

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 20 MAY 2020, AT 10.00 AM*

Place: SKYPE MEETING - ONLINE

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 Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk no later than 12.00 noon on Monday, 18 May 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

Claire Upton-Brown
Chief Planning Officer

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

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

AGENDA

Apologies

1. 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.

2. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Arrachar, Fox Pond Lane, Pennington, Lymington (Application 20/10081)
(Pages 7 - 12)**

Porch alternations; front log store; rear canopy; link outbuildings (part retrospective)

RECOMMENDED:

Grant subject to conditions.

- (b) **Hubert Lodge, 2 South Street, Hythe (Application 20/10139)
(Pages 13 - 20)**

1 x Site Safety Hoarding with text advertisement (Application for Advertisement Consent)

RECOMMENDED:

Grant Advertisement Consent

- (c) **Land of 31 Bartram Road, Eling, Totton (Application 20/10242)
(Pages 21 - 30)**

New dwelling with access onto Rose Road

RECOMMENDED:

Refuse

- (d) **Valley Cottage, Lymore Lane, Milford-on-Sea (Application 19/11538)
(Pages 31 - 40)**

Removal of conditions 2 & 3 of planning permission 03/78794 for occupation of tourist accommodation as an unrestricted dwelling house

RECOMMENDED:

Grant the variation of condition

Please note, that the planning applications listed above may be considered in a different order at the meeting.

3. DELEGATION OF POWERS TO OFFICERS

Members are requested to approve minor additions to two of the current delegations of powers to officers. The proposed amendments are in bold type:

PLG Auth1	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous	In respect of any function which is delegated to the Committee, to enter premises for the purposes of the Acts and any amending statutes or regulations made	Executive Head, or Chief Planning Officer, Service Manager, Development Control Team Leader, Principal Planning Officer, Senior Planning Officer, Planning Officers, Assistant
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<p>Substances) Act 1990 Planning and Compulsory Purchase Act 2004</p>	<p>pursuant to the Acts</p>	<p>Planning Officers, Planning Technicians, Building Control Manager, Senior Building Control Surveyor, Assistant Building Control Surveyors, District Building Control Surveyors, Planning Implementation and Enforcement Team Leader, Senior Enforcement Officer, Planning Enforcement Officer, Implementation Officer, Site Monitoring Officer, Planning Case Officer, Enforcement Case Officer, Principal Planning Policy Officer, Senior Planning Policy Officer, Planning Policy Officer, Senior Conservation and Building Design Officer, Conservation Officers, Landscape Architect, Urban Designer, Landscape and Open Space Project Officer, Solicitor, Committee Administrator, Environmental Design Team Leader, Senior Tree Officer, Tree Officer, Ecologist, Senior Environmental Design Officer, and Open Spaces Development Officer</p>
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<p>PLG Auth2</p>	<p>Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.12)</p>	<p>Authorisation to Enter Premises</p>	<p>Executive Head, or Chief Planning Officer, Service Manager, Committee Administrator, Solicitor, Landscape Architect, Landscape and Open Space Project Officer, Environmental Design Team Leader, Senior Tree Officer, Tree Officer, Ecologist, Senior Environmental Design Officer, and Open Spaces Development Officer</p>
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4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Please note that all planning applications give due consideration to the following 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.

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.

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To: Councillors:
Christine Ward (Chairman)
Christine Hopkins (Vice-
Chairman)
Ann Bellows
Sue Bennison
Hilary Brand
Rebecca Clark
Anne Corbridge
Kate Crisell
Arthur Davis
Jan Duke

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

Application Number: 20/10081 Full Planning Permission

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

Development: Porch alterations; front log store; rear canopy; link outbuildings
(part retrospective)

Applicant: Ms Ashworth

Agent: Draycott Chartered Surveyors

Target Date: 06/04/2020

Case Officer: Vivienne Baxter

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

- (1) principle of the development
- (2) impact on the character of the area
- (3) impact on the residential amenities of adjoining properties

This matter is being considered by Committee as an objection has been raised by the Town Council.

2 THE SITE

The sites lies within the built up area of Lymington in a residential area. Arrachar is a large, detached house with associated outbuildings with parking within the front curtilage.

3 THE PROPOSED DEVELOPMENT

The application proposes porch alterations, a front log store, a rear canopy, the linking of the approved outbuildings and the provision of a roof light to the larger outbuilding.

It is partly retrospective as the log store is partially in place and the outbuildings have been linked externally.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/11072 Variation of condition 2 of planning permission 17/10532 to allow revised plans	09/10/2019	Granted Subject to Conditions	Appeal Received	

18/11476 Outbuilding	03/01/2019	Refused	Appeal Decided	Appeal Allowed with Conditions
18/11171 Outbuilding (Lawful Use Certificate for retaining an existing use or operation)	05/11/2018	Was Not Lawful	Decided	
18/10773 Outbuilding (Lawful Development Certificate that permission is not required for proposal)	20/08/2018	Was Not Lawful	Decided	
17/10532 House; detached outbuilding; 1.8m high boundary fencing and gate; demolition of existing	06/06/2017	Granted Subject to Conditions	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

N/A

The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

Supplementary Planning Documents

SPD - Lymington Local Distinctiveness

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework
NPPF Ch.12 - Achieving well-designed places

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal, linked outbuildings are too big and are trying to overturn prior approval decision.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

One objection has been received from a local resident concerned with the following matters:

- joining the outbuildings together is contrary to previous decisions
- roof light is not necessary and would result in overlooking due to the mezzanine within the structure
- concerns also expressed with regard to elements of the dwelling which are not subject of this application

11 OFFICER COMMENTS

Introduction

There is extensive planning history relation to this site, since the last application to deal with initial changes to the original approval (granted in October last year), further works requiring planning permission have been implemented in part. Namely, the provision of a log store and linking the outbuildings. In addition to this, permission is now sought for extending the canopy over the main porch and the provision of a fixed timber canopy over the external barbecue area at the rear.

Relevant Considerations

As a residential dwelling within the built up area, there are no restrictions on the size or number of alterations that maybe added to a dwelling providing that they are of an acceptable design and do not have a detrimental impact on neighbouring dwellings or the street scene.

The porch alterations and log store are located to the front of the property the recessed nature of the porch relative to the front projection and limited height of the log store, which is lower than the adjacent gate leading to the back garden are modest alterations to the dwelling. Neither element are considered to be intrusive in the street scene or unacceptable additions to the dwelling. Neither of the proposed additions would have any impact on the residential amenities of adjoining properties in terms of overlooking or overshadowing.

The alterations implemented to the outbuildings are attractive and in keeping with the character of the property. The original permission for the larger outbuilding included a roof light which was never implemented. In view of concerns raised about the location of this roof light now that internally, a mezzanine floor has been added, the position of the rooflight has been amended to locate the rooflight above the main entrance to the building. The position of the rooflight would not result in any loss of amenity to adjoining residents in terms of loss of privacy or overlooking.

The Town Council has raised concern that the proposal is trying to circumvent the rejected prior approval application. However, there has not been any prior approval applications at this property. The smaller of the two outbuildings was subject to two lawful development certificates which were both refused as planning permission was required for the development. Although the subsequent planning application for the building was refused, it was allowed on appeal and the two structures, whether connected or not both have planning permission. It is not considered that the proposed linking of these outbuildings would result in any additional impacts on amenity in terms of overlooking or loss of privacy or adversely affect the character or appearance of the area.

The proposed canopy over the barbecue area would match existing materials on the property and would have a limited visual impact. Given its proposed siting to the north of the immediate neighbour and its limited size, it is unlikely that it would give rise to any significant loss of outlook or light.

12 CONCLUSION ON THE PLANNING BALANCE

The proposed alterations to the dwelling and associated outbuildings are minor in nature and would not adversely affect either the residential amenities or adjoining properties in terms of overlooking or loss of light or the character and appearance of the area. The alterations are proposed or have been constructed in matching materials and would not be out of keeping with the character of the property.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

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 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01 rev.E, PP.01 rev.B proposed plans, PE.01 rev.F, PE.02 rev.C proposed elevations 2, approved elevations and floor plans for outbuildings, PP.01 rev.B existing plans, PE.01 rev.E, PE.02 rev.C existing elevations, PL.01, PL.01 rev.D, proposed elevations and floor plans for outbuildings (P.P.01 rev.A).

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

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

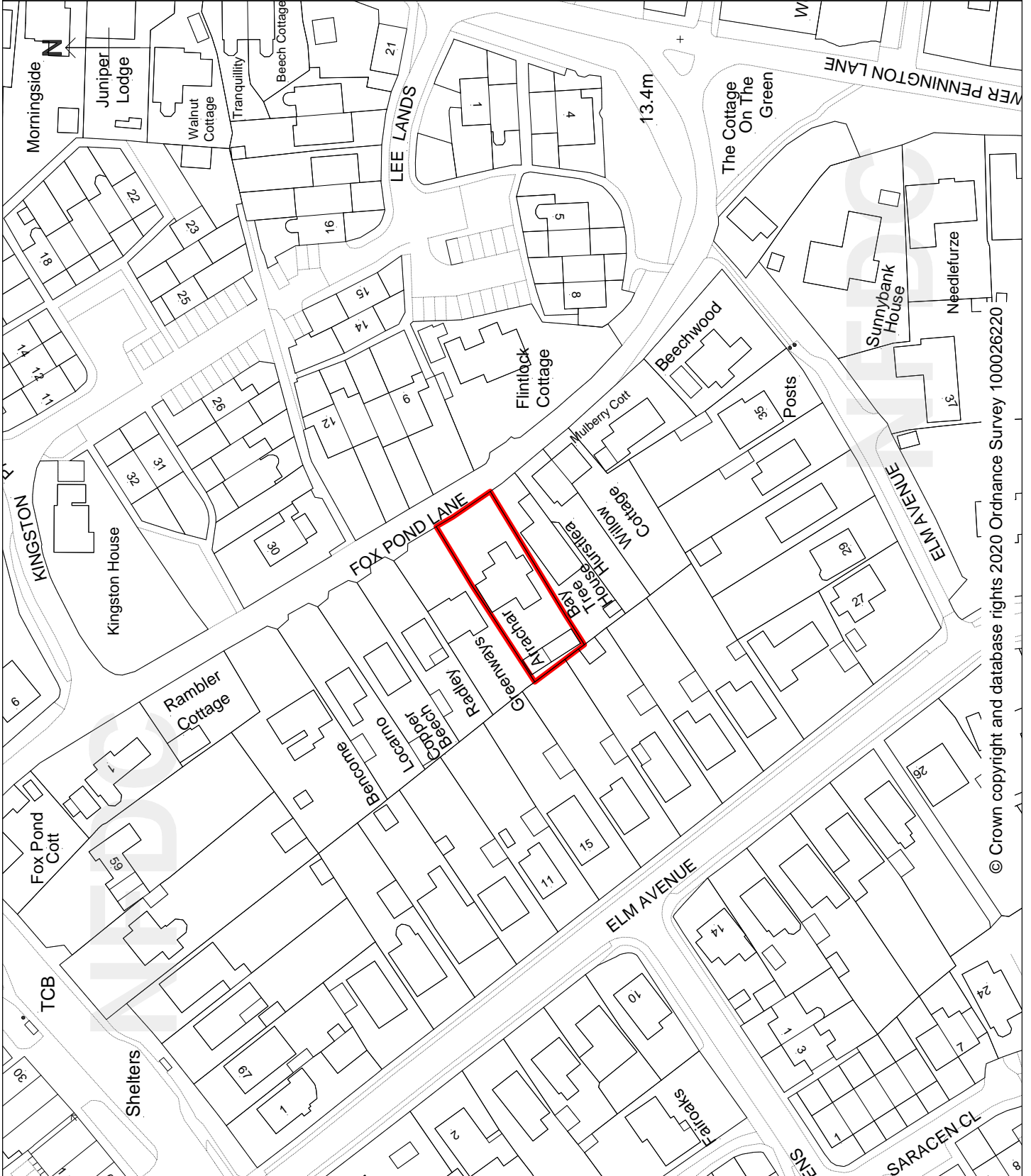
PLANNING COMMITTEE

May 2020

Arrachar, Fox Pond Lane
Pennington
Lymington SO41 8FW
20/10081

Scale 1:1250

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



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Application Number: 20/10139 Advertisement Consent

Site: HUBERT LODGE, 2 SOUTH STREET, HYTHE SO45 6GS

Development: 1 x Site Safety Hoarding with text advertisement
(Application for Advertisement Consent)

Applicant: Churchill Retirement Living

Agent: Planning Issues Ltd

Target Date: 06/04/2020

Case Officer: Arleta Miszewska

1 SUMMARY OF THE MAIN ISSUES

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

- Impact upon visual amenities of the area, including the character and appearance of the Hythe Conservation Area,
- Impact upon public safety.

This matter is before Committee as the Hythe & Dibden Parish Council recommended refusal for the reasons set out below which is contrary to the Officers' recommendation.

2 THE SITE

This application site is a prominent site located on the corner of St John's Street and South Street in the centre of Hythe, with vehicular access onto South Street. The site extends to the rear of fairly traditional dwellings at 8, 8A and 10 South Street. It is bounded on its north-eastern side by St John's Street and on its north-western side by Lidl supermarket and an associated car park.

The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.

3 THE PROPOSED DEVELOPMENT

The application seeks retrospective advertisement consent for the display of 7no. 2240mm (2.24m) high outdoor signs consisting of logos and text over 38 hoarding panels.

Although the application form states that the proposed development is not already in place, from a visit to the site it is clear that the proposed advertisements have already been displayed.

4 PLANNING HISTORY

16/11639 - 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping - Granted. 11/5/17.

17/11646 – 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping. Refused. 14/03/2018. Appeal Allowed. 02/04/2019

19/10880 - Variation of condition 2 of planning permission 17/11646 to allow alterations to doors; windows; porches; balconies; smoke vent; brick pier support to undercroft parking; buggy store; path; 2 single dormer windows on south east elevation. Under consideration.

19/10949 - Display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent). Withdrawn. 11/02/2020.

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

The Emerging Local Plan

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness

Hythe and Dibden Neighbourhood Plan

Policy D1

All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- that local character and context has been fully recognised,
- that the proposed design responds to it, and
- that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.

Policy D3

Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

Supplementary Planning Guidance

Hythe Conservation Area Appraisal

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 66(1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

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

National Planning Policy Framework

Chap 12: Achieving well designed places

Chap 16: Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. The Committee has the following concerns:

- 1) This is a significant advertisement by way of its size and impact on the adjacent Conservation Area.
- 2) It is detrimental to the street scene.
- 3) It is a distraction to drivers at an already dangerous junction.

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.

Hampshire County Council Highways – comments awaited.

Conservation Officer - no objection.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Two letters of objections have been received raising the following concerns:

- any additional advertising is non essential,
- distraction for drivers and in bad weather liable to fall and hurt someone,
- out of keeping in the local area,
- if allowed they will be a permanent fixture.

11 OFFICER COMMENTS

Introduction

As this application is for advertisement consent the only issues that can be taken into consideration are the impact upon the visual amenities of the area and public safety.

The application seeks advertisement consent for the display of 7no. outdoor signs consisting of logos and text over 38 hoarding panels.

Impact upon visual amenities of the area, including the character and appearance of the Hythe Conservation Area,

Policy CS2 of the Core Strategy and Policy 13 of the Emerging Local Plan require that all new development is appropriate and sympathetic to its setting. Policies CS3 and DM1 of the Development Plan relate to the heritage impacts of development proposals and seek to protect the character of conservation areas. Neighbourhood Plan policies are also relevant as set out above.

The proposed signage would consist of white logos and text displayed on hoarding boards 2240mm high, positioned alongside the frontage of the site. None of the signs would be illuminated.

It is noted that advertisement signage on hoarding panels is a financial incentive for developers to screen unsightly construction sites with hoarding. Therefore, some signage can be reasonably expected on a construction site of this scale on a temporary basis. In this case, it is felt that the combined size of the signs, their detailed design, height, position alongside the street frontage, and the lack of illumination would mean that the signage, as proposed, would not appear excessive and harmfully intrusive, having regard to their short-term nature.

The Conservation Officer considers that the proposal would be acceptable in this context subject to a condition securing its timely removal following completion of the wider development.

Therefore, it is considered that subject to conditions, the revised advertisement scheme would not cause demonstrable harm to the visual amenities of the nearby residents and would protect the character and appearance of the Hythe Conservation Area and the heritage assets located within it, and in particular listed buildings located near the application site.

As a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied.

Impact upon public safety

Policy CS2 of the Core Strategy and Policy 13 of the Emerging Local Plan require that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses or amenity. The views of the Highway Authority are currently awaited. However, the previously submitted scheme under ref. no. 19/10949 which included signs which were visually more prominent did not raise Highway Authority objection as it was considered that the signage would not affect the safety or operation of the highway and no other concerns were

raised in respect of public safety. No objections are expected for this reduced scheme of advertisement.

The majority of the proposed signs would be located alongside the junction of St Johns Street and South Street. The Highway Authority did not previously raise concerns in terms of vehicle speeds or frequency of traffic accidents occurring at the junction. The proposed signs would not be illuminated and would not display digital changing images which would be of a more distracting nature. Given the degree of concentration required from drivers when approaching the site and at the road junction, it is not considered that the proposed signage would have a significant adverse effect on drivers' visual behaviour and driving performance. Therefore, for the reasons set out above, it is concluded that proposed signs would not prejudice highway safety.

Other matters

It has been suggested in third party comments that signs of similar nature in other development sites are left in place following occupation of apartments. The planning agent has agreed to a condition which requires the removal of the proposed signage within 3 months from completion of the wider development.

It has also been suggested in third party comments that the signs may fall and cause harm to the public. However, this would be a private matter which cannot justify planning refusal.

12 CONCLUSION ON THE PLANNING BALANCE

In light of the above, it is considered that this application for advertisement consent would not be materially detrimental to visual amenities or public safety. The proposal complies with the design and amenity related provisions of the National Planning Policy Framework and Development Plan and accordingly is recommended for approval.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations.

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 RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

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

Proposed Conditions:

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

Location plan 1:1250 (10085HY-PLOC)
External signage plan signs on hoarding (CRL: 10085HY:218 rev C)
Sign on hoarding (Job no NH16703) Run A
Sign on hoarding (Job no NH16703) Run B
Signs on hoarding (Job no NH16703) Run C
Signs on hoarding (Job no NH16703) Run D

Reason: To ensure satisfactory provision of the development.

7. The outdoor advertisements hereby approved shall be removed within 3 months of the completion of the development approved under Planning Permission 19/10880 or by 31st August 2021, whichever is the sooner and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: In the interest of visual amenities of the area and to conserve the character and appearance of the Hythe Conservation Area and the setting of heritage assets located near the application site.

Further Information:

Arleta Miszewska
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

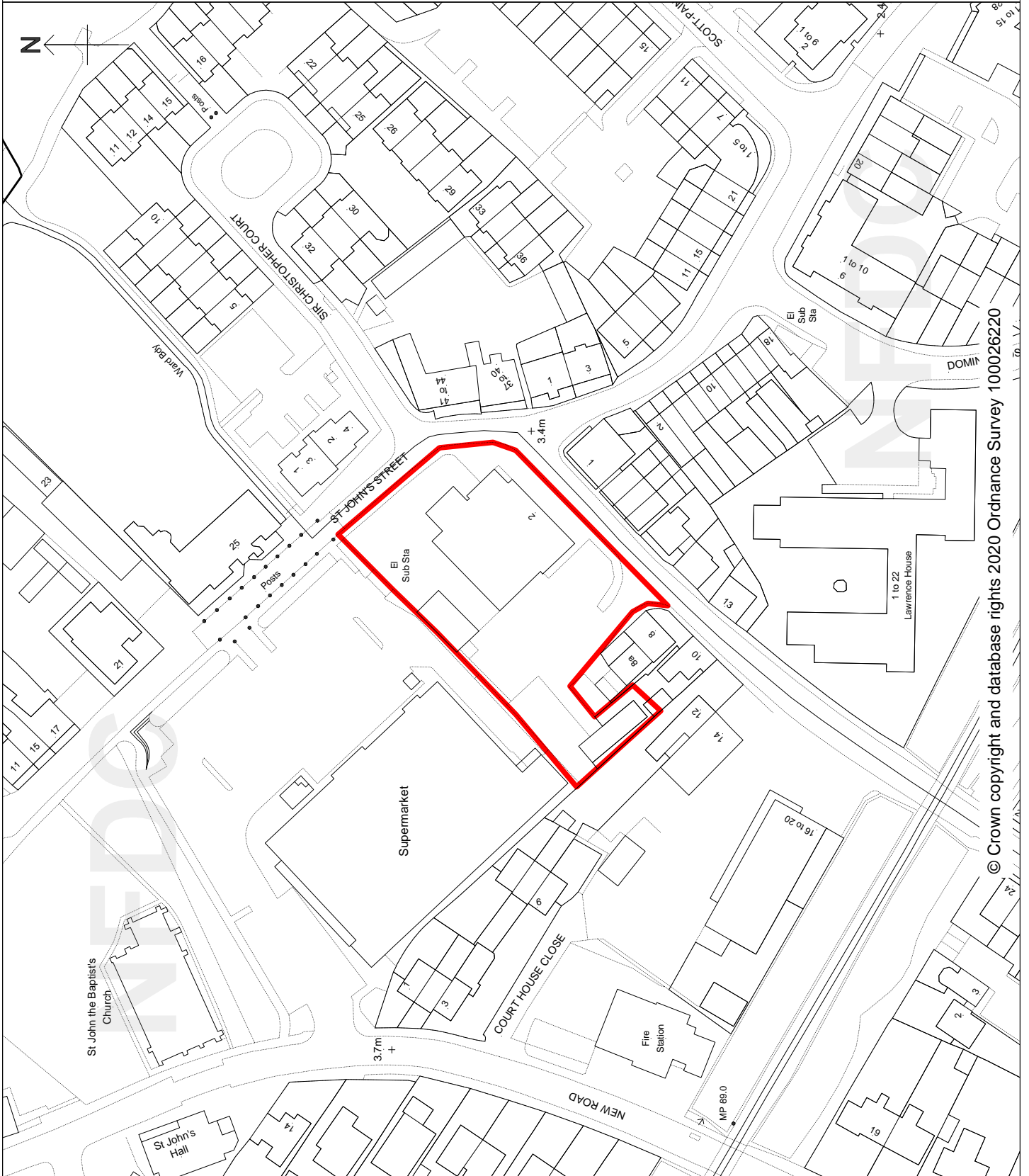
PLANNING COMMITTEE

May 2020

Hubert Lodge
2 South Street
Hythe SO45 6GS
20/10139

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 20/10242 Full Planning Permission

Site: Land of 31 BARTRAM ROAD, ELING, TOTTON SO40 9JJ

Development: New dwelling with access onto Rose Road

Applicant: Mr Cullip

Agent:

Target Date: 06/05/2020

Case Officer: Arleta Miszewska

1 SUMMARY OF THE MAIN ISSUES

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

- Principle of proposed development
- Impact on the character and appearance of the area
- Impact on residential amenities
- Impact on highways safety
- Impact on ecology and sites of nature conservation

This matter is before Committee following request from Councillor David Harrison.

2 THE SITE

The application site consists of a plot of land located within the rearmost parts of gardens of 31 and 33 Bartram Road which is a residential street in Totton just to the south of the By Pass and near the Eling Recreation grounds. The plot forms a part of a Victorian development characterised by predominantly semi-detached properties located within long narrow parcels. The properties benefit from gardens which often host detached garden outbuildings located within their rearmost parts. As the perimeter block is not developed on all street frontages, the open and verdant character of the rear gardens makes a vital contribution towards the visual amenities of the area appreciated from public vantage points alongside Rose Road and School Road.

3 THE PROPOSED DEVELOPMENT

The proposal involves a construction of a 3-bedroom two storey detached dwelling and associated vehicular accessed from Rose Road. The dwelling is proposed to be served by two car parking spaces, in tandem arrangement, and a L-shaped garden space wrapping around the dwelling to the side and rear. The overall size of the plot would be 18m x 14m. The approximate footprint of the proposed dwelling would be approximately 8.5m x 6m, with the narrower elevation abutting Rose Road.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10456 Single-storey side & rear extension	24/05/2017	Granted Subject to Conditions	Decided	
16/10229 Bungalow; access	14/04/2016	Refused	Appeal Decided	Appeal Dismissed

Planning history of the property is a relevant material consideration of this proposal. A similar proposal has previously been refused planning permission by the Council and a consequent appeal has been dismissed. The reasons for the decision were:

1. By reason of its siting within an open area of land and the inadequate plot size and cramped layout, together with the arrangement of car parking to the front of the site and close proximity of the building to the boundaries, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2 The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

It should be noted that since this decision was made, the government policy has changed and the second reason for refusal is no longer applicable.

The subsequently lodged appeal was dismissed as it was concluded that:

In conclusion, the development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policy CS2 of the New Forest District Council (Outside the National Park) Core Strategy (CS) 2009, which amongst other matters, requires new development to be well-designed to respect the character, identity and context of the area.

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Local Plan Part 1: Core Strategy for New Forest District (outside the National Park)

Policy CS1 Sustainable development principles
Policy CS2 Design quality
Policy CS3 Protecting and enhancing our special environment (Heritage and Nature Conservation)
Policy CS10 The spatial strategy
Policy CS25 Developers' contributions

Local Plan Part 2: Sites and Development Management

Policy DM2 Nature conservation, biodiversity and geodiversity

Policy DM3 Mitigation of impacts on European nature conservation sites

Emerging Local Plan Review 2016-2036 Part One: Planning Strategy

Policy 1 Achieving sustainable development

Policy 3 The strategy for locating new development

Policy 9 Nature conservation, biodiversity and geodiversity (Saved Policy DM2)

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

Policy 13 Design quality and local distinctiveness

Policy 34 Developer contributions

Relevant Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Housing Design, Density and Character

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Section 5 Delivering a sufficient supply of new homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

No comments received

8 COUNCILLOR COMMENTS

Cllr David Harrison

Requests that application be determined at Planning Committee Meeting

Comments in full are available on website.

9 **CONSULTEE COMMENTS**

The following is a summary of the representations received:

Hampshire County Council Highways

Comments awaited.

NFDC Building Control

No objection.

Strategic Gas Network

Advice only (medium pressure gas pipe in close proximity).

10 **REPRESENTATIONS RECEIVED**

Seven letters of objection from six households have been received raising the following concerns:

- Additional car parking pressure in already congested roads,
- Car parking problems during construction,
- Highway safety due to illegally parked cars,
- Out of character, overdevelopment, negative visual impact on streetscene,
- Noise, disturbance and loss of privacy at 35 Bartram Road,
- Poor air quality and noise pollution from traffic in the area,
- Will set a precedent,
- Disturbance during construction.

11 **MATERIAL CONSIDERATIONS**

Principle of proposed development

The application site is located in an urban area of the district and therefore the principle of the proposed development is acceptable, subject to compliance with relevant planning policies, in particular those safeguarding quality design, character of areas, residential amenities, highways and ecology.

Impact on the character and appearance of the area

As described above, the area surrounding the proposed development is characterised by mainly semi-detached dwellings located within long narrow plots with generous gardens. The proposal would differ from the established urban grain, in terms of size and shape of the curtilage and the dwelling situated within it. Moreover, the dwelling would have a greater width than depth and so would be of different proportions to most dwellings in the vicinity.

The dwelling would be located in a close proximity to its boundaries leaving inadequate space around the building resulting in a cramped appearance harmful to the spacious and open character of the immediate vicinity. Moreover, the footprint of the dwelling would be out of proportion with its plot and the dwelling would not comfortably sit within it. The limited outdoor amenity space and tandem arrangement of car parking also suggest that the plot is of a size that cannot comfortably accommodate a dwelling.

When viewed from Rose Road, the presence of the dwelling would be at odds with the open and verdant character of the rear gardens situated behind the dwelling and the surrounding predominantly semi-detached period properties. The proposed dwelling would not enhance the visual amenities currently enjoyed by the local residents.

It is acknowledged that a bungalow was constructed on the opposite side of Rose Road. However, that plot is longer and narrower than the proposed one and consequently, that development appears more comfortably within its surroundings. It is also important to note that this development was permitted in the context of different national planning policy and guidance. The current government policy puts greater emphasis on delivering a high quality development which improves the character and quality of an area and the way it functions.

Impact on residential amenities

In terms of impact on residential amenities of properties located at Bartram Road, the separation distance between the properties and the proposed dwelling would be sufficient to avoid any harmful overshadowing or loss of outlook. The proposed dwelling would have a clear bedroom window at first floor level directly facing no. 31 Bartram Road. However, the separation distance between the proposed window and the first floor window serving a bedroom at 31 Bartram Road would be in excess of 21 metres, which in an urban area would be considered acceptable, in terms of impact on privacy.

Concerns have been raised over loss of privacy at 35 Bartram Road, both within the dwelling and the garden. As to concerns over loss of privacy within the dwelling, given the urban nature of the area where properties are located close to each other, the separation distances between the properties and the oblique nature of the views between the properties, refusing the application on the grounds of loss of privacy in this dwelling would not be justifiable.

However, it is noted that the rear part of the garden at this property has been designed and landscaped to accommodate garden furniture and associated garden equipment to facilitate a frequent use, in particular during summer months. The proposed dwelling would incorporate two windows at first floor level directly facing this area. Given the clear glass design of the windows, their elevated first floor position and the close proximity to the patio area at 35 Bartram Road, the windows would provide a clear and direct view of this area. The residents using the area would experience an unacceptable degree of sense of being overlooked to the detriment of their amenities which they currently enjoy.

Concern over noise and disturbance to amenity has been raised. However, the proposed dwelling would be in a residential use and would be located within a residential area. Therefore, noises associated with a residential use would not be uncommon and out of character. Therefore, this concern does not give grounds to refuse this proposal. However, if noises amounted to a statutory nuisance then this would be dealt with under legislation relevant to anti-social behaviour by the Council's Environmental Health Officers.

Impact on highways safety

In terms of highway implications, the proposal consists of one 3 bedroom dwelling accessed from Rose Road which is a Class C road. In terms of highway

safety and the safety of the vehicular access, comments are awaited from HCC Highways.

The submitted site layout plan demonstrates that the plot can accommodate 2 car parking spaces in tandem arrangement. Tandem car parking often creates issues in the way streets and amenity areas are used and so is not encouraged by the Council. Such car parking arrangement further demonstrates that the size of the application site cannot satisfactorily accommodate a separate dwelling.

The Council's Car Parking Standards (SPD) requires the provision of 2.5 car parking space for a 3-bedroom dwelling therefore there would be a slight under-provision. However, given the location of the site within a walking distance to Totton Train station, the under-provision would not justify refusal.

In respect of impacts of the proposed development on air quality, the application seeks planning permission for one additional dwelling. The potential air pollution caused by the additional cars associated with this development would not be so severe to justifying a planning refusal.

The strength of local opposition based on highway safety, local car parking demand, insufficient on-road car parking as well as noise pollution caused by traffic is acknowledged. However, issues relevant to the existing traffic and car parking problems in the area are managed by the Highway Authority. Therefore, they cannot form a basis for refusing a planning application.

Concerns have been raised over further car parking pressure during construction. It is noted that the site would unlikely be able to accommodate parking provision for contractors' vehicles. However, as the construction works would be of temporary nature and the proposed development is for one dwelling only, this concern cannot justify planning refusal.

Impact on ecology and sites of nature conservation

a) Habitats 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. Had the Local Planning Authority been minded to grant planning permission then an appropriate contribution would have been sought to ensure that the development complies with the relevant regulations.

b) Nutrient neutrality (nitrates)

The site is located within an area where a requirement for a development to be nutrient neutral applies. Relevant information has been submitted to confirm agreement to secure appropriate mitigation prior occupation

Other matters

Concerns have been raised over disturbance during construction. Whilst some degree of noise and general disruption is inevitable when construction works take place, these are of temporary nature and therefore cannot justify planning refusal.

Further concern has been raised that granting planning permission for the dwelling would set a precedent. However, each planning proposal is considered on its own merits and in light of spatial characteristics of a site. Granting planning permission on this site would not justify planning permission for a similar proposal elsewhere.

Housing

On 25 March 2020 the Council received the Inspectors' Report on the Examination of the Local Plan 2016-2036 Part 1: Planning Strategy and the Local Plan Examination is therefore now complete. The Inspectors' Report concludes that "the New Forest District (outside the National Park) Local Plan-Part 1: Planning Strategy (the Local Plan) provides an appropriate basis for the planning of the New Forest District Council planning authority area, provided that a number of main modifications are made to it." The Local Plan has thus reached a very advanced stage in its preparation and carries significant weight in decision-making. Formal adoption of the Plan is expected in May 2020. 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: Planning Strategy (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.

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 interested consultees and 3rd parties. The application is considered to raise some significant issues and the planning balance on this occasion is for refusal.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations.

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (1) x £1224 = £1224) in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £8,860.76 .

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

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. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	86.22	0	86.22	86.22	£80/sqm	£8,860.76 *
Subtotal:	£8,860.76					
Relief:	£8,860.76					
Total Payable:	£0.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2020 this value is 1.28 (rounded)

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its siting within an open area of land, the inadequate plot size and cramped layout, together with the arrangement of tandem car parking and the prevailing character of the surrounding area, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Review 2016-2036 Part One: Planning Strategy as well as with Section 12 guidance set out in the National Planning Policy Framework.
2. By reason of its siting in a close proximity to the boundary with the neighbouring property at 35 Bartram Road and the presence of clear windows at first floor level serving a bedroom, the proposed development would result in an unacceptable level of overlooking and a sense of being overlooked in the garden of the neighbouring property, in particular in an area of garden which is used as a patio area, to the detriment of residential amenities currently enjoyed at this property. For this reason the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Review 2016-2036 Part One: Planning Strategy.

Further Information:

Arleta Miszewska

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

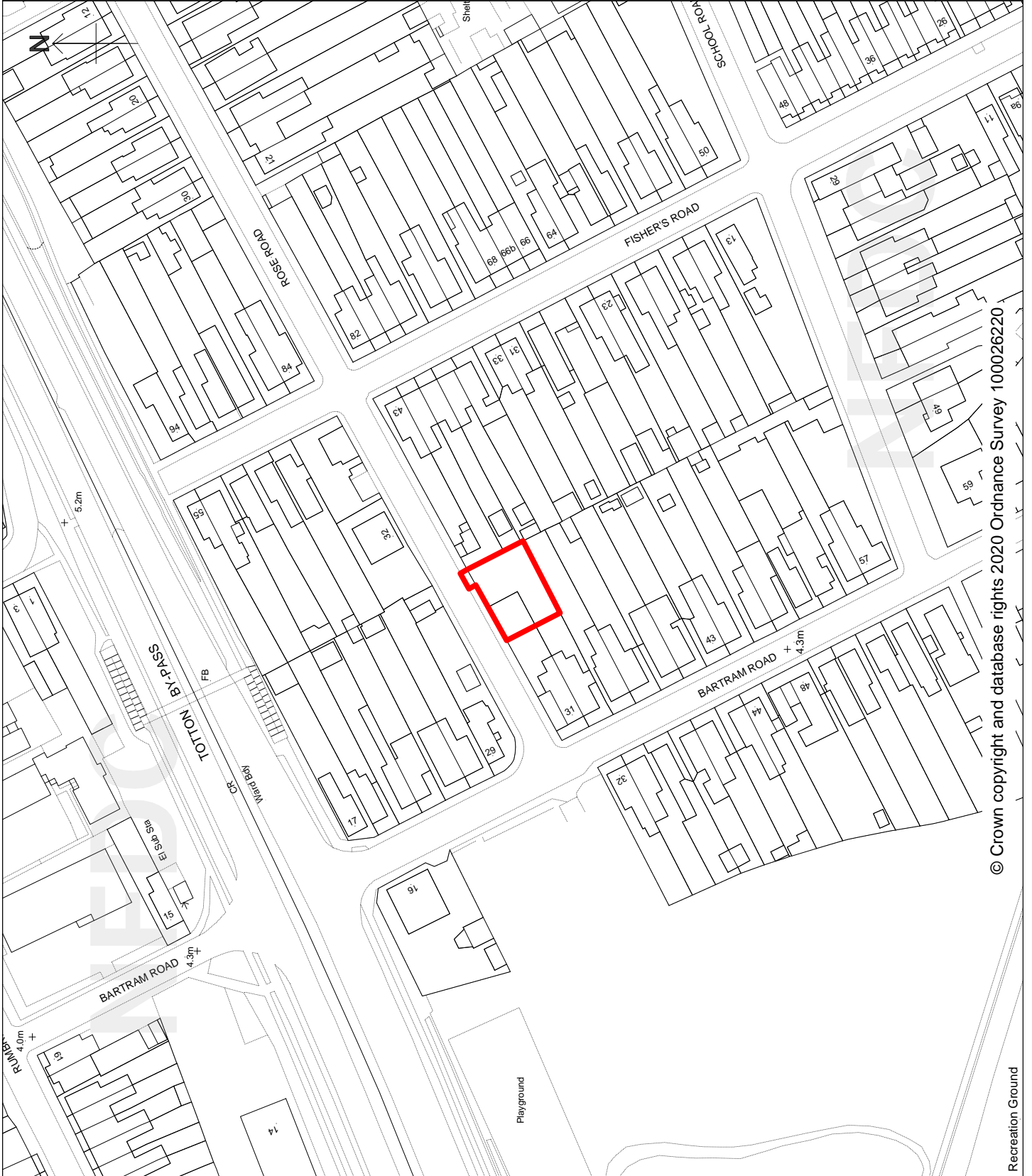
May 2020

Land of 31 Bartram Road
Eling, Totton SO40 9JJ

20/10242

Scale 1:1250

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



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Application Number: 19/11538 Variation / Removal of Condition

Site: VALLEY COTTAGE, LYMORE LANE, MILFORD-ON-SEA
SO41 0TS

Development: Removal of conditions 2 & 3 of planning permission 03/78794 for occupation of tourist accommodation as an unrestricted dwelling house

Applicant: Mrs Spenser

Agent: Jerry Davies Planning Consultancy

Target Date: 07/02/2020

Case Officer: Vivienne Baxter

Extension Date: 13/03/2020

1 SUMMARY OF THE MAIN ISSUES

The following 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

- 1) the principle of development
- 2) Green Belt and countryside issues
- 3) the loss of tourist accommodation
- 4) flood risk issues

This matter is being considered by Committee as the Parish Council have raised a strong objection and there is also an objection from a statutory consultee (Environment Agency)

2 THE SITE

The site lies within the Green Belt and Countryside near the village of Milford on Sea. Part of the site lies within Flood Risk Zones 2 and 3. The application relates to a building that is sited within the curtilage of Valley Cottage. It is a single storey detached former garage building currently in use as a holiday let. Currently the holiday accommodation has its own parking/turning with a garden area with patio to the rear of the building.

3 THE PROPOSED DEVELOPMENT

The proposal seeks the removal of conditions 2 and 3 from planning permission 03/78794 which is for the use of the garage for tourist accommodation. These conditions are as follows:

2. The building shall only be used as holiday accommodation and shall at no time be used or converted to a single dwellinghouse.

Reason: The creation of a separate dwellinghouse in the Green Belt location would be contrary to policies CO-H1 and CO-RB1 of the New Forest District Local Plan.

3. No person shall occupy the building for longer than four consecutive weeks

Reason: The creation of additional residential accommodation in this Green Belt location would be contrary to policy CO-RB1 of the New Forest District Local Plan.

The removal of these conditions would enable permanent residential use of the property which consists of an open plan kitchen/living area, bathroom and bedroom.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
17/10258 - Variation of Condition 3 of Planning Permission 03/78794 to extend occupancy from 4 weeks to 11 months of the year.	10/05/2017	Refused as it was considered to be contrary to Policy CS10 and DM20.
12/98369 - Removal of Conditions 2 & 3 of Planning Permission 03/78794 to allow use of property March to January in accordance with nearby holiday accommodation.	19/11/2012	Refused as it was considered to be contrary to Policies CS10 and DM20.
03/78794 - Use of garage for tourist accommodation.	16/09/2003	Granted Subject to Conditions
87/NFDC/35173 - Erection of double garage.	05/08/1987	Granted Subject to Conditions

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality
CS6: Flood Risk
CS10: The spatial strategy
CS19: Tourism

Local Plan Part 2 Sites and Development Management Development Plan Document

DM13: Tourism and visitor facilities
DM20: Residential development in the countryside

The Emerging Local Plan

Policy 12 The South West Hampshire Green Belt
Policy 13 Design quality and local distinctiveness
Policy 27 Tourism

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

Chap.13: Protecting Green Belt land

Chpt 14: Meeting the challenge of climate change, flooding and coastal change

National Planning Policy Guidance

Part 7: Flood Risk and Coastal Change

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council (original comment)

PAR 2: We recommend refusal but would accept the decision reached by the District Council's Officers under their delegated powers.

Following clarification of the description and re-consultation:

PAR 4: We recommend refusal. The Parish Council supports tourism in the parish and would not wish to lose tourist accommodation in the area. It does not consider this converted garage suitable for all year round accommodation.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received.

Environment Agency - objection due to lack of appropriate FRA

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

Four objections have been received from local residents, concerned with the following:

- would set a precedent for others to convert outbuildings into holiday lets and then dwellings
- property couldn't be considered affordable as it has been marketed at £300,000
- contrary to Green Belt policy
- there are drainage issues locally

11 OFFICER COMMENTS

Introduction

The main issues for consideration in this case are as follows:

- 1) the principle of development
- 2) Green Belt and countryside issues
- 3) the loss of tourist accommodation
- 4) flood risk issues

By way of background, since the last application in 2017, the host dwelling (Little Brook) has been sold off and a separate curtilage has been created making the dwelling completely independent from the application building. The application site is not now associated with the adjoining land at Little Brook but is a separate planning unit.

Relevant Considerations

The main issues are considered in turn below.

Principle of development

The site is not located in the built-up area but is located both in the Green Belt and countryside. The principle of development needs careful consideration in relation to these two factors

Green Belt

The proposal is not for the construction of a new buildings which would be inappropriate and harmful within the Green Belt. Paragraph 146 of the NPPF states that certain forms of development are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include:

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

Given the permanent and substantial construction of the existing holiday let, the proposal would fall within this criteria (d) of a form of development that is considered appropriate in the Green Belt as set out in the NPPF

The use of this building as a permanent home would not impact on the openness of the Green Belt as there is no associated built development and although there would be activity associated with the residential use this is unlikely to be so materially different from the current use as a holiday let to have any impact on the openness of the Green Belt.

Consideration also needs to be given to the purposes of including land within the Green Belt set out in Para 134 of the NPPF. Having regard to these purposes, the proposal would not impact on the sprawl of large built-up areas and given its siting to the west of the wooded Avon Water valley, it would have a limited impact on the special character of Milford on Sea. As the proposal does not involve physical built form and is situated within a hamlet with residential properties to the south, east and north, it is not considered that it would result in the merging of neighbouring towns merging or encroach on the countryside.

It is considered that the proposed removal of the restrictive conditions would not result in additional residential development and as such would not be inappropriate development in the Green Belt. As such it would not be contrary to Green Belt policy.

Countryside

This property is located within the countryside Policy DM20 of the Local Plan Part 2 is relevant as it relates to residential development in the countryside. This policy seeks to retain a mix of housing within the countryside to meet different housing needs by limiting the size of extensions, replacement dwellings (subject to floorspace criteria), and only allowing new residential development that is affordable housing to meet a local need, an agricultural worker or a forestry worker dwelling.

In all cases proposals should be designed to respect the character of the countryside and not significantly alter the impact of built development on the site within its setting.

This property was limited to be holiday accommodation only when permission was first granted as an unrestricted use would have created a new dwelling in the countryside contrary to policies that sought to resist such development in the countryside. The removal of the two conditions – relating to the property remaining as holiday accommodation and limiting the maximum occupancy to 4 consecutive weeks - would facilitate the use of the property as a permanent dwelling within the countryside which would not normally be supported.

Whilst policy DM20 does not allow for new residential development in the countryside under such circumstances, in planning terms, the current proposal would not be a "new" residential use as the existing holiday let is within the same use class as a dwelling (C3). As such there is no conflict with Policy DM20, and no harm would result to the countryside.

Loss of tourist accommodation

Core strategy Policy CS19 requires the retention of tourist and visitor facilities, particularly serviced accommodation where the facility supports employment. Policy 27 of the Emerging Local Plan saves this Core Strategy policy with sub-text emphasising the retention of serviced accommodation rather than self-catering accommodation.

Policy DM13 of Local Plan part 2 is not specific in requiring the retention of self-catering tourism facilities but requires an alternative leisure/visitor-based use where hotel or guest house accommodation is no longer viable.

Emerging policy emphasises the retention of serviced accommodation and the importance of extending the length of stay of visitors to the area. The existing accommodation is neither serviced nor enables long stays.

In this instance, the accommodation is a one-bedroom self-catering property which is not considered to provide significant benefits to the local community and any employment benefits are restricted to the maintenance of the property. Given the small scale of the current holiday let and its limited contribution to the local economy, it is not considered to be contrary to policy.

Flood risk

Some of the application site lies within Flood Risk Zones 2 and 3. In these flood risk zones a site-specific flood risk assessment is required for all developments.

Core Strategy Policy CS6 requires flood risk will be considered at all stages of the planning process to avoid inappropriate development in areas at current or future risk of flooding.

Part 7 of the Planning Practice Guidance to the NPPF relates to flood risk and coastal change. Paragraph 30 of the NPPG set out that a site-specific flood risk assessment needs to demonstrate how flood risk will be managed now and over the development's lifetime taking into account climate change and the vulnerability of its users. It should also establish whether a proposed development is likely to add to current or future flooding or increase flood risk elsewhere. The FRA needs to assess whether the measures proposed to deal with these effects and risks are appropriate.

The area of the site within flood risk zones 2 and 3 includes the vehicular access onto the site and the southern corner of the building leaving the access onto the rear patio and majority of the garden outside of these zones.

The Environment Agency have been consulted and they consider that the proposal does represent a change of use. On this basis, have raised an objection to the submitted Flood Risk Assessment. The consider that the FRA does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance. This is because no mitigation measures have been considered and there is no assessment of flood risk for the 1 in 100 year for fluvial or 1 in 200 year for tidal or an appropriate allowance for climate change. These deficiencies could be overcome by submitting a revised FRA which covers these points and demonstrates that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. The agent is not prepared to do this stating that this application is for relief of condition only as the property is already a dwelling albeit restricted to a holiday let and that there is no change of use involved.

Consideration therefore needs to be made in the absence of this further information and based on the FRA provided.

The proposal would not increase the number of people present on the site although the occupant/s would be permanent rather than transitory.

The change to the way the property is occupied could not materially increase the flood risk on the site or elsewhere. The risk of the occupants of the building experiencing a flood event remains unchanged. It is the officers view therefore that a reason for refusal on this basis would be difficult to substantiate.

Impact on residential amenity

No physical changes to the property are proposed, there is likely to be some change to the activity associated with the use but this is also not likely to be materially different.

The impact on residential amenity when comparing the current use and the proposed use of the property as permanent residential accommodation would be limited and unlikely to be harmful in its impacts.

Other issues

There have been concerns raised locally in respect of the drainage of the property although it is noted from the original approval for the holiday let in 2003 that the foul sewage is connected to the mains and surface water runs to a soakaway. Whilst a greater strain on the system may be of concern locally, the proposal does not involve any additional bathrooms, toilets or other plumbed facilities and it is not considered to be a planning issue as a result.

As there is no additional residential or overnight accommodation, so Habitat Mitigation contributions are not required.

12 CONCLUSION ON THE PLANNING BALANCE

The proposed removal of conditions would not result in an additional dwelling in the countryside nor significantly impact on the provision of tourist accommodation. In Green Belt terms, the proposal would not conflict with the purposes of Green Belt and it would not harm the openness of this area.

Although there is an objection from the Environment Agency, there would not be an additional residential accommodation as a result but just changes to the restrictions attached to the use. The removal of the conditions as proposed would not materially increase the risk of flooding nor would a flood event have any more impact on the future residents than current occupants. It is therefore concluded that the objection from the Environment Agency is unfounded.

The application for relief of conditions 2 and 3 is therefore recommended for approval

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

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 RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

May 2020

Valley Cottage
Lymore Lane, Milford on Sea
SO41 TS
19/11538

Scale 1:1250

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



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