

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 11 DECEMBER 2019, AT 9.00 AM*

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 November 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) **42 Downs Park Avenue, Eling, Totton (Application 19/10945) (Pages 5 - 14)**

Convert bungalow into two dwellings

RECOMMENDED:

Grant subject to conditions

- (b) **Land rear of the White Horse, Keyhaven Road, Milford-On-Sea (Application 19/10998) (Pages 15 - 38)**

3 dwellings; access; associated parking and landscaping

RECOMMENDED:

Grant subject to conditions

- (c) **Fernmount House, Forest Pines, New Milton (Application 19/11056) (Pages 39 - 64)**

Demolition of the existing buildings and redevelopment for 50no. extra care units in a mix of 1 and 2 bedrooms and associated landscaping, drainage and highway works

RECOMMENDED:

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

- (d) **Court Orchard, New Road, Rockbourne (Application 19/11070) (Pages 65 - 78)**

House; garage; associated landscaping and parking; demolish of existing

RECOMMENDED:

Grant subject to conditions

- (e) **Ebenezer Cottage, West Common, Langley, Fawley (Application no.19/11223) (Pages 79 - 86)**

Proposed ancillary building

RECOMMENDED:

Grant subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

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

Councillors:

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

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Application Number: 19/10945 Full Planning Permission

Site: 42 DOWNS PARK AVENUE, ELING, TOTTON SO40 9GX

Development: Convert bungalow into two dwellings

Applicant: Mr Spanner

Target Date: 14/10/2019

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

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Sections 11 and 12 of this report after which a conclusion on the planning balance is reached.

- 1) Principle of development;
- 2) Impact of development on character and local distinctiveness;
- 3) Impact on amenity of neighbouring properties;
- 4) Impact on highway safety and parking;
- 5) Whether the sub-division creates acceptable units of accommodation;
- 6) Ecological matters.

This matter is before Committee as a contrary view has been expressed by Totton & Eling Town Council.

2 THE SITE

The site is located within the built-up area of Totton. It is currently occupied by a detached 4-bedroom chalet bungalow (previously extended) set in a row of other chalet bungalows/bungalows. Two storey houses are located opposite the site and there are flats elsewhere along Downs Park Avenue.

The site frontage is laid out to parking with a pedestrian pathway leading to the rear garden. The existing amenity space is positioned to the rear of the dwelling with a small outdoor seating area to the side.

3 THE PROPOSED DEVELOPMENT

The proposal seeks permission to sub-divide the existing dwelling to create 2 separate flats. One of the dwellings would be a ground floor flat, the other would have ground and first floor accommodation. This would be achieved by the infilling of an existing internal ground floor doorway and sub-dividing the rear garden area. No external changes are proposed to the building itself. There are 2 existing entrance doors and one would become associated with each individual unit. The parking spaces occupying the site frontage would become 3 shared parking spaces. A vehicle charging point is proposed to be installed.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
14/11171 Two-storey rear extension with Juliet balcony; roof alterations with dormer and 2 rooflights in association with new first floor	10/10/2014	Granted Subject to Conditions	Decided
14/10864 Dormer and roof lights in association with new first floor; two-storey rear extension with Juliet balcony	13/08/2014	Refused	Decided

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

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

The Emerging Local 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

Supplementary Planning Guidance And Documents

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

- Town & Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- The Conservation of Habitats and Species Regulations 2017

Relevant Advice

National Planning Policy Framework 2019
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 5 - Delivering a sufficient supply of homes
NPPF Ch.11 - Making effective use of land including appropriate densities.
NPPF Ch.12 - Achieving well-designed places

National Planning Practice Guidance
NPPG - Determining a Planning Application
NPPG - Design: process and tools
NPPG - Natural Environment

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council, Civic Centre

The proposed plans showed the conversion of a detached two storey bungalow style property into two flats, each with two bedrooms. There would have been no change to the exterior of the property and few interior alterations. There were significant concerns about the poor amenity space afforded to the residents of these two flats, in particular the flat located on the ground floor only. The bedrooms and living area were very small and the outlook and interior space very poor, with no outside amenity space for the smaller flat. Parking was a small concern also with a potential increase in street parking. The area was characterised by spacious detached properties with sizable exterior spaces, it was felt that this style of accommodation would be at odds within its setting. Recommended for REFUSAL

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

1 comment has been received that the property has already been sub-divided.

11 OFFICER COMMENTS

Introduction

The proposal seeks permission to sub-divide an existing dwelling to create 2 separate residential units with no changes to the external appearance of the building.

Relevant Considerations

The following are considered to be the main issues to be taken into account when determining this application.

1) Principle of development

The site is located within the built up area and there is a number of different property types along Downs Park Avenue, including flats. Therefore, the principle of the proposed development is considered acceptable. National planning policy encourages the effective use of land.

2) Impact of development on character and local distinctiveness

Externally, there would be no change to the existing dwelling, or the existing parking layout along the site frontage. The sub-division of the garden and erection of means of enclosure (fence and gates) could be carried out without the need for planning permission. The street scene and local character would essentially be unchanged and is considered acceptable.

3) Impact on amenity of neighbouring properties

No additional windows are proposed: no overlooking would result.

The existing garden serves a 4 bed dwelling and could be expected to be intensively used as an outdoor family space. It is not considered that the impact of the activity arising from 2 smaller units would be significantly different. The impact on the amenity of neighbouring properties is considered acceptable.

4) Impact on highway safety and parking

Three shared parking spaces are shown on the submitted plans. The length of these spaces is slightly sub-standard, however, parking spaces on the frontage of this site are already in existence and in use with a dropped kerb in situ. The adjacent footway has been widened along this stretch of Downs Park Avenue with the previous grassed verge being incorporated such that it measures approx 2.7m wide. It is not considered that any overhang would unduly impinge on the footway available for pedestrian use. In this context, the proposed parking is considered acceptable. Additionally, electric vehicle charging would be installed offering a sustainability improvement at this site.

5) Whether the sub-division creates acceptable units of accommodation

Amended floor plans have been received such that the layout of the ground floor flat no longer proposes a 2 bed unit with open plan kitchen/living area; instead a 1-bed unit with living room, bedroom, kitchen diner and bathroom is proposed. Although the layout annotates how each room could be used, there would be no restriction on how future occupiers wished to use the rooms. The total floor area for flat 1 would measure approx 39 sq m and this would equate to that of a 1 bed single storey dwelling set out in the Technical Housing Standards - Nationally Described Space Standards. The floor area associated with flat 2 would measure approx. 74sq m. and would exceed that of a 2-bed 3 person 2-storey dwelling set out in these national standards, which is 70 sqm. This indicates that the space available can accommodate 2 separate units.

Furthermore, amended plans have been received regarding the sub-division of the garden area. The amendment proposes to sub-divide the existing rear garden such that the existing decking area at the northern end would be associated with flat 1. This would involve the demolition of part of the existing

garden building to create an access route. The remainder of the garden area would be associated with flat 2 and could be accessed directly from the existing patio doors in the rear elevation. Each garden would also have independent access via a gate to the side pathway. Although the garden areas would not be equally divided, there would be a reasonable amount of usable space available. The amenity space available for each flat is considered acceptable.

6) Ecological matters

i) Recreational Impact:

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. An informative would be applied to any consent to this effect.

ii) Nitrate neutrality and impact on the Solent SPA and SACs

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 which includes an element of new residential overnight accommodation 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 nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

Other Case Specific Factors

Housing

Whilst it has been the case that the Local Planning Authority was not able to demonstrate a 5-year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need that situation has recently changed. The Emerging Local Plan makes provision for housing need throughout the District and addresses the need for housing in sustainable locations. The Emerging Local Plan now carries significant weight in decision making.

Sub-division already taken place

One comment has been received that the property has already been formally sub-divided. This is not understood to be the case and the application is not seeking retrospective planning permission.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal is considered acceptable with regard to adopted and emerging local planning policy, NPPF, supplementary planning guidance and other material planning considerations.

13 OTHER CONSIDERATIONS

Crime and Disorder

None.

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings) of £1224 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report regarding the sub-division of an existing property, this development has a CIL liability of zero.

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

Human Rights

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

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

14. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Dwg no. 01.L.001 pages 1-7 including location plan and Site Plan; Existing Ground Floor Plan and Existing First Floor Plan; existing south west east and north elevations; site layout including garden sub-division; proposed ground floor plan and proposed first floor plan; Proposed south west east and north elevations - Revision B 27th November 2019

Reason: To ensure satisfactory provision of the development.

3. 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.

4. 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 waste 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 sufficient 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.

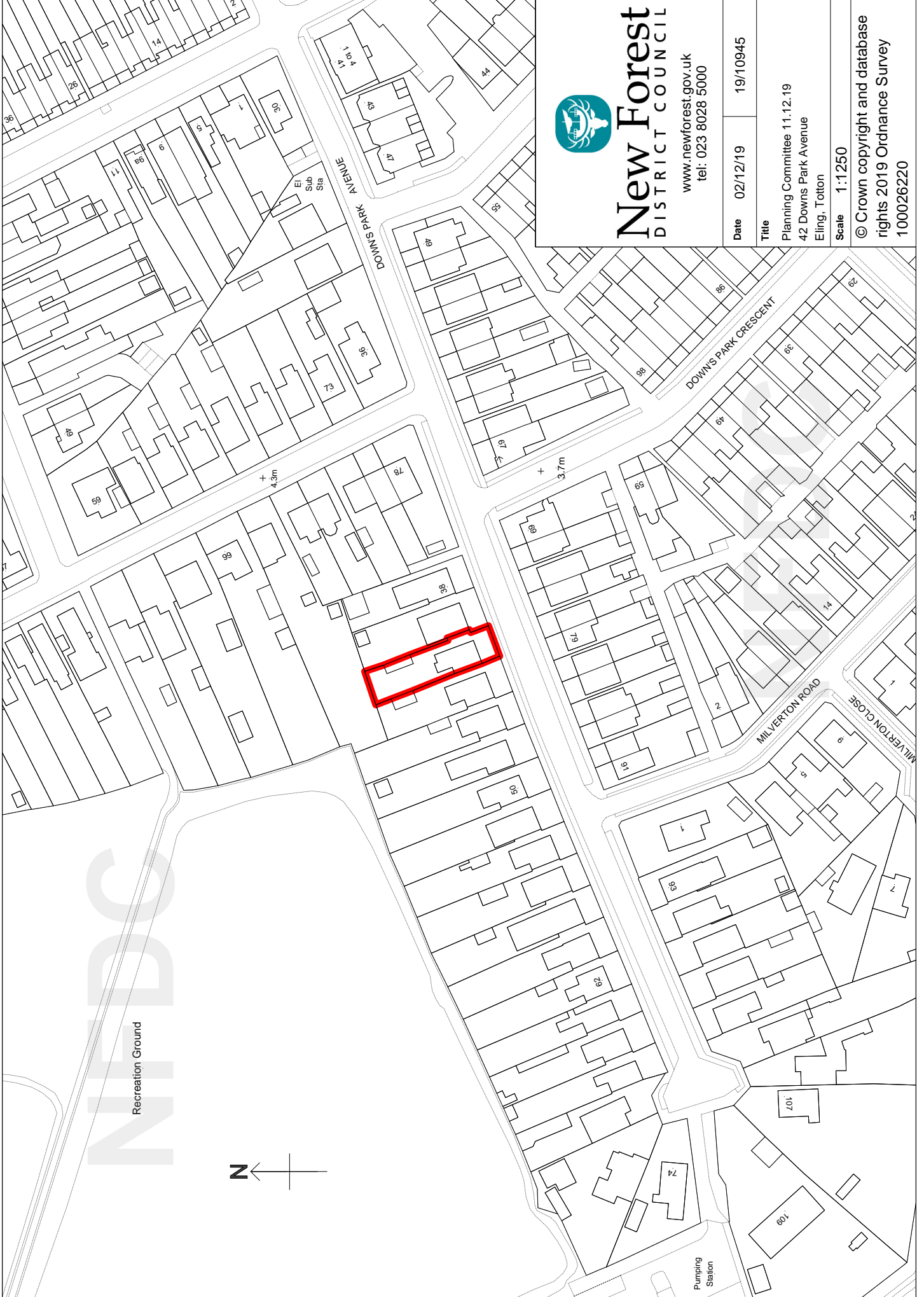
5. The spaces shown on dwg no. 01.L.001 for the parking of motor vehicles and storage of cycles shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

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).

Further Information:

Jo Chambers

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	02/12/19	19/10945
Title	Planning Committee 11.12.19 42 Downs Park Avenue Eling, Totton	
Scale	1:1250	
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Application Number: 19/10998 Full Planning Permission

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

Development: 3 dwellings; access; associated parking and landscaping

Applicant: Bayview Developments Ltd

Target Date: 15/10/2019

Extension Date: 12/12/2019

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

1 SUMMARY OF THE MAIN ISSUES

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

- 1) the principle of the development,
- 2) the effect on the setting of the adjacent listed building, 'The White Horse Inn' and the character and appearance of the adjacent Conservation Area,
- 3) the effect on the character and appearance of the area,
- 4) the effect on the living conditions of the adjoining neighbouring properties,
- 5) the effect on public highway safety,
- 6) the effect on the living conditions of future occupiers given the close proximity to the Public House and employment site.

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

2 THE SITE

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

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

2.3 The context of the area is mixed. Along the eastern boundary of the site comprises existing industrial buildings which are accessed off Laundry Lane. These employment buildings are fairly small 'single storey' starter

units' and have their side elevations bounding the eastern boundary of the site. Most of the units are used for light industrial, however, some of the units are vacant, and others are used for storage and general industrial areas. When planning permission was granted for the industrial building, a condition was imposed which restricted them to light industrial.

- 2.4 On part of the western boundary is a residential property at No 37 Grebe Close and there are further residential properties to the south which form part of the same street. Grebe Close is a relatively modern housing development comprising detached two storey houses, which form a cul de sac immediately adjacent to the boundary of the application site.
- 2.5 A new development of 8 houses is nearing completion immediately to the west of the application site. Three of the dwellings that form part of that development will have their rear gardens backing onto part of the existing access of the public house, which will also serve the application site. That development has been designed with dwellings of traditional character and form, in which the buildings are tightly grouped together on small plots with short front and rear gardens.

3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal is to develop the site for 3 dwellings, comprised of three detached houses, together with associated access, car parking and landscaping. The existing access from Keyhaven Road, which serves the public house would be utilised to serve the proposed development. The proposed layout entails two dwellings to front onto the internal access road and car parking area, and one dwelling would be sited within its own landscape setting, which in part, would front onto Grebe Close. It is not proposed to create any vehicular or pedestrian access onto Grebe Close.
- 3.2 Visually the proposed dwellings would rise to two storeys, although the first floor accommodation has been designed to be accommodated in the roof space. The proposed dwellings would be constructed from timber and have the appearance of agricultural buildings with a contemporary design. The proposed dwellings would rise to around 7.5 metres to the ridge. Car parking to serve the proposed dwellings would be to the north provided within a single space. Plots identified as 2 and 3 would have their car parking spaces on plot.

4 PLANNING HISTORY

1 pair of semi-detached houses, 2 detached houses (18/11614) Refused on the 18th July 2019

Officers had recommended the grant planning permission at the Planning Committee on the 10th July 2019 (18/11614), but the Committee overturned the recommendation and subsequently refused permission for the following reason:

Reason for refusal 1

The proposed development would result in an unacceptably cramped and congested form of development, with inadequate plot sizes and a lack of space around the buildings that would lead to a poor quality development to the detriment of the character and appearance of the area. As such, the proposed development would be inappropriate to its context and would be detrimental to

local distinctiveness that would also provide an unsatisfactory and unacceptable living environment for future occupiers, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

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

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in December 2019. It is therefore a material consideration which can be given weight in decision-making.

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

Supplementary Planning Guidance and other Documents

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

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

Planning and Compulsory Purchase Act 2004

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

Environmental Protection Act 1990

Sets out Council powers to deal with noise nuisance

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

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

Relevant Advice

National Planning Policy Framework 2019

Para 7 - Sustainable development

Paras 102 to 109 - Promoting sustainable transport

Paras 117-119 - Making effective use of land

Para 120 - Achieving appropriate densities

Paras 124-131 - Achieving well designed places

Paras 184-192 - Conserving and enhancing the historic environment

Planning Practice Guidance on Noise 2014

Advises LPAs on the determination of applications where noise is an issue. Noise can override other planning concerns, but the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

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

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

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: Recommend refusal.

Whilst not objecting to the principal of housing development on this site per se, the Parish Council shares the concerns of the Conservation Officer. It considers the application to be cramped and intensive, with particular reference to the siting of Plot 1 so close to Grebe Close. In addition, the Parish Council requests that a condition be placed on any future development of this site that no access of any type, either vehicular or pedestrian, be made through to Grebe Close.

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 standing advice shall apply because the proposal is for 3 dwelling which are accessed directly from Keyhaven Road via the car park of the public house.

9.2 Conservation Officer:

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

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

In this case, adopting a simpler form to reflect former outbuildings to the listed building would be appropriate and assist in reducing bulk, scale and overly fussy detailing. The ability to adopt a more modern approach might also provide some dividends with being able to use modern materials and details in the final build.

In comparison to the previously refused scheme, the landscape gap between Unit 1 and 2 has now been reinstated and large open parking

areas between the buildings has been removed. More mature planting areas have been introduced in a rationalisation of the parking and access arrangements. It is a shame that there is no footpath through the site between Keyhaven Road and Grebe Close.

Whilst the landscape proposal has improved and the parking dominance has been reduced, there are still some concerns in relation to the size of the buildings and the fairly cramped nature of the development, which has a harmful impact upon the setting of the listed building.

9.3 Ecologist:

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

9.4 Natural England

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

9.5 Environmental Health (Pollution):

The Environmental Health Officer raises no objection. This application does not worsen the situation when compared to the previous application in which no objections were raised. The previous application considered that while the proposal would bring residential uses closer to both the Public House and employment estate, these contain mainly light industrial uses, but there are some general industrial and storage uses. In addition the vacant Public House could be brought back into use. A noise report has been submitted which concludes that noise nuisance will be at a low level.

9.6 Environmental Health (Historic land use):

No objection subject to standard contamination condition.

9.7 Waste Collection Management:

The applicant states that they will use a private waste collection company. If this changes in the future NFDC will not collect from the refuse collection point as there is no turning circle for the vehicle on the development and the waste collection will have to be brought too and collected from the Keyhaven Road entrance.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

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

Against: 9

No objection to the principle of a development on the site, but raise a number of concerns. The proposed development is too cramped and intensive. The proposed dwellings including the materials are out of character with the area. The dwellings should be smaller with less bedrooms, or only two houses. The houses should be affordable. Plot 1 is unreasonably close to the boundary with Grebe Close. A comment has been raised that the site should be developed once there are proposals for the White Horse. Object to any access onto Grebe Close, either pedestrian or vehicular. Concerns with overlooking and loss of privacy. Concerns with the access in that there are marked car parking spaces in the entrance of the White Horse car park, which is in the property deeds. Concerns with lack of car parking.

11 OFFICER COMMENTS

Introduction

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

Principle of development and local and national policy

- 11.3 The site lies in a sustainable location within the village centre of Milford On Sea. There are a full range of services and facilities within easy walking distance of the site including a range of public transport options. Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the settlements.
- 11.4 Paragraph 85 of the NPPF states that residential development often plays an important role in ensuring vitality of centres and encourages residential development on appropriate sites. Paragraph 17 of the NPPF 'making effective use of land' states that decisions should promote an effective use of land in meeting the need for homes and in a way that makes as much use as possible of previously-developed or 'brownfield' land, including car parks and service yards. It is considered that the proposed development would meet these objectives and there is no benefit in the retention of a redundant piece of brownfield land, in which National policy directs specifically that such land should be prioritised for housing development.
- 11.5 Whilst it has been the case that the Local Planning Authority was not able to demonstrate a 5-year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need that situation has recently changed. The Emerging Local Plan makes provision for housing need throughout the District and addresses the

need for housing in sustainable locations. The Emerging Local Plan now carries significant weight in decision making.

Comparisons between the current planning application and the previously refused scheme

- 11.6 This current planning application has made several changes compared to that previously refused, the differences are set out below:
- The number of dwellings proposed has been reduced from four to three
 - The reduction in the number of dwellings has resulted in less built form around the site
 - The vehicular and pedestrian access from Grebe Close has been omitted.
 - Access would be gained from the existing access at Keyhaven Road.
 - The size of plots and garden areas to the dwellings has increased.
 - The extent of soft landscaping and greenery around the site has been increased.
 - The extent of hardstanding has been reduced.
 - There is an increase in the amount of space between and around the buildings.

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

- 11.7 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2019.
- 11.8 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.
- 11.9 The application site is accompanied by a Heritage Statement. The 'White Horse Inn' is a Grade 2 listed building situated within the Conservation Area. The boundary of the Conservation Area cuts through the rear of the plot and the application site is outside the Conservation Area. Rising to two storeys in height, the 'White Horse Inn' has a long frontage onto Keyhaven Road and is a white painted building with a clay tiled half hipped roof and sash windows. The building significantly contributes to the area when viewed from Keyhaven Road, however, there are some unfortunate additions to the rear, including an unattractive timber fence enclosing the rear garden and large areas of hard standing. In addition, there are views of the unattractive industrial buildings abutting the eastern boundary of the site, which currently have a negative impact on the setting of the listed building and views from the Conservation Area.

- 11.10 The Milford On Sea Conservation Area Appraisal identifies the important role that both the 'White Horse Inn' and the nearby 'Smugglers' Public House plays at either end of the High Street. In particular the openness around the building which contribute to its setting. Regression maps included in the Heritage Assessment indicate that the 'White Horse Inn' had a long narrow plot, in which the land to the rear was subdivided with open garden land with some small outbuildings, possibly stable buildings. The application site lies just beyond the rear of the Public House, but there is still a strong relationship and connection between the two sites.
- 11.11 In assessing this proposal, whilst there is still a lack of certainty over the defined curtilage status, given the number of changes to boundaries and subdivisions over the years, the extent of development on either side of the listed building, including the industrial units and the derelict condition of the site which makes little contribution to the significance of the 'White Horse', it is considered that there is scope for some form of development on this plot. One of the key elements for consideration is how the proposal affects the setting of the Listed Building and the effect on the Conservation Area.
- 11.12 It is considered that a sensible compromise would be to look at a development that struck a balance between the sites open nature and some development, through well designed and spaciouly arranged built form, which could provide the opportunity to enhance the currently neglected appearance of the site. Moreover, it should be noted that the previous planning application did not raise an objection to the principle of the development on the site, or on the grounds that there would be an unacceptable impact on the setting of the listed building or heritage asset or character and appearance of the conservation area.
- 11.13 In this case, the proposal would adopt a simpler form to reflect former outbuildings or former agricultural buildings to the listed building which would be appropriate and assist in reducing bulk, scale and overly fussy detailing. Indeed, the ability to adopt a more modern approach provides some dividends in being able to use modern materials and details in the final build, but retaining a simple building form. This has been achieved by reducing the ridge height to below 7.5 metres, creating reasonable proportions and accommodating the first floor in the roof space.
- 11.14 It is felt that the proposed layout creates a relatively spacious setting with gaps between the buildings and would not appear cramped or congested. The site layout enables the building to be set in a landscape setting with sufficient space to accommodate new tree planting and soft landscaping to soften the development. The extent of hardstanding is limited to a small area within the site with some car parking hidden between two of the proposed dwellings. Whilst plot 3 would front onto a higher proportion of hardstanding, plots identified as 1 and 2 would benefit from greenery and soft landscaping around the buildings.
- 11.15 In comparison to that previously refused, it is considered that significant improvements have been made. These include the reduction in the number of dwellings and the improvements to the layout of the site through reducing the extent of hardstanding, increase in space around the buildings and the increase in the level of greenery around the site.

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

The effect on the character and appearance of the area

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

11.18 The proposed development would have plot sizes that are similar to some dwellings in Grebe Close, but generally there is not a big difference. The proposed plot sizes would be comparable to the development of 8 houses under construction to the north west. Indeed, the garden areas of the proposed dwellings would be larger than some of the recently constructed dwellings adjacent to the site.

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

11.20 It is considered that the proposed plot sizes are comparable to the surrounding context, and the overall layout and design has been designed to a high standard and a number of planning conditions can be used to ensure that the quality is reflected in the use of materials, detailing and landscaping. A condition can also be reasonably imposed removing permitted development rights for extensions, outbuildings, and boundary treatments, in order to maintain the spatial characteristics of the site.

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

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

11.22 It should also be noted that the previous application was not refused on the grounds of noise and the changes made within this current application do not materially worsen the situation.

Residential amenity matters

- 11.23 In assessing the effect on the living conditions of the adjoining neighbouring properties, it is considered that Nos 37, 38 and 40 Grebe Close would be affected by the proposal.
- 11.24 In terms of the impact on No 37, this property has its side elevation running parallel to the application site. It is accepted that there would be some noise and disturbance created from the proposed access and car parking spaces which would be situated immediately adjacent to the side boundary with No 37, however, the level of movements for three dwellings would not result in demonstrable harm. On balance, given the scale of development, it is not considered to result in such significant harm to justify a refusal of permission.
- 11.25 The proposed dwellings are sited a sufficient distance away not to compromise the available light or outlook of No 37, however, there are a number of proposed windows that would result in a degree of overlooking. The distance from the proposed roof lights and vertical glazed windows on the front elevation of Units 2 and 3 and the side elevation to Unit 1 to the side boundary with No 37 measures between 13 and 15 metres. Whilst this distance would normally be considered acceptable, given the amount of windows proposed (10 in total), and in order to mitigate against unacceptable overlooking, it is considered that the 4 bathroom roof lights are fitted with obscure glass.
- 11.26 Proposed Unit 1 would face onto the existing houses at Nos 38 and 40, although they would be separated by an existing public footpath, driveway and road. The distance between the front elevation of Unit 1 and Nos 28 and 40 measures approximately 14 to 16 metres, which is not considered to result in any material loss of light or outlook. In addition, given the distances and the design of roof lights, it is not considered that the five proposed roof lights facing the neighbours would not result in demonstrable harm to refuse permission.
- 11.27 There are existing residential flats on the rear elevation of Carrington Works, including a very small outside area, which immediately backs onto the south east boundary. Unit 1 has been design with no main windows facing these neighbouring residential properties. Whilst the physical relationship of Unit 1 is not ideal, the proposed building would be sited 6 metres away from the boundary and on balance, it is not considered to result in an impact to justify a refusal of permission.
- 11.28 It should be noted that the previous application was not refused on the grounds of the effect on the living conditions of the adjoining neighbouring properties and the changes made within this current application do not materially worsen the situation.

Public Highway Safety Matters

- 11.29 Access into the site would be gained from the existing access onto Keyhaven Road. The main issue is whether the increase in the use of the

existing access onto Keyhaven Road is acceptable and ensuring that car parking, turning and access for emergency/ refuse is acceptably achieved. It should be noted that the existing access is used by the public house and accordingly, it used fairly actively when the use is in operation.

- 11.30 The key policy test is set out under Paragraph 109 of the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.31 Given that the proposal is to utilise the existing access, the Highway Authority does not raise any objections and will leave the Local Planning Authority to assess based upon standing advice. Given the small increase in the use of the existing access, it is not considered that the proposal would result in a significant harm to public highway safety. The proposed site layout shows that there would be sufficient space for vehicles to access, turn and manoeuvre and therefore enter and leave the site in a forward gear. Refuse collection would be located close to the site entrance in front of Plot 3 and will be operated by a private company.
- 11.32 Based upon the Councils adopted car parking standards, the level of car parking spaces would equate to 3 per dwelling. The proposed layout would provide 3 car parking spaces per dwelling and would therefore accord with the car parking standards. The applicants agent has also confirmed that the correct notices have been served in terms of land ownership. Any car parking spaces at the entrance, are not within the application site.
- 11.33 Overall it is considered that the proposal would not result in severe harm to public highway safety and sufficient car parking would be provided to serve the development. Moreover, the garden area to Plot 1 bounds Grebe Close. On this basis, it would not be reasonable to impose a condition for no new accesses (either pedestrian or vehicular) being created onto Grebe Close.

Ecological matters

b) Off-site recreational impact

- 11.34 Policy 10 now applies and replaces the earlier Policy DM3 of the Local Plan Part 2.
- 11.35 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 conclude 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. An informative would be applied to any consent to this effect.

b) Nitrate neutrality and impact on the Solent SPA and SACs

11.36 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 which includes an element of new residential overnight accommodation 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 nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

12 CONCLUSION ON THE PLANNING BALANCE

12.1 In conclusion, it is considered that the proposal would `preserve the character and appearance of the Conservation Area under section 72 (1) of the LBCA and special regard has been be paid to the desirability of preserving the setting of the Listed Building as set out Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12.2 Moreover, in accordance with paragraph 193 of the NPPF 2019 it is considered that the proposal would result in less than substantial harm to the character and appearance of the conservation area and setting of the listed building. It is noted that the degree of harm is higher to the setting of the listed building compared to the character and appearance of the Conservation Area. Although harm to both Heritage Assets would be at the lower end of the scale of less than substantial harm.

12.3 In applying the balancing exercise, the proposal would provide social and economic benefits including employment for construction workers and increased spending in local shops. The proposal would also provide environmental benefits, in particular, by making efficient use of land to provide housing in a sustainable location close to services and facilities. There is an inadequate supply of deliverable sites to meet the housing needs, although the proposal would provide a modest contribution. Moreover the proposal would bring forward an appropriate use of this vacant and derelict brownfield site and reduce the unattractive views of the existing employment buildings and this is reflected in the NPPF which seeks to optimise the use of brownfield sites and achieve appropriate densities.

12.4 Whilst the proposal would have some harm to residential amenity, this is considered to be fairly low and it is considered that the public benefits far outweigh the less than substantial harm to the significance of the Conservation Area and setting of the Listed Building.

13 OTHER CONSIDERATIONS

Other matters

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus £4896 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £34,050.46

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

Human Rights

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

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

14. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: ADP/1850/P/403, ADP/1850/P/404, ADP/1850/P/405, ADP/1850/406, ADP/1850/P/401, ADP/1850/P/401, ADP/1850/P/402A, ADP/1850/P/400A.

Reason: To ensure satisfactory provision of the development.

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

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

4. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;

 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.

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

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

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

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

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

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

6. The development hereby permitted shall not be occupied until the spaces shown on plan ADP/1850/P/402A for the parking of motor vehicles and turning have been provided. The spaces shown on plan ADP/1850/P/402A for the parking of motor vehicles and turning shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

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

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

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

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

8. All external works (hard and soft landscape) as approved at Condition 7 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).

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

Reason: In view of the physical characteristics of the plot, and the design concept to achieve a spacious setting to the rear of a heritage asset, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and to protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Where a remediation scheme has been approved in accordance with condition 13, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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

16. Where a remediation scheme has been approved in accordance with condition 13, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

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

18. 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 routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

19. The development hereby permitted shall not be occupied until:

- 1) 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 waste water efficiency calculation must be installed before first occupation and retained thereafter;
- 2) 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
- 3) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

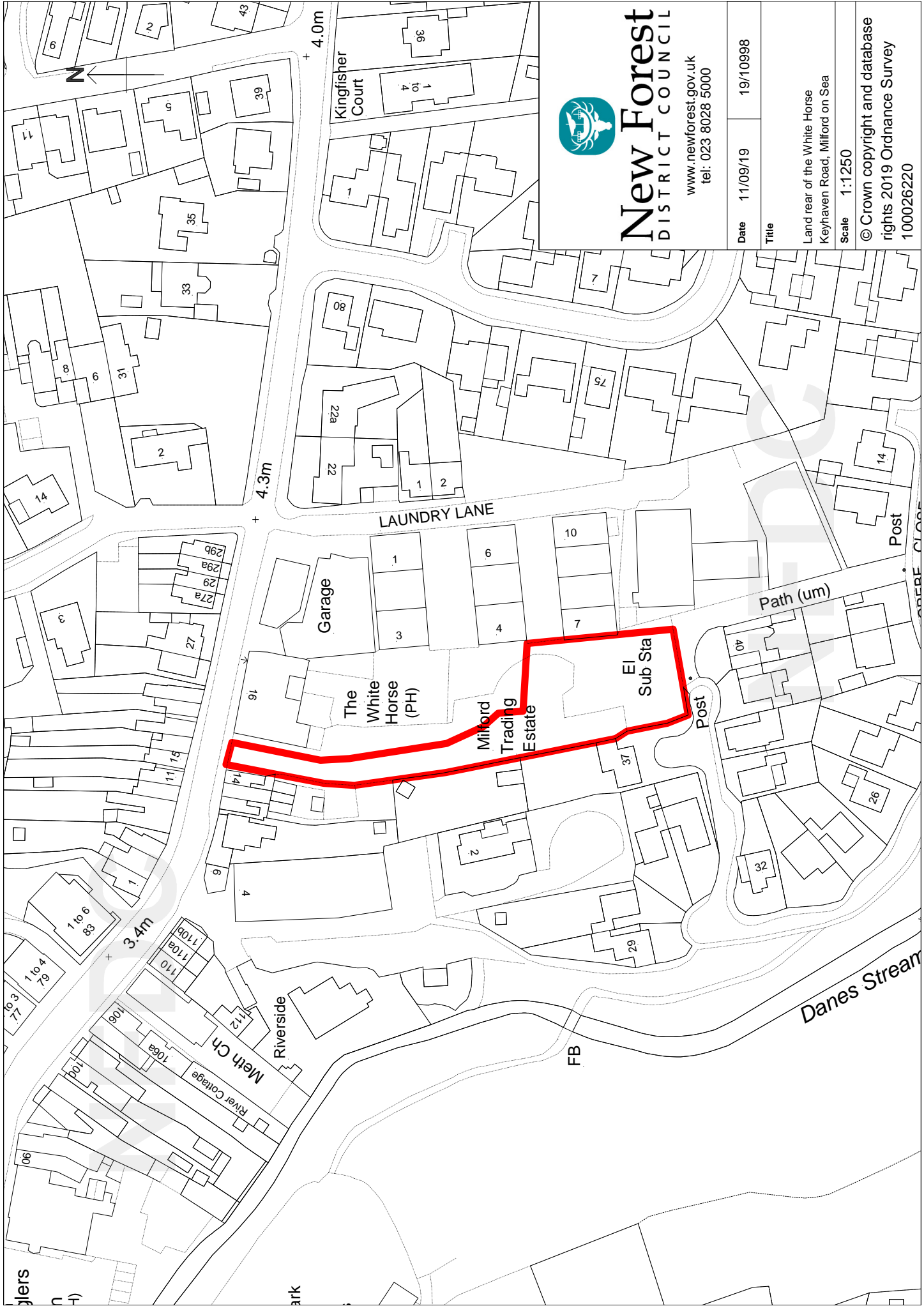
Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as 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 sufficient 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.

Further Information:

Richard Natt

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New Forest
DISTRICT COUNCIL

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

Date	11/09/19	19/10998
Title	Land rear of the White Horse Keyhaven Road, Milford on Sea	
Scale	1:1250	
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Application Number: 19/11056 Full Planning Permission

Site: FERNMOUNT HOUSE, FOREST PINES, NEW MILTON
BH25 5SS

Development: Demolition of the existing buildings and redevelopment for 50 no. extra care units in a mix of 1 and 2 bedrooms and associated landscaping, drainage and highway works

Applicant: Morgan Ashley Care Developments and Places for People Living +

Target Date: 05/12/2019

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

1 SUMMARY OF THE MAIN ISSUES

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

- 1) Principle of development including policy relating to affordable housing
- 2) Design and layout
- 3) Impact on character and appearance of local area
- 4) Impact on amenity of neighbours
- 5) Landscaping and tree related issues
- 6) Highway safety and parking
- 7) Drainage and flood risk
- 8) Ecological matters

This matter is before Committee due to the initial comments of the Town Council based on the original plans.

2 THE SITE

The site lies within the settlement boundary of New Milton as shown in the Local Plan Part 2 towards the northern end of the town to the east of Ballard Independent School. The site comprises an existing single storey building known as the Fernmount Centre and Adult Services Day Centre owned by Hampshire County Council. The building dates from 1981 along with Fernmount House which was used as residential accommodation for adults with learning difficulties. Fernmount Centre occupies the central part of the site with Fernmount House to the north. The site is accessed from a small flatted development to the south known as Forest Pines with an indirect access then onto the B3058 (Fernhill Lane). The site also features areas of hard standing and parking, service roads, grassland, ornamental planting and trees along the boundaries and the remains of other structures used as greenhouses. The site has a frontage to the west with Fernhill Lane, to the south with Forest Pines, to the north with a further new building constructed by the County Council known as Fernhill Court (18 units of assisted living), and to the east by the bungalow estate known as Gainsborough Avenue. The site has an area of just over 1 hectare.

Fernmount Centre has a modern appearance with hipped roofs and brick facades. Fernmount House is a two-storey traditional appearance dwelling. The site has a slight fall in levels east to west of about one metre. The site at present enjoys existing tree screening along the western boundary with Fernhill Lane. This tree screen is protected by a Tree Preservation Order (TPO: 35/99/G1).

There are other large trees within and just outside the site but these are not formally protected.

3 THE PROPOSED DEVELOPMENT

The development comprises the demolition and clearance of all buildings on the site and the construction of a two and three storey building containing a total of 50 self-contained residential flats. The flats are split between 35 no. 1 bed units and 15 no. 2 bed units. The building is designed on an L shape with two arms along the western and northern boundaries with the building presenting its gable ends to the eastern end with Gainsborough Avenue and the southern end with Forest Pines. The 3 storey element of the building forms the 'hinge' point between the two arms located in the north-western corner of the site. The remaining arms of the development are all two storey in height.

The building is to be faced with a light coloured brick under a concrete tiled roof with balconies using a complementary metallic finish in bronze/brown tones. Apart from the residential apartments the building also proposes a range of facilities for the residents comprising a resident's lounge and dining room, hairdresser, mobility buggy store, along with service facilities relating to the site manager, staff office, and kitchen. Outdoor space is provided for the residents via individual balconies and patios along with a large communal garden area on the south side of the building with further landscaped open areas to the east, west and north of the building. The residents will also be able to make use of an outdoor dining terrace on the western side of the building.

Access to the development is to be achieved via the site's existing access off Forest Pines to the south. The main pedestrian entrance to the building will be in the central hinge corner with a secondary roadway running parallel to the site's western boundary to provide access to a service area and bin stores in the northern corner of the site. A total of 24 car parking spaces are provided together with parking and turning for emergency vehicles. A total of 6 bicycle spaces are also provided.

Amendments to original submission

The originally submitted plans have now been amended taking into consideration concerns raised by officers and interested parties. The amended plans received on 15 November have been the subject of a full re-consultation exercise with all consultees and neighbours. The period for comments closes on 9 December. Any late comments will be reported through the Committee update sheet. In addition to the amended plans further information has also been received to cover matters of ecology and other submitted reports accompanying the application have also been updated.

4 PLANNING HISTORY

16/11323 - Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping - approved 14/3/10 (Site to the north approved by Hampshire County Council – no objections raised by NFDC)

79/NFDC/14103 - Erection of Adult Training Centre – approved 2/10/79.

78/NFDC/11730 - Adult Training Centre for the Mentally Handicapped (actual description used) - approved 26/2/79.

Pre application advice

The application has been submitted following a number of pre application meetings with officers. The current submission has been reduced from a scheme for 62 new units originally proposed at pre-application stage to the submitted scheme of 50 units. Prior to engagement with officers the County Council commissioned a Design Brief for the site and invited tenders. The applicants are the successful bidders of that process. The Design Brief suggested a building comprising 50 units. The pre-application submissions had three options ranging from 62 to 56 to 50 units. The higher number of units did however result in taller three storey buildings being a dominant feature of the site. This together with other layout and design reasons prompted your officers to suggest a scheme for a maximum of 50 units.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS7 Open spaces sport and recreation
CS15 Affordable housing

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in December 2019. It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered relevant. These policies in part are likely to supersede, update or save as existing from the New Forest District Council Core Strategy 2012 .

- 4 - The Settlement Hierarchy
- 5 - Meeting our housing needs
- 8 - Community services infrastructure and facilities
- 10 - Mitigating impact on International Nature Conservation sites
- 13 - Design quality and local distinctiveness
- 18- Residential accommodation for older people
- 34 - Developer contributions

New Milton Neighbourhood Plan 2019

Currently at examination stage with referendum due in Spring 2020. The Plan carries some weight and should be taken into consideration in decision making.

Policy NM2 – Diversifying Housing - to redress balance in age structure and to encourage affordable housing for younger first time buyers or for rent.

Para 6.12 supports housing for extra care needs and downsizing so as to release housing stock on larger schemes of 100 houses plus.

Policy NM4 – Design quality – encourages local distinctiveness, high design quality and development which ‘inter alia’ protects green infrastructure and biodiversity, residential amenities, and is well planned in relation to parking and access. Optimises site development to include housing for younger people and families.

Supplementary Planning Guidance And Documents

SPD Mitigation Strategy for European Sites

SPD Parking standards

SPD Housing design, density and character

SPD New Milton Local Distinctiveness

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

Habitat Regulations 2017

53 - European Protected Species License requirements

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 15 Conserving and enhancing the natural environment

Planning Practice Guidance Note 2019 Housing for older and disabled people

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

OBJECT (Non-Delegated)

Members gave their general support for the development and its need, however the following needs to be overcome.

- (1) Support for the New Forest Ecologist in that the updated Ecology report has not been made available;
- (2) Concern regarding TPO loss, with no comments from the NFDC Arboricultural Officer currently available;
- (3) Lack of parking when compared to other facilities in New Milton;
- (4) Concern regarding privacy for 31 & 33 Gainsborough Avenue and general starkness of east side gable ends;
- (5) Lack of information regarding carbon and nitrate neutrality.

Amended Plans – Town Council meet on 5 December 2019 to consider the amended plans. Further comments anticipated which will form part of the update note

8 COUNCILLOR COMMENTS

Cllr Neil Tungate (Bashley) - I wish to record my support for this development of an Extra Care facility for New Milton. Such facilities are becoming increasingly important with our aging population. They do also have the benefit of freeing up other social housing for younger families when the older residents move into such facilities.

I do appreciate that there are some valid concerns from nearby neighbours, but these can surely be ameliorated by some fairly minor architectural changes? The end walls facing the Gainsborough Avenue properties are large and block like, so some effort to improve those would go a long way to reducing concerns. I would urge that more mature screening be planted along the eastern boundary to shield the Gainsborough Avenue properties.

It is also disappointing to note that the ecological survey work was not completed before the application was submitted, hence one of NMTC's grounds for objection.

Cllr Steve Davis (Milton)- I want to put my support on record for this proposed development. Although I share concerns raised by neighbouring properties, I feel confident that planning officers and developers can provide suitable assurances to ameliorate any impact to the environment and their homes. The provision of an extra care facility will be a huge win for both New Milton and the wider New Forest District and I welcome the proposal - not least because some social housing units could be made available for those on the housing waiting list.

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.

Bournemouth and Christchurch NHS Foundation Trust

Objects to the development unless a financial contribution of £39,187 is made towards supporting health facilities in the area. Provides a detailed justification in local and national policy terms in doing so along with a methodology for arriving at the contribution required.

NFDC Building Control

No adverse comments to make. No comments on amended plans.

New Forest Ecologist

The preliminary ecological survey has gaps and further information is required before it can be confirmed that the development is acceptable. At the present time therefore I object to the application as submitted.

Amended plans – Note submission of amended and updated details which have addressed my main concerns with regard to the application. The surveys now confirm evidence of roosting bats in the existing building and that the proposal will destroy an existing bat roost and to that end there will be a need for a European License (rather than an Appropriate Assessment under the Habitat Regulations 2017) . An informative should be added to any permission. In addition the LPA needs to run through the tests relating to overriding public interest, no other reasonable alternative, and evidence that the conservation status of the species can be maintained. The on-site biodiversity enhancement offer should also be improved but content that this can be dealt with by a condition.

NFDC Housing Manager

Fully supports this proposal which is much needed. See body of report below for more detailed comments.

NFDC Tree Officer

Concern regarding impact of development on non-protected trees near eastern boundary which are worthy of preservation. The loss of trees and understory will open up the site and this will increase the impact of the buildings. Whilst a number of trees are shown for removal none of these trees are worthy of long-term retention or protection. Any trees which are removed particularly along the eastern boundary should be replaced but the current proximity of the building does not allow this to happen as well as threatening trees outside the boundary. Objects to application as it stands.

Amended plans - Overall the scheme is an improvement over the previous layout and I am happy to support the application providing further details are provided in relation to the exact position of a proposed drainage swale, a sample of the proposed cellular confinement system be submitted and agreed, and works to be carried out in accordance with the revised Arboricultural report and safeguards within that document

NFDC Urban Design and Landscape

Concerns about impact of 2 storey element n the eastern and northern boundaries, loss of vegetation and insufficient space available to replant new trees. Further details required to cover service buildings. Hard landscape proposals are utilitarian and could be more creative to provide a better environment for occupants. Soft landscaping proposals also need to be amended and a landscape management plan should be submitted including biodiversity details. Concurs with concerns raised regarding impact on trees from Tree Officer.

Amended plans - whilst the movement of the eastern block away from the boundary has removed my principal concern the amended plans do not adequately address the other concerns relating to landscaping details. I recommend these matters are covered by detailed landscaping conditions which would require all hard and soft landscaping to be agreed prior to any works taking place, as well as further details in relation to service buildings.

Hampshire County Council Highways

Note parking provision proposed and confirm this is a matter for NFDC to satisfy itself on. NFDC parking standards suggest 50 spaces. Noted type of occupation and consider a case has been made to permit a lower number of spaces.

Raises a query regarding public footpath access link to the HCC facility to the north. This may not be acceptable. That said no issues with proposed access. Suggests consideration be given to linking the development site with a footpath on the western side of the B3058 with a new crossing point.

Queries provision for emergency and service vehicles which needs to be amended.

Requests further information to satisfy the above.

Amended plans -

Hampshire County Council Surface Water Team

Provides standard advice on dealing with surface water. Requests further information on surface water strategy including hydraulic calculations and agreement needed to proposed surface water discharge rate off site. Recommends this is provided now and not dealt with as a planning condition.

Amended plans - now content that sufficient details have been provided and recommends a condition to deal with future management and maintenance of all surface water features.

Hampshire Fire and Rescue Service

Provides standard advice in relation to fire safety – seeks amendments in submitted scheme

Amended Plans – emergency vehicle access still insufficient.

Southern Water

Public sewer runs along western side of site and should be safeguarded. Should any other sewers be found within the site during the build process this must be investigated before works proceed. Surface water drainage should not be allowed to enter the foul system. Development should make use of SUDS to cater for surface water. Other general advice offered. Suggests condition be applied to any planning permission seeking further details but no objections overall.

Strategic Gas Network

Medium pressure gas main in northern part of site. Low pressure gas main within access road. Provides standard advice on working in proximity to gas pipelines

Comments in full are available on website

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

4 letters received to initial plans – the letters generally support the principle of the development but wish to raise the following issues

- Object as there is no biodiversity net gain and mitigation for climate change
- Concerned about loss of trees on site and the ecological impact
- Query some of the landscaping and tree species which are not suitable
- Welcomes butterfly garden but again suggests changes to species of plants
- Provision should be made for swifts, other birds and bats within the development
- Development should be generating its own electricity and using rainwater harvesting
- Concerns about proximity of building, starkness, overlooking and loss of trees
- Overlooking and loss of privacy
- Concern regarding impact on important trees off the site which could be prejudiced
- Query over land ownership and boundaries
- Concerns raised about construction dust and noise

Letter from Hampshire Swifts recommending swift boxes

Amended plans

- One letter reiterates concerns relating to lack of bird and bat boxes and solar panels. Not enough done to set aside earlier objections.
- Two letters welcome the amended plans but hope that other improvements to the eastern end can be made to materials and to reduce overlooking still further. Recommends further biodiversity enhancements be made.

11 OFFICER COMMENTS

Relevant Considerations

Principle of development and affordable housing

a) Principle

Extra care housing schemes are typically for the elderly (defined as over 55) with care needs and those with learning, physical or sensory difficulties. Each development is designed with the changing care needs of residents at its heart and

such schemes enable residents to live in a purpose-built facility where they retain their own front door whilst providing easy access to the care they need. In this case the Use Class is defined as being Class C3 (b) for up to 6 people living together as a single household and receiving care e.g. supported housing schemes.

The Planning Portal sets out the following guidance on residential use classes - C3 Dwelling houses - This class is formed of three parts

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

The applicant's agent has provided evidence to support their contention that this proposal can be considered as a C3 (b) development and is happy to accept a planning restriction to that effect which would prevent a change of use without permission to another type of C3 use.

The site lies within the settlement boundary of New Milton and has access to public transport into the town centre from which a range of local services and other transport options are available. The redevelopment of the site for affordable housing from what is a community-based use has the full support of the County Council. The relevant Local Plan policy in this case would be Policy 4 which confirms that New Milton is among the settlements classed as most sustainable for large scale housing developments. The County Council has already made a strategic decision to wind down the site and allow its redevelopment for extra care housing. The loss of the facility is not considered to be a barrier to redevelopment on this occasion taking into account the other public benefits referred to below.

Policy 18 of the Emerging Local Plan supports the provision of residential accommodation for older people particularly where housing design takes into account the needs of this sector. This builds on government policy set out in the NPPF and Planning Practice Guidance which confirms the critical need to cater for an ageing population.

The developer points to occupancy restrictions intended which in this case will be age related as well as the potential for nomination rights and occupancy controls exerted through a section 106 agreement. The applicant is also willing to accept a planning condition restricting the use to Class C3 (b) rather than allowing a standard occupancy by persons without extra care housing needs. This is important as the development has a significant shortfall in car parking, as well as differences in relation to off site recreational impact, and POS requirements as referred to below.

b) Affordable housing

Policy 16 of the Emerging Local Plan encourages a range of housing tenures with an emphasis on 1-2 bed affordable homes. The policy specifically supports extra care housing.

Policy CS15 of the Core Strategy is still extant. In New Milton the policy requires 40% of units to be affordable with a split of 25% social rent and 15% intermediate. This policy however has been overtaken by NPPF policy which now broadens the definition of affordable to include affordable rent (80% of local rent values) as well as other forms of tenure such as starter homes and discount market homes. Emerging Local Policy 17 (as modified) requires affordable housing on residential sites of 10 units or more with a 50% target split between 70% affordable homes for rent (with an equal split between affordable and social rent) and 30% of the homes for shared ownership or intermediate.

The Core Strategy policy therefore requires 20 affordable units. The proposed development proposes 100% affordable with a split of 40 homes for rent and 10 for shared-ownership. The Joint Statement agreed between NFDC and HCC indicates that the homes for rent are to be prioritised for older people with a local connection to the New Forest District, whilst it is anticipated that the shared-ownership will also be purchased by people with local connections.

There are however restrictions on how the 10 extra care shared ownership units are controlled in rules laid down by Homes England in the case of grant aid being given. In such cases the units can only be controlled by eligible age restrictions.

The District Council's newly adopted Housing Strategy and the emerging Local Plan both reference demographic projections and support the need for this type of housing provision. In 2017 the estimated **unmet need** (by 2036) for extra-care accommodation across the district stood at 263 affordable and 158 market-housing bed-spaces.

The homes for Affordable Rent (making up 80% of the total number of dwellings) will be prioritised for households with a local connection to the New Forest District. Due to Homes England rules associated with capital public subsidy, the shared-ownership extra-care homes cannot be prioritised in the same way, however past experience suggests that buyers for the Fernmount scheme are likely to come from the local area.

In light of the District's growing housing needs for older vulnerable people, the locally weighted nomination principles and process, and the anticipated accommodation and services that will be provided, this proposal is supported by local policy and advice set out in the NPPF. The proposal as set out is therefore considered to be in line with Core Strategy policy.

It is considered therefore that any permission should be subject to a legal agreement requiring at least 20 of the units to be affordable. In addition an age occupancy condition should be included and a condition restricting the residential use to C3 (b) rather than general C3 housing which would place greater demands on public open space and give rise to potential increased impact on recreational demand off site with implications in relation to the Council's Appropriate Assessment and the Habitat Regulations.

Design and layout

Core Strategy policy CS2 and Policy 13 of the Emerging Local Plan state that Development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces.

The New Milton Local Distinctiveness SPD and New Milton Neighbourhood Plan builds on the above policies and requires developers to have an understanding of how their scheme fits with local character and to support the best quality attributes of the settlement.

The proposed development of the site with two building block arms enclosing a south facing area of green space works well and provides active frontages both to the internal spaces as well as to Fernhill Road to the west. The building blocks are predominantly 2 storey and whilst these are taller than a domestic scale house they do not dominate the site or its surroundings now that the plans have been amended to give more space to the eastern side. The 3-storey element is limited to a hinge section of the building on the corner of the two arms in the north western part of the site. This part of the building forms the central focus and entrance feature and incorporates much of the communal facilities. It is appropriate therefore that this is a more dominant feature than the more domestic scale of architecture of 2 storey. The approach to the site from the south ensures the first thing seen are the green spaces with the building forming a frame along the northern and western boundaries. This again reduces the height and dominance of the building. The frame of trees along the western boundary is fully respected and retained as will be trees along the southern boundary.

The design features of the building have a contemporary flavour which fits well with the contemporary development recently built to the north of the site. The building has a large mass but is broken into a number of elements to reduce its impact. Whilst the building has a deep floor plan it has been broken into narrower gables with link blocks. This successfully reduces the overall scale and impact and creates a series of buildings rather than two unbroken blocks.

The applicants overall have significantly improved the design of the buildings and reduced their height from the predominant 3 storey proposal presented at pre application stage.

In terms of the materials of the units the proposal includes a range of materials such as brick and tile with contrasting elements of bronze/brown decorative metal sheets. The building will be covered with dark brown tiles which will help to reduce the impact of what will be a large area of roofing. Details of all materials can be covered by an appropriate planning condition.

Overall it is considered that the design and appearance of the development is in accordance with Local Plan Policy sufficiently takes into account local distinctiveness and design quality as set out the New Milton SPD.

Impact on character and appearance of local area

As referred to above the building respects the local character and tree lined boundaries to the south and west. The local character in this location is mixed with a range of housing styles ranging from two storey flats, to single storey bungalows to a more contemporary taller block to the north. The main view of the site from public vantage points will be from Fernmount Lane and from the site entrance at Forest Pines. From these viewpoints the proposed building will be seen in context with the local green infrastructure. The proposal it is considered will not have a negative impact on appearance and local character.

Landscaping and tree related issues

The proposal as initially submitted would have had a detrimental impact on trees near the eastern boundary of the site. The amended plans now provide more room along the eastern boundary to allow the retained trees to flourish and will provide space for new planting and understory planting to replace any tree loss. This will again provide a better framing for the building along this boundary whilst safeguarding important trees outside the site.

There is a current TPO on the western side of the site fronting Fernhill Lane. These trees will be maintained and protected during the course of development and added to as part of the landscaping scheme. There is a further TPO in the north eastern corner of the site. One tree which lies within the garden of No.33 Gainsborough Avenue will be covered with a new TPO so as to ensure its root zone is protected. The occupier of this property has requested this. A further tree of significance in the garden of no. 29 Gainsborough Avenue is likely to be retained but it is too close to that property to justify a TPO. The movement of the building 6 metres away from this common boundary does however allow this tree to flourish and fill out on the application side where it has been stunted by other trees. Trees along the southern boundary whilst not being worthy of a new TPO are to be retained and protected during the course of development. The Council's Tree Officer has now confirmed his agreement to the revised scheme subject to appropriate conditions.

The Council's landscape officer considers that further details should be submitted to cover hard and soft landscaping matters.

Impact on amenity of neighbours

The original scheme had a particularly marked and unacceptable impact on the amenity of three dwellings in Gainsborough Avenue by virtue of the mass and scale of the new eastern gable ends in close proximity to the common boundaries, coupled with overlooking from side facing windows and balconies on the front and back of the building block. The revised plans move the gable ends a further 6 metres away from the common boundary. This now results in building to bungalow distance of 27 to 31 metres. This successfully reduces the impact and allows for new tree planting and understory planting which will in time reduce the impact of the new buildings further. Whilst there will still be side facing windows these are narrower secondary windows to the living room of the two flats which will have their main outlook to the front and rear rather than towards the neighbours. Whilst there may be some overlooking from these side windows and the balconies obliquely this is now at a level which is considered reasonable. Similarly, the two gable ends are joined with a glazed stairwell link but again does not now result in unacceptable overlooking given the distances involved between the building blocks. The buildings will cause some overlooking to private garden areas of the three bungalows concerned but this does not cause such loss of privacy as to warrant a refusal of planning permission. The potential for high level windows or obscure glazing has been considered but not considered necessary now that the building has been moved away from the common boundary.

The only other properties directly affected are the end flats on Forest Pines to the south of the site. There is some overlooking from the first floor of the south facing gable end of the new building with a side facing lounge window. The building block has had to be moved 2 metres closer to this neighbour as part of the amendments but still retains a distance between building blocks of over 18 metres. The level of overlooking of the existing flats is considered acceptable.

Highway safety and parking

The Council has adopted an SPD on parking standards. These standards provide guidance for developers. In this case the Highway Authority has referred to the lack of car parking but that this is a matter for the District Council to determine. The developers acknowledge this shortfall but point to the particular circumstances of this type of developer and the intended occupiers and occupation rates. It is likely that the occupiers will make less use of private motor cars and in addition the occupancy rate of this type of development is much lower than the standard occupancy rates for one- or two-bedroom open market flats without any occupancy restriction. In this case the occupancy rate per flat is likely to be of the order of 1.1 with evidence pointing to most flats of this nature being occupied by a single person. Added to this the parking provision for the development has had to be balanced with the amenity needs of the occupiers of the flats. The southern portion of the site is predominantly given over to a sensory garden and landscaping area. Whilst there is room to accommodate more parking it is considered on this occasion that other factors militate against this. The proposal is therefore considered to be acceptable. Emergency vehicle parking is provided for.

The Hampshire Fire Service also refer to insufficient space for emergency vehicle access. This point has been raised with the developer and any update on this will be given at Committee.

Drainage and flood risk

A flood risk assessment and drainage strategy have been submitted with this application. These reports conclude that the development does not pose any increased flood risk either on or off site. Foul water will discharge into the existing foul water system serving Forest Pines. A surface water system will be designed to cater for storm events up to 1 in 100 plus 40% for climate change. The site will drain at a greenfield run off rate of 5 litres per second and will make use of sustainable urban drainage systems. The water authority and Hampshire drainage team request conditions be applied seeking further information to be submitted and agreed prior to development.

Ecological matters

a) On site ecology

Local Plan Part 2 Policy DM2 is saved and still relevant. This policy expects development proposals to incorporate features to encourage biodiversity and retain and where possible enhance existing features of nature conservation value within the site. Members are referred to the latest comments of the Council's appointed ecologist.

- Habitat Regulations Tests

In accordance with the advice offered by the Ecologist the Council considers that there are a number of social, environmental and economic benefits associated with the development. The development will provide for a large quantum of new affordable housing and will cater specifically for extra care elderly housing for which there is evidence of significant demand. The proposal in addition provides much needed new housing stock to meet evidenced housing need. The proposal will remove a building which has outlived its original purpose and usefulness and will bring back into productive use a site which has lain dormant for a number of years in a sustainable housing location. The proposal also brings other off-site benefits in relation to public open space improvements, a significant sum towards habitat mitigation project

funding in New Milton, and New Homes Bonus. In addition, the proposal brings with it a number of new jobs both in the short term in the construction industry but also over the long term in relation to staff required to look after the building and its grounds. There is therefore evidence of an overriding public interest.

With regard to reasonable alternatives the Council is not aware of any other sites in New Milton that could fulfil the proposed development. The County Council in its brief and tender exercise will have taken into account the opportunities for other sites but no other sites have come forward. The re-use of the building whilst retaining the existing bat roost would not have been feasible and could not have delivered the same benefits referred to above. The Council therefore considers there to be no reasonable alternative.

Finally, with regard to the species status the applicants have put forward a mitigation scheme and evidence to show how this can offset any harm and can ensure the continued conservation species status. The Council is satisfied that an approval can be granted subject to conditions.

An informative note will be added to confirm the separate need for a European Protected Species License before any works which could disturb the existing roost are undertaken.

b) Off-site recreational impact

Policy 10 of the Emerging Local Plan now carries significant weight and will replace the earlier Policy DM3 of the Local Plan Part 2.

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. An informative would be applied to any consent to this effect.

There may be a requirement on this occasion to reduce the standard payments made based on a lower occupancy rate as evidenced by the applicant taking into account the particular type of occupation in this case.

c) Nitrate neutrality and impact on the Solent SPA and SACs

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 which includes an element of new residential overnight accommodation 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 nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the

approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

12 CONCLUSION ON THE PLANNING BALANCE

The development seeks permission for 50 units of extra care housing within a sustainable location in New Milton. The proposal is supported by local and national policy relating to provision of new housing and in particular housing for elderly persons. The development is considered appropriate in design terms and in relation to its impact on local character and residential amenities. Issues relating to landscaping, ecology and biodiversity can also be accommodated. Earlier concerns in relation to the impact on neighbouring properties have now been overcome.

There are some deficiencies in relation to the level of car parking, and the lack of any public open space (POS) within the site. However, a mitigating factor is the type of occupancy being limited to extra care housing. The scheme does provide for its own POS demands however and makes adequate resources available for the residents within the site. It is considered that the overall public benefit particularly in relation to the quantum of new affordable housing being released, the social and economic benefits associated with the scheme and the release of 50 new units of housing, points to the balance on this occasion being one of approval subject to appropriate conditions and a Section 106 to cover matters relating to affordable housing and off site public open space contributions.

13 OTHER CONSIDERATIONS

Section 106 Agreement Heads of Terms

a) Affordable housing and future allocations from waiting list applicants

There will be a requirement to ensure that a minimum level of affordable housing to comply with CS15 policy is secured and maintained in perpetuity. The decision should be based on the Core Strategy policy rather than the Emerging Local Plan as this is not yet formally agreed being the subject of objections to the Local Plan. The level of affordable housing therefore should be 40% of the total number of dwelling proposed which equates to 20 units. The split of these units between affordable rent and shared ownership needs to be agreed but it is recommended that the 40% should be made up entirely of affordable rented units in this case. In reality however all units provided on site will be affordable. The tenure mix has already been confirmed at 40 homes for affordable rent and 10 homes for shared ownership.

In order to safeguard the future role of this scheme in relation to local affordable housing and provision for extra care housing for elderly people it is further recommended that the Agreement should contain a mechanism to allow the District Council to give priority to people in housing need with a local connection to the District. Agreement has already been reached between the District and County Council to be nominated in accordance with the principles and procedures set out in the District Council Housing Manager's response to this application (see on line for detailed response and nomination procedures – these procedures also include an assessment panel to consider individual requests for accommodation to ensure the care needs are taken into account). The shared ownership units however will need to be dealt with outside this framework given the rules associated with public subsidy.

b) Public open space and play provision

Given the circumstance of the case and the fact that the POS on site will be for the benefit of the residents only it has been agreed that an off-site financial contribution would be appropriate. The level of the contribution should be based on Core Strategy Policy CS7 which in this case equates to an off site contribution sum of £37,312

c) Habitat Mitigation

This can be dealt with in the standard procedure of imposing a condition on the planning permission to require the applicant to provide their own mitigation scheme or to contribute to the Council's scheme with a monetary contribution required of £117,500

Bournemouth and Christchurch NHS response

Throughout the preparation of the Council's Local Plan Review 2016-2036 Part One: Planning Strategy we have not received any indication from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. 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:

necessary to make the development acceptable in planning terms;

directly related to the development; and

fairly and reasonably related in scale and kind to the development

Their request states it to be required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not appear to meet the test of Regulation 122

The response provided indicates some evidence to support their claim that a contribution of £39,187 is required to make the development acceptable. The Council needs therefore to take a view on whether or not this is reasonable and required on this occasion taking into account the particular circumstances of this applicant and the other benefits that will flow from the development.

The Council considers that the development provides other compensatory social and economic benefits and that to require the further payment of this monetary contribution puts at risk the viability of the scheme and the ability of the developers to meet their aspirations of offering the whole scheme as affordable housing. The Council has taken into consideration the starting point of Development Plan policies but on this occasion has judged the development is acceptable without the required contribution.

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings 49 x £1224 =£59,976 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 set out below. It is likely an exemption will be applied for given the proposal is for affordable housing.

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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	4852	1724	3128	3128	£80/sqm	£468,683.08 *
Subtotal:	£468,683.08					
Relief:	£0.00 - NB it is likely that full relief will be sought by the developers post decision given the proposal is for affordable housing					
Total Payable:	£468,683.08					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

Nitrate neutrality and impact on the Solent SPA and SACs

14. RECOMMENDATION

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

- i) The completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following
 - a) Public open space off site contribution of £ 37,312.00
 - b) A minimum of 40% of the units to be affordable as per Core Strategy Policy CS15 with 20 units to be offered for affordable rent;
 - c) Future nomination and allocation to affordable housing in line with the District and County Council's agreed nomination and allocation principles
- ii) the imposition of the conditions set out below, together with any other conditions as may be required at the discretion of the Chief Planning Officer.

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:

Proposed Block Site Plan	FNM PL 005 Rev P4
Proposed Ground Floor Plan	FNM PL 010 Rev P5
Proposed Second Floor Plan	FNM PL 012 Rev P4
Proposed Roof Plan	FNM PL 013 Rev P2
Proposed Block Site Plan	FNM PL 024 Rev P3
South and West Elevations in context	FNM PL 025 Rev P3
North and East Elevations in context	FNM PL 026 Rev P3
Proposed South Elevation	FNM PL 027 Rev P5
Proposed North Elevation	FNM PL 028 Rev P5
Proposed East Elevation	FNM PL 029 Rev P4
Proposed West Elevation	FNM PL 030 Rev P3

CWA

Fire Tender Vehicle Tracking	CWA-18-280-SK002 P5
Fire Tender Vehicle Tracking	CWA-18-280-SK003 P5
Refuse Vehicle Tracking	CWA-18-280-SK004 P5
Proposed External Levels	CWA-18-280-510 P4
Proposed External Levels	CWA-18-280-520 P4
Proposed Drainage Strategy	CWA-18-280-530 P4

Afla

Arboricultural Survey, Impact Assessment and Method Statement

November 2019 - Enzygo Environmental Consultants

Ecological Impact Assessment Nov 2019 - Enzygo Environmental
Consultants

Reason: To ensure satisfactory provision of the development.

3. Prior to any works taking place above building slab level, samples or exact details of the facing and roofing materials to be used together with the details of the colour and materials for all new windows (including means of opening) and doors 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 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside the National Park.

4. Prior to the commencement of any part of the development (excluding demolition or site clearance works) details of the proposed means of foul and surface water disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as may be agreed shall be fully implemented prior to the occupation of any of the residential units and maintained as such thereafter.

Reason: To ensure a satisfactory scheme is submitted to deal with drainage to ensure there is no exacerbation of flood risk off site.

5. Before development commences (excluding demolition or site clearance works), the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside the National Park.

6. The building shall not be first occupied until

- (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
- (b) these means of enclosure have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside the National Park.

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

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with the Emerging Local Plan 2016-2036 for the New Forest outside of the National Park

8. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside of the National Park.

9. Prior to the commencement of development including any demolition or site clearance works a Construction Management Plan (CRM) shall be submitted to and agreed in writing with the Local Planning Authority. The CRM shall include the following details –

- a) A plan showing the position of a secure compound for the constructor's plant, equipment, welfare facilities, storage of materials, and vehicle parking area within the site
- b) Hours and days of operation on the site to be specified and to exclude any works taking place after 1pm on Saturdays with no works taking place other than emergency works on Sundays or Bank Holidays or after 1pm on Saturdays.

- c) Phasing plan of the works together with projected timescales from commencement.

The development shall not be carried out otherwise than in strict accordance with the CRM as may be agreed.

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

- 10. No development, demolition or site clearance shall take place until the following has been submitted to and agreed in writing with the Local Planning Authority:
 - a) A sample of the exact cellular confinement system and brand to be used for the areas where specialist no dig construction will be used.
 - b) Detailed cross section drawings provided by a relevant engineer for the exact method of the construction of the areas specified to be no-dig and suggested within Appendix 7 of the Arboricultural report.
 - c) Clarification on the implication of the construction of the Swale as illustrated within the submitted landscape scheme close to Oak tree (T51) are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

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

- 11. Prior to the commencement of any works (including site clearance, demolition and construction works) 7 working days' notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed in the correct location and to the specifications as specified in the submitted Enzygo Environmental Services BS 5837:2012 Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plans (ref - CRM.1637. 002.Ar.R.001.B) dated November 19

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

- 12. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Enzygo Environmental Services BS 5837:2012 Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plans (ref - CRM.1637.002.Ar.R.001.B) dated November 19 while in accordance with the recommendations as set out in BS5837:2012.

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

13. Prior any works taking place above slab level a scheme of landscaping to cover all hard and soft landscaping within the site shall be submitted to and agreed in writing with the Local Planning Authority (LPA). The scheme shall include a detailed phasing of all landscaping soft planting works including all trees and shrubs. Hard landscaping details shall include details of all hard surfaces and fencing, walling, bollards and any other means of enclosure to be used with details of or samples of materials to be used. A long-term landscape management plan shall be submitted as part of these details for approval.

All soft landscaping shall be maintained for a minimum period of 5 years from the date of planting. Any trees or shrubs which die become damaged or diseased within 5 years of planting shall be replaced with the same species (unless otherwise agreed in writing with the LPA) in the next available planting season. Following the end of that period soft landscaping shall be maintained in accordance with the long-term landscape management plan

Reason: To ensure that all hard and soft landscaping and other features within the site are appropriate and in line with Policy CS2 and Emerging Plan policy 13.

14. Prior to any occupancy taking place of any of the residential units hereby approved, a Maintenance and Management Plan for the entire surface water drainage system, including individual SuDS features and a plan illustrating the organisation responsible for each element, should be submitted to the LPA for written approval in consultation with the Local Lead Flood Authority.

Reason: To ensure that there are adequate arrangements in place in terms of the management and future maintenance of surface water works within the site.

15. Notwithstanding the provisions of Part 3 of the Town and Country Planning Permitted Development Order (2015) as amended or any other Order amending, revoking or re-enacting that Order, the residential units hereby approved shall only be occupied in accordance with Class C3 (b) of the Town and Country Planning Use Classes Order 2018.

Reason: The occupation of the units is intended as extra care housing which has less impact than other forms of Class C3 in terms of on-site car parking, public open space, and in relation to the Habitat Regulations 2017 and off-site recreational impact on European protected areas and species.

16. The occupation of the residential units hereby approved shall be limited to persons over the age of 55

Reason: The occupation of the units is intended as extra care housing for elderly persons which has less impact than other family forms of residential accommodation in terms of on-site car parking, public open space, and in relation to the Habitat Regulations 2017 and off-site recreational impact on European protected areas and species.

17. 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.

18. 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 waste 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 sufficient 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.

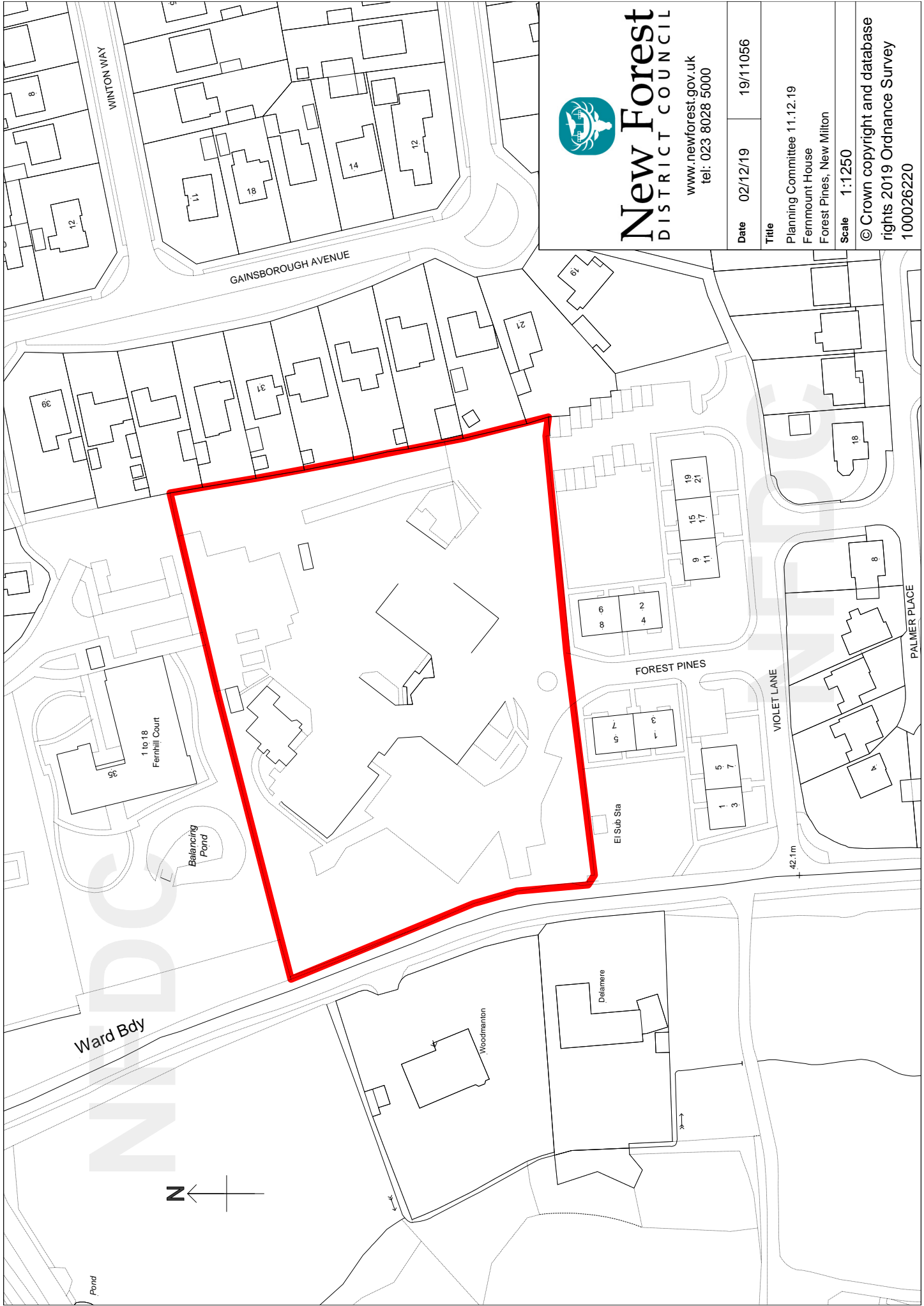
19. Prior to any works taking place above building slab level, a strategic Biodiversity Compensation and Enhancement Plan shall be submitted to and agreed in writing with the LPA. The plan shall include full details of how existing protected species will be safeguarded, and the specific measures to support enhanced biodiversity both through using the new building and the grounds of the site through appropriate landscaped areas together with the phasing of such works and maintenance thereafter.

Reason: To comply with Policy DM2 of the Local Plan Part 2

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	02/12/19	19/11056
Title	Planning Committee 11.12.19 Fernmount House Forest Pines, New Milton	
Scale	1:1250	
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Application Number: 19/11070 Full Planning Permission

Site: COURT ORCHARD, NEW ROAD, ROCKBOURNE SP6 3NN
Development: House; garage; associated landscaping and parking; demolish of existing

Applicant: Mr Wilson

Target Date: 17/10/2019

Extension Date: 13/12/2019

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

1 SUMMARY OF THE MAIN ISSUES

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

- (1) The Principle of Development
- (2) The Impact on the Countryside
- (3) Character and Heritage Impacts
- (4) Ecological Interests
- (5) Impact on Character of the Area
- (6) Impact on Residential Amenity
- (7) Highway Impacts
- (8) Flood Risk and Drainage

This matter is before Committee as the recommendation to approve is contrary to the Parish Council's view.

2 THE SITE

The proposal relates to a detached property and garage of post-war construction, set within very generous grounds, within Rockbourne's Conservation Area. The property is well separated from neighbouring premises to the north, east and south, though many of the adjoining buildings are listed. There are mature trees within the grounds of the property, protected by virtue of their location within a conservation area. The lower portion of the garden curtilage to the west is within Flood Zones 2 and 3.

The existing site is an open fronted plot with key views into and out of it from Rockbourne Road and others gained from New Road. There are views from the south and east from gaps in the boundary treatments and from the rising land to the east and the west as well as from the Church and to the north of Manor Farm. The existing house sits to the rear of the site and is recessive in its position but also in its layout articulation, arrangement and materiality.

3 THE PROPOSED DEVELOPMENT

The proposal is to demolish the existing dwelling and garage and to erect a replacement dwelling and garage. The existing dwelling and garage are in cedar cladding and are of relatively recent construction (late 1950's), relative to some buildings in the locality.

A previous application for a larger replacement dwelling was refused and dismissed at appeal due to concerns over the harm it would cause to the character and appearance of the area (a copy of the decision letter is appended to this report). Efforts have been made with the current submission to reduce the harmful impacts of the previously refused scheme, including reducing its scale and massing, re-siting it over the footprint of the existing dwelling, orientation similar to the existing dwelling and alterations to the design. The replacement dwelling would still be slightly larger than the existing dwelling on the site, but would be of traditional design and materials.

Following receipt of the initial submission, further amendments were requested to the proposal, in light of the comments of consultees and notified parties. The amendments include:

- Enhancement of the front porch to a more traditional metalwork and lead canopy;
- Chimney alterations;
- Removal of blind window from chimney breast;
- Enhancements to the pilasters and plich of the garden room;
- Alterations to the pitch of the single storey rear elements to match the pitch of the main roof;
- Minor fenestration alterations;
- Alterations to the detached garage to reduce its massing and to give it a more rustic look, through incorporation of a cat-slide roof.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/10729 House; detached garage & workshop; demolition of the existing	19/07/2018	Refused	Appeal Decided	Appeal Dismissed
17/11328 House; detached garage & workshop; demolition of the existing	16/11/2017	Withdrawn by Applicant	Withdrawn	
XX/RFR/03859 House and garage.	19/10/1956	Granted	Decided	
XX/RFR/03828 House and access.	17/09/1956	Granted Subject to Conditions	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM20: Residential development in the countryside

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in December 2019. It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered relevant. These policies in part are likely to supersede, update or save as existing from the New Forest District Council Core Strategy 2012

Policy 1 - Achieving Sustainable Development
Policy 5 - Meeting our housing needs
Policy 11 - Heritage and conservation
Policy 13 - Design Quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Advice

National Planning Policy Framework

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

7 PARISH / TOWN COUNCIL COMMENTS

Rockbourne Parish Council - Option 4: The PC met 12th November and has revised its comment to par 4 recommending refusal, with the firm recommendation that the proposals should be submitted to the Planning Committee for their decision. The PC recognises that some adjustments have been made, and does not oppose the building of a replacement dwelling. However, there remain very serious concerns that the style and scale of these proposals will permanently and irrevocably damage the historic and environmental fabric of Rockbourne's character. If permitted, these proposals risk setting a precedent for other such inappropriate schemes to be permitted in the Rockbourne Conservation Area.

8 COUNCILLOR COMMENTS

Cllr Edward J Heron:

To be updated

Comments in full are available on website.

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 - The amended plans are much improved on the previous set and I note the omission of the cupola which is now acceptable. This style of development and its scale has been found to be acceptable by a Planning Inspector and in order therefore to ensure a high quality of development I would suggest conditions.

Southern Gas Networks - give informatives

Ecologist - No objection subject to pre-commencement condition requiring final detail of biodiversity mitigation, compensation and enhancement measures to be agreed.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 21

- The application states that the building is within the 30% allowance, does this include the new garage?
- The application states that Rockbourne is 'no longer a village of busy farms and small holdings'. All the adjoining properties on the North and East side are lived in, or connected to Manor Farm. This is a working farming community
- The plan contains little detail regarding the boundaries of the property. What are the intentions here?
- The proposal will harm the character of the AONB and Conservation Area and the setting of listed buildings.
- The proposal may set a precedent in the future for further new buildings throughout the village.
- Loss of mature trees in and around the site will open views to it and alter the character of the area.
- The Greater Horseshoe Bat has been found in the adjoining farm buildings. It would not be surprising if this bat were also present on the site.
- Harmful wildlife impacts
- Six parking spaces for one family dwelling? For the vehicles to have "sufficient turning space to enable vehicles to enter and exit the site in a forward gear" plus exterior parking spaces suggests that a large part of the precious green space in front of the house will have to be torn up.
- Will there be any encroachment on the walnut and sweet chestnut trees T21 and T22 root systems? These are seriously ancient and lovely trees and I would have thought that the positioning of the build should not threaten them unless something else is going on like a very large sweeping driveway.
- How will the present sense of the green space, as a park or field within the village, feel once it has been "laid to lawn" and "landscaped"?
- The proposal will affect the level of privacy between Court Orchard House and both Slippery Elm Cottages.
- Loss of outlook

- Noise disturbance will be considerable for neighbours, during demolition and rebuilding.
- Modest homes should be provided that younger people and families can afford to buy and live in.

11 OFFICER COMMENTS

Introduction

The proposal is to demolish the existing dwelling and garage and to erect a replacement dwelling and garage. The existing dwelling and garage are in cedar cladding and are of relatively recent construction (late 1950's), relative to some buildings in the locality.

A previous application for a larger replacement dwelling was refused and dismissed at appeal due to concerns over the harm it would cause to the character and appearance of the area. Efforts have been made with the current submission to reduce the harmful impacts of the previously refused scheme, including reducing its scale and massing, re-siting it over the footprint of the existing dwelling, orientation similar to the existing dwelling and alterations to the design and detailing. The replacement dwelling would still be slightly larger than the existing dwelling on the site and would be of traditional design and materials.

Relevant Considerations

The Principle of Development

The principle of a replacement dwelling in this location is supported by Policy DM20, subject to consideration of how the proposal in terms of its scale, form, siting and detailed design impacts upon the character and appearance of the conservation area, listed buildings, AONB and countryside generally.

The Impact of the proposal on the Countryside

While the property is located within the village of Rockbourne, the village does not benefit from built-up area status, as defined by the Development Plan. The property must, therefore be considered as being located in the countryside outside of any built up area and within the designated Area of Outstanding Natural Beauty.

The proposal therefore needs to demonstrate compliance with the 30% floorspace threshold applied by Policy DM20. Policy DM20, specifies that residential development in the countryside will only be permitted where it is for the replacement of an existing dwelling. It goes on to state that replacement dwellings must not increase the floorspace of the existing dwelling by more than 30%. 'Existing dwelling' means the dwelling as it existed on 1st July 1982. In all cases development should be of an appropriate design, scale and appearance, in keeping with the rural character of the area.

In seeking to establish any increase in scale and visual impact, the planning history of the site is pertinent and shows that approval was given in the 1950's for the dwelling currently in situ. There is no subsequent history to the site in respect of extensions. In determining the appeal the Inspector noted that the existing dwelling and garage are linked and having regard to footnote 6 of Policy DM20, should be regarded as a single building. On this basis, the current floorspace of the dwelling covers approximately 248 sq.m. The proposed dwelling has an internal floor area of approximately 274 sq.m, which constitutes

an 11% increase to the floor area of the original dwelling and would comply with the threshold set out in Policy DM20. The proposed detached garage has been reduced considerably in comparison with the previously proposed three bay garage, incorporating a more rustic appearance with a cat-slide roof. Overall and considering the above, the cumulative impact of the scheme would not significantly harm the appearance and openness of the area and countryside in terms of its increased size and siting.

Character and Heritage Impacts

Consideration needs to be given to how the proposal in terms of its scale, form and detailed design relates to the original property and how it impacts upon the character and appearance of the conservation area, listed buildings, AONB and countryside generally. While the existing dwelling is of limited architectural merit it does fit comfortably within the rural context and village setting.

In determining the appeal, the Inspector found that the design and detailing would not “compete” architecturally with the historic buildings in the locality, most notably the Old Rectory, and would not in these respects, be inappropriate. However, at around 8m to the ridge, the proposed dwelling would be taller and bulkier than the existing house and the triple garage/workshop would be a large structure. Overall, the Inspector considered it would be a substantial development in terms of its bulk, scale and massing and located further toward the centre of the undeveloped land than the current building footprint, its prominence would be accentuated by the orientation of its broad front elevation, flanked by the garage block. Consequently, the Inspector concluded that the proposed development would be harmful to the character or appearance of the Rockbourne Conservation Area and would harm its significance as a heritage asset.

In response to the appeal decision the applicant made significant changes to the proposal in terms of its siting (over the footprint of the existing dwelling), reduced height (7.4m from 8m), design detailing and the appearance and scale of the detached garage. Further amendments have been made during determination of the application, which in the view of officers have enhanced the design and appearance of the dwelling further and brought it into compliance with the guidance offered by the Inspector's decision. The Conservation Team raise no objections to the amended design and siting of the proposal in respect of its impact upon heritage assets, subject to conditions. Generally the proposed dwelling and garage are considered to be acceptable by virtue of their siting, design, detailing, and appearance and accord with the views of the Inspector in determining the appeal. The proposal is considered to respect the character of the conservation area and setting of listed buildings, in accordance with the design related provisions of Policies CS2, CS3, DM1, Policy 11, Policy 13, the Residential Design Guide for Rural Areas and the National Planning Policy Framework.

Ecological Interests

In light of ecological interests, particularly use of the existing house by bats an Ecological Assessment and Bat Survey were submitted with the application. The Council's Ecologist raises no objection to the proposal on the basis that satisfactory bat information has been provided and subject to conditions.

Impact on Amenity of Neighbours

With regard to comments regarding loss of privacy and outlook, the proposed dwelling overlaps the footprint of the existing dwelling and the first floor element would in fact be further away from dwellings to the north than the existing first floor windows. The degree of separation at 45m+ dictates that no loss of privacy would result, where the rule of thumb is 21m. Due to the degree of separation involved and the fact that the proposal will be on the same footprint and be of a similar scale to the existing dwelling on site, there would be no loss of light or outlook to surrounding properties. The use of the land would be the same as its existing use and it is not considered that there is any unacceptable loss of amenity. Consequently the proposal complies with the amenity related provisions of Policies CS2 and 13.

Highway Impacts

The proposal is for a 5 bedroom dwelling, in place of a 4 bedroom dwelling. While a larger dwelling is proposed, the intensity of use posed by the proposed development would not cause any significant increase of traffic to the site. The proposal would provide adequate off-street parking for the scale of dwelling proposed, in accordance with the adopted parking standards.

Flood Risk and Drainage

The proposed development site adjoins a flood risk area to the south, but the dwelling stands well above the flood level and is over 40m away it is not considered that flood risk could form the basis for a reason for refusal. A condition is proposed requiring surface water drainage to be SUDS compliant.

Other Matters

With regard to the concerns of notified parties, which are not addressed above; details regarding the treatment of boundaries and landscaping can be clarified through submission of landscape details, which will be required by condition. A reason for refusal cannot be substantiated on the basis of the setting of precedent for further new buildings throughout the village, as each case must be considered on its own merits. The proposal will not result in any direct loss of mature trees in and around the site and conditions are proposed to control any potential impacts on trees. A condition is also proposed to limit permitted development rights for outbuildings and hardstandings that might impact the trees to the centre of the site. Disturbance caused by construction is an inevitable consequence of any new development and would be for a limited period only. As a proposal for a single replacement dwelling of a similar scale to the existing dwelling, there is no onus on the applicant to provide smaller modest homes for younger people and families.

12 CONCLUSION ON THE PLANNING BALANCE

The proposed development would result in a replacement dwelling in the countryside, which would not be unacceptably larger than the original dwelling, with an acceptable impact upon the character of the Rockbourne Conservation Area and setting of listed buildings and which would not cause any other unacceptable impacts in terms of neighbouring amenity, ecology, arboricultural interests, highway impacts or flood risk. Accordingly the application is recommended for approval.

13 OTHER CONSIDERATIONS

Crime and Disorder

None

Local Finance

Based on the information provided at the time of this report this development has a CIL liability of £6,665.28.

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.

Habitat Mitigation

The proposed development is for a replacement dwelling. with no net increase in dwelling numbers, consequently the applicant is not required to secure appropriate mitigation in this instance.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	304.39	236.27	68.12	68.12	£80/sqm	£6,665.28 *
Subtotal:	£6,665.28					
Relief:	£0.00					
Total Payable:	£6,665.28					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

14. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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.
- The development permitted shall be carried out in accordance with the following approved plans: Drawing nos. 2262/S01, 2262/S02, 2262/S03, 50350/P1-01 Rev B, 50350/P1-02 Rev C, 50350/P2-01 Rev B, 50350/P2-02 Rev C, 50350/P2-03 Rev C, 50350/P3-01 Rev C, 50350/P3-02 Rev C, 50350/P5-01 Rev C, 50350/P7-01 Rev B, Planning, Design and Heritage Statement (Aug 2019), Arboricultural Assessment (July 2017), Phase I Ecological Assessment (March 2017) and the Phase II Bat Report (August 2017).

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the facing and roofing materials, to include the following shall be submitted to and approved in writing by the Local Planning Authority:

- Samples AND exact details of all external materials to be used;
- Sample panel showing the brick, brick bond, mortar and pointing style shall be made available to view on site;
- Large scale drawings of all new joinery showing glazing bar details, glazing, cill, head and reveal details;
- Large scale drawings of the roof lantern;
- Drawings and exact details of the proposed conservation rooflights;
- A section showing the cornice detail, pilaster and base detail for the garden room;
- Large scale drawings of the chimneys;
- Large scale drawings of the porch showing roof details, how the roof will be joined to the building and decorative metalwork;
- Large scale drawings showing the profile of the string course;
- Full details of all new rainwater goods and how these will be attached to the house and garage;
- Full details of the position of all new vents, ducts, flues, extractors and soil pipes;
- Large scale drawings showing eaves, soffits and verge details on the house and garage.

Thereafter the development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building within the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure and boundary treatments;

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 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management) and to ensure that the dwelling and its curtilage remain of a size and appearance commensurate with its location within Rockbourne Conservation Area and setting of nearby listed buildings and that any future development proposals do not adversely affect those heritage assets, contrary to Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. The works hereby approved shall be undertaken in strict accordance with the recommendations of the Phase I Ecological Assessment (March 2017) and Phase II Bat Report (August 2017) submitted with the planning application, unless otherwise first agreed in writing with the Local Planning Authority.

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

7. Before any works commence on site final details of biodiversity mitigation, compensation and enhancement measures to be agreed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only proceed 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 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).

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow

the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

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

9. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement (17066-AA-AS) dated 28 July 2017 and Tree Protection Plan (17066-BT2) and in accordance with the recommendations as set out in BS5837:2012.

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

10. Prior to the commencement of works (including site clearance, demolition and building works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated and specified within the submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement (17066-AA-AS) dated 28 July 2017 and Tree Protection Plan (17066-BT2)

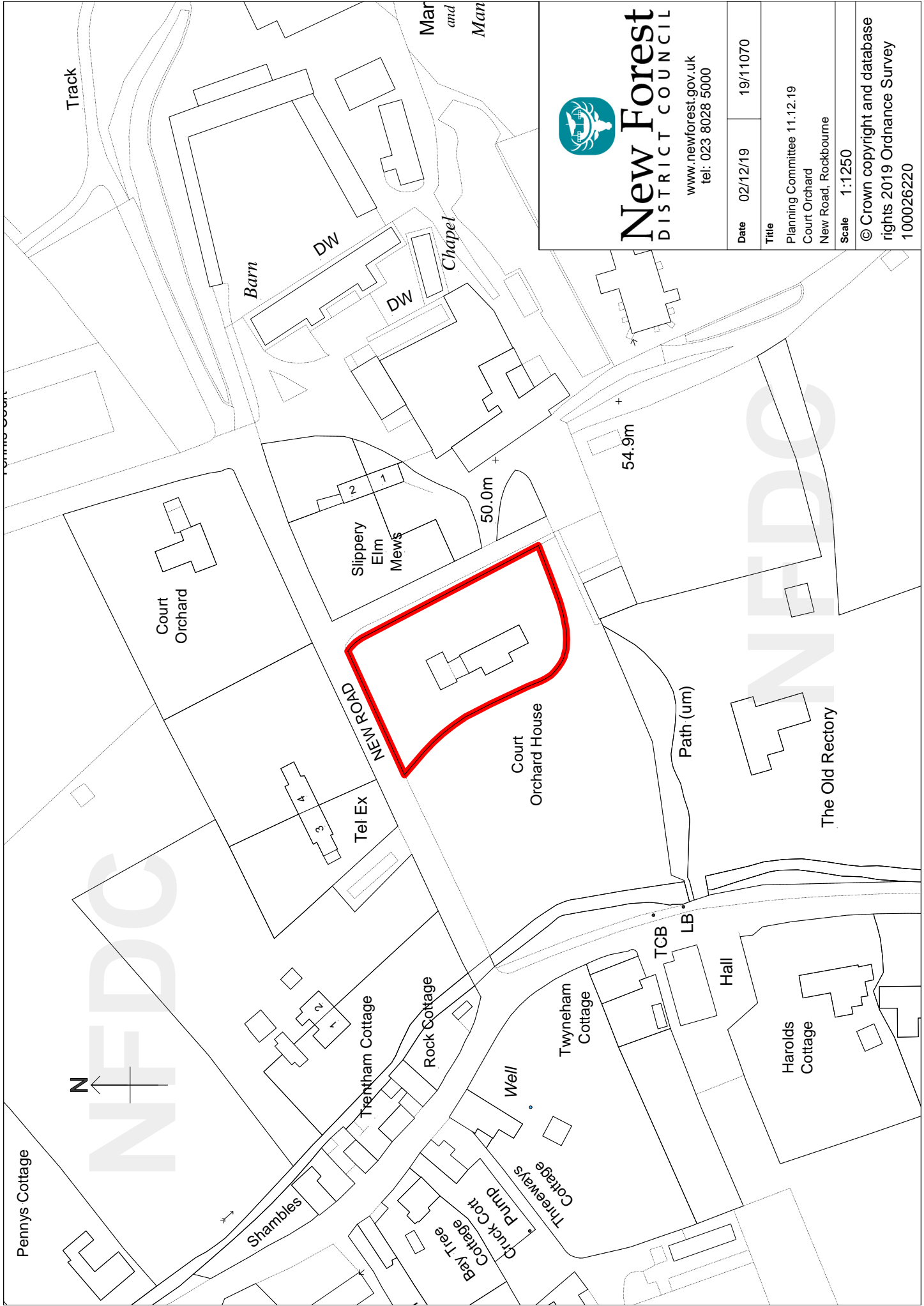
Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

11. No development, demolition or site clearance shall take place until the full site specific Arboricultural Method Statement as listed as a heads of terms in section 12 of the Barrell Tree Consultancy Arboricultural Assessment & Method Statement (17066-AA-AS) and submitted to and approved in writing by the Local Planning Authority.

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

Further Information:

Jim Bennett
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	02/12/19	19/11070
Title	Planning Committee 11.12.19	
	Court Orchard	
	New Road, Rockbourne	
Scale	1:1250	
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Application Number: 19/11223 Full Planning Permission

Site: EBENEZER COTTAGE, WEST COMMON, LANGLEY, FAWLEY
SO45 1XL

Development: Proposed ancilliary building

Applicant: Mr & Mrs Switzer

Target Date: 21/11/2019

Extension Date: 13/12/2019

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

1 SUMMARY OF THE MAIN ISSUES

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

- (1) Principle of development
- (2) Impact on character and appearance of the local area
- (3) Impact on neighbour amenity

This matter is brought to Planning Committee for determination as requested by Cllr Glass

2 THE SITE

The site is occupied by a detached two-storey dwelling which has a large timber outbuilding at the rear of the site. It is situated in a residential road of detached properties of varying styles, even though the road has a semi rural character, narrow and without pavements, it is in the built up area of Langley.

3 THE PROPOSED DEVELOPMENT

The current application seeks permission for a detached outbuilding located in the south eastern part of the rear garden. It would be used as an annexe for a family member. This would replace an existing large timber outbuilding. It would be a relatively large structure that would contain two bedrooms and a generous living area. It would be of a flat roofed design and be faced with cedar cladding.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
83/NFDC/24168 Alterations and addition of a living room with bedroom over.	16/06/1983	Granted Subject to Conditions	Decided

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

Policy CS2: Design quality

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.

The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

SO3: Built environment and heritage

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework 2019

Chapter 12: Achieving well-designed places

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: (No 5) We are happy to accept the decision reached by the District Council's Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Cllr Allan Glass

Requested application go before full planning committee.

Cllr Mrs Alexis E McEvoy

Objects to this application

Comments in full are available on website.

9 CONSULTEE COMMENTS

No Comments Received

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 4

- Parking on the lane would compromise highway safety
- Emergency vehicles would be unable to pass parked cars on lane
- Would create additional traffic
- Not in keeping with neighbouring properties
- Materials are not traditional
- Garden grabbing
- Noise disturbance
- Cooking and drainage smells
- Overlooking
- Light pollution from rooflights
- Provision of utility services

11 OFFICER COMMENTS

Introduction

11.1 The proposal relates to an outbuilding within the curtilage of a residential property to be used as an annexe for a family member. Amended plans have been submitted which reduce the size of the proposed outbuilding. The principle issues to consider are:

- i) principle of the development
- ii) impact on character and appearance of the area
- iii) impact on amenity of neighbouring properties

Relevant Considerations

11.2 Principle of the development

The application proposes an outbuilding within the residential curtilage to be used as annexe accommodation for a family member for independent day-to-day living. The proposed outbuilding is intended to provide ancillary accommodation to allow a family member to live on the site and does not provide a separate unit of accommodation. A separate unit would not be acceptable because the subdivision of the plot would create a form of development out of keeping with the surrounding area, however planning permission could be granted for this ancillary accommodation as a condition could be used to prevent future use as an independent unit of accommodation.

The fallback position is that an outbuilding of a similar footprint but with a lower roof height could be built in this location under permitted development.

11.3 Impact on character and appearance of the area

The outbuilding would be set to the rear with limited views from public vantage points. It is well screened by the mature vegetation in the well-stocked garden, as such there would be limited impact on the street scene.

11.4 A large cedar tree sited close to the boundary with Clovelly would be removed to facilitate the proposal, although the tree has some amenity value it is not considered to be of sufficient amenity value to warrant retention or to be preserved.

11.5 Concerns were expressed that the proposal would be out of keeping with the current buildings in the street scene, however the proposal is for an outbuilding to be set to the rear of the garden and such buildings are often made from wood or cement board cladding under permitted development.

11.6 Neighbour amenity

The proposed outbuilding would be sited in the south eastern corner of the plot close to the boundary with Clovelly and No 1 Fernleigh. A large timber outbuilding is currently set in this corner of the garden which has a height of 4 metres, this outbuilding would be removed. The proposed building would have a height of 2.8 metres and although having a larger footprint which extends further along the boundaries with the adjoining neighbours, the lower flat roof height would minimise the impact on these properties. There is an evergreen hedge to the east about 2.4 metres high which provides screening along the boundary with the adjoining neighbour at Clovelly which would reduce the visual impact of the proposal.

11.7 The window on the east elevation would look out onto the hedge which provides adequate screening from overlooking towards the rearmost part of the garden of Clovelly. The main windows and doors of the outbuilding face into the applicant's garden and are not considered to cause any harm in terms of overlooking or loss of privacy to the living conditions of neighbouring properties.

11.8 The single storey height and position of the outbuilding would not cause overshadowing or loss of light to neighbouring properties.

11.9 Response to representations received

The key issues are assessed above, however there are a number of additional matters raised in representations which are considered as follows:

11.10 Potential drainage odours: this would be dealt with by Southern Water who are responsible for the foul drains in this area and would not be a material planning consideration.

11.11 Cooking smells and noise nuisance: some cooking smells could emanate from the existing property's kitchen which is located closer to the neighbour than the outbuilding and noise disturbance could occur from use of the garden, these would not be materially greater than those related to normal domestic use of the existing property.

11.12 Garden grabbing: the proposal is for ancillary accommodation and would not be a separate unit of accommodation therefore this is not a material consideration.

11.13 Lack of on-site parking provision: the recommended parking provision for a 4+ bedroomed property is for 3 on-site spaces, as set out in the NFDC document "Parking Standards Supplementary Planning Document" . There is more than sufficient parking space to meet this requirement. The proposal would not affect this provision or require additional parking to be provided.

- 11.14 Concerns were expressed about cars having to park on the road and additional traffic being generated, however there is a garage and several parking spaces within the curtilage of the property. Furthermore there are no parking restrictions on the road and as such there are no grounds for refusing the application on highway safety.
- 11.15 Light pollution from the rooflights: the outbuilding would be set in the built up area where there are streetlights, security lights and windows adding to the light pollution and it would be unreasonable to refuse the application on this ground.
- 11.16 Provision of utility services, these would be shared services made via connections to the main dwelling.

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

No relevant considerations in respect of this proposal

Local Finance

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

Human Rights

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

No relevant considerations in respect of this proposal

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: 1:1250 site location plan, 1:500 existing block plan, 1:500 proposed block plan, proposed roof and floor plan & proposed elevations.

Reason: To ensure satisfactory provision of the development.

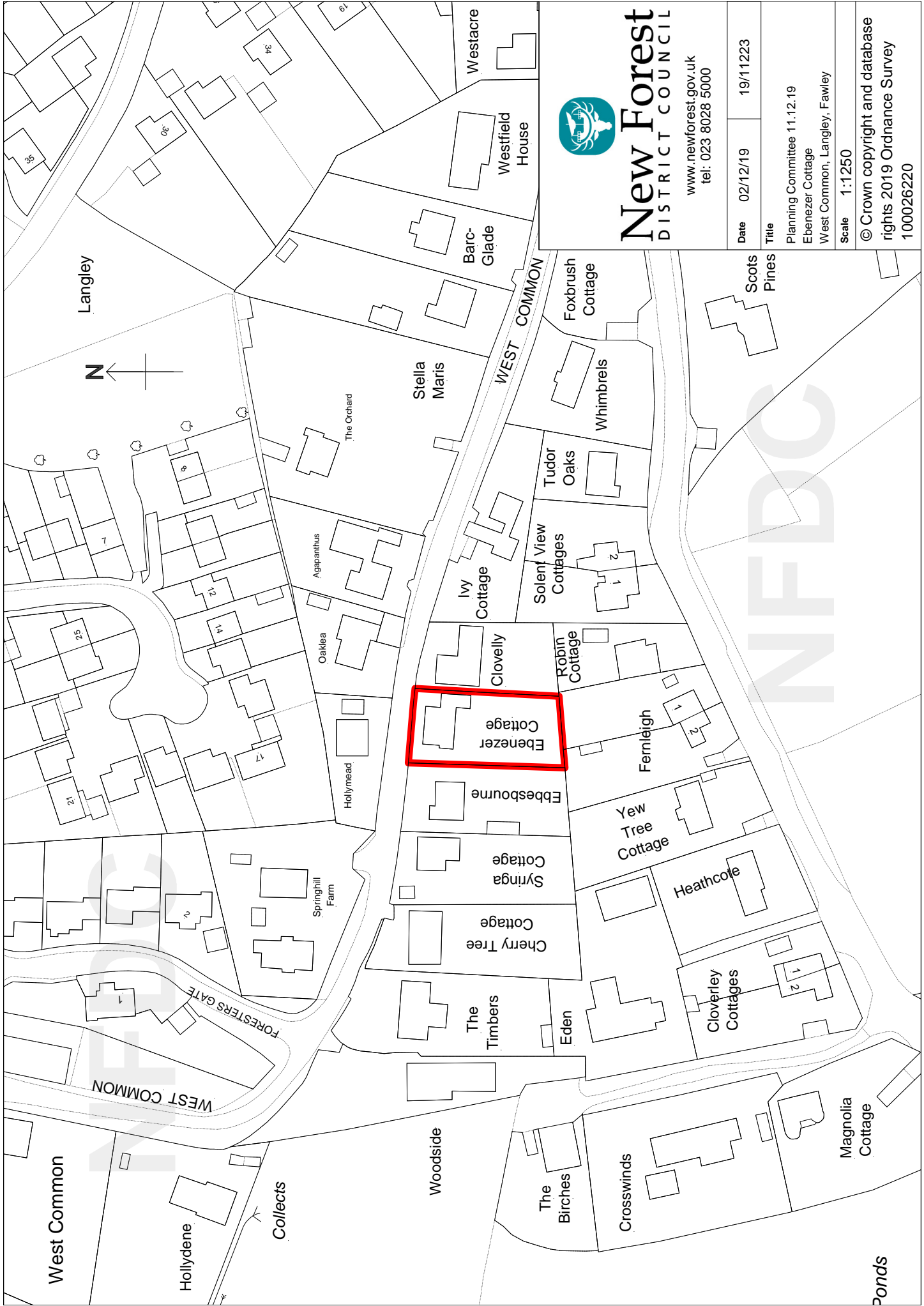
3. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

Rosie Rigby

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New Forest
DISTRICT COUNCIL

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Date	02/12/19	19/11/23
Title	Planning Committee 11.12.19 Ebenezer Cottage West Common, Langley, Fawley	
Scale	1:1250	
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