to consideration of the current advertisement application.

Potential noise from flags on windy days would not be considered harmful given that there are only 4 flags and they are located on the road frontage.

Ecology and wildlife issues were considered as part of the residential development scheme and the proposed signage would not harmfully impact on these interests. The hoardings and flag poles would be erected so as not to adversely impact on the hedge that is to be retained as part of approved development on the site. Furthermore the revised plans confirm the location of the flagpoles and hoardings with respect to the retained hedge. The hoardings will be located against the hedge line and would afford additional protection to the hedge whilst avoiding root damage. In addition it has been confirmed that these works would be undertaken under ecological supervision.

Reference is made as to whether there is a need for these advertisements. This is a commercial decision about the marketing of the site and not a planning consideration. Furthermore it is relevant to note that under the Advertisement Regulations (Class 7 and 8) 2 flagpoles of 4.6m high with flags of 2 square metres along with site hoardings of 4.6 high could be erected without express advertisement consent and retained for the duration of the development and removed 1 year after the last house is sold.

## 12 CONCLUSION

For the reasons given above, it is considered that the proposed advertisements would have an acceptable impact with respect to their impact on the visual amenity of the area and highway safety.

Therefore, temporary advertisement consent is recommended.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

Not relevant

### Local Finance

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

### 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 ADVERTISEMENT CONSENT

### **Standard Conditions**

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

### **Proposed Conditions:**

6. The development permitted shall be carried out in accordance with the following approved plans: Proposed site plan (amended); Enlarged extract site plan; stack sign elevation.; flagpole elevation; hoarding elevation.

Reason: To ensure satisfactory provision of the development.

7. The advertisements hereby approved shall be removed from the site on 30th June 2021 or when the last dwelling on the site is sold whichever is the earlier date and the land restored in accordance with the approved plans for the development of the site under planning consent 17/10606.

Reason: Due to the nature of the advertisements and the as long term retention of the signage would be inappropriate to the visual amenity of the area.

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

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

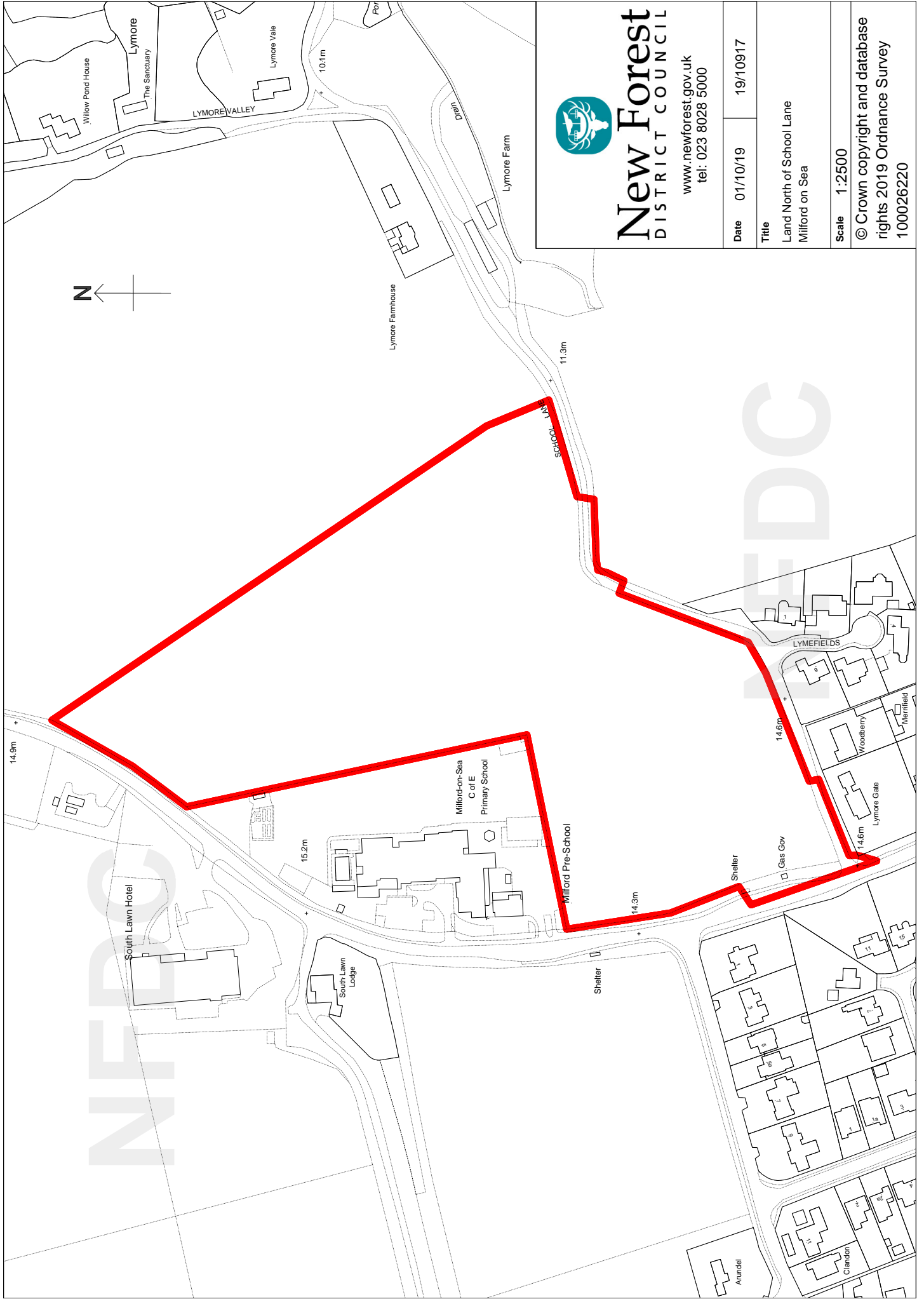
In this case the application was amended to reduce the number and height of the flagpoles and as such as it was considered to be acceptable as submitted no specific further actions were required.

2. This decision relates to amended plans received by the Local Planning Authority on 20th September 2019.

**Further Information:**

Judith Garrity

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

<b>Date</b>	01/10/19	19/10917
<b>Title</b>	Land North of School Lane Milford on Sea	
<b>Scale</b>	1:2500	
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**Application Number:** 19/10948 Full Planning Permission

**Site:** AVONWAY COMMUNITY CENTRE, 36 SHAFTESBURY STREET, FORDINGBRIDGE SP6 1JF

**Development:** Main entrance doors; glazing; entrance canopy

**Applicant:** Fordingbridge & District Community Association

**Target Date:** 18/09/2019

**Extension Date:** 18/10/2019

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

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## 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) Whether the proposed design of the porch is appropriate
- (2) Impact of the development upon the character and appearance of the Conservation Area

This matter is being considered by Committee as the recommendation is a contrary view to that expressed by the Town Council.

## 2 THE SITE

The application site consists of the Avonway Community Centre, situated on the corner of Shaftesbury Street and Bartons Road within the Fordingbridge Town Centre and Conservation Area. The site comprises a number of buildings of varying age and some of the rear aspects which front Bartons Road are later additions to the original building.

## 3 THE PROPOSED DEVELOPMENT

This application seeks permission for a new entrance to the rear of the community centre. This entrance is situated on the northern elevation of the centre and fronts Bartons Road in the north. The changes comprise new doors, some additional new glazing and an entrance canopy.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
10/95486 Access ramp and steps; handrails to existing ramp	18/06/2010	Granted Subject to Conditions	Decided
01/72520 Single storey extension and porch canopy	07/09/2001	Granted Subject to Conditions	Decided

89/NFDC/41850	Single storey extension	05/07/1989	Granted Subject to Conditions	Decided
87/NFDC/34937	Erection of office and store building.	04/08/1987	Granted Subject to Conditions	Decided
85/NFDC/30115	Erection of a 10 foot high chain link fence to north boundary.	12/06/1986	Granted Subject to Conditions	Decided
83/NFDC/24137	Addition of reception, lobby and new access.	24/10/1983	Granted Subject to Conditions	Decided
78/NFDC/11073	Alterations and addition of store.	05/09/1978	Granted	Decided
78/NFDC/10276	Alterations and additions of toilet accommodation.	14/06/1978	Granted	Decided
76/NFDC/05534	Alterations and extension with new toilet accommodation.	06/08/1976	Granted Subject to Conditions	Decided
75/NFDC/03148	Change of use to community centre including part of site for Youth Centre.	24/09/1975	Granted Subject to Conditions	Decided

## 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### Plan Policy Designations and Constraints

Town Centre Boundary  
 Built-up Area  
 Fordingbridge Conservation Area

### Core Strategy

CS2: Design quality  
 CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
 CS8: Community services and infrastructure  
 CS20: Town, district, village and local centres

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

DM1: Heritage and Conservation

### The Emerging Local Plan

Policy 8: Community services, infrastructure and facilities  
 Policy 11: Heritage and conservation  
 Policy 13: Design quality and local distinctiveness

### Supplementary Planning Guidance And Documents

SPG - Fordingbridge - A Conservation Area Appraisal  
 SPD - Fordingbridge Town Design Statement

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

### **Relevant Legislation**

Section 38 Development Plan  
Planning (Listed Building and Conservation Areas) Act 1990

### **Relevant Advice**

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

Chap 12: Achieving well designed places  
Chap 16: Conserving and enhancing the historic environment

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

### **Fordingbridge Town Council**

Comment: PAR4: Recommend refusal as not in favour of the design of the porch and would like to see something more in-keeping.

Comments in full are available on our website.

## **8 COUNCILLOR COMMENTS**

None received.

## **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.

NFDC Conservation - No objection subject to conditions.

Environmental Health Contaminated Land - No objection.

Comments in full are available on our website.

## **10 REPRESENTATIONS RECEIVED**

None received.

## **11 OFFICER COMMENTS**

### **Introduction**

11.1 The application proposes a small extension to the front of the building to provide canopy over the entrance to the Community Hall. The community centre building is not listed, but it is identified as an important unlisted building within the Fordingbridge Conservation Area Appraisal.

11.2 National Planning Policy Framework (2019) in Chapter 12 (Achieving well-designed places) puts strong emphasis on delivery of good design which helps to create “better places in which to live and work and helps make development acceptable to communities” (para. 124). The Framework also calls for “a high standard of amenity for existing and future users” (para. 127).

- 11.3 Paragraph 197 of the National Planning Policy Framework (2019) advises that when weighing applications which affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 11.4 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 11.5 The main considerations are whether the design of the canopy is appropriate for the building and the impact of the proposal and whether it preserves or enhances the character and appearance of the Conservation Area.

### **Relevant Considerations**

#### Design of the Canopy and its impact on the Conservation Area

- 11.6 The glazing and the current entrance porch at the rear (north) of the community centre was granted permission in 1989. This feature is not a historic addition and makes no contribution to the character of the building within the context of the Fordingbridge Conservation Area. The plans associated with the 1989 application also showed a covered porch area attached to the main extension, in the same position and similar in nature to that which is proposed. This feature is no-longer in place, however the principle of a covered porch area to provide a rear entrance to the community centre was previously approved.
- 11.7 The entrance canopy proposed is of a contrasting design and materials to the existing building. It is however not considered to be a discordant feature and due to its subservient, light-weight form, it would compliment the form of the building and does not detract from the contribution that it makes to the character of the Conservation Area. This accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.8 Whilst the comments of the Town Council are noted, given the small scale nature of the addition, its set-back and the fact that it would compliment the community centre and not detract from the existing building and character of the Conservation Area, harm cannot be identified and no objection to the proposal is justified.

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

The design of the extension is considered acceptable and would preserve the character and appearance of the Conservation Area under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also accord with National and Local Authority Planning Policy.

## **13 OTHER CONSIDERATIONS**

### Crime and Disorder

Not relevant.

## Local Finance

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

## Human Rights

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and 3<sup>rd</sup> parties. The application is considered to raise no significant issues and the planning balance on this occasion is for approval

## 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: 00-01, 00-02, 01-00, 01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-08, 01-09, 02-00, 02-01, 02-02, 02-03, 02-04, 02-05, 02-06, 02-07, 02-08, 02-09, 02-10 REV A, 02-11.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details and finishes of all materials shall be submitted to the Local Planning Authority. These details to include sections of the canopy and the doors. The details shall be approved in writing by the Local Planning Authority prior to development commencing. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy and Policy DM2 of the Local plan Part 2 for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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

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

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

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

SGN personnel will contact you accordingly.

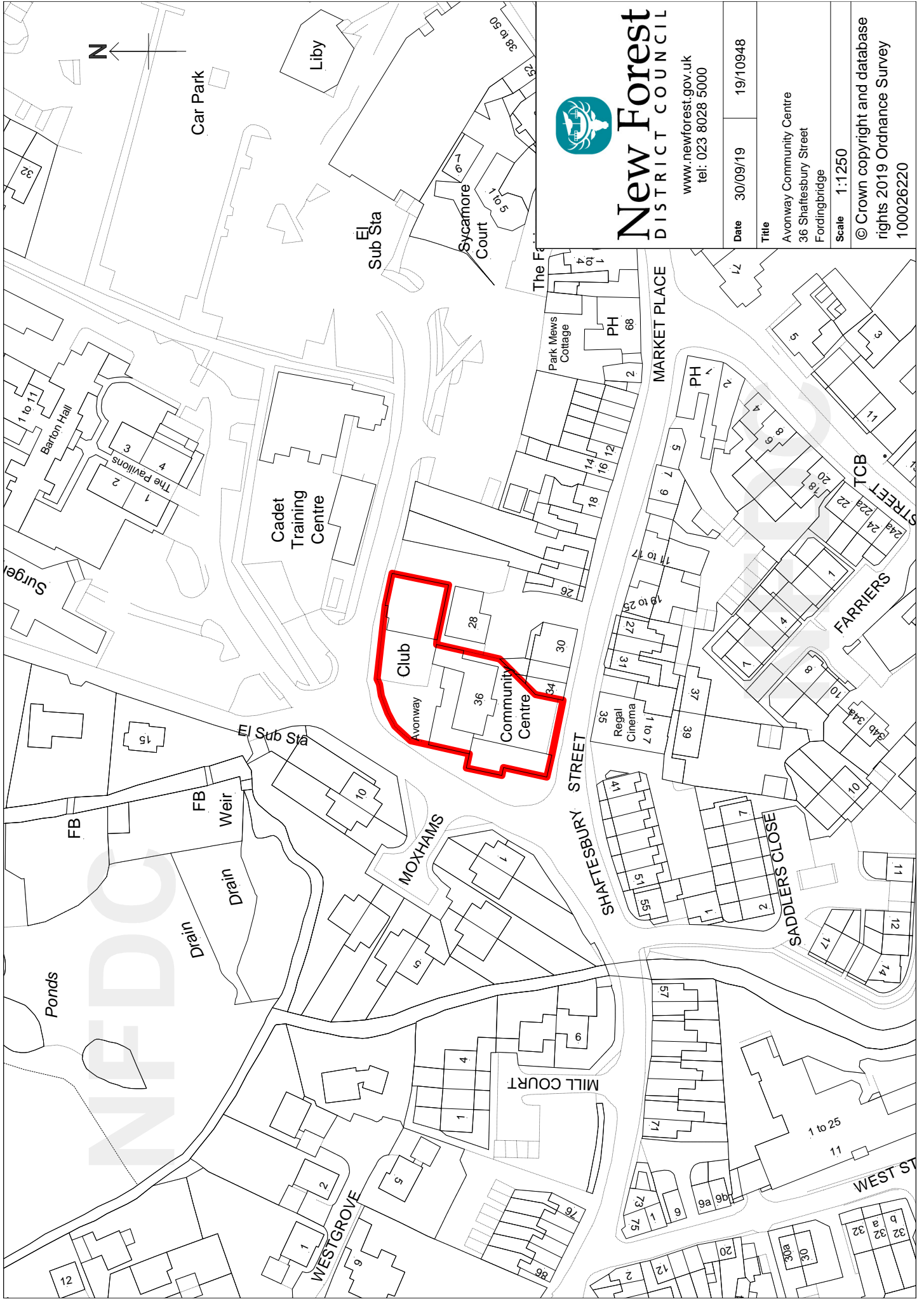
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling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

**Further Information:**

Judith Garrity

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

Date	30/09/19	19/10948
Title	Avonway Community Centre 36 Shaftesbury Street Fordingbridge	
Scale	1:1250	
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**Application Number: 19/11007** Full Planning Permission

**Site:** 36 GOLDEN CRESCENT, EVERTON, HORDLE SO41 0LL

**Development:** Change of use of land to garden; fence

**Applicant:** Mr & Mrs Bettle

**Target Date:** 01/10/2019

**Extension Date:** 11/10/2019

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

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## 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) impact of the development on the street scene and character of the area
- (2) impact of the development on neighbour amenity

This matter is being considered by Committee as the applicant is an NFDC employee

## 2 THE SITE

The application site is situated on the Harts Farm Estate, which is described in the Hordle Village Design Statement as being an open plan estate, including a mix of bungalows and detached houses. Specific landscape features are provided at junctions with the Closes, through the utilisation of green corners for tree and shrub planting.

The application site consists of a detached house on a corner location. The rear garden is enclosed by a wall, and there is an area of verge alongside this wall which has a couple of mature trees at either end, and one small fruit tree between.

The open aspect to the frontages, particularly the junctions, contribute to the spacious character of the area, and this was part of the original planned form of the development and was secured by a condition to restrict structures in identified areas in order to secure well planned development (condition 4 of LYB 10796/8). However, there are some limited examples of established fencing adjacent to the road at no 40 and 44 Golden Crescent which appear to have enclosed open areas. No planning permission has been identified for these works, however investigations have indicated they have been in situ for more than 10 years.

## 3 THE PROPOSED DEVELOPMENT

The proposal is to erect a 1.95m high close boarded fence to enclose a section of the grassed verge equating to an area of approximately 45sq m, and to incorporate this intervening area of land into the existing rear garden. The

proposed fence would be in line with the front wall of the neighbouring garage at 34 Golden Crescent, which projects forward of the existing side boundary wall of the application site, and behind the existing mature trees which are to be retained.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
05/84411 First floor extension	13/06/2005	Granted Subject to Conditions	Decided
00/69047 Ground floor additions	16/06/2000	Granted Subject to Conditions	Decided
XX/LYB/10796/8 77 dwellings.	02/09/1969	Granted Subject to Conditions	Decided

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

##### Core Strategy

CS2: Design quality

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

None relevant

##### The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

##### Supplementary Planning Guidance And Documents

SPD - Hordle Village Design Statement

##### Plan Policy Designations

Built-up Area

#### 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

##### Relevant Legislation

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

##### Relevant Advice

Chap 12: Achieving well designed places

#### 7 PARISH / TOWN COUNCIL COMMENTS

##### **Hordle Parish Council**

Par 2: recommend refusal but would accept the decision reached by the District Council's Officers under their delegated powers. Concerns that the proposal is out of keeping with the area

## 8 COUNCILLOR COMMENTS

No comments received

## 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.

Tree officer: no objection

## 10 REPRESENTATIONS RECEIVED

None received

## 11 OFFICER COMMENTS

### Introduction

- 11.1 The main issues to be considered is whether the enclosure of this area of garden would change the open character of the area, impacting on the street scene and the character of the area

### Relevant Considerations

- 11.2 Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009) requires new development to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. It also states that new development shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities. This advice is reflected in the emerging Local Plan, namely Policy 13 Design quality and local distinctiveness.
- 11.3 The National Planning Policy Framework (2019) in Chapter 12 (Achieving well-designed places) puts strong emphasis on delivery of good design which helps to create "better places in which to live and work and helps make development acceptable to communities" (para. 124). The Framework also calls for "a high standard of amenity for existing and future users" (para. 127).

### Street scene and character of the area.

- 11.4 The existing open verge contributes to the spacious character of the area. The proposed development would encroach onto this green space, however an area of open land would remain, which along with the retained trees between the proposed fence and the pavement would retain a degree of spaciousness in this location. The adjoining property is set significantly forward of the proposed fence, in visual terms the fence would sit comfortably in the street scene retaining the open character nature of the estate.
- 11.5 The majority of enclosures for rear gardens on this estate appear to be walls, therefore the introduction of a fence would not be a typical feature of the immediate area. However, the proposed fence would be set back from the road, and given the retention of the mature trees this feature would not be out of keeping within the street scene. Furthermore, due to

the proximity of the Norway Maple trees, a wall by virtue of its foundations could be harmful to the long term health and vitality of the trees, whereas a fence would not have a detrimental impact or compromise their long term retention

As such the proposed development would not detract from the street scene or significantly impact upon the spacious character of the area.

#### Neighbour amenity

11.6 The proposed fence would be aligned to the front wall of the neighbour's garage, and would not interfere with its visibility splays.

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

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise, they confirm the indication given by the development plan, namely that planning permission should be granted. Therefore, conditional permission is recommended.

## **13 OTHER CONSIDERATIONS**

#### Crime and Disorder

Not applicable

#### Local Finance

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

#### 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: site and block plan, existing and proposed

Reason: To ensure satisfactory provision of the development.

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

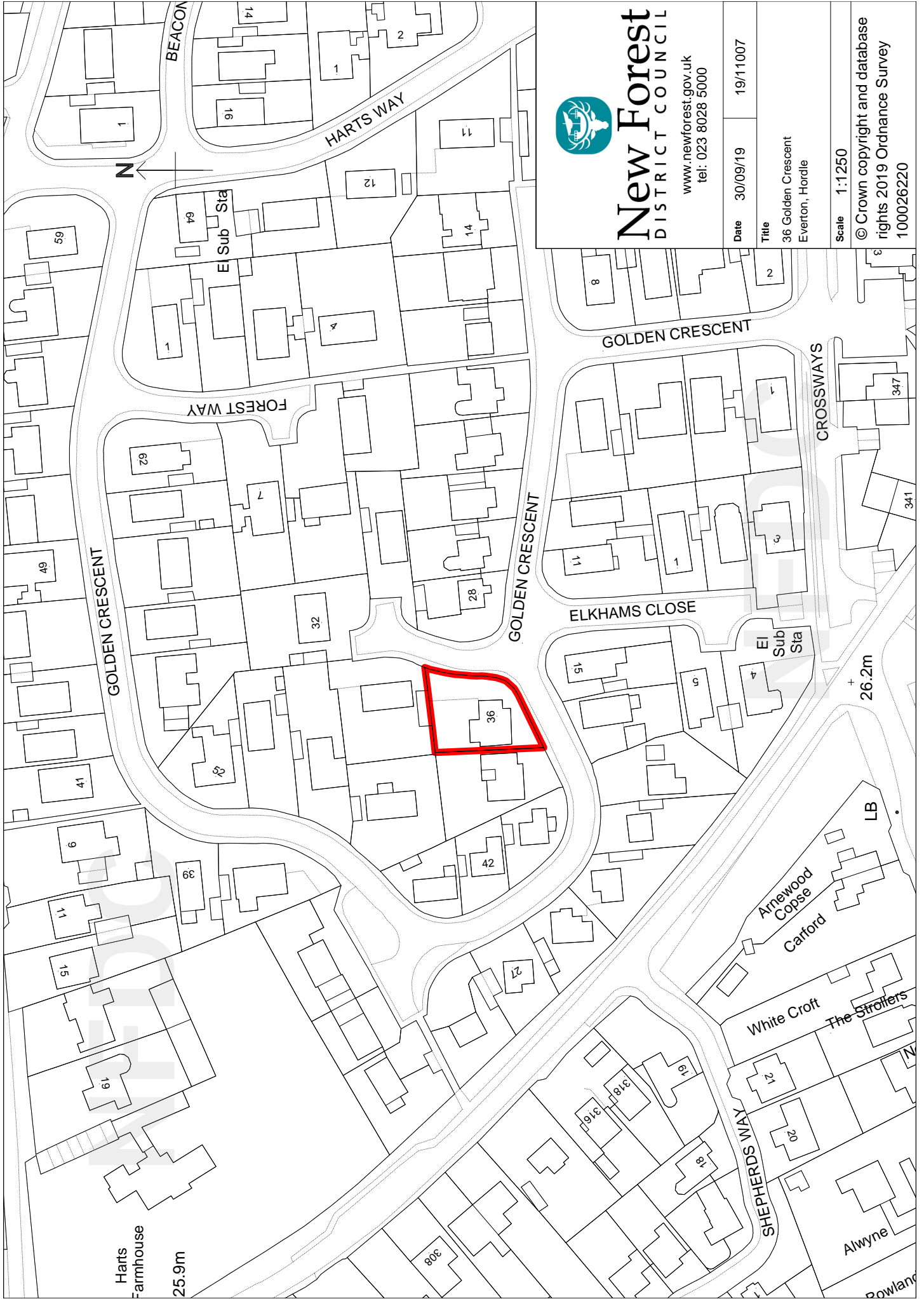
1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling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

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

#### **Further Information:**

Kate Cattermole

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

Date	30/09/19	19/11/007
Title	36 Golden Crescent Everton, Hordle	
Scale	1:1250	
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Planning Committee 09 October 2019 **Item 3 g**

**Application Number:** 19/11072 Variation / Removal of Condition

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

**Development:** Variation of condition 2 of planning permission 17/10532 to allow  
revised plans

**Applicant:** Mrs Ashworth

**Target Date:** 17/10/2019

**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) the acceptability of the proposed amendments to the design of the dwelling
- 2) the impact of the proposed amendments to the amenities of neighbouring residential amenity

This matter is to be determined by Committee due a contrary view because of to the request for specific conditions from the Town Council.

## 2 THE SITE

The site lies within the built up area of Pennington. The street scene of Fox Pond Lane comprises a variety of dwelling types and styles including cottages, modern terraces and 2-storey dwellings. The site contains a large detached 2-storey dwelling with parking to the frontage and outbuildings to the rear. There is a recessed hot tub within the patio area with the rest of the back garden laid to lawn.

## 3 THE PROPOSED DEVELOPMENT

The proposal follows two refusals of planning permission for changes to the approved scheme. The variations now proposed include:

- a first floor side extension,
- timber cladding to the front and rear elevations of the dwelling and the rear dormer and the front and part sides of the outbuilding,
- fenestration alterations to the dwelling and outbuilding,
- an increase in height of 0.2m to the highest ridge.

This application is partly retrospective. The works which have not yet been implemented are the timber cladding and the fenestration alterations to the dwelling which include the installation of a fixed shut obscure glazed roof light to the southern elevation and a smaller openable obscure glazed window to the rear window serving bedroom 4 in both cases the obscure glazing has been proposed to protect the residential amenity of the adjoining dwelling from unacceptable overlooking .

## 4 PLANNING HISTORY

17/10532 – house, detached outbuilding, 1.8m high boundary fence and gate, demolition of existing. Granted 6.6.17

17/11503 – outbuilding. Refused 10.1.18. *This structure was proposed as an alternative to that approved under 17/10532.*

18/10327 – house, detached outbuilding, demolition of existing (retrospective). Withdrawn by applicant 19.4.18

18/10774 – variation of condition of 17/10532 to allow revised plan numbers to allow first floor side extension, revised front boundary details, timber cladding, fenestration alterations change to rear windows, side roof lights provision of oriel window provision flue . Refused 12.9.18, appeal dismissed.

19/10437 - Variation of condition 2 of 17/10532 to allow revised plans PE.02 Rev H, PL.01 Rev E & PP.01 Rev D to allow first-floor side extension; timber cladding; fenestration alterations; window alterations to ancillary building. Refused 15.8.19

The following applications all relate to the smaller outbuilding which does not form part of the considerations for the current scheme.

18/10773 – outbuilding (Lawful Development Certificate Proposed). Not lawful 20.8.18.

18/11171 – outbuilding (Lawful Development Certificate Existing). Was not lawful 5.11.18.

18/11476 – outbuilding. Refused 3.1.19, appeal allowed.

## 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### Core Strategy

CS2: Design quality

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

N/A

### The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

### Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework



### **Relevant Advice**

Ch.2 - Achieving sustainable development

Ch. 4 - Decision-making

Chap 12: Achieving well designed places

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

Lymington and Pennington Town Council - recommend permission but would accept a delegated decision, subject to the following conditions which are necessary to address outstanding issues:

- 1) The rooflights which are being used to overlook the neighbouring property being fixed closed and fitted with obscured glass.
- 2) The sole purpose of the outbuilding is to be used as a garden room/classroom as originally permitted.
- 3) In view of the extensive number and extent of changes made to the originally approved scheme that no further permitted development rights are granted.

## **8 COUNCILLOR COMMENTS**

Councillor Dunning has requested the application be heard at Committee

## **9 CONSULTEE COMMENTS**

None received

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the 2 representations received from local residents; they can be read in full via the link set out at the head of this report.

- loss of residential amenity to adjacent properties either side
- increase noise from outbuilding
- visual impact of the proposed cladding

It is noted in one representation that the main issues relating to the bedroom velux and rear window have been addressed to the satisfaction of the most affected neighbour.

## **11 OFFICER COMMENTS**

### **Introduction**

- 11.1 The previous application (19/10437) was considered at Committee in August 2019 where concerns were raised in respect of residential amenity, with particular emphasis on the loss of privacy to the occupants of the adjacent Bay Tree Cottage. The report for that application is appended to this report.

### **Relevant Considerations**

- 11.2 At the previous Committee, Members did not raise any issues with any of the changes other than the rear window and roof light to bedroom 4. With respect to bedroom 4, it was felt that the retention of the existing roof light with obscure glazing and removal of the handle would not be

sufficient to address the overlooking concerns. At present, the roof light can be opened and views towards Bay Tree Cottage, where there is a roof light almost directly opposite (serving the stairwell and landing area of that property), can be achieved. The proposal now indicates the roof light to be completely replaced with one with obscure glazing and which would be a single fixed unit unable to be opened. The immediate neighbour has advised that whilst it is disappointing that roof light is not to be completely removed, the proposed alteration would address their concern.

- 11.3 The alterations proposed to the rear facing bedroom window are similar to before but rather than add louvres or a timber 'fin', it is proposed that the window is obscure glazed, hinged to its southern side and openable to 90°. This would not even allow for oblique views into neighbours rear gardens which are typical of a suburban residential area such as this.

Given the views of the Inspector in dismissing the appeal on the first refusal of the variation of condition application and the further revisions made which substantially preclude harmful overlooking, it is considered that previous concerns have been address. As such, the proposal complies with paragraph 127 of the NPPF which 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.

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

It is considered that the matters which remained outstanding following the last application have now been addressed and the proposal would not adversely affect either residential or visual amenity. As such, approval is now recommended.

## **13 OTHER CONSIDERATIONS**

### Crime and Disorder

Not applicable

### Local Finance

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

### 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.

## Other Case Specific Factors

None

## **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)	259	134	125	125	£80/sqm	£12,230.77 *
Subtotal:	£12,230.77					
Relief:	£12,230.77					
Total Payable:	£0.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

## **14. 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 the original permission (6 June 2017).

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01 rev.C (location plan), PP.01 rev.D (existing plans), PE.01 rev.E (proposed elevations), PL.01 rev.D (outbuilding), PE.02 rev.B (proposed elevations), PP.01 rev.A (proposed plans).

Reason: To ensure satisfactory provision of the development.

3. The following details shall be as agreed by the Council's discharge of condition decision notice dated 20 July 2018 under 17/10532 unless alternatives are previously submitted to, and approved in writing by, the Local Planning Authority:

- (a) the proposed colour of the render;
- (b) a specification for new planting along the front boundary (species, size and spacing);
- (c) a method and programme for its implementation and the means to provide for its future maintenance.

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).

4. The slab levels in relationship to the existing ground levels shall be as agreed by the Council's discharge of condition decision notice dated 20 July 2018 under 17/10532.

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

5. Within 2 months of the date of this permission the first floor roof light on the southern elevation of the approved dwelling shall at all times be glazed with obscure glass and fixed shut. The roof light should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

6. The outbuilding the subject of this permission shall only be used for ancillary purposes in conjunction with the main dwelling on the site and not part of its main accommodation.

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

7. Within 3 months from the date of this permission the side window in the ancillary building shall be fitted with obscure glass with a minimum obscurity of level 3 and shall thereafter remain at all times with obscure glazing and fixed shut.

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

8. The cladding hereby approved shall not be treated or stained but left to weather naturally.

Reason: In the interests of the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

9. The window serving bedroom 4 hereby approved shall be installed within 4 months from the date of this permission. It shall be fitted with obscure glass with a minimum obscurity of level 3 and shall thereafter remain at all times with obscure glazing.

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

**Notes for inclusion on certificate:**

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

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

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

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