

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 8 JANUARY 2020, 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

NOTE: The Planning Committee will break for lunch around 1.00 p.m.

Apologies

1. MINUTES

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

2. DECLARATIONS OF INTEREST

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

Members are asked to discuss any possible interests with Democratic Services

prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land of 8 Laurel Close, Hordle (Application 19/11065) (Pages 5 - 18)**
2 dwellings; associated parking (Outline application with all matters reserved)

RECOMMENDED:

Grant subject to conditions

- (b) **Ashley Junior School, Normans Way, Ashley, New Milton (Application 19/11160) (Pages 19 - 24)**
Installation of a security fence (Revised Location) (Retrospective)

RECOMMENDED:

Grant subject to conditions

- (c) **Land of 83 Oakley Close, Holbury Fawley (Application 19/11116) (Pages 25 - 36)**

Attached dwelling

RECOMMENDED:

Delegated Authority be given to the Chief Planning Officer to grant planning permission subject to an Appropriate Assessment and conditions.

- (d) **Land rear of 9 Uplands Avenue, Barton-On-Sea, New Milton (Application 19/11288) (Pages 37 - 46)**

Variation of conditions 2, 4 & 10, of planning permission 19/10258 to lose oak tree and update landscaping plan

RECOMMENDED:

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

- (e) **Avon Farm, Ringwood Road, Avon, Sopley (Application 18/11595) (Pages 47 - 62)**

Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building. External alterations to replace existing windows and door

RECOMMENDED:

Grant subject to conditions

(f) **Avon Farm, Ringwood Road, Avon, Sopley (Application 18/11596)
(Pages 63 - 74)**

Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building; Internal alterations; External alterations to replace existing windows and doors (Application for Listed Building Consent)

RECOMMENDED:

Grant Listed Building Consent subject to conditions

(g) **Cross Cottage, Salisbury Road, Burgate, Fordingbridge
(Application 19/10990) (Pages 75 - 80)**

Car port with additional storage

RECOMMENDED:

Refuse

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: 19/11065 Outline Planning Permission

Site: LAND OF 8, LAUREL CLOSE, HORDLE SO41 0FQ
Development: 2 dwellings; associated parking (Outline application with all matters reserved)
Applicant: Mr & Mrs Boyd
Target Date: 11/10/2019
Extension Date: 14/11/2019
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 the development:
- 2) The impact on Green Belt and Countryside
- 3) The impact on the character of the area
- 4) The impact on the amenity of neighbours
- 5) Highway safety and parking
- 6) Ecological matters

This matter is being considered by Committee as it is contrary to policy.

2 THE SITE

The site lies to the north of Hordle and aside from the small section relating to the necessary visibility splay, lies within parcel H011 of the Green Belt surrounding Hordle. The boundary between the built up area and Green Belt runs along the northern elevation of the host dwelling which lies in the built up area. Nos. 3-7 Laurel Close and the northern block of garages associated with them to the west of the site, together with other adjoining land in the same ownership, all lie within the Green Belt.

The existing vehicular access is shared between the host dwelling and access to the applicant's stables which lie to the west of the site. The site is level with small trees and other vegetation to the east and west boundaries. It contains some domestic paraphernalia. The northern boundary is marked by a post and rail fence beyond which is a paddock in the applicant's ownership. The boundary to the National Park is beyond this paddock.

3 THE PROPOSED DEVELOPMENT

The proposal is in outline form and is for the provision of two dwellings. All matters are reserved.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/11344 Chalet bungalow (Outline application with all matters reserved)	23/11/2016	Refused	Decided	
04/80827 Erect dwelling and garage (Outline application for details only of access & siting)	04/05/2004	Withdrawn by Applicant	Withdrawn	
90/NFDC/44552/OUT Erection of a dwelling and garage	26/04/1990	Refused	Decided	Appeal Dismissed
88/NFDC/37022 Erection of a chalet house and bungalow and garages and new access.	16/03/1988	Granted Subject to Conditions	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

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 2 Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
- Policy 3 The strategy for locating new development
- Policy 4 The settlement hierarchy
- Policy 10 Mitigating the impact of development on International Nature Conservation sites
- Policy 12 The South West Hampshire Green Belt
- Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Hordle Village Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework 2019
Ch. 12 - Achieving well designed places
Ch.13 - Protecting Green Belt land

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: recommend permission but would accept the decision of the planning officers under delegated powers.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

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

New Forest National Park Authority - offer advice

Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

11.1 The application an outline application for the provision of two dwellings. There have been previous applications for residential development on adjacent land to the north, outside of the existing residential curtilage.

Relevant Considerations

The Principle of Development

11.2 The main consideration for this application is whether or not it is acceptable in principle. The site lies within both Green Belt and countryside designations where new buildings or residential development would not normally be acceptable.

Green Belt

- 11.3 Paragraph 2.68 of the Local Plan Part 2 states that National Planning Policy on Green Belts should apply. The latest version of the National Planning Policy Framework (NPPF) and therefore the more up to date policy in terms of Green Belt, states that the construction of new buildings in the Green Belt is inappropriate unless they fall within one of 7 exceptions to this. Within Chapter 12 of the NPPF 2019, paragraph 145 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 11.4 In response to this paragraph, the proposal is not for agriculture or forestry, nor is it connected to outdoor sport, recreation, cemeteries or allotments. It does not extend or replace existing buildings and there has been no request to consider the proposed dwellings as affordable. This leaves part e) limited infilling in villages and part g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority, as the relevant sections of this paragraph.

11.5 The applicant has argued that the proposal represents 'limited infilling' given that it is for just two dwellings. This is supported with an appeal decision from Abbots Langley, Hertfordshire where the Inspector concluded that three dwellings within the Green Belt would satisfy this requirement. The proposal would partially infill the gap between 7, Laurel Close and the large, detached dwelling at 48, Ashley Lane - the indicative siting showing that gaps of 12.5m and 23m either side of the proposal could still be achieved. It is therefore considered that the provision of two dwellings in this location would fall within 'limited infilling in villages'.

11.6 However, whether or not the site constitutes previously developed land needs to be addressed. The definition of this in the NPPF states:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: ...land in built-up areas such as residential gardens, parks, recreation grounds and allotments;...'

In this respect, although the site does not contain the host dwelling, the fixed surface parking area associated with this dwelling is within the site. The reference to previously developed land excluding land in built-up areas such as residential gardens does not apply in this case as the site itself is not within the built up area. It is therefore considered that the site is previously developed land.

11.7 Where partial redevelopment of previously developed land is considered, the proposal should not have a greater impact on the openness of the Green Belt. Taking the impact on the openness first, the east and west boundaries of the site are well screened by mature trees and other vegetation resulting in it being quite secluded from the adjoining residential properties, both of which lie within the Green Belt. To the rear, although the boundary is defined by a post and rail fence beyond which is a paddock in the applicant's ownership, the National Park/Green Belt boundary further north is well defined by trees within a field boundary. In view of the block plan which shows an indicative layout demonstrating that 2 dwellings could be provided on this site without any encroachment further north than the existing dwellings either side, it is not considered that the proposal would adversely affect the openness of the Green Belt and would therefore comply with the emerging policy 12 which aims to preserve the openness of the Green Belt.

11.8 Nos. 1-7 Laurel Close together with their associated garages and 66-70 (evens) Ashley Lane were approved by this authority in 1987 replacing a property known as Laurel Bank. The Green Belt boundary is understood to have been the same as it is now at that time.

11.9 To further support the proposal it is noted that in 2016, this parcel of Green Belt was assessed for local plan purposes and in this assessment, it is stated that the area has been affected by development and its uses relate to the built up area. It's northern boundary to the National Park is not strongly defined and the inner boundary is weakened by having development beyond it. It is considered to have a weak or no contribution towards three of the 5 purposes of including land within the Green Belt and a moderate rating in terms of assisting in safeguarding the countryside from encroachment in view of its strong

association with the built up area. The fifth purpose relates to recycling of derelict land and is not relevant here.

- 11.10 Having regard to policy CS10(o), proposals should retain and support the Green belt in order to check the sprawl of the built up areas, safeguard the countryside from built development and preserve the setting of towns and villages, with particular emphasis on Lymington and Ringwood. The Green Belt assessment concluded that this parcel has no relationship with the large built up area of Christchurch and has no impact on the east/west settlement gaps between New Milton and Lymington. It is therefore considered that the proposal would not fall foul of two of the above policy requirements.
- 11.11 As stated above, the proposal is contrary to policy DM20. However, in view of the proposal not adversely impacting upon the openness of the Green Belt and falling within one of the exceptions to the construction of new buildings being inappropriate in such areas, together with the fact that it would be of an appropriate design, scale and appearance and would not be harmful to the character of the area, it is considered an acceptable proposal.

Countryside

- 11.12 Policy DM20 relates to residential development in the countryside i.e. outside of any defined built up area. It does not differentiate between Green Belt or non-Green Belt countryside. The proposal is contrary to this policy as it does not comply with any of the exceptions. These exceptions are extensions to existing dwellings, replacement dwellings, affordable housing (to meet a local need) or agricultural/forestry workers' dwellings.
- 11.13 The applicant has argued that the Local Plan Part 2 distinguishes countryside from Green Belt and suggests that policy DM20 is not a relevant policy in view of the site being Green Belt as well as countryside. However, paragraph 2.105 of the plan clearly defines the countryside as being outside of the built up area meaning that DM20 is a relevant policy in addition to Core Strategy policies, in this case.

Impact on the character of the area

- 11.14 Although the proposal is an outline application, an indicative elevation has been provided demonstrating that the two dwellings could be designed to be similar in appearance to the bungalows at 3-7 Laurel Close. This would not be in conflict with paragraph 122d) of the NPPF which refers to the desirability of maintaining an area's prevailing character. It is not considered that redevelopment would harm the local area, thus complying with paragraph 70 of the NPPF.

Impact on neighbour amenity

- 11.15 The indicative plans show that a pair of semi-detached properties could be around 19m from the northern elevation of the host dwelling. This property is a chalet style bungalow with dormer windows facing the site. Two of the dormers relate to bedrooms with the central one serving the landing. An indicative front elevation has been provided which demonstrates that the proposed dwellings do not need front dormers and in view of the existing dormer windows being in excess of the 19m

indicated (approximately 21m), it is considered that the dwellings could be provided within the site without adversely affecting the residential amenities of this property.

- 11.16 The plans also indicate that rear gardens of a comparable depth to 3-7, Laurel Close could be provided and with the plots being wider, the proposal could provide an adequate level of amenity for future occupiers.
- 11.17 It is not considered that the residential amenity of any adjoining property would be affected by the proposal. Any concerns relating to potential overlooking could be addressed at the reserved matters stage.

Highway safety and parking

- 11.18 Although means of access is not a consideration at this time, the proposal would involve the loss of a small section of front boundary wall to the host dwelling in order to achieve a visibility splay for the enlarged parking forecourt. It is not considered that this would give rise to unacceptable highway safety issues given the site's location at the end of a cul de sac.
- 11.19 The plans indicate provision for each proposed dwelling to have 2 parking spaces without interfering with the existing access to the stables to the north west of the site. The host dwelling has a single garage and 18m long drive to its southern side which would not be affected by the proposal.

Ecological matters

Habitat Mitigation

- 11.20 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.

Nitrate Neutrality

- 11.21 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.

- 11.22 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 recommendation.

Housing

- 11.23 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.

12 CONCLUSION ON THE PLANNING BALANCE

The application is an outline application with all matters reserved. It is considered that the supporting plans and elevations demonstrate that two dwellings could be satisfactorily accommodated within the site without adversely affecting residential or visual amenity. Similarly, it is not considered that the proposal would give rise to unacceptable harm to highway safety in this location although any highway matters would be fully addressed at the reserved matters stage.

With regard to the Green Belt issue, it is considered that the proposal would not constitute inappropriate development being limited infilling in a village and the partial redevelopment of a previously developed site where there would be no greater impact on the openness of the Green Belt.

Further, whilst the proposal amounts to being contrary to policy DM20, given the considerations above which suggest there would be no adverse impacts to outweigh the benefits of the development, it is considered that permission should be granted in line with paragraph 11 of the NPPF.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £2448 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 will have a CIL liability which cannot be determined at this outline stage.

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

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

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

4. The development permitted shall be carried out in accordance with the following approved plans: Design Access and Planning statement, site location plan, block plan, indicative block plan, front and side elevations.

Reason: To ensure satisfactory provision of the development.

5. 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.

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

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

7. 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.

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

Reason: 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).

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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PLANNING COMMITTEE

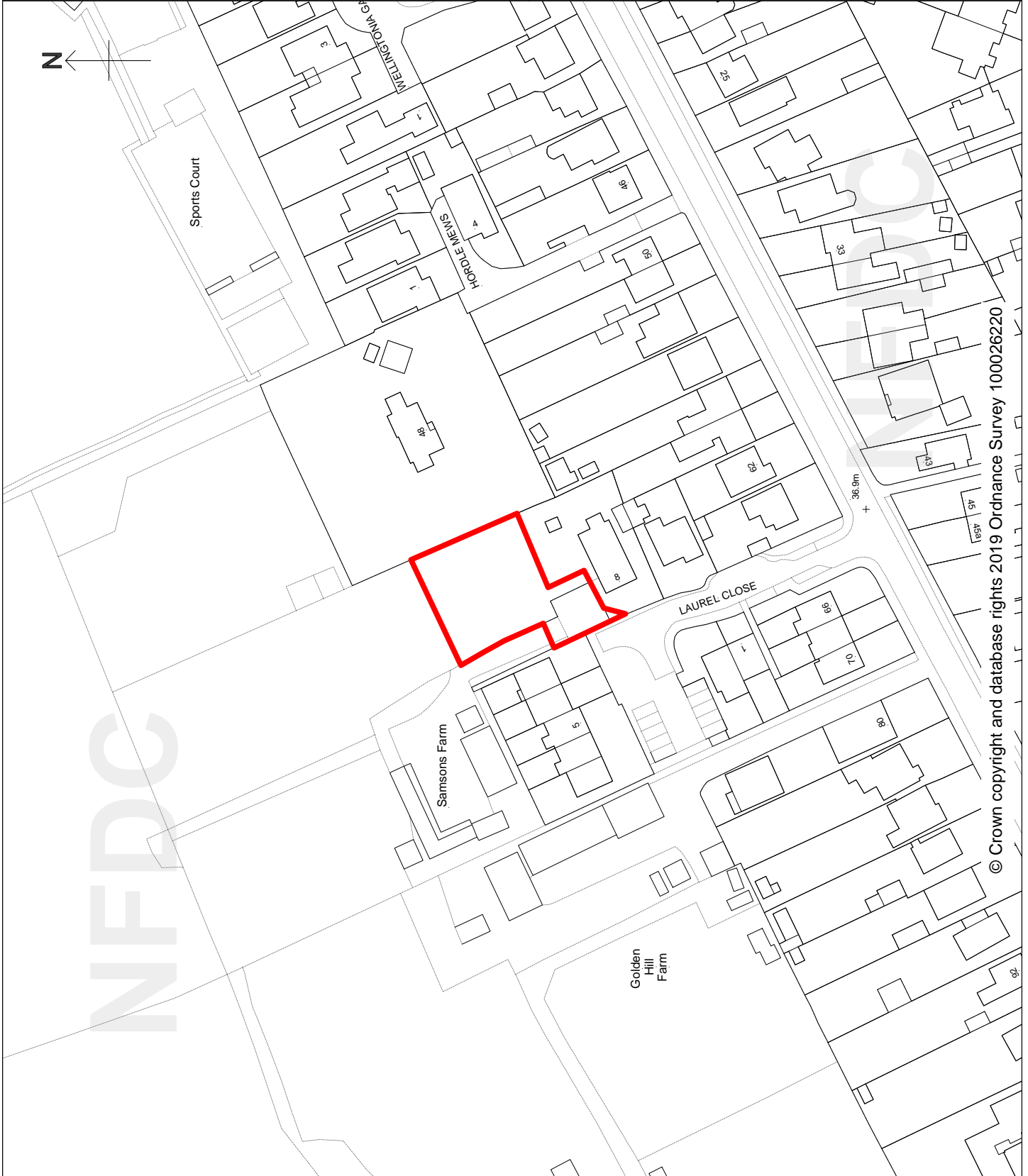
January 2020

Item No:
Land of 8 Laurel Close
Hordle SO41 0FQ

19/11065

Scale 1:1250

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



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Application Number: 19/11160 Full Planning Permission

Site: ASHLEY JUNIOR SCHOOL, NORMANS WAY, ASHLEY,

Development: NEW MILTON BH25 5FN
Applicant: Installation of a security fence (Revised Location) (Retrospective)
Hampshire County Council

Target Date: 13/01/2020

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 & 12 of this report, after which a conclusion on the planning balance is reached.

- 1) Design and appearance of the fence
- 2) Impact of re-located fence on the playing pitches
- 3) Impact of the new location of the fence on residential amenity
- 4) Impact of the relocation of the fence on the character and appearance of the area

This matter is before Committee at the request of Cllr Corbridge.

2 THE SITE

The site forms part of the grounds of Ashley Junior School. It is located behind existing housing (High Ridge Crescent) and extends to Normans Way.

3 THE PROPOSED DEVELOPMENT

Planning permission has been granted previously for fencing around the school site (19/10056). However, a section of this fencing has been erected approx 3.75m further south than the approved scheme. This application seeks planning permission for the fencing as erected. The 2.4m height, moss green colour and weldmesh type of fencing remain the same as that previously approved. Soft landscaping is proposed as part of the application to provide screening to that part of the fencing adjacent to the rear garden of 37 High Ridge Close.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/10056 Weldmesh fencing (max 2.4m high); double gates; 1.2m high timber fence; car park alterations; relocation of cycle and scooter store	26/06/2019	Granted Subject to Conditions	Decided

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS7: Open spaces, sport and recreation
CS7: Open spaces, sport and recreation
CS8: Community services and infrastructure

Local Plan Part 2 Sites and Development Management Development Plan Document

None

The Emerging Local Plan

Policy 1 Achieving sustainable development
Policy 13 Design quality and local distinctiveness
Policy 15 Open spaces, sport and recreation

Supplementary Guidance

SPD - New Milton Local Distinctiveness
The Parish of New Milton Neighbourhood Plan 2016-2036 Submission Plan

Relevant Legislation

Town & Country Planning Act 1990
Planning and Compulsory Purchase Act 2004

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Town & Country Planning Act 1990
Planning and Compulsory Purchase Act 2004

Relevant Advice

NPPF Ch.2 - Achieving sustainable development
NPPF Ch.12 - Achieving well-designed places
NPPG - Determining a Planning Application

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - acceptable (delegated)

8 COUNCILLOR COMMENTS

Cllr Corbridge has requested that this application is brought to Planning Committee.

9 CONSULTEE COMMENTS

None

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.

1 letter of objection has been received regarding the visual impact. The letter also makes reference to the cost the school would face if the fence had to be moved and possible consequences for funding much needed school equipment; and there would be further noise and disturbance for residents.

11 OFFICER COMMENTS

Introduction

The site forms part of the grounds of Ashley Junior School. It is located behind existing housing (High Ridge Crescent) and extends to Normans Way. The proposal seeks permission for the alternative alignment of the fence 3.75m south of the previously approved position.

Relevant Considerations

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

1) Design and appearance of the fence

The design of the fencing is no different from that previously granted planning permission and is therefore considered acceptable within the context.

2) Impact of re-located fence on the playing pitches

The submitted plans show that the position of the fence does not impinge upon the layout of the playing pitches. The fence line is approximately 10m from the back of the goal on the football pitch 14m from the rugby posts and approximately 5m from the edge of the outer line of the pitch. New Milton Rugby Club has been consulted on the planning application - no response has been received at the time of writing the report.

3) Impact of the new location of the fence on residential amenity

The approved fence (19/10056) is shown aligned with the side boundary between nos 35 and 37 High Ridge Close. In contrast, the fence under consideration is located approximately 3.75m further south and is set perpendicular to the rear boundary fence of 37 High Ridge Crescent. The closest element of the structure is the steel post, which measures 6cm x 4cm and connects to weldmesh panels (fence height 2.4m). The fence closest to High Ridge Crescent Gardens is proposed to be screened by evergreen shrubs: these would be planted either side of the weldmesh fencing growing to a maintained height of 3m. This will infill gaps in the existing vegetation at this point on the school's land, which are a result of cutting back necessary to facilitate the construction work. It is acknowledged that the fence post and weldmesh panels are visible above the rear boundary fence of no. 37, however, given the height of the fence and the proposed planting, this is not considered that the impact on No. 35 and 37 is unacceptable.

The fence line is positioned further away from 35 High Ridge Crescent and the impact on that property is considered acceptable.

4) Impact of the relocation of the fence on the character and appearance of the area

The impact on the visual amenities of the open space/Normans Way/Rugby Club are similar to that of the approved scheme and are considered acceptable.

-

12 OTHER CONSIDERATIONS

Crime and Disorder

None

Local Finance

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

Human Rights

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

Equality

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

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

13 CONCLUSION ON THE PLANNING BALANCE

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

14. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: P12006-7200 Rev B Location Plan; P12006-7100 Rev P4; P12006-7201 Rev P1

Reason: To ensure satisfactory provision of the development.

2. The landscape planting shown on approved plan P12006-7100 Rev P4 and detailed in the email from the agent dated 29/11/2019 shall be undertaken during the current planting season and thereafter retained, should any planting fail within 5 year from the date of planting then it should be replaced.

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

Further Information:

Jo Chambers

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DISTRICT COUNCIL

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PLANNING COMMITTEE

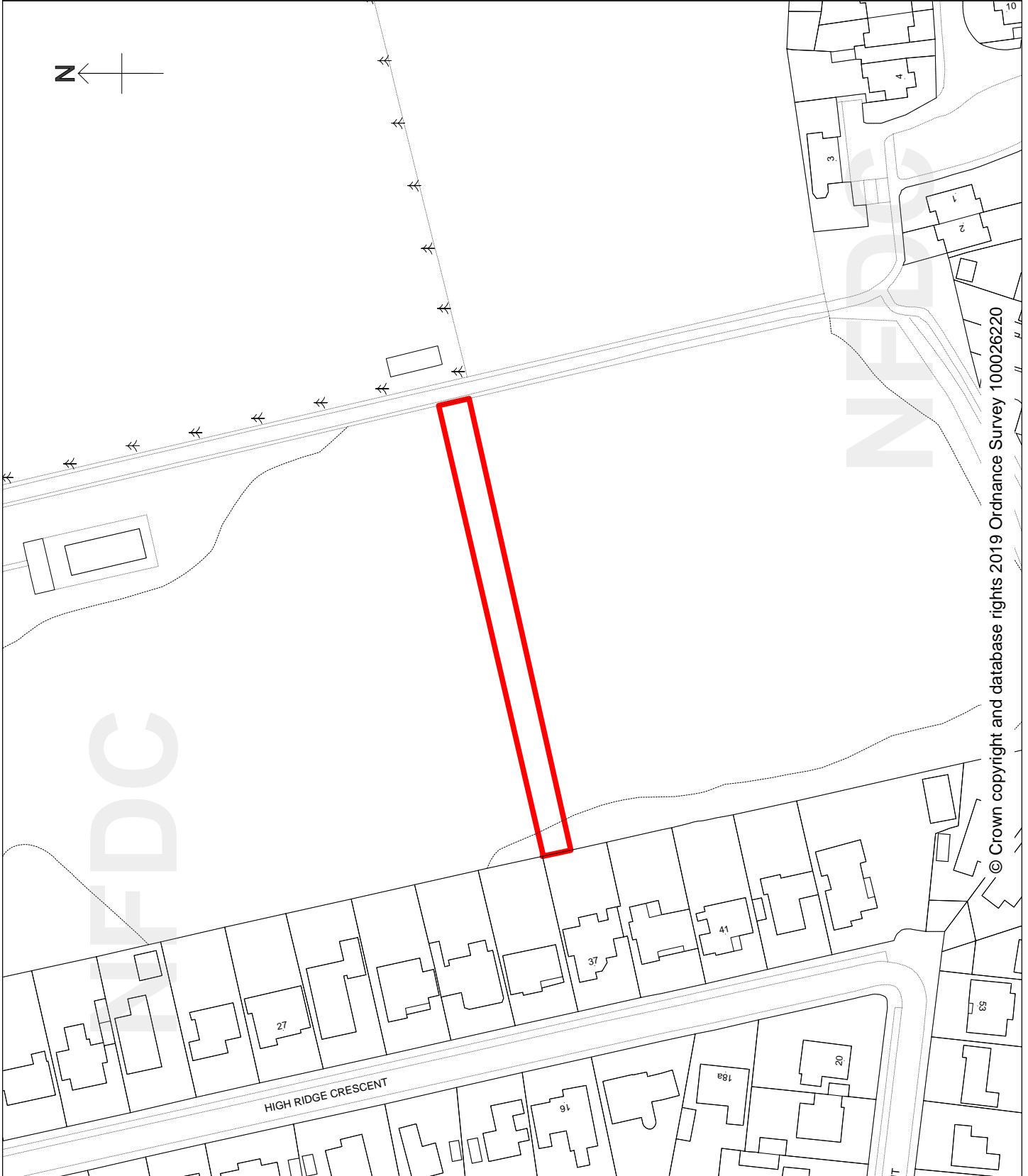
January 2020

Item No:

Ashley Junior School
Normans Way, Ashley
New Milton, BH25 5FN
19/11160

Scale 1:1250

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



Application Number: 19/11116 Full Planning Permission

Site: LAND OF 83 OAKLEY CLOSE, HOLBURY FAWLEY SO45 2PJ

Development: Attached dwelling

Applicant: Mr & Mrs Taylor

Target Date: 25/10/2019

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 Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The principle of development
- 2) The design and appearance of the development and its impact on the local character
- 3) The impact of the development on existing residential amenity
- 4) Level of amenity of future residents
- 5) Car parking and the impact of the proposal on highway safety
- 6) Health and Safety matters

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

2 THE SITE

The application site currently forms part of the semi-detached dwelling at no.83 Oakley Close and accommodates a single storey side extension and the side garden to that property. There is a variety of house types in Oakley Close: semi-detached, detached and terraces of 3 and 5 dwellings. The site is located adjacent to the turning head of this cul-de-sac and adjacent to a pedestrian route that leads to Holbury Drove and The Precinct local centre.

3 THE PROPOSED DEVELOPMENT

The proposed development includes the demolition of the existing single storey side extension and the erection of a new dwelling. The proposed design reflects that of the existing pair of semi-detached at nos. 81 and 83. The application proposes the removal of existing vegetation adjacent to the footway to create 2 off-street car parking spaces. An area of soft landscaping is indicted between the proposed dwelling and car parking areas. The plans indicate that an additional parking space would be provided to serve no. 83 on land that is outside of the red line but within the control of the applicant.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
07/90264 Attached house	24/07/2007	Granted Subject to Conditions	Decided

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

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
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 5 - Delivering a sufficient supply of homes
NPPF Ch.11 - Making effective use of land
NPPF Ch.12 - Achieving well-designed place
NPPF Ch.15 - Conserving and enhancing the natural environment

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

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council

(No 4) We recommend refusal due to over development of the site, concerns relating to highway safety and insufficient parking provision.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

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

Environmental Health (Pollution) - No Objection

HCC Highways – concern expressed about the original plans regarding impact of vegetation on visibility. Amended plans have been submitted removing the vegetation and at the time of writing this report the HCC Highways re-consultation response is awaited.

HSE - does not advise against the development on safety grounds.

SGN: offer advice

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Representations have been received from 2 residents of Oakley Close. One recommends an additional parking space should be provided to the existing dwelling. The other express concern with regard to the parking, turning no. 81 into an end terrace rather than semi-detached, proximity of the proposed dwelling to a row of garages that attract youths.

11 OFFICER COMMENTS

Introduction

The application seeks permission for a new house with associated off-street parking.

Relevant Considerations

1) Principle of development

The site is located in the built up area where the principle of new residential development is acceptable.

2) The design and appearance of the development and its impact on the local character

The proposed dwelling reflects the design of the existing pair of semi-detached at No. 81 and 83 and is therefore considered acceptable.

There is a variety of property types in Oakley Close, including a terrace of 3 dwellings opposite. The alteration from a pair of semi-detached to the creation of a terrace of 3 would be in-keeping with the existing pattern of development and streetscene.

The proposal includes the removal of existing vegetation from the site frontage and its replacement in part with on site parking. The vegetation can be removed without the need for planning permission at any time and therefore the removal of the vegetation is considered acceptable. An area of soft landscaping would be retained between the proposed parking area and dwelling, and further details can be secured by planning condition. This will ensure the satisfactory appearance of the site frontage and impact on Oakley Close streetscene.

3) Impact of the development on existing residential amenity

The existing plot at no. 83 is more generous than most of its neighbours. A reasonable amount of private garden area would be retained by no. 83 to meet the needs of that property and would be very similar in size to that of other neighbouring dwellings.

The rear garden area would continue to abut another residential garden at Broadley Close. It is not considered that the impact of activity arising from an additional unit would be harmful to the amenity of that property.

Windows on the new dwelling would be positioned on the front and rear elevations and would directly overlook its own gardens areas. Any views towards neighbours would be oblique or at a separation distance such as not be considered harmful.

With consideration given to all relevant material matters, the impact of the proposal on the amenity of existing residential properties is considered acceptable.

4) Level of amenity of future residents

Concern has been expressed by a local resident that the misuse of the nearby garage court by youths would be harmful to the amenity of future residents. It is noted that residential curtilage already abuts these garages. The proposed house would be positioned away from garages and there is an existing brick wall. It is not considered that the impact from youths would be significantly different to that which may currently occur and as such this is not justification to refuse the planning application.

Consideration has been given to the impact of the adjacent service area and local centre on the amenity of future residents and it has been concluded that this would not be harmful.

5) Car parking and the impact of the proposal on highway safety

The Highway Authority expressed concern about the level of visibility available at the proposed driveway on the original proposed layout. It was suggested that this would be improved by removing an existing area of landscaping adjacent to the footway. Revised plans have been submitted showing the landscaping removed and the proposed parking reconfigured. The Highway Authority has been re-consulted and comments are awaited at the time of writing this report.

There is one existing driveway parking space outside of the original integral garage at no. 83. The submitted plans show an additional space to be provided. It is acknowledged that whilst an additional off-street parking space may be beneficial to that property, no off-street parking space would be lost to facilitate this development.

Two off-street parking spaces are proposed to serve the new dwelling. The NFDC parking guidelines advise that 2.5 parking spaces would be required for a 3 bed unit. Whilst there are no on-street parking restrictions along Oakley Close, the site abuts a turning head and therefore on-street parking can be expected to restrict the operation of the turning head. In this context, it would be reasonable for 3 off-street parking spaces to be provided. There is space within the site frontage to accommodate 3 spaces. This can be secured by planning condition.

6) Health and safety matters

The HSE has been consulted as the site is located within the outer Hazard Consultation Zone and has not advised against the granting of planning permission.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

Habitat Mitigation

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

Nitrate neutrality and impact on the Solent SPA and SACs

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. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. The regional PUSH (Partnership for South Hampshire) 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. To ensure that the

proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has an existing policy in its Core Strategy CS3 and a new policy in its emerging Local Plan P10 which seeks to safeguard against any adverse impact and requires that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

In accordance with the Council Position Statement agreed on 4 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 yet to be agreed with the applicant and no formal Appropriate Assessment which has been agreed. On that basis a permission cannot yet be issued. The recommendation below is therefore one delegated to the Chief Planning Officer to issue a permission once a Grampian condition has been agreed and an Appropriate Assessment has been formally agreed and a mechanism is in place to confirm there will be no adverse impact.

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

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

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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	89.9	25.4	64.5	64.5	£80/sqm	£6,311.08 *
Subtotal:	£6,311.08					
Relief:	£0.00					
Total Payable:	£6,311.08					

* 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:

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

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 2020 this value is 1.28 (rounded)

14. RECOMMENDATION

That DELEGATED AUTHORITY be given to the Chief Planning Officer to grant planning permission subject to:

- i) An Appropriate Assessment being carried out under Regulation 63 of the Habitat Regulations and confirmation that there will be no adverse impact on matters of nature conservation importance; and
- ii) The imposition of the conditions set out in the report and any additional 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:

tay sht 1 Existing Plans and Elevations
tay sht 2 Proposed Plans and Elevations
tay sht 3 Rev B Site Layout and Block Plan

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. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

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

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

7. 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.

8. The development hereby permitted shall not be occupied until the spaces shown on plan tay sht 3 Rev B for the parking of motor vehicles and cycles have been provided.
The spaces shown on that plan 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.

Further Information:

Jo Chambers

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New Forest
DISTRICT COUNCIL

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Claire Upton-Brown
Chief Planning Officer
Planning
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PLANNING COMMITTEE

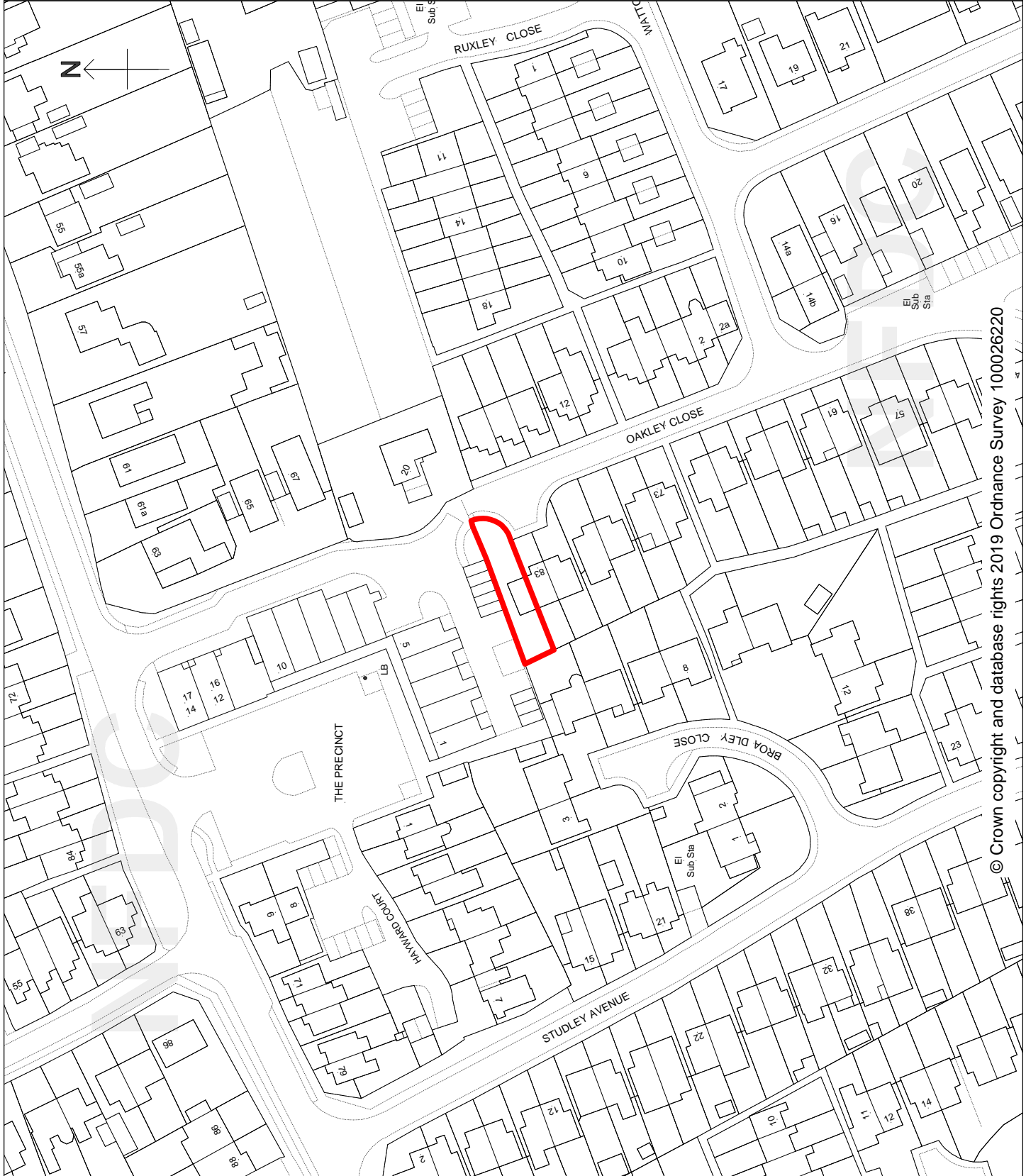
January 2020

Item No:

Land of 83 Oakley Close
Holbury, Fawley
SO45 2PJ
19/11116

Scale **1:1250**

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



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Application Number: 19/11288 Variation / Removal of Condition

Site: Land rear of 9 UPLANDS AVENUE, BARTON-ON-SEA, NEW MILTON BH25 7BJ
Development: Variation of conditions 2,4 &10, of planning permission 19/10258 to lose oak tree and update landscaping plan
Applicant: Harbourwood Homes
Target Date: 13/02/2020

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

1 SUMMARY OF THE MAIN ISSUES

The following are 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 impact of the removal of the existing oak tree on the appearance of the area;
- 2) The impact of the removal of the tree on the Ecological of the area: The Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations')

This matter is before Committee due to previous committee involvement and that the condition relating to the oak tree was imposed by the Planning Committee.

2 THE SITE

The site lies within the built up area of New Milton. It comprises of the original bungalow (no. 9) fronting onto Uplands Avenue, the access drive positioned between No. 11 and 15 Uplands Avenue and a new bungalow constructed on what was previously the rear garden of no. 9.

3 THE PROPOSED DEVELOPMENT

This application seeks to vary conditions 2, 4 and 10 attached to the extant planning permission, to facilitate the removal of the existing oak tree and its replacement with a new tree. Other aspects of the development of a new bungalow and garage remain the same as previously approved.

4 RELEVANT PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/10258 Variation/removal of Condition 2 on planning permission 18/11592 to allow amended plans 9105/200A & 9105/201A, and 9105/100C to allow detached garage	09/09/2019	Granted Subject to Conditions	Decided	

18/11592 House; access, parking & landscaping; single-storey side extension to existing dwelling 14/02/2019 Granted Subject to Conditions Decided

16/11527 2 bungalows; parking; access; associated works 11/01/2017 Refused Appeal Decided Appeal Allowed with Conditions

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1: Sustainable development principles

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy 1 Achieving sustainable development
Policy 10 Mitigating the impact of development on International Nature Conservation sites

Supplementary Planning Guidance and Documents

SPD - Housing Design, Density and Character

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
NPPF Ch.2 - Achieving sustainable development
NPPF Ch.15 - Conserving and enhancing the natural environment

National Planning Policy Guidance
NPPG - Determining a Planning Application
NPPG - Natural Environment

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

ACCEPTABLE (Delegated) subject to appropriate replanting to be agreed with the New Forest District Arboriculturist.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

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

Tree Officer - no objection, suggested alternative replacement tree
Building Control - no comment

10 REPRESENTATIONS RECEIVED

The following is a summary of a representation received from the neighbouring resident to the rear of the site:

No fundamental objection to the removal of the tree but concerned about the effect of the removal of the tree on the neighbouring property and request a dilapidations survey be carried out on that property.

11 OFFICER COMMENTS

Introduction

The original planning permission for a new bungalow to the rear of 9 Uplands Avenue (18/11592) was granted by Planning Committee. The Committee specifically imposed a condition (no. 11) regarding the protection of an existing oak tree at the site:

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

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

A subsequent planning permission (19/10258) was granted for a bungalow and garage. The condition regarding the oak tree was attached to the new planning permission as condition 10.

The applicant now wishes to remove the oak tree and plant a replacement tree closer to the rear boundary. Therefore, this current application seeks to vary condition 10 relating to the oak tree. It is also necessary to vary conditions 2 and 4 of planning permission 19/10258 both of which refer to plans that include the oak tree. All other matters relating to the scheme remain unchanged and therefore the report does not consider these matters.

Relevant Considerations

1) Impact of the removal of the existing oak tree

The oak tree in question is not protected and is not considered to be of sufficient amenity value to justify the serving of a Tree Preservation Order. It was lopped prior to any planning application being submitted for new residential development on this site.

The Tree Officer has been consulted on the current application and has advised that these works have had a detrimental impact on the health and amenity of the tree and for this reason it cannot be considered a constraint to development. The removal and replacement of this tree is considered the most reasonable option. Given the small size of the new garden it is recommended that a small tree species is planted. This will avoid any replacement tree dominating the garden area of the new bungalow or those of neighbouring dwellings. This can be secured by planning condition.

2) Ecological Matters: The Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations')

Whilst the removal of the tree will have some impact on the ecological system within the area it is not considered that its removal is harmful and replacement planting will ensure that the impact is mitigated.

As a procedural matter in this instance, there is a requirement to amend the existing s106 agreement to secure the recreational mitigation that is secured previously in relation to the extant planning permission. Legal Services have been requested to prepare a deed of variation to the existing s106 agreement prior to the determination of the application.

As there are 2 extant planning permissions relating to new residential development at this site, it is considered that the current application would not result in any additional harm to the integrity of the New Forest and Solent Coast European sites, with regard to water quality and the requirements of The Conservation of Habitats and Species Regulations 2017. There is no requirement for an Appropriate Assessment to be undertaken and no objections are therefore raised in this respect

Other Case Specific Factors

A request has been made by the neighbour for a dilapidations survey to be carried out on their property in case the removal of the tree results in any damage. The condition regarding the oak tree was to ensure its retention and prevent damage to it during construction work. The tree could otherwise have been removed by the owner at any time as other trees have been. It is not considered that a requirement for a dilapidations survey to be undertaken would

meet the tests for a planning condition. Any damage which may occur to the neighbours' property would be a civil matter.

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) £1224 in each of the following four years, subject to the following conditions being met:

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

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

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.

CIL Summary Table

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

Dwelling houses	86.13		86.13	86.13	£80/sqm	£8,427.49 *
Dwelling houses	18		18	18	£80/sqm	£1,761.23 *

Subtotal:	£10,188.72
Relief:	£0.00
Total Payable:	£10,188.72

* 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 2020 this value is 1.28 (rounded)

14. RECOMMENDATION

Delegated authority to Chief Planning Officer to be **AUTHORISED TO GRANT PERMISSION** subject to:

- i. completion of a deed of variation to the s106 Obligation;
- ii. the imposition of the conditions set out below:

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans:

Site Block & Location Plans 9105/300
 Revised landscaping plan by Sarah Abbott Gardens Revision 2
 Planting schedule by Sarah Abbott Gardens Revision 1
 Arboricultural Impact Assessment & Arboricultural Method Statement by Gwydions Tree Consultancy ref GH1914.4 dated 25/09/2019

Reason: To ensure satisfactory provision of the development.

3. The development shall only be implemented in accordance with the approved facing and roofing details: Ibstock Rutland Red Brick; Terreal rustique plain tile new forest mix; white upvc windows; Amber pre-cast stone cills in bath stone colour; Weber render in chalk white.

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

4. The scheme shall be implemented in accordance with the details set out in the Arboricultural Impact Assessment & Arboricultural Method Statement ref:GH1914.4 dated 25/09/2019 including the erection of protective fencing which shall be erected prior to any other site operation and at least 24 hours' notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.

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

5. Before first occupation of the dwelling, details of the proposed cycle storage / parking facilities shall be submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until the approved cycle parking areas have been provided, and these cycle parking areas shall be permanently retained thereafter.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B, C or outbuilding otherwise approved by Class E of Part 1 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, 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).

7. The development hereby permitted shall not be occupied until the spaces and garage shown on the approved plans for the parking of motor vehicles have been provided. These spaces shall thereafter be retained and kept available for their intended purposes at all times.

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

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be 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 development shall be implemented in accordance with the slab levels shown on plan 9105/100C. 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).

10. The development shall be implemented in accordance with the revised landscape scheme Revision 2 by Sarah Abbott Gardens and the associated planting schedule Rev 1 by Sarah Abbott Gardens.

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).

Further Information:

Jo Chambers

Telephone: 023 8028 5345 (Option1)



New Forest
DISTRICT COUNCIL

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PLANNING COMMITTEE

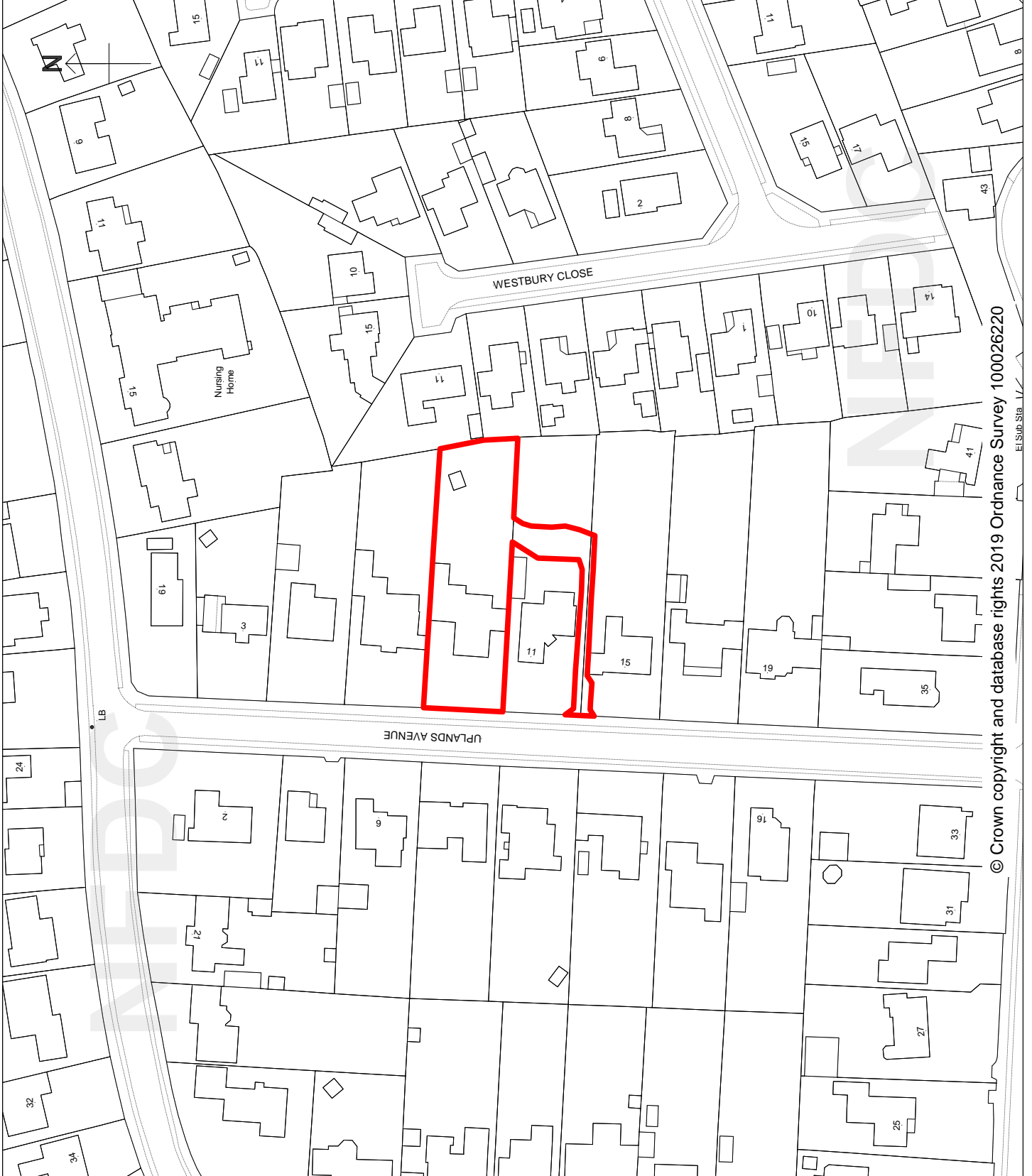
January 2020

Item No:

Land rear of 9 Uplands Avenue
Barton on Sea
New Milton BH25 7BJ
19/11288

Scale **1:1250**

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



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Application Number: 18/11595 Full Planning Permission

Site: AVON FARM, RINGWOOD ROAD, AVON, SOPLEY BH23 7BQ

Development: Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building. External alterations to replace existing windows and doors.

Applicant: Messrs Bath

Target Date: 25/01/2019

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

1 SUMMARY OF THE MAIN ISSUES

- 1.1 The following matters are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.
- 1) The principle of the development,
 - 2) Whether the proposed development would constitute appropriate development in the Green Belt;
 - 3) The effect of the proposal on the openness of the Green Belt;
 - 4) The effect of the proposal on the rural character and appearance of the area;
 - 5) The effect on the significance of the Listed Buildings and their setting;
 - 6) The effect on the living conditions of the adjoining neighbouring properties,
 - 7) The effect on public highway safety,
 - 8) Ecological matters
- 1.2 This matter is before Committee for a policy reason, because the principle of residential development in the countryside is not being objected to as part of the recommendation for approval contrary to Local Plan Part 2 Policy DM20.
- 1.3 A separate Listed Building Consent Application has been submitted for the internal and external works, under reference 18/11596 at Item 3f of this Agenda.

2 THE SITE

- 2.1 The application site relates to an attractive group of outbuildings at Avon Farm, and occupies a prominent location situated along the main road between Sopley and Ringwood. This complex of buildings including Avon Farmhouse are arranged around a rectangular courtyard sitting alongside the main road. The buildings are individually and curtilage Grade 2 listed buildings and comprise the principle farmhouse, which is divided into two elements, one of which is being rented out as a dwelling known as 'Dairy

House'. The outbuildings are currently in ancillary use to the farmhouse, including workshop, domestic storage and office use. A large garden area serving the farmhouse lies to the west, with the River Avon just beyond. Historically the buildings were used for agricultural activities, but the farming use ceased many years ago. There are two accesses into the site from main road, and car parking is currently provided within the existing courtyard.

- 2.2 The site lies within a rural context. A terrace of 5 cottages lie to the north of the site and there are some scattered dwellings in the locality. Directly opposite the site are agricultural buildings and fields currently. The site lies within the countryside and designated Green Belt. To the west of the application site, within 200m, is the Avon Special Protection Area and Ramsar, and the River Avon SAC. The application is also within 200m of the River Avon System (Bickton to Christchurch) SSSI.

3 THE PROPOSED DEVELOPMENT

- 3.1 This planning application proposes to convert the existing outbuilding known as 'West Range' into 1 separate dwelling and the outbuilding known as 'The Stables' to be converted into an 'annex' which will be used in association with the function of Avon farmhouse. The 'West Range' building is currently used as a workshop and office ancillary to the main farmhouse.
- 3.2 The outbuildings which are not proposed to be converted into dwellings would continue to be used for incidental purposes in association with the existing and proposed dwellings. A new brick wall and post and rail fence is proposed between the main farmhouse and the building known as 'West Range'. Car parking to serve the proposed development would be provided within the existing courtyard. The proposal would entail re-using the existing window and door openings within the outbuildings. Very few new openings and doors would be created. The proposal would entail internal alterations including removal of part of the existing internal fabric and the installation of new partitions, floors and insulation.
- 3.3 In support of the application, the Design and Access Statement states that the buildings are deteriorating and considerable investment is needed to be able to continue to preserve them and the scale and number of buildings is disproportionate to serve the existing dwellings on the site. As such, the supporting statement claims that there is limited incentive to invest in significant maintenance and the conversion of these buildings will enhance their value providing the opportunity for investment securing their long term future. The application is accompanied by a Heritage Assessment.

4 PLANNING HISTORY

None of direct relevance

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Listed buildings
Countryside outside the New Forest
Green Belt
Part of site falls within Flood Zone 3

Adjacent to the Avon Valley Special Protection Area and Ramsar, and the River Avon SAC. The application site is within 200m of River Avon System (Bickton to Christchurch) SSSI.

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
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
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 commenced in December 2019 and will run until the end of January 2020. 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 12 The South West Hampshire Green Belt
Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

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.

Relevant Advice

National Planning Policy Framework 2019

Para 7 - Sustainable development

Para 79 - Rural housing

Paras 143 -147 Protecting Green Belt land

Paras 184-192 - Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council: Agree with the application, but would accept a delegated decision. All Council members agree with this application.

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:

No objection. The proposal would have no adverse impact on public highway safety.

9.2 Conservation Officer:

This is a large former agricultural complex of listed buildings and curtilage listed buildings. In general the complex is in good condition and the barns are still in a very good state of repair with some minor maintenance needs. The layout is rectangular creating a contained courtyard sitting alongside the main road. The courtyard plan is typical of the area and a well laid out and nicely preserved example of this type of farmstead.

At present the site is formed of a farmhouse which is divided into two elements with one element being rented out. The associated barns are currently in ancillary use to the main farmhouse as storage and outbuildings. The one barn on the 'West Range' has had some historic alterations forming an office and storage spaces. This building in particular is one where options for some change of use is supported.

The Heritage Assessment goes some way to address the wider assessment of the farm complex and the connection between the Farmhouse and its overall significance.

The level of harm now proposed has been reduced considerably from the initial scheme for 3 dwellings. The proposed internal and external alterations of the 'West Range' and 'The Stables' have now reached a point of acceptability, subject to detailed elements, which can be dealt with by condition.

The use of the 'West Range' to create an additional residential unit is not fully supported because this would entail the 'breaking up' of Heritage Assets into separate elements. In addition, the justification in relation to Optimum viable use has not been fully explored.

In order to balance off the heritage benefits against the concern raised, there is the potential inclusion of the small Cob building to include repair and renovation works. If the Cob building is included and the renovation works secured, this would weigh in favour of the proposed development.

9.3 Ecologist:

Given the location and characteristics of the site, there is high potential for protected species. Comments to be updated in relation to the submitted Ecological report.

9.4 Natural England

This application is within close proximity (200m) of the Avon Valley Special Protection Area and Ramsar, and the River Avon SAC. The application is within 200m of River Avon System (Bickton to Christchurch) SSSI. Comments to be updated in relation to the submitted Ecological report.

9.5 Building Control

The coach house and the Stable building layout has created inner room situation will require suitably sized means of escape windows. A contaminated land survey will be required due to the previous use of the building. A satisfactory specification will be required to demonstrate the building complies with the minimum standards of the Building Regulations which will include damp prevention, adequate ventilation, drainage arrangements and thermal insulation upgrades.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

11.1 There are eight main issues in this case which include:

The principle of development

- 11.2 A main objective of the National Planning Policy Framework is achieving sustainable development and the delivery of new houses. Paragraph 79 of the National Planning Policy Framework sets out criteria where residential development in rural areas might be found acceptable. These include the re-use of a redundant or disused building where it would lead to an enhancement of the immediate setting, or the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. In this case, the proposal would re-use a disused building, but this would only lead to a neutral impact of its setting. The key issue is whether the proposal would represent the optimal viable use or would be appropriate to enabling development to help secure the long term use of the heritage asset. This is assessed in detail under Paragraph 11.14.
- 11.3 Central government provides a general steer towards delivering new residential development through the re-use of existing buildings. This is highlighted in government legislation as set out in the Town and Country Planning (General Permitted Development) Order, which permits the change of use of a building from agricultural, shops, industrial, offices, to residential use without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission as the building is listed and are currently used as ancillary uses to the main dwelling, however, this does highlight the government's steer to permit change of uses and re-use of existing buildings to dwellings.
- 11.4 In comparison, local plan policies have a much greater restraint for new dwellings in the countryside. Indeed Local Plan policy focuses mainly on delivering new houses within existing settlements and built up areas.
- 11.5 In particular, Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or agricultural worker's dwellings. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area.
- 11.6 In assessing the proposal against this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposal for new dwellings in the countryside does not accord with the policy criteria. While there is nothing in the policy which specifically relates to the conversion of existing buildings into new separate residential uses, it is clear that the proposal for new residential development in the countryside is only permitted if it is a replacement dwelling, or for affordable housing or an agricultural worker.
- 11.7 A further consideration is, 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.

- 11.8 In summary, given the strong emphasis of government policy to encourage new housing through the conversion of existing buildings and the general need for new housing, this weighs in favour of the proposal.

2).Whether the proposed development would constitute appropriate development in the Green Belt

- 11.9 Guidance in relation to development within the Green Belt is contained within Chapter 19 of the NPPF, the advice within which is broadly echoed within Policy CS10 of the Core Strategy and Policy 12 of the emerging local plan. The NPPF and Policies CS10 of the Core Strategy and Policy 12 of the emerging plan attach great importance to Green Belts and advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 11.10 The site lies within the Green Belt where national policy states the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.
- 11.11 As set out under Paragraph 145 of the NPPF, the construction of new buildings is considered to be inappropriate development. In this case, other than the brick wall to be constructed within the existing rear garden area, the proposal only entails the conversion of existing buildings.
- 11.12 Paragraph 146 of the NPPF states that 'other' forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it'. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposal is to re-use the existing building fabric and no new structures or buildings would be constructed.
- 11.13 Accordingly, it is considered that the proposal would be appropriate development in the Green Belt and would not result in any material impact on the openness of the Green Belt.

3).Effect on the significance of the listed buildings and their setting

- 11.14 Section 66(1) of the Listed Buildings and Conservation Areas applies. It requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.15 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.
- 11.16 Paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. 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.

- 11.17 The application is accompanied by a Heritage Statement. Avon Farmhouse and its barn are separately listed and included within the list description are the attached buildings to the barn. Accordingly, all buildings within the courtyard are Grade 2 listed and are all designated heritage assets. The significance of the buildings derive from their architectural and historic interest.
- 11.18 Historically, Avon Farm forms part of a collection of farms in the area associated with former arable (corn) and cattle rearing, dating back to the 17th Century. Avon Farm is of a regular courtyard plan with linked buildings ranged around a yard. These farmsteads generally represent the application of modern farming methods of the late 18th and early 19th Centuries with regard to management of farm methods and processes.
- 11.19 At present, the site is under one ownership, and is formed of a farmhouse which is divided into two elements with one element being rented out. The associated outbuildings are currently in ancillary use to the main farmhouse as storage, home office and workshops. The farmhouse and outbuildings are a set of attractive and well proportioned farm buildings constructed of locally used red/orange brick with clay tiled roofs, similar to other local farmsteads at Court Farm and London Farm. In general, the complex of buildings is in good condition. The main structures, roofs, walling, openings, arrangement, courtyard siting and some internal features all survive with little alteration or adaptation.
- 11.20 The applicant considers that the proposal to convert the two buildings would accord with Paragraph 192 of the NPPF which seeks the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. In particular, it is stated that there have been several unsympathetic alterations to the 'West Range' building including modern ceilings, first floors and staircases and the proposal would re-introduce the historic features.
- 11.21 The proposed conversion of the 'West Range' would be all contained at ground floor and would result in the removal of stud walls, first floor, staircase, and ceilings. As such, the conversion would reveal the historic features of this former agricultural barn internally, by opening up the full height space to expose the roof. In addition, the proposal would not create any new openings externally. It is considered that this would be a significant benefit.
- 11.22 The conversion to 'The Stables' building would all be contained on the ground floor and it is considered that the internal and external works would be at the lower level of harm. Indeed, the proposal would result in low key changes and their function as ancillary accommodation can be tied to the main dwelling. Overall, it is considered that the proposal has demonstrated how both buildings can be serviced with indiscernible changes to the internal and external appearance. This view is agreed by the Conservation Officer.

- 11.23 It should be noted that the existing group of buildings are not in need of urgent repair, although there is small cob building which is a Building at Risk currently sited within the garden of the farmhouse. Although it is considered that the best use for a historic building is its original use, which in this case is ancillary accommodation to the main farm house, the proposed conversion works to the 'West Range' which include the removal of the unsympathetic ceiling and floors and would be an improvement to this Heritage Asset.
- 11.24 The Conservation Officer preference would be to retain the buildings for ancillary accommodation and takes the view that the creation of a new dwelling on the site, would result in the 'breaking up' of Heritage Assets. In particular, the Conservation Officer considers that Avon Farmhouse and its outbuildings, form a coherent historic group and as such, the subdivision of the outbuilding would erode the existing group setting of a farmhouse and its ancillary buildings.
- 11.25 In order to balance off heritage assets against this issue, the Conservation officer has suggested that the proposal could secure the repair and renovation of the Cob building, which is the Building at Risk within the existing garden of the farmhouse. This would essentially be 'enabling development' and would accord with the criteria set out under Paragraph 79 of the NPPF, which states that 'new dwellings in the countryside should be avoided, unless it would be appropriate enabling development to secure the future of heritage assets. It is considered that this would provide an overriding benefit.
- 11.26 In response, the applicant has considered alternative uses for the 'West Range' and 'The Stables' taking advice from land and building surveyors. It has been concluded that office use would require significant investment and the repayment period would be extensive. Equally, the conversion of the 'West Range' to a holiday let would be similar to that of a dwelling, but the repayment periods would also be extensive.
- 11.27 Accordingly, all the proposed alternative uses do not release profit within a reasonable time after expenditure of costs. Whereas, a dwelling would have greater certainty on capital or sale to enable the applicant to spend on the repair and renovation works to the Cob building. On this basis, the applicant is prepared to offer a pre commencement planning condition that states that prior to the construction of the work on the 'West Range' building, a schedule of works to be agreed for the repair of the Cob building with implementation and completion prior to commencement of works on the 'West Range'.
- 11.27 In summary, the impact on heritage assets is very balanced, as there are some benefits and a degree of harm. The balancing exercise, as set out in both local plan policy and the NPPF, together with the statutory test will be applied at the end of the assessment under the Planning Balance and Conclusion section.

4).The effect on the character and appearance of the area

- 11.28 In assessing the effect on the character of the area, given that the proposed changes entail the conversion of existing buildings and re-using existing doors and windows, there would be minimal impact on the rural context. Indeed, most changes proposed to the buildings would be facing into the existing courtyard, rather than the elevation facing the public domain. The proposed wall would be sited to the rear of the building. Moreover, the existing gravel courtyard would be retained for car parking

and existing buildings provide space for additional bikes, garden machinery and any other storage. Accordingly, the proposal would result in minimal impact or harm on the rural character of the area.

5).Residential amenity matters

- 11.29 In assessing the effect on the living conditions of the adjoining neighbouring properties, there are currently two existing residential properties at Avon Farm. It is considered that the proposal to create a single dwelling within one of the barns would not result in an unacceptable increase in noise and disturbance to these neighbouring properties. In addition, each dwelling would benefit with large garden areas which back onto the River Avon.
- 11.30 It is also considered that the proposed additional dwelling and alterations to create additional residential accommodation would have minimal impact on the living conditions of the adjoining 5 cottages to the north of the site. This is because the site is located a considerable distance away from these neighbouring properties and the extent of external changes to the buildings would be minimal.

6).Public Highway Safety Matters

- 11.31 Access into the site would be gained from the existing accesses onto Ringwood Road. The main issue is whether the increase in the use of the existing accesses onto Ringwood Road is acceptable and ensuring that car parking, turning and access is acceptably achieved.
- 11.32 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.
- 11.33 Ringwood Road has a 30MPH speed restriction and the Highway Authority considers that the accesses width, alignment and visibility would be acceptable and the increase in the use of the accesses would not prejudice public highway safety.
- 11.34 Based upon the Councils adopted car parking standards, the level of car parking spaces would equate to 3. The existing courtyard provides sufficient space for both existing and proposed dwellings and would therefore accord with the car parking standards.
- 11.35 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.

7).Ecological matters

- 11.36 Concerning ecology matters and nature conservation, the application is within close proximity (200 metres) of the Avon Valley Special Protection Area and Ramsar and the River Avon SAC. The application is within 200 metres of River Avon SSSI. Natural England.
- 11.37 The application is accompanied by an Ecological Report, which concludes that 'West Range' building is a bat roost. In addition, bats were observed in the vicinity of the two buildings and within the garden adjacent to the River Avon. The report states that no work can be carried out to the 'West Range' between October to April due to the presence of bats. A Method

Statement will need to be followed and continued provision for bats will be required by putting bat access tiles into the roof of 'West Range'. In summary, work to 'West Range' can be carried out as the proposed works will not cause any deterioration or destruction of a bat resting place. A European Protected Species Licence from Natural England is not required. Enhancement measures will include bat boxes into existing trees and the provision of 4 bat tiles within the roof.

11.38 The comments of the Ecologist and Natural England will be updated when available.

11.39 Off-site recreational impact

Policy 10 now applies and replaces 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.

11.39 Phosphate 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 planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

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

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 In conclusion, it is considered that special regard has been be paid to the desirability of preserving the setting of the Listed Building as set out in 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 significance and setting of the Heritage assets. It is noted that the degree of harm 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 provide an additional dwelling, although a very modest contribution. The proposal would secure the long term use of the buildings and would result in improvements to the 'West Range' through the removal of existing unsympathetic features. The proposal would have limited impact on the character of the area, neighbouring properties or public highway safety.
- 12.4 The negative impact would be the 'breaking up' of the existing Heritage Asset removing its significance which is derived from a farmhouse and its ancillary outbuildings. This weighs against the proposal. Moreover, the proposal would result in a new dwelling in the countryside which is not supported by local plan policy, albeit the degree of harm on the rural character of the area is minimal.
- 12.5 In balancing out the issues, it is considered that the inclusion of the repair and renovation works to the small Cob outbuilding provides an considerable heritage benefit, which outweighs the less than substantial harm to the significance of the Heritage Assets and therefore a policy exception can be made in this case. Accordingly, permission is recommended.

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 £0.

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: Location Plan, Block plan, 2016-28-19 Rev B, 2016-28-18 Rev C, 2016-28-14 Rev A, 2016-28-21 Rev B, 2016-28-22 Rev B, 2016-28-13, 2016-28-21 Rev A.

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

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

- 5. The building hereby approved identified as 'The Stables' shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of Avon Farm House 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 and significance of the Heritage Assets.

- 6. Prior to the construction works on the 'West Range' building hereby approved, a schedule of works to repair and renovate the Cob building shall be submitted to and approved in writing to the Local Planning Authority. The approved repair and renovation works to the Cob building shall be completed and implemented in full, prior to the commencement of works to the West Range building.

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).

7. Prior to the commencement of development, and in accordance with the Ecology Report dated 2nd July 2019, further details of a method statement in relation to the proposed conversion works, biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. These shall include measures as outlined in the Ecology Report Dated 2nd July 2019. 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: The impacts of the proposed development must be mitigated before any development is carried out in order 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).

Further Information:

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DISTRICT COUNCIL

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PLANNING COMMITTEE

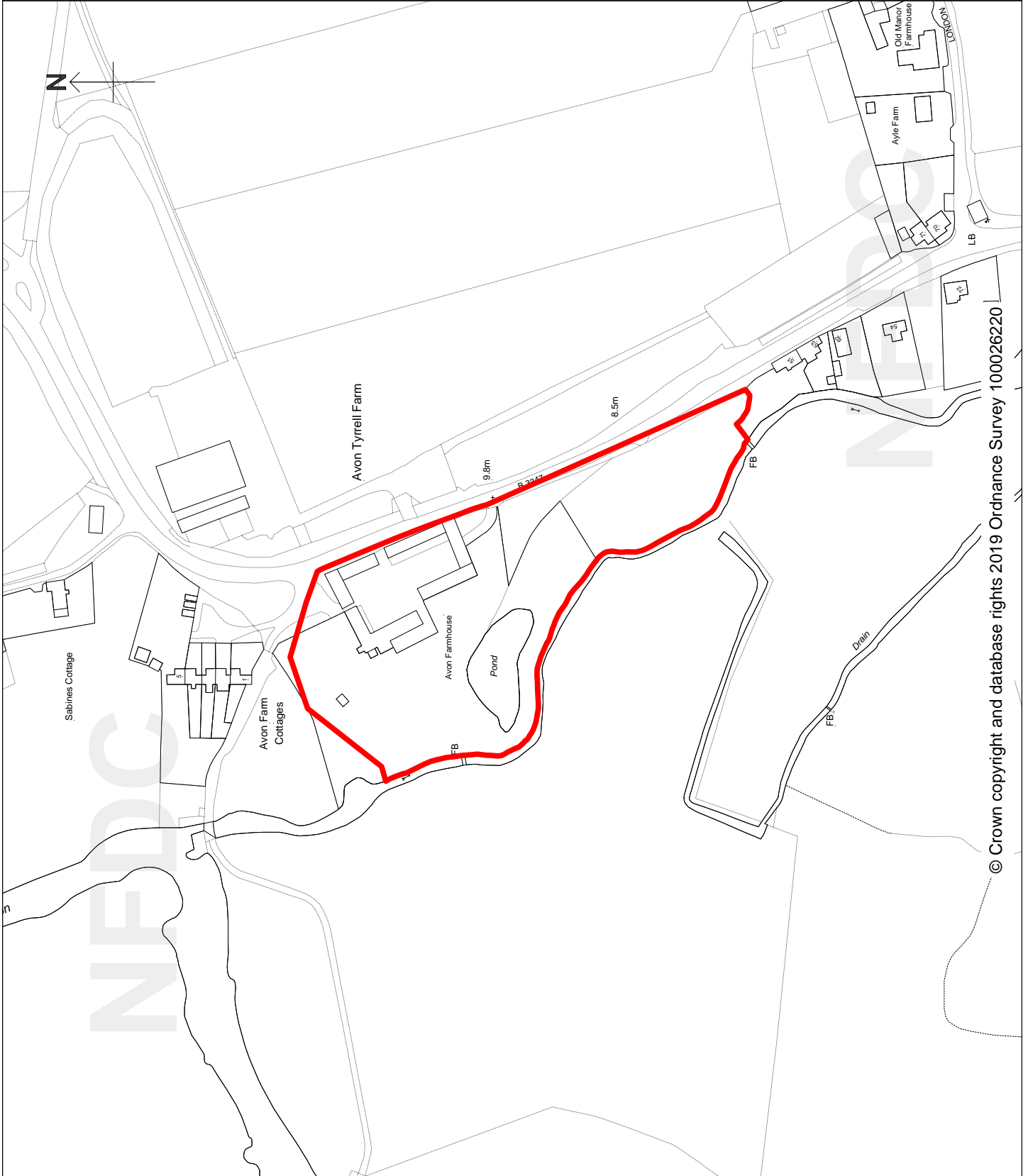
January 2020

Item No:

Avon Farm, Ringwood Road
Avon, Sopley
BH23 7BQ
18/11595

Scale 1:2500

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



Application Number: 18/11596 Listed Building Alteration

Site: AVON FARM, RINGWOOD ROAD, AVON, SOPLEY BH23 7BQ
Development: Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building; Internal alterations; External alterations to replace existing windows and doors (Application for Listed Building Consent)

Applicant: Messrs Bath

Target Date: 25/01/2019

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

1 SUMMARY OF THE MAIN ISSUES

- 1.1 The following matters are the main issues to be considered 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) Effect of the proposed works on the special architectural and historic interest of the Listed Buildings and the impact on their significance and setting
- 1.2 A separate Planning Application has been submitted for the proposed conversion of the 'West Range' building to a single dwelling and the 'Stables' building into ancillary accommodation to Avon Farmhouse, under reference 18/11595 at Item 3e on this Agenda.

2 THE SITE

- 2.1 The application site relates to an attractive group of outbuildings at Avon Farm, and occupies a prominent location situated along the main road between Sopley and Ringwood. This complex of buildings including Avon Farmhouse are arranged around a rectangular courtyard sitting alongside the main road. The buildings are individually and curtilage Grade 2 listed buildings and comprise the principle farmhouse, which is divided into two elements, one of which is being rented out as a dwelling known as 'Dairy House'. The outbuildings are currently in ancillary use to the farmhouse, including workshop, domestic storage and office use. A large garden area serving the farmhouse lies to the west, with the River Avon just beyond. Historically the buildings were used for agricultural activities, but the farming use ceased many years ago. There are two accesses into the site from main road, and car parking is currently provided within the existing courtyard.
- 2.2 The site lies within a rural context. A terrace of 5 cottages lie to the north of the site and there are some scattered dwellings in the locality. Directly opposite the site are agricultural buildings and fields currently. The site lies within the countryside and designated Green Belt. To the

west of the application site, within 200m, is the Avon Special Protection Area and Ramsar, and the River Avon SAC. The application is also within 200m of the River Avon System (Bickton to Christchurch) SSSI.

3 THE PROPOSED DEVELOPMENT

- 3.1 This Listed Building application proposes to convert the existing outbuilding known as 'West Range' into 1 separate dwelling and the outbuilding known as 'The Stables' into an 'annex' which will be used in association with the function of Avon farmhouse. The 'West Range' building is currently used as a workshop and office ancillary to the main farmhouse. The proposal entails internal and external alterations.
- 3.2 The outbuildings which are not proposed to be converted into dwellings would continue to be used for incidental purposes in association with the existing and proposed dwellings. A new brick wall and post and rail fence is proposed between the main farmhouse and the building known as 'West Range'. Car parking to serve the proposed development would be provided within the existing courtyard. The proposal would entail re-using the existing window and door openings within the outbuildings. Very few new openings and doors would be created. This also includes replacement roof light, extracts for kitchen and bathroom. The proposal would entail internal alterations including removal of part of the existing internal fabric, the installation of new partitions, floors and insulation.
- 3.3 In support of the application, the Design and Access Statement states that the buildings are deteriorating, and considerable investment is needed to be able to continue to preserve them and the scale and number of buildings is disproportionate to serve the existing dwellings on the site. As such, the supporting statement claims that there is limited incentive to invest in significant maintenance and the conversion of these buildings will enhance their value providing the opportunity for investment securing their long-term future. The application is accompanied by a Heritage Assessment.

4 PLANNING HISTORY

None of direct relevance

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

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

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 commence in December 2019 and will run until the end of January 2020. It is therefore a material consideration which can be given weight in decision-making.

Policy 11 (Saved DM1) Heritage and Conservation

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

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.

Relevant Advice

National Planning Policy Framework 2019

Para 7 - Sustainable development

Para 79 - Rural housing

Paras 143 -147 Protecting Green Belt land

Paras 184-192 - Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council: Agree with the application but would accept a delegated decision. All Council members agree with this application.

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 Conservation Officer:

This is a large former agricultural complex of listed buildings and curtilage listed buildings. In general, the complex is in good condition and the barns are still in a very good state of repair with some minor maintenance needs. The layout is rectangular creating a contained courtyard sitting alongside the main road. The courtyard plan is typical of the area and a well laid out and nicely preserved example of this type of farmstead.

At present the site is formed of a farmhouse which is divided into two elements with one element being rented out. The associated barns are currently in ancillary use to the main farmhouse as storage and outbuildings. The one barn on the west range has had some historic alterations forming an office and storage spaces. This building in particular is one where options for some change of use is supported.

The Heritage Assessment goes some way to address the wider assessment of the farm complex and the connection between the Farmhouse and its overall significance.

The level of harm now proposed has been reduced considerably from the initial scheme for 3 dwellings. The proposed internal and external alterations of the West Range and The Stables have now reached a point of acceptability, subject to detailed elements, which can be dealt with by condition.

The use of the West Range to create an additional residential unit is not fully supported because this would entail the 'breaking up' of Heritage Assets into separate elements. In addition, the justification in relation to optimum viable use has not been fully explored.

In order to balance off the heritage benefits against the concern raised, there is the potential inclusion of the small Cob building to include repair and renovation works. If the Cob building is included and the renovation works secured, this would weigh in favour of the proposed development.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

11.1 There is one main issue in this case, the effect of the proposed works on the special architectural, historic interest, on its significance and setting.

Effect of the proposed works on the special architectural and historic interest of the Listed Buildings and the impact on their significance and setting

11.2 Section 66(1) of the Listed Buildings and Conservation Areas applies. It requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 11.3 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2019.
- 11.4 Paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. 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 asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.
- 11.5 The application is accompanied by a Heritage Statement. Avon Farmhouse and its barn are separately listed and included within the list description are the attached buildings to the barn. Accordingly, all buildings within the courtyard are Grade 2 listed and are all designated heritage assets. The significance of the buildings derive from their architectural and historic interest.
- 11.6 Historically, Avon Farm forms part of a collection of farms in the area associated with former arable (corn) and cattle rearing, dating back to the 17th Century. Avon Farm is of a regular courtyard plan with linked buildings ranged around a yard. These farmsteads generally represent the application of modern farming methods of the late 18th and early 19th Centuries with regard to management of farm methods and processes.
- 11.7 At present, the site is under one ownership, and is formed of a farmhouse which is divided into two elements with one element being rented out. The associated outbuildings are currently in ancillary use to the main farmhouse as storage, home office and workshops. The farmhouse and outbuildings are a set of attractive and well-proportioned farm buildings constructed of locally used red/orange brick with clay tiled roofs, similar to other local farmsteads at Court Farm and London Farm. In general, the complex of buildings is in good condition. The main structures, roofs, walling, openings, arrangement, courtyard siting and some internal features all survive with little alteration or adaptation.
- 11.8 The applicant considers that the proposal to convert the two buildings would accord with Paragraph 192 of the NPPF which seeks the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. In particular, it is stated that there have been several unsympathetic alterations to the 'West Range' building including modern ceilings, first floors and staircases and the proposal would re-introduce the historic features.

- 11.9 The proposed conversion of the 'West Range' would be all contained at ground floor and would result in the removal of stud walls, first floor, staircase, ceilings. As such, the conversion would reveal the historic features of this former agricultural barn internally, by opening the full height space to expose the roof. In addition, the proposal would not create any new openings externally. It is considered that this would be a significant benefit.
- 11.10 The conversion to the 'Stables' building would all be contained on the ground floor and it is considered that the internal and external works would be at the lower level of harm. Indeed, the proposal would result in low key changes and function as ancillary accommodation can be tied to the main dwelling. Overall, it is considered that the proposal has demonstrated how both buildings can be serviced with indiscernible changes to the internal and external appearance. This view is agreed by the Conservation Officer.
- 11.11 It should be noted that the existing group of buildings including the farmhouse are not in need of urgent repair, although there is small cob building which is a Building at Risk sited within the garden of the farmhouse. Although it is considered that the best use for a historic building is its original use, which in this case is ancillary accommodation to the main farm house, as stated above, the proposed conversion works to the 'West Range' which include the removal of the unsympathetic ceiling and floors would be an improvement to this Heritage Asset.
- 11.12 The Conservation Officer takes the view that the creation of a new dwelling on the site, would result in the 'breaking up' of Heritage Assets. In particular, the Conservation Officer considers that Avon Farmhouse and its outbuildings, form a coherent historic group and as such, the subdivision of the outbuilding would erode the existing group setting of a farmhouse and its ancillary buildings.
- 11.13 In order to balance off heritage assets against this issue, the Conservation officer has suggested that the proposal could secure the repair and renovation to the Cob building, which is the Building at Risk within the existing garden of the farmhouse. This would essentially be 'enabling development' and would accord with the criteria set out under Paragraph 79 of the NPPF, which states that 'new dwellings in the countryside should be avoided, unless it would be appropriate enabling development to secure the future of heritage assets. It is considered that this would provide an overriding benefit.
- 11.14 In response, the applicant has considered alternative uses for the 'West Range' and the 'Stables' taking advice from land and building surveyors. It has been concluded that office use would require significant investment and the repayment period would be extensive. Equally, the conversion of the 'West Range' to a holiday let would be similar to that of a dwelling, but the repayment periods would also be extensive.
- 11.15 Accordingly, all the proposed alternative uses do not release profit within a reasonable time after expenditure of costs. Whereas, a dwelling would have greater certainty on capital or sale to enable the applicant to spend on the repair and renovation works to the Cob building. On this basis, the applicant is prepared to offer a pre-commencement planning condition that states that prior to the commencement of the work on the 'West Range' building, a schedule of works to be agreed for the repair of the

Cob building with implementation and completion prior to commencement of works on the West Range.

11.16 In summary, the impact on heritage assets is very balanced, as there are some benefits and a degree of harm. The balancing exercise, as set out in both local plan policy and the NPPF, together with the statutory test will be applied at the end of the assessment under the Planning Balance and Conclusion section.

12 CONCLUSION ON THE PLANNING BALANCE

12.1 In conclusion, it is considered that 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 significance and setting of the Heritage assets. It is noted that the degree of harm would be at the lower end of the scale of less than substantial harm.

12.3 In applying the balancing exercise, the proposal would secure the long term use of the buildings and would result in improvements to the 'West Range' through the removal of existing unsympathetic features.

12.4 The negative impact would be the 'breaking up' of the existing Heritage Asset removing its significance which is derived from a farmhouse and its ancillary outbuildings. This weighs against the proposal.

12.5 In balancing out the issues, and the inclusion of the repair and renovation works to the small Cob outbuilding, acceptable heritage benefit would be provided, which far outweigh the less than substantial harm to the significance of the Heritage Assets and therefore a policy exception can be made in this case. Accordingly, permission is recommended.

13 OTHER CONSIDERATIONS

Other matters

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:

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

14. RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

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

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) 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: Location Plan, Block plan, 2016-28-19 Rev B, 2016-28-18 Rev C, 2016-28-14 Rev A, 2016-28-21 Rev B, 2016-28-22 Rev B, 2016-28-13, 2016-28-21 Rev A.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.
 - a) typical joinery details including windows, stable and barn doors, eaves, verge, barge boards, guttering,
 - b) the details of typical roof lights shown in situ. All new roof lights shall be of a 'Conservation' type as shown on approved plans and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.
 - c) the details of the large glazed opening to the 'West Range' building.
 - d) the details of all kitchen, bathroom and utility room extractions, all external service pipe/runs
 - e) the details of all internal partitions
 - f) the details of the sewage treatment plant
 - g) the details of the finished ground floor
 - h) the details of the internal finishes, door blocking, partitions and insulation

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).

4. No works authorised by this consent shall take place until a programme of building recording and analysis has been undertaken and that programme shall accord with a Level 3 record (English Heritage 2006) and that record has been submitted to the Local Planning Authority for agreement in writing. The drawn component of the record should show individual components of the timber framing as well as studs and rafters. A written scheme for the recording shall be submitted to and approved in writing by the Local Planning Authority prior to the recording commencing.

Reason: To ensure that the listed buildings special significance is recorded prior to change of use and to reflect the requirements of NPPF.

5. Any repairs or re pointing of brick work shall be undertaken using bricks and lime mortar to match existing colour, texture, finish and bond of adjacent work and any replacement bricks shall be of matching size.

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. No external fixing (including flues, alarm boxes, satellite dishes, vents and extract equipment) other than those that have been approved shall be attached to the external walls and roof of the buildings hereby approved without the prior written consent of the Local Planning Authority.

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).

7. All existing useable tiles and facing bricks are to be reused, and any new tiles and bricks should match the existing colour, size and texture, unless otherwise been approved by the Local Planning Authority.

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).

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

- a) the details of boundary wall to include its materials, design, appearance and detailing

- b) the details of the post and rail fence
- c) a sample panel of brickwork showing the brick, bond, mortar and joint details for the boundary wall hereby approved shall be made available on site for the inspection and approval by the Local Planning Authority.

Development shall only take place in accordance with those details that 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).

Further Information:

Richard Natt

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PLANNING COMMITTEE

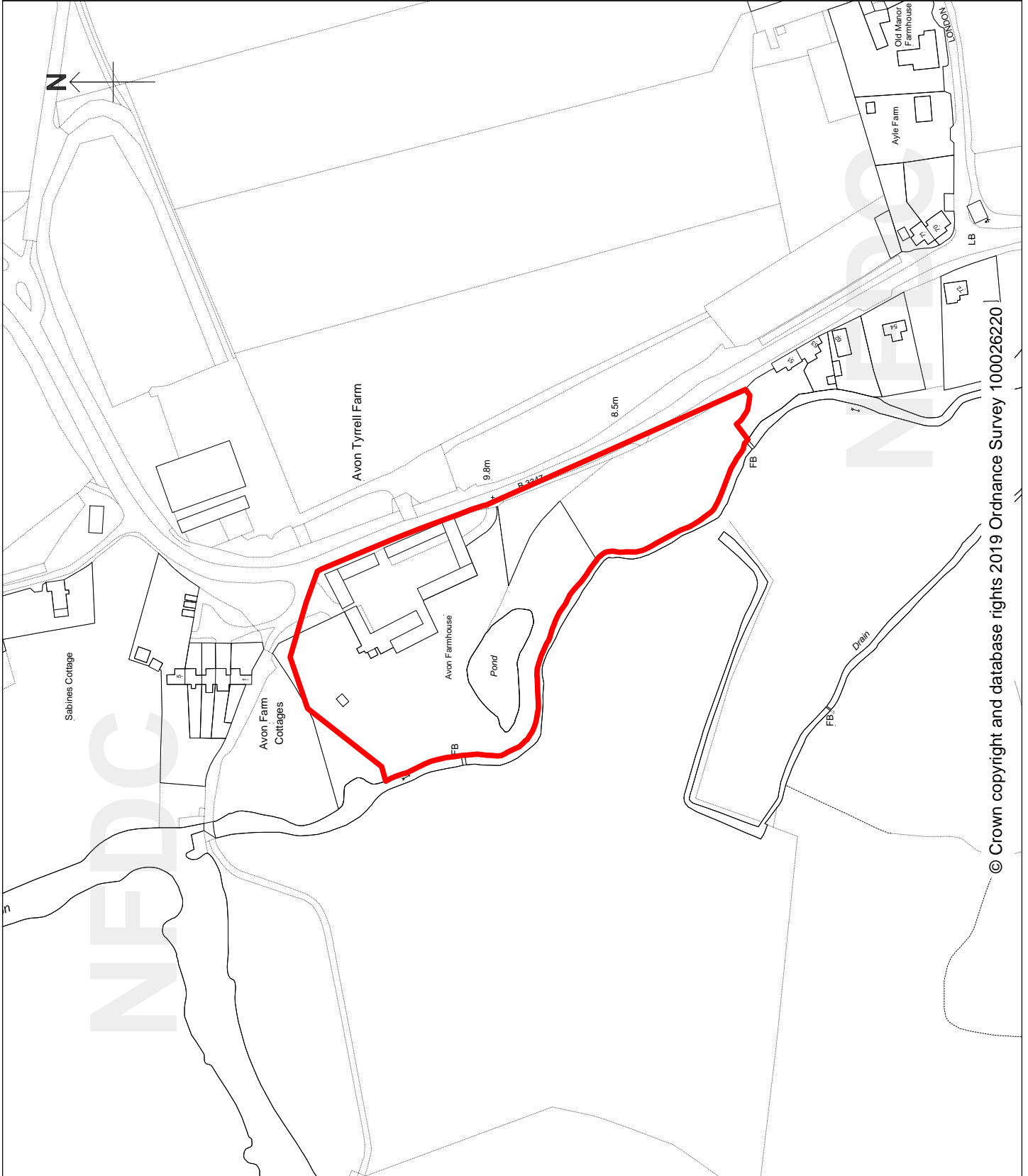
January 2020

Item No:

Avon Farm, Ringwood Road
Avon, Sopley
BH23 7BQ
18/11596

Scale 1:2500

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Application Number: 19/10990 Full Planning Permission

Site: CROSS COTTAGE, SALISBURY ROAD, BURGATE,
FORDINGBRIDGE SP6 1LX

Development: Car port with additional storage

Applicant: Mr Etherington

Target Date: 01/11/2019

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) The impact of the development on the character and appearance of the area
- 2) The effect of the proposal on the setting of the listed building and adjoining listed buildings
- 3) The impact of the development on neighbour amenity

This matter is being considered by Committee due to a contrary view expressed by the Parish Council

2 THE SITE

The application site falls within the countryside and the area covered by the Fordingbridge Village Design Statement. The property is a Grade II Listed detached thatched cottage which is situated close to the busy main through road, which is rural in character with fields opposite and farm buildings to the side (also a Listed Building) and rear.

3 THE PROPOSED DEVELOPMENT

Detached garage and log/tool store

4 PLANNING HISTORY

None relevant to this proposal

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

Policy 13: Design Quality and Local Distinctiveness

S03: Built Environment and Heritage

Supplementary Planning Guidance and Documents

SPD - Fordingbridge Town Design Statement

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

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

Fordingbridge Town Council

Recommend permission under PAR 3 as it is in keeping with the house.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

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

Environmental Health Contaminated Land, Appletree Court - no concerns

NFDC Conservation - objection- visually harmful

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

No comments received

11 OFFICER COMMENTS

Introduction

The main issues for consideration for this application are as follows:

1). The impact of the development on the character and appearance of the area

Cross Cottage appears on a historic map dated 1872 and has a possible association with Burgate Cross Farm, it could be likely that Cross Cottage could have been the earlier farmhouse for the farm. Viewed from the road, the cottage and the barn are the most visible aspects within the street scene, the cottage is currently screened by a hedge which is a soft boundary between the house and the farm and makes a positive contribution to the street scene. The relationship between the two buildings is important to the character of this small hamlet and therefore retaining the visual link without hindrance is important to the character of the area.

There is currently a leylandii hedge which provides a level of screening although these trees would assist in screening the proposed garage to a degree, views of the proposal would still be apparent from the road. Furthermore, the planting could not be guaranteed to remain in place and the imposition of a planning condition to retain and maintain the existing trees would not be reasonable.

2). The effect of the proposal on the setting of the listed building and adjoining listed buildings

The proposed garage would be situated in a highly visible position, the space between the cottage and the barn has a key role to play in creating the setting to the listed building and its historic context. The proposed development will interrupt the relationship of the cottage with the barn which is considered to be unacceptable.

The proposed garage will lead to less than substantial harm to the character of the designated heritage asset, the harm has been weighed against the public benefits of the proposal, as an alternative location has been suggested which is less harmful to the setting of the listed buildings and their visual importance, it would appear that in this case the public benefit does not outweigh the harm.

Amended plans were requested to move the proposed garage to the side of the cottage or to the rear and reduce the overall height in order to overcome initial concerns. Amended plans have been received and while the proposed plans have reduced the overall height, the footprint has been enlarged and the position remains the same. The amended plans have not overcome the initial concerns and therefore the application is recommended for refusal.

3). The impact on neighbour amenity

Due to the spatial characteristics of the site and the adjacent properties, the garage and log/tool store design, location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would cause no material detriment to the privacy, light and outlook available to the adjacent neighbours.

12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of consultees and interested 3rd parties. On this occasion, having taken all these matters into account, it is considered that there are significant issues raised which leads to a recommendation of refusal for the reasons set out above.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant implications

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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Equality

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

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

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its forward position, scale and form, the proposed garage would be an unduly prominent feature and intrusive form of development in the street scene which would erode the spatial characteristics of the site to the detriment of the character and appearance of the area. In addition, the proposals would adversely affect the relationship of this cottage with the neighbouring listed barn. While the level of harm would be less than substantial, it is considered that the scale of harm would not be outweighed by any public benefit. As such it would be contrary to Policy CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan Part 2: Sites and Development Management Plan and the Core Planning principles of Chapter 12 and 16 of the National Planning Policy Framework.

Further Information:

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PLANNING COMMITTEE

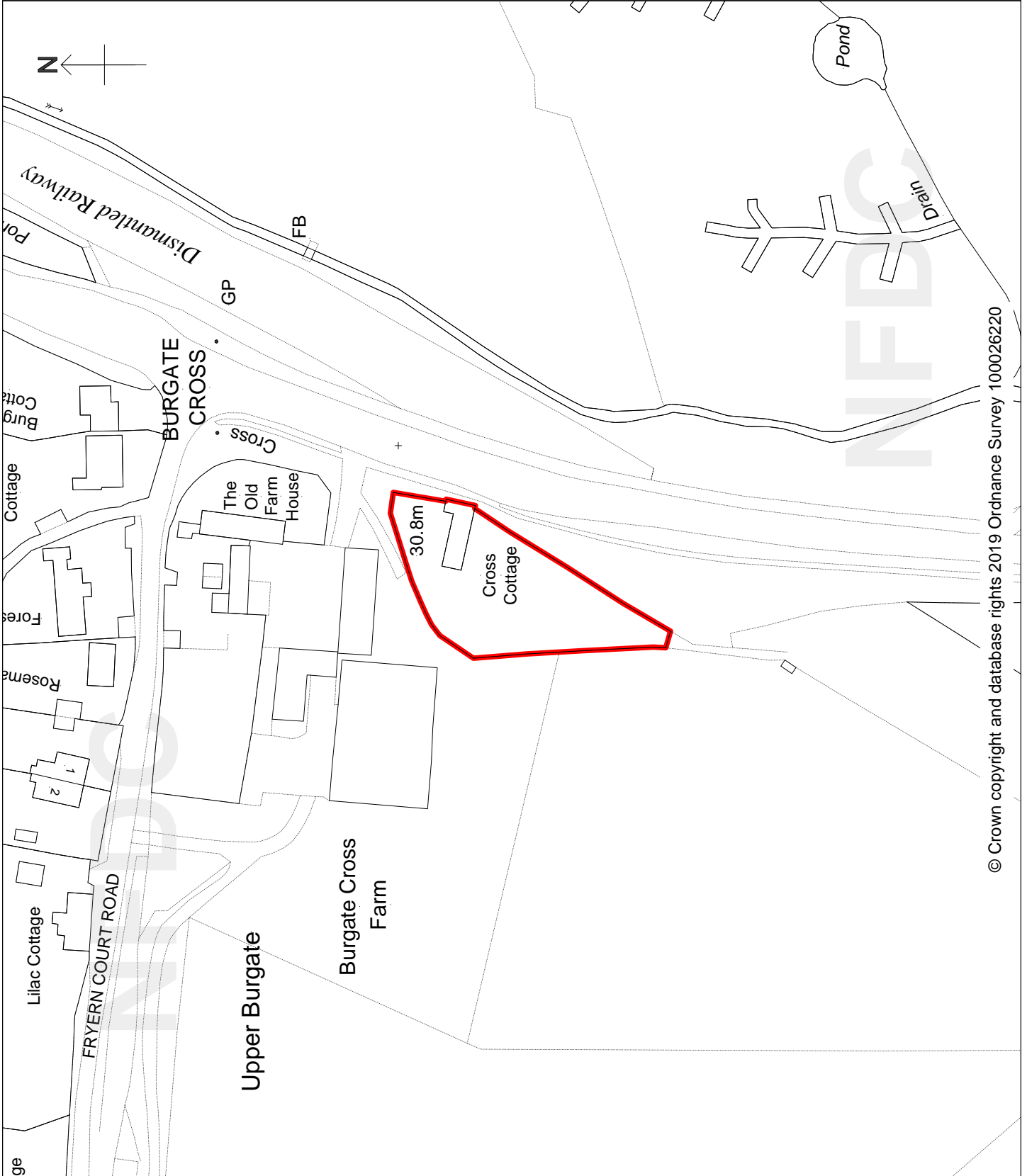
January 2020

Item No:

Cross Cottage, Salisbury Road
Burgate, Fordingbridge
SP6 1LX
19/10990

Scale 1:1250

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