

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 13 OCTOBER 2021, AT 9.00 AM\*

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

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
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## **PUBLIC PARTICIPATION:**

Members of the public may watch this meeting live on the [Council's website](#).

\*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](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

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

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# 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 8 September 2021 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) **Former Police Station, Southampton Road, Lymington (Application 21/10938) (Pages 5 - 28)**

Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion by the applicant / land owner of a planning obligation entered into by way of a Section 106 Agreement and the imposition of conditions.

(b) **Land off Hopclover Way, Formerley land at, Crow Arch Lane, Ringwood (NB: Proposed Legal Agreement) (Application 20/11208) (Pages 29 - 40)**

Use of Buildings B, C, D & E classes E & B8 Class

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion of a planning agreement entered into by way of a Section 106 Agreement and the imposition of conditions.

(c) **30 Park Road, Fordingbridge (Application 21/10903) (Pages 41 - 50)**

Two-bedroom dwelling; associated parking; new parking surface for number 30

**RECOMMENDED:**

Refuse

(d) **Whitefield Cottage, West Road, Milford-On-Sea (Application 21/11013) (Pages 51 - 62)**

Replacement dwelling with annexe

**RECOMMENDED:**

Grant subject to conditions

(e) **The Cliff House, Marine Drive West, Barton-On-Sea, New Milton (Application 21/10624) (Pages 63 - 68)**

Replacement Garden Bar

**RECOMMENDED:**

Grant subject to conditions

(f) **14 Meadow Close, Ringwood (Application 21/10969) (Pages 69 - 74)**

Variation of condition 2 of planning permission 21/10514 to allow amended plans raising the ridge height of the extension on the front elevation

**RECOMMENDED:**

Grant the variation of condition

**NOTE: Agenda Items 3g to 3i will not be considered before 1.45 pm**

(g) **Southfield, Kings Saltern Road, Lymington (Application 21/11168) (Pages 75 - 82)**

Alterations and extensions

**RECOMMENDED:**

Grant subject to conditions

(h) **Pentagon Court, Blackfield Road, Fawley (Application 21/11187) (Pages 83 - 92)**

Alterations to provide two additional bedrooms to create 8 bedroom property for short term residential accommodation with shared facilities; external changes to the rear (Sui generis use)

**RECOMMENDED:**

Delegated Authority to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to a payment to secure financial contributions in relation to Habitat Mitigation, Solent Bird Aware and Air Quality Monitoring and the imposition of conditions.

(i) **Coppice Lee, 9 Woodside Lane, Lymington (Application 21/10242) (Pages 93 - 108)**

Replacement Dwelling

**RECOMMENDED:**

Grant subject to conditions

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

**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.

**To:**

**Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Rebecca Clark  
Anne Corbridge  
Kate Crisell  
Arthur Davis  
Barry Dunning

**Councillors:**

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

Planning Committee 13 October 2021 **Item 3 a**

**Application Number:** 21/10938 Full Planning Permission

**Site:** Former POLICE STATION, SOUTHAMPTON ROAD,  
LYMINGTON SO41 9GH

**Development:** Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping

**Applicant:** Churchill Retirement Living

**Agent:** Planning Issues Ltd

**Target Date:** 14/10/2021

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development, sustainability and wider policy implications including affordable housing and other development related contributions
2. The need for new homes, and this type of housing
3. Impact on local character, appearance and setting of designated Heritage Assets, including matters relating to site layout and design
4. Highway access/egress and parking
5. Impact on local residential amenities
6. Surface water drainage
7. Biodiversity on-site and off-site ecological mitigation
8. Nitrate neutrality and potential ecological harm

This application is to be considered by Committee because of the objection by Lyminster and Pennington Town Council.

## 2 SITE DESCRIPTION

The application relates to the former Police Station, located on the western side of Southampton Road, between Queen Elizabeth Avenue to the north, and Eastern Road to the south. The application site forms an approximately rectangular parcel of land of approximately 0.22 hectares in area.

The application site is relatively flat, although is set approximately 200mm higher than Southampton Road. The eastern boundary along the main road is set back from the pavement beyond a grass verge and currently marked by a low wooden picket fence. The roadside boundary with Queen Elizabeth Avenue currently consists of a wide grassed verge (set behind the pavement) low picket fence with

occasional shrub planting, and trees (mature trees towards Southampton Road, less mature extending to the west).

The southern (internal) boundary between the site and the adjacent block of flats at Buckland House comprises a brick wall, which it appears also provides a retaining function as the land to the south is set approximately 200-300mm lower than the general proposal site level. To the west of the site is The Old Police House (now a private dwelling), the internal boundary between the sites comprises partially of an approx 1m tall brick wall on which a close board wooden fence is attached and in other areas the rear walls of existing police garage buildings.

### 3 PROPOSED DEVELOPMENT

The application seeks permission for the demolition of the existing building and redevelopment of the site to form 32no. retirement living apartments including communal facilities, access, car parking and landscaping, as detailed in the submitted application documents. The mix of the proposed development comprise 21no. one bedroom apartments and 11no. two bedroom apartments.

A vehicular access is proposed from Queen Elizabeth Avenue, creating a new vehicular and pedestrian access (the existing access to Southampton Road from the site is to be closed up and pedestrian footpath and grass verge to be constructed). The proposed development will provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking.

The proposed development is 2.5-3.5 storeys in height under pitched roofs. The third floor is located within the roof space as dormered accommodation. The external facing materials proposed comprise of brick and render.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
03/77391 Installation of 1 airwave collinear antenna mounted on existing pole	01/04/2003	Granted Subject to Conditions	Decided
01/71136 Install one Collinear Antenna at 13m for RNL	14/03/2001	Granted Subject to Conditions	Decided
XX/LYB/09582 Erection of garage and cycle shed and alterations to store.	02/11/1964	Granted	Decided
XX/LYB/00844 Erection of a police station, dwelling house, garages and kennels.	21/03/1951	Granted	Decided
XX/LYB/00347 Use of land for police station.	20/07/1949	Granted	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### Local Plan 2016-2036 Part 1: Planning Strategy

- Policy CCC1: Safe and healthy communities
- Policy CCC2: Safe and sustainable travel
- Policy ECON1: Employment land and development
- Policy ECON2: Retention of employment sites and consideration of alternative uses
- Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness  
Policy HOU1: Housing type, size, tenure and choice  
Policy HOU3: Residential accommodation for older people  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards  
Policy STR1: Achieving Sustainable Development  
Policy STR3: The strategy for locating new development  
Policy STR4: The settlement hierarchy  
Policy STR5: Meeting our housing needs  
Policy STR8: Community services, Infrastructure and facilities

### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

### **Core Strategy 2009**

CS7: Open spaces, sport and recreation

### **Supplementary Planning Guidance And Documents**

SPD - Lymington Local Distinctiveness

SPG - Lymington - A Conservation Area Appraisal

SPD - Parking Standards

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

### **Relevant Advice**

NPPF July 2021

### **Constraints**

Plan Area

Conservation Area: Lymington Conservation Area

Tree Preservation Order: TPO/0006/15/G2

### **Plan Policy Designations**

Built-up Area

## **6 TOWN COUNCIL COMMENTS**

### **Lymington & Pennington Town Council**

#### **PAR 4: Recommend Refusal.**

- This development is out of character for the area and out of keeping with the SPD Lymington Local Distinctiveness.
- Overdevelopment – the scale of this development is vastly out of keeping with the majority of buildings on Southampton Road or with the current building on the site.
- The design is poor and bulky with smooth rendering, which is prone to staining.
- There is a lack of adequate outdoor communal space.
- There are too few parking spaces (12 spaces for 32 units) and no turning space for deliveries to service 32 units. Nearby on or off road parking is inadequate.
- There is already in excess of 60 retirement properties for sale in the Town and another 44 will come onto the market when the recently approved Stanford Hill development is completed.
- Of the 35 properties in the Town that are at a price of £250,000, or less, 32 of those properties are retirement properties. The Local Plan 2016 to 2036

Part 1, sets out to provide more homes for local people, including a range of choices by type, size, tenure and location and states that particular provision must be made for younger households. Page 57.6.3 states that the objective is to sustain a mixed and balanced community requiring the provision of a variety of houses to rent and buy, specifically for families with children, couples and single households and designed for older people.

- The building still has an inherent use and value and could be re-used in line with the United Nations Climate Report – Red Alert.
- Proper consideration of sustainability with the use of green energy sources appears to be absent from these plans, with no space being set aside for communal heating with for instance a ground source heat pump system.
- The proposed off-site contribution of £434,500 is totally inadequate and Councillors propose this should be subject to the provision of an off-site housing contribution, based on the land value of an equivalent site in the town.
- This site has a restrictive covenant, which appears to remain undischarged, registered on its title. This covenant appears to restrict development within 240 feet of Southampton Road and could hamper the proposed development of this site, adversely affecting its ability to deliver the number of dwellings the developer proposes.
- Councillors propose this building, which has significant local character should be identified as a Local Heritage Building and heritage asset.
- Local facilities, including medical facilities will be overstretched.
- A lack of privacy – the height of the proposed development with balconies will overlook neighbouring properties.
- Impact to the amenities of neighbours - the siting of a large refuse store and an electric sub-station on the boundary fence may lead to smells or rat infestations and noise.
- There is no covered space for bikes.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees (comments are available in full on the Council's website):

### **Developer Services, Southern Water, Southern House**

Standard letter of advice and recommendation for Informative

### **HCC Countryside Services**

Public Rights of Way are unaffected by the proposals. We therefore have no objection.

### **NFDC Conservation officer**

The existing building is considered to constitute a non-designated heritage asset - Its loss is regrettable and will need to be assessed against paragraph 203 (recently changed para number) of the NPPF in relation to non-designated heritage assets.

Does not support the proposal on grounds of design issues and consequent adverse impact(s) on the adjacent conservation area.

### **NFDC Tree officer**

Objects



**HCC Highways**

No objection

**Environmental Health Contaminated Land, Appletree Court**

No objection in principle, subject to a condition

**Environmental Health (Pollution)**

No objection, subject to condition

**NFDC Ecologist**

No objection, subject to condition(s)

**NFDC Building Control**

Building control have no adverse comments to make at this stage

**HCC Flood and Water Management**

Request detailed drainage strategy

**Hampshire Swifts**

Welcome the proposed incorporation of 2 bird (swift chamber) boxes, but request more (at least 20) are provided and integrated as part of the development.

**Hampshire & IOW Fire & Rescue**

Standard letter of advice

**9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 76

Broad summary of views:

- Excessive scale, out of character,
- Insufficient outdoor space,
- Insufficient affordable housing provision,
- Development should provide housing for young people,
- Insufficient parking provision,
- No need for additional retirement homes in the area,
- Amenity impacts for neighbours (overlooking, overshadowing, noise, odours from bins),
- Highway safety,
- Adverse impact on trees,
- Existing buildings should be retained for their own architectural merit

A petition has also been submitted to the local planning authority consisting of 1410 signatures in opposition the proposed development on the grounds that Lymington needs affordable homes for young people to rent or buy, rather than more retirement flats.

## 10 PLANNING ASSESSMENT

### Principle of Development and housing policy assessment

#### a) General principle

The settlement hierarchy as set out within the adopted local plan provides a guideline to where new development proposals of different types and scales can best be accommodated in a sustainable way, taking into account existing facilities and future potential. The towns and villages in the Plan Area have been classified into a settlement hierarchy based on the availability within the settlement, or ease of access to, the following services, potentially reducing the need to travel:

- Shops and 'high street' facilities
- Schools, health and community facilities
- Proximity to employment locations and main settlements
- Public transport

The settlement hierarchy identifies three tiers of settlements and sets out the nature and scale of development that would be appropriate for each type of settlement. Development which is not in accordance with the settlement hierarchy will normally be resisted. The town of Lymington is identified as being within the top tier of the settlement hierarchy (local plan policy STR4 refers) whereby such settlements offer access to a wider range of employment, facilities and services. They are the most sustainable locations for large-scale residential, retail, leisure, cultural and business development to improve their self-containment and to support and consolidate their local service offer. The site of the proposed development is therefore considered to be within an inherently sustainable location where, in the broadest of planning policy contexts, the principle of development can be considered acceptable, subject to accordance with relevant local and national planning policy and guidance.

In respect of the potential for the continued use of the application site as an employment use, officers note the buildings/site is vacant and accept the former Police Station and does not readily lend itself to conversion to offices or other businesses uses and therefore not viable for continued use for employment use. Furthermore, when it was operational as a police station, it could not be said the site/use offered a supporting service to businesses or to the workforce in the local area and the general configuration and condition of the building renders it unsuitable for any other realistic employment use. It is noted that the property was marketed openly by Lambert Smith Hamptons in 2018, however all of the interest generated was for traditional residential or retirement development schemes and no employment related users were interested in acquiring the site.

The former Police Station use, under the parameters of the Local Plan Part 1 is not considered to fall within the definition of 'community facilities'. Paragraph 4.34 of the Local Plan Part 1 sets out that community facilities are sports and leisure facilities, community centres, libraries, places of worship, crematoria and burial space. Notwithstanding this, it is noted that rather than being lost, the Police Station use has been relocated to a new location within Lymington.

#### b) 5-year housing land supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated this will be published early November 2021 and will be the

formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

#### c) Affordable Housing

Policy HOU2 now requires developments outside the Waterside area of 11 dwellings or over to provide 50% affordable housing on site with a tenure mix target of 70% affordable rent and 30% intermediate or affordable home ownership including shared ownership. The NPPF provides a wider definition of affordable housing which includes discount market sales and starter homes.

There are two ways in which affordable housing is normally realised i.e. on-site delivery or off-site financial contribution to acquire a serviced plot. The applicants have stated that on-site provision is not possible because of the particular housing model for assisted living. This has been accepted on other schemes throughout the Council's area (and across the country) and is not disputed in this case. That leaves consideration that an off-site financial contribution should be made.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. Vacant Building Credit (VBC) is a consideration in this case and reduces the affordable housing requirement for the proposed development from 50% to 39.5% (equating to 12.64 units of affordable housing).

In relation to assessing off site contributions, the applicant has referred to an older publication 'Advisory Note on the Implementation of Core Strategy Policy CS15' which was published in 2012 and relates to the former Core Strategy (since superseded by HOU2 of the Local Plan 2016-2036 Part One: Planning Strategy). On the basis of this, the applicant initially made an offer of £434,500 as a contribution towards the off-site provision of affordable housing. However, the document was published as an Advisory Note, to provide 'a basis for negotiations' rather than as a prescriptive policy document and the figures quoted within the advisory note are now some 9 years old. Following a request from officers to provide a revised (in effect index-linked) update to the applicants proposed contribution, the applicant subsequently increased their off-site affordable housing contribution figure to £584,837.

#### d) Older person housing needs

The Local Plan expresses an evidence based approach which indicates that the Council's area includes a population which is ageing and likely to be in need of older person accommodation both in terms of specialist housing and purpose designed housing types that allow occupiers to maintain their independence. The Plan states it is likely that over the plan period up to 2036 an increase of 12,800 persons will be over the age of 75. Policy HOU3 encourages housing types designed to be suitable for older persons be included in development proposals where appropriate, along with more specialist extra care and C2 care home type facilities. The supporting text to the policy states the significant need in this sector is likely to be more towards specialist care rather than the type of sheltered accommodation proposed here but nevertheless officers have no evidence to rebut the applicant's proposal.

The evidence for Older Persons housing need comes from the Report for New Forest District Council 'Demographic Projections' (JGC Consulting, July 2017) and the NFDC Local Plan Review Topic Paper SD16 Housing Mix (October 2018). The data shows that New Forest (in line with other areas) is expected to see a notable increase in the older person population with the total number of people aged 55 and over expected to increase by 28% over 20 years to 2036. Topic Paper SD16 highlights a projected need for specialist housing for older persons (2016-36) in the south of the District of 952 bed spaces (and a total projected need of 3,146 across the Plan Area).

The recent appeal decision relating to the erection of 44 sheltered apartments for the elderly at Stanford Hill, Lymington (planning reference 20/10481) forms a material consideration in the determination of the current application. The appeal was conducted in the form of an Inquiry where matters relating to whether there is a need for specialist housing for older people in the area were thoroughly examined. The Inspector made reference to paragraph 6.24 of the Local Plan Part One which identifies a 'significant need' to provide for new specialist accommodation during the Local Plan period (2016 to 2036), and made reference to the Government's Planning Practice Guidance (PPG) advice (Housing for Older and Disabled People, June 2019) that the need to provide housing for older people is 'critical'.

The Inspector also had regard to the views of interested parties referring to the availability of older people's properties in Lymington and the perceived slow sales of some of the available stock, noting the market for age-restricted housing is necessarily smaller than that for general needs housing subject to no age restrictions, which acts as another factor which could influence sales rates for such dwellings. The Inspector concluded that these matters did not materially undermine either the appellants or the Council's assessments in terms of the underlying need for this type of accommodation over the plan period.

Notwithstanding the recent approval at appeal of the Stanford Hill scheme under planning reference 20/10481 (and the 44 sheltered apartments for the elderly the scheme would bring forward), it is considered there remains a demonstrably pressing need for additional specialist housing for older people in the area.

#### Design, site layout and impact on the character and appearance of the area

The Council has a range of policy advice covering design, local distinctiveness and local impact. Policy plan policy ENV3 and the Lymington Local Distinctiveness SPD are key considerations in this case along with Section 12 of the NPPF and the more recent Government Design Guidance.

The proposed development takes the form of a predominantly L-shaped development situated approximately centrally within the site, with access off Queen Elizabeth Avenue to the north west with an internal driveway running southwards across the rear of the site to a rectangular parking area at the south west corner.

The proposed main building is of three storey form, with third floor dormered accommodation provided within the roof. The building includes attached two storey elements to the rear (west), also with dormered accommodation within the roof - reading as a three storey element from the western perspective.

The materials proposed for the main building consist predominantly of Weston Red multi brick, with areas of coloured render (brick on edge lintel features) under a dark coloured concrete tile roof.

The proposed building, whilst larger than the existing buildings it would replace, is considered to be of a generally appropriate scale, mass and design within the context of the application site and surrounding area, and to propose appropriate external facing materials and finishes. In terms of form, the proposed building carries through a comparable eaves and roof height to that of the modern apartment building (Buckland House) situated to the immediate south. The proposed building is wider in form than the adjoining apartments, however this is considered commensurate with the larger plot size of the application site.

The scale and mass of the proposed building are mitigated by the principal facing elevations being set away from the roadside boundaries of Southampton Road and Queen Elizabeth Avenue, and are further mitigated in terms of the visual impact of the proposal on the surrounding area by reason of the retained mature trees along the length of the eastern boundary with Southampton Road and partially along the northern boundary with Queen Elizabeth Avenue.

#### The Police Station as a Non-Designated Heritage Asset

The Conservation officer considers the existing Police Station buildings to be a non-designated heritage asset (NDHA). Its loss is regrettable and will need to be assessed against paragraph 203 of the NPPF 2021 in relation to non-designated heritage assets, whereby the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the proposal is for total loss of the asset this sits at the highest end of the harm scale and as such the benefits of any scheme should be equally balanced.

In this case, the proposed redevelopment of the site is for the provision of housing, in a context where (i) the Council is currently unable to demonstrate a 5 year housing supply (see above), and (ii) there is an existing and projected demonstrably pressing need (see above) for the type of housing being proposed. It is therefore considered in this case that these matters are sufficient to justify the loss of the existing buildings constituting a NDHA.

#### Impacts on the listed buildings along Southampton Road

While there are some changes in longer views it is not felt that this causes any meaningful degree of harm to the setting of the listed buildings which forms part of their significance. The Conservation officer did consider this matter and has not raised any objections on this basis.

#### Impacts on the setting of the adjacent Conservation Area

The Council in assessing and determining proposals should have regard to the affect of the proposal on the character, appearance and setting of designated heritage assets (in this case the adjacent Lymington Conservation Area, located to the immediate south of the application site).

The views of the Conservation officer are set out in his detailed consultee response, in which he raises concerns in respect of the impact of the scheme in views into and out of the conservation area (and wider views), and also raises concerns in respect of the massing and bulk of the proposal which he considers would create some harm to the prevailing character of the area and have a degree of impact on the setting and significance of the adjacent conservation area.

The judgement of the Conservation officer (under the criteria set out within the NPPF) is a finding of *less than substantial harm* to the setting of the conservation area and its significance for the reasons given in his consultation response. The Conservation officer acknowledges the northern and eastern surroundings of the site are varied in terms of character and built form and have other large developments within the context. The Conservation officer also acknowledges the harm identified is mitigated to a degree by mature trees and at a lower level when considered in light of the wider overall significance of the Conservation Area. The Conservation officer concludes the harm is at the lower end of the scale and therefore suggests, as set out in paragraph 202 of the NPPF, 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.

Again, in this case, the re-use of the site for the provision of housing where (i) the Council is currently unable to demonstrate a 5 year housing supply, and (ii) is an existing and projected demonstrably pressing need (see above) for the type of housing being proposed, is considered sufficient to outweigh the less than substantial harm to the significance of the adjacent conservation area.

#### Highway safety, access and parking

Hampshire County Council as the relevant Highway Authority have provided a consultation response which identifies the good existing pedestrian and cycle links to the town centre, together with bus links and the availability of rail links from the town to the wider surrounding area. The Highway Authority accept the Trip generation data submitted with the application, and accept the proposed access arrangements for the site (with comments and advice in respect of servicing (bins) and emergency vehicular access to the site.

The Highway Authority requested additional survey data which has been subsequently provided by the applicant and passed on to HCC. The further/final comments of HCC Highways in relation to this proposal are 'No objection'.

In respect of parking provision for the proposed development, the Council's adopted Parking Standards Supplementary Planning Document (SPD), outlines a requirement in respect of older people's housing (active elderly with warden control) for 1 car parking space per residential unit (with an additional 1 space per unit for cycle parking or parking for mobility scooters).

Whilst the proposed development would provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking and is therefore significantly less than the standards set out within the SPD, it is material to the consideration of the proposals that the site of the proposed development is located within an inherently sustainable location close to Lyminster town centre with its wide range of services and facilities, accessible via a generally flat and level walk, and there are a good range of public transport links within and beyond the locality and surrounding area. In this respect it is considered that, by reason of the particularly sustainable location of the proposed development, a reduced level of on-site parking provision can be considered acceptable in this case.

## Residential amenity

The application site is within the built-up area of the settlement of Lymington, where new development can be considered acceptable in principle, subject to accordance with the policies of the Development Plan and other relevant local and national planning policy guidance. The immediately surrounding area is predominantly residential and therefore a residential use of the application site can be considered a compatible use in principle.

Local plan policy ENV3 deals with design quality, local distinctiveness and has regard to the impact(s) of development on the amenity of adjoining occupiers and uses. In particular, policy ENV3 requires new development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

In respect of the existing dwellings surrounding the application site, the most sensitive in terms of amenity impacts are considered to be the apartment at Buckland House to the south and the dwelling known as The Old Police House to the rear (west). Impacts on other dwellings to the north and east are mitigated substantially by the separation distance to the site (separated by roads) and the mitigating impact of retained mature trees along the east and (partial) north boundaries.

It is considered the main proposed building is set-in within the site boundaries sufficiently far to avoid the undue overshadowing of the adjacent Buckland House (which is on the south side) and The Old Police House and would not have an unduly overbearing impact on these adjoining properties.

In terms of overlooking, from the perspective of Buckland House the south facing elevation of the proposed building is formed by two distinct elements - the closest element to the southern boundary is approximately 4.2m from the shared boundary and approx. 6.3m from the north facing elevation of Buckland House. This element of the building is of three storey height but has limited fenestration above ground floor level (1x kitchen window on each of the first and second floors), and other glazing serving internal communal corridors which can be conditioned to be fitted with obscure glazing to preserve the amenity of adjoining occupiers. The more western element of the south facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 17.3m) and is behind (to the west) of the Buckland House apartments. It is considered the separation distance and relationship between the proposed building and the Buckland House apartments is sufficient that no undue overlooking would result.

From the perspective of The Old Police House, the west facing elevation of the proposed building is staggered in distance from the shared western boundary, increasing from approx. 7m at its closest on the northern end, then setting back sequentially to approx. 10m and finally 24m at the southern end. The closest elements (7m distant and 10m distant from the western boundary) at the northern end of the west facing elevation have no windows above ground floor level, except for glazing to provide light to internal communal corridors (which can be conditioned to be obscure glazed). The more southern element of the west facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 24m). It is considered the separation distance and relationship between the proposed building and The Old Police House is sufficient that no undue overlooking would result.

Along the western boundary of the site are proposed bin store and cycle/mobility scooter stores which, by reason of their modest single storey scale are not considered likely to result in undue amenity impacts.

A Noise Assessment (24 Acoustics, August 2021) has been submitted by the applicant to demonstrate that road traffic noise and noise from the proposed substation would not have undue amenity impacts on future occupiers (and existing adjoining neighbours). The Noise Assessment concluded that the proposed electrical substation would present a very low risk of disturbance and performance specifications have been provided for acoustic double-glazing and ventilation to habitable rooms in the proposed apartments to mitigate traffic noise.

The Council's Environmental Health Officer (EHO) notes in his consultation response that any noise generated from the substation is predicted to be substantially below the existing background sound level and therefore no specific mitigation is required to control noise.

The impact of traffic noise from adjacent roads upon the development is predicted to be significant and likely to exceed desirable internal noise criteria for the new dwellings; therefore mitigation has been proposed which includes minimum specifications for glazing and ventilation on façades along the roadside, to protect the amenity of intended occupiers.

The EHO considers that providing the proposed mitigation measures are implemented, it is expected that desirable internal noise levels could be achieved. The EHO recommends that a suitable planning is attached to any granted permission requiring that proposed measures are implemented in full prior to first occupation.

#### Impact on trees

The site of the Police Station, Southampton Road, Lymington is subject to a Tree Preservation Order (TPO/0006/15) and includes 2 groups of trees. These groups consist of 5 Silver Maples that are situated on the front eastern boundary marked as G1 within the TPO and 2 Silver Maples and 1 Cedar tree that are situated on the northern boundary towards Queen Elizabeth Avenue and marked as G2 within the TPO.

The applicant has submitted an Arboricultural assessment & method statement (Barrell Tree Consultancy, May 2021).

The comments of the Council's tree officer are as follows:

'There are 2x group tree preservation orders, 1x on the eastern boundary and 1x on the northern boundary of this site. These trees contribute to the amenity of the area and are considered a constraint to development.

In support for this application a Barrell Tree Consultancy Arboricultural Assessment and Method Statement dated 28<sup>th</sup> May 2021 ref 18327-AA-JB. I am broadly in agreement with the assessment of the trees using BS5837:2012 categorization, 3 out of the 5 protected trees in the eastern group are graded 'B' trees, and all the protected trees (2x Silver Maple trees and 1x Cedar) are graded 'B' trees.

A total of 4 trees have been shown to be removed in order to accommodate this proposal, it is suggested within the submitted tree report that "Loss can be mitigated by new planting". Given the intensity of the development proposed there is very little



opportunity for further tree planting. The submitted Landscape strategy drawing JBA 21-183-SK02 only appears to show 2x trees 'Boundary Courtyard trees' given the constraints of the layout these trees would have to be of relatively small stature and are unlikely to contribute to the amenity of the area.

The proposed retirement apartments are shown to be within 6m of the eastern group of trees. This layout is currently outside the crown spread and root protection areas of these trees although specialist precautionary measures have been specified in the submitted tree report. However, these trees are all 'maturing' they are young trees and will grow significantly more than their current dimensions. Silver Maple trees (*Acer saccharinum*) is very vigorous deciduous tree and grows to an ultimate height of greater than 12m with an ultimate crown spread greater than 8m.

These trees will need future management to prevent encroachment/interference with the building. Routinely pruning these trees will reduce the amenity of the trees and may have a detrimental impact on the health of the tree.

Shading from the eastern group of trees is going to be a problem. These trees will block the natural light to the living rooms of the units on the eastern wing. It is likely to cause a future pressure from occupants to with remove or significantly prune the trees fronting along Southampton Road. Given that the proposed building is for retirement accommodation it is not unreasonable to assume that the residents are likely to spend more daytime hours within the living spaces of the apartments and the impact of natural light obstruction will significantly affect the enjoyment the resident has in their home. The internal layout of the apartments show that the windows of the living rooms and bedrooms will be immediately adjacent to these trees, that will not only be blocking morning light but also will be continually encroaching the building. The counter argument is often that local authorities can resist applications to fell or prune where there are important protected tree/s. However, this is not the case where the applicant can demonstrate that enjoyment of their home is significantly affected by a tree/s.

There is a similar relationship between the group of trees on the northern boundary, adjacent to Queen Elizabeth Avenue although there is a slightly larger separation. A limb from the Cedar tree will need to be removed in order to facilitate the construction of the building. Again, the Cedar trees have wide spreading canopies and this tree is likely to have to be continually pruned in order to be contained within a confined space.

Therefore, I object to this proposal on tree grounds as the proximity of the apartments is too close to the maturing protected trees on site and does not allow for these trees to grow into their natural size and form. This is likely to result in the future loss/unsympathetic pruning of these trees and would be detrimental to the amenity of the area. Recent changes to the National Planning Policy Framework has highlighted the importance of trees in the street scene.'

The comments and objection of the Tree officer are noted, however these comments are made specifically in respect of the protection of trees only and must be considered 'in the round' within the context of the development as a whole and in the light of local and national planning policy and guidance. The Tree officer accepts that the proposed development can be built without affecting the viability of the existing protected trees that are scheduled for retention. The Tree officer's concerns and objection relate to the potential for future pressure to prune the trees, possibly resulting in the curtailment of their natural size and form. Whilst this would be regrettable if it were to happen, taking into consideration the positive benefits of the proposed development - making best use of a redundant/vacant site for much

needed housing for older people and the background context of the Council's current lack of a 5 year housing land supply, it would not be considered reasonable or appropriate in this case to refuse the application on the stated tree protection grounds.

### Ecological impact

#### **On site protected species**

The applicant has submitted an Ecological Appraisal for the site (Tetra Tech, June 2021) and a subsequent Bat Emergence Survey report (Tetra Tech, 23.08.2021) which recorded that during the survey no emergences or other roosting activity was observed and consequently the buildings are considered unlikely to support roosting bats. The report concluded that no further mitigation or actions are required in terms of bats.

The report(s) also put forward a scheme of ecological enhancements which, subject to the conditions recommended by the Council's Ecologist, will ensure the development achieves a suitable level of Biodiversity Net Gain (BNG):

#### **Biodiversity Net Gain (BNG)**

BNG essentially is measured using a DEFRA metric as the site currently exists. It is then re-measured in accordance with a development proposal. The site as developed needs to show a 10% net gain in biodiversity value over the site as exists and undeveloped. This can be achieved in a number of ways such as planting and introduction of bird and bat boxes for example. This concept has been recently introduced through the Environment Bill, and more recently through the new Local Plan and Cabinet Report of July this year which requires schemes of this size to demonstrate BNG. This has pre-empted the Environment Bill enshrining the need to demonstrate BNG into law. Policy STR1 of the Local Plan refers.

#### **Habitat mitigation and off-site recreational impact**

Recreational impact from the occupiers on protected areas and species can be managed by a S106 legal agreement or Unilateral Undertaking offering to pay the appropriate contributions. The applicants have agreed to do so in the event of an approval recommendation. Subject to a S106 legal agreement or Unilateral Undertaking being submitted in the event of any appeal no objections are raised.

#### **Nitrate neutrality and impact on Solent SAC and SPAs**

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 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 Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 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. To ensure the required mitigation is provided, a Grampian style condition is proposed.

### Surface water drainage

The applicant has submitted a Surface water Drainage Strategy (Awcock Ward Partnership Consulting Limited, May 2021).

Officers are informed the clay content of shallow strata and raised groundwater at the site precludes the use of soakaways. There are no nearby watercourses and therefore runoff will need to be discharged to a surface water sewer in Southampton Road. It is believed that there is an existing surface water connection to a manhole in Southampton Road.

The proposed drainage strategy for Surface Water as submitted attenuates via cellular storage on site and released to the surface water sewer at a reduced rate. Foul flows generated by the development will benefit from the existing connection to the main foul sewer in Southampton Road.

The applicant proposes that the drainage on site will remain in private ownership once the development is completed and therefore will fall into the responsibility on the Management Company (Millstream Management) who will be responsible for the long-term maintenance of the drainage system as part of the wider management of the site.

HCC Flood and Water Management Team have assessed the submitted Surface Water Drainage Scheme and whilst accepting this in principle, have requested a detailed drainage strategy is submitted for subsequent approval. It is considered in this case the submission and subsequent consideration/agreement of the requested detailed drainage strategy can be suitably covered by a pre-commencement planning condition.

### Developer Contributions

As part of the development, the following would be required to be secured via a Section 106 agreement (or unilateral undertaking):

- Air Quality monitoring contribution of £2,720
- Infrastructure contribution of £93,422
- Non-infrastructure contribution of £14,016
- Bird Aware Solent contribution of £13,323
- An appropriate Affordable Housing contribution

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	2882.1	569.5	2312.6	2312.6	£80/sqm	£236,952.55 *
			0	0		£0.00 *

Subtotal:	£236,952.55
Relief:	£0.00
Total Payable:	£236,952.55

## 11 CONCLUSION

The proposed development is considered acceptable in principle in that it would provide 32 new units of accommodation for older people (for which there is a clear demonstrable need) in a sustainable town centre location, and would make an appropriate (financial) contribution towards the provision of affordable housing in the area.

The proposal is considered acceptable on balance in terms of its scale, mass and appearance and its consequent impact on the existing character of the surrounding area (and adjacent Conservation area) and would not result in undue impacts in terms of amenity, Highway safety or other material considerations relevant to the proposal.

In these respects the proposed development is considered accordant with relevant local plan policies and national planning policy and guidance.

## 12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the applicant/land owner of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitats mitigation contributions (as identified in the officer report), measures to achieve Biodiversity Net Gain for the development and an appropriate contribution towards the off-site provision of affordable housing; and
- 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:

PA 01 REV B	PROPOSED SITE PLAN
PA02 REV B	PROPOSED GROUND FLOOR PLAN
PA03 REV B	FIRST FLOOR PLAN
PA04 A	PROPOSED SECOND FLOOR PLAN
PA05 A	PROPOSED THIRD FLOOR PLAN
PA06 A	PROPOSED ROOF PLAN

PA09 A PROPOSED ELEVATIONS 3  
10109LY-PA00 SITE LOCATION PLAN  
10109LY-PA08 PROPOSED ELEVATIONS 2  
JBA 21/183 - SK01 CONSTRAINTS & OPPORTUNITIES  
JBA 21-183 - SK02 LANDSCAPE STRATEGY  
10109LY-PA07 PROPOSED ELEVATIONS 1

HERITAGE STATEMENT  
TRANSPORT STATEMENT  
DRAINAGE STRATEGY  
ARBORICULTURAL ASSESSMENT & METHOD STATEMENT  
TREE PROTECTION PLAN  
ARCHAEOLOGICAL DESK-BASED ASSESSMENT  
STATEMENT ON AFFORDABLE HOUSING  
GEO DESK STUDY APPRAISAL  
DESIGN & ACCESS STATEMENT  
PLANNING STATEMENT  
ECOLOGICAL APPRAISAL  
TOPOGRAPHICAL SURVEY  
NOISE ASSESSMENT (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021)

Reason: To ensure satisfactory provision of the development.

3. No development shall take place, (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall include scaled drawings illustrating the provision for:

- 1) The parking of site operatives' and visitors' vehicles;
- 2) Loading and unloading of plant and materials;
- 3) Management of construction traffic and access routes;
- 4) Details of construction access and construction vehicle tracking;
- 5) Storage of plant and materials used in constructing the development;
- 6) Details of the method of cleaning wheels and chassis of all HGVs, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction.

The agreed CMS shall then be adhered to for the duration of construction of the development hereby permitted.

Reason: In the interests of amenity and Highway safety, in accordance with the provisions of local plan policy ENV3.

4. Prior to demolition of the existing houses at the site, the tree protective measures recommended by the Barrell Tree Consultancy Arboricultural Assessment and Method Statement (reference: 18327AAJB dated 28 May 2021) and the Tree Protection Plan (reference: 18327-3) shall be installed and thereafter retained for the duration of the construction period for the development hereby approved. No fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Before development commences, details of all materials to be used in external facing walls, roofs, doors, windows and balustrades shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. 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 Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Prior to occupation of the development hereby approved the parking spaces, access(es), manoeuvring space, visibility splays, bin store and cycle/motorised scooter store (with electric charging points) shown on the approved plans shall be provided. The parking spaces shall be retained and kept available for the parking of residents and their visitors only.

Reason: In the interests of amenity and Highway safety, in accordance with policies ENV3 and IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

9. The first floor and second floor window(s)/openings serving internal corridors within south and west facing elevations of the approved building shall be permanently glazed with obscured glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. The building shall not be first occupied until

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

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. The sheltered apartments comprising the development hereby permitted shall only be occupied by persons of sixty years or over, and the spouse or partner of such a person and in the event of the death of such person, the spouse or partner of such person shall be permitted to remain within the retirement apartments irrespective of whether they are aged sixty years or over.

Reason: To ensure that occupancy is in accordance with the approved details and identified need and to ensure that the parking provision is sufficient to meet the demand of this type of use thereby complying with the Parking Standards SPD and Policy HOU3 and of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. Before development commences, a detailed scheme of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

13. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The submitted details shall include:

- a. Maintenance schedules for each drainage feature type and ownership;
- b. Details of and timescales for implementation of protection measures;

The agreed maintenance and protection measures shall be implemented thereafter in accordance with the approved details, schedules and timescales.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

14. The rating noise level from the proposed substation, determined in accordance with the requirements of BS 4142: 2014 + A1:2019 *Methods for rating and assessing industrial and commercial sound* shall not exceed the prevailing representative background noise level by more than minus 10 dB in any external amenity space or at the nearest habitable room window (under free-field conditions) at The Old Police House or any apartment at Buckland House.

Reason: In the interests of amenity, in accordance with local plan policy ENV3.

15. No construction works above damp proof course level shall take place until a Biodiversity Net Gain (BNG) Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The management plan should include:

- Methods and timetable for delivering BNG;
- Responsibilities for delivering BNG – during and after construction;
- Description of the habitats to be managed;
- Clear timed and measurable objectives in the short, medium, and long-term for BNG - Detail objectives for all habitats (target condition);
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Details for a formal review process when objectives are not fully reached / roles and responsibilities;

The agreed BNG and management plan shall be implemented and maintained in accordance with the agreed timescales and schedules unless otherwise agreed in writing with the local planning authority.

Reason: To ensure biodiversity net gain for the development, in accordance with local plan policy ENV1, saved local plan policy DM2 and the aims and objectives of the NPPF.



16. No clearance of vegetation clearance (e.g. trees, shrubs and scrub) or building demolition that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation/building for active birds' nests immediately before the vegetation is cleared or works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest(s) on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

17. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the LPA for the inclusion of integral Swift Bricks within the building(s). The agreed scheme shall show the number, specification of the Swift Bricks and where they will be located, together with a timetable for implementation and commitment to being installed.

Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral Swift Bricks have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

18. Prior to first occupation of any flat, electric vehicle charging points shall be installed in accordance with a scheme that shall have been submitted to and approved in writing by the LPA. The approved scheme shall be retained and maintained in perpetuity unless otherwise agreed in writing by the LPA.

Reason : To ensure suitable provision is made for Electric vehicle charging, in accordance with the requirements of Policy IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

19. Prior to the occupation of approved development the mitigation measures set out within chapter 5 of the approved noise assessment (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021) shall be implemented in full and maintained for the life of the approved development.

Reason: In the interests of amenity, in accordance with the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.

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

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;

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

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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

**Further Information:**

Warren Simmonds

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# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
 Executive Head of Planning,  
 Regeneration and Economy  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

October 2021

Former POLICE STATION  
 SOUTHAMPTON ROAD  
 LYMINGTON SO41 9GH  
 21/10938

Scale 1:1250

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

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Planning Committee 13 October 2021 **Item 3 b**

**Application Number:** 20/11208 Full Planning Permission

**Site:** LAND OFF HOPCLOVER WAY, FORMERLY LAND AT,  
CROW ARCH LANE, RINGWOOD BH24 3DZ  
(PROPOSED LEGAL AGREEMENT)

**Development:** Use of Buildings B, C, D & E classes E & B8 Class

**Applicant:** New Forest District Council

**Agent:** Boyle & Summers LTD

**Target Date:** 05/01/2021

**Case Officer:** Jim Bennett

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The principle of development
2. Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion, disturbance and privacy
3. Impact on highway safety, including matters relevant to car parking;
4. Impact on provision of economic development opportunities and employment floorspace;

This application is considered by Committee at the discretion of the Executive Head of Planning, Regeneration and Economy in the interests of transparency, the applicant being NFDC.

## 2 SITE DESCRIPTION

The wider site was formerly in agricultural use, but much of it has recently been developed for residential use (Beaumont Park). The site is accessed from Crow Lane to the east, via an existing access road for the residential development. The site is now bound by open space and residential development to the east and by residential development (Hightown Gardens) to the north. To the south it is bound by the site of a proposed care home and the Castleman Trail. To the west it adjoins Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate. The site is allocated by Policy RING3 of the Local Plan Part 2 for up to 150 dwellings, up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space.

## 3 PROPOSED DEVELOPMENT

The proposal relates to 4 no. employment buildings (B, C, D and E) approved under outline ref. 13/11450 and reserved matters ref. 17/11358 for B1 (light industrial and office purposes), along with development of 196 houses. The employment buildings are as yet unimplemented, but the proposal seeks the addition of B8 (storage and distribution) use for the buildings to give the applicant (NFDC) more flexibility in seeking end users. The application would retain the B1 (light industrial/office) use,

recently re-classed under Class E of the Use Classes Order. Put simply the proposal seeks permission to utilise the four buildings for light industrial, office and storage and distribution purposes.

The layout, design and appearance of the proposed 4 no. employment buildings subject to this application site are exactly the same as previously approved under application ref. 17/11358. Units A, F and G are not affected by this application.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11148 Development of site to provide a new care home (Use Class C2) and associated access, car and cycle parking, landscaping and amenity space provision.		Pending decision	
20/11209 Development of 1 no. employment unit (Building A) use class E and B8; 2 employment units (Building F and G) use class E.		Pending decision	
17/11358 Final Phase (2/3); development comprised of a care home (Use Class C2); flexible business units (Use Class B1), 113 dwellings (Use Class C3), public open space, associated parking; landscaping; internal access arrangements and ancillary infrastructure (details of appearance landscaping, layout and scale associated with development granted by outline permission 13/11450).	26/11/2018	Granted Subject to Conditions	Decided
13/11450 Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)	10/10/2014	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON1: Employment Land and development  
 Policy STR1: Achieving Sustainable Development  
 Policy STR3: The strategy for locating new development  
 Policy STR4: The settlement hierarchy  
 Policy IMPL2: Development standards

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

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane

##### National Planning Policy Framework

## **Supplementary Planning Guidance**

Parking Standards SPD (NFDC 2012)

## **Plan Policy Designations and Constraints**

Built-up area  
Allocated Site - RING3  
Cycleway Improvement  
Archaeological Site  
Avon Catchment Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Ringwood Town Council** - P(1) Recommend permission, but would accept the Planning Officer's decision.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Environmental Health Contaminated Land** - site investigation reports previously submitted concerning this land resulted in no remediation being required for the proposed use. The report detailed the ground gas monitoring results for this site which concluded that the site requires no gas protection measures in buildings. No objections.

**Environmental Health (Pollution)** - the development already benefits from a B1 use class (now class E) and seeks to diversify the use of some of the buildings to include a B8 use for storage and distribution operations. The site has a close relationship with residential properties to the North and East and therefore noise arising from any outside storage and/ or deliveries/ collections occurring during anti-social times of the day is a potential concern. It is noted that no acoustic information has been provided in support the application. Such concerns could be sufficiently addressed by the imposition of conditions prohibiting any outside storage and the restriction of deliveries/ collections to within less sensitive times of the day (e.g. 23:00hrs to 07:00hrs). Should this not be possible then we would recommend a noise impact assessment is carried to evaluate the significance of any potential impact and determine what level of mitigation is required to control noise.

**HCC Highways** - For 16.5m. long artic manoeuvres there is occasion of overhanging the footway which we like to design out, but the frequency of this vehicle accessing the site is recognised as low and on one occasion a slightly different position would avoid the overhang in any event. The Highway Authority are therefore satisfied with the tracking submission shown. The Highway Authority require the Travel Plan to be covered by a Section 106 Agreement to secure the County Council's monitoring fees and secondly, to ensure the Travel Plan requirements are enforceable by the County Council.

## 9 REPRESENTATIONS RECEIVED

None

## 10 PLANNING ASSESSMENT

### Principle of Development

The principle of employment development on this site, along with the design, appearance, access and landscaping arrangements, has previously been agreed under the associated outline and reserved matters submissions for these four buildings. Policy RING3 of the Local Plan Part 2 specifically allocated the site for a mixed use development of around 150 dwellings, employment development and open space. The only matters for consideration now are whether the introduction of B8 (storage and distribution) use would have any implications for adjoining residential amenity and highway safety, balanced against the benefits derived from provision of economic development opportunities and employment floorspace.

### Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual, intrusion, disturbance and privacy

The impact of the proposal upon the amenity of neighbouring residential properties needs to be assessed under the provisions of Policy ENV3.

The properties most impacted by the proposal are those in Hightown Gardens and those to the east within Beaumont Park. The employment buildings are designed to be compatible with the proposed housing at Hightown Gardens and Beaumont Park, with no apertures facing existing dwellings. Units D and E are sited away from Hightown Gardens and there is sufficient space for soft landscaping and tree planting to provide some visual screening to the existing housing development, to be ensured by condition.

Noise arising from any outside storage and deliveries occurring during antisocial times of the day is a potential concern associated with the introduction of B8 activity. The Environmental Health Team consider that such concerns could be addressed by the imposition of conditions prohibiting any outside storage and the restriction of deliveries/ collections to within less sensitive times of the day. Alternatively the use of the buildings closest to Hightown Gardens (Units D and E) could be restricted to light industrial use only, to avoid the scenario where a B8 use could disturb those residents at anti-social hours. The remainder of the site does not have a close relationship to residential users and it is considered that they could operate without an hours of operation or use restriction, other than those applied for. The outside storage restriction is applied though.

Overall, it is considered that the physical relationship of the proposed development to the nearby residential properties would be acceptable in terms of overbearing impact, loss of outlook or loss of privacy, as the employment buildings are appropriately sited, orientated and separated from existing and proposed adjoining properties. While the proposal would result in vehicle movements and other activity on the site, the likely intensity of use would not be such to cause any significant loss of amenity in terms of noise nuisance or disturbance, particularly if Units D and E are restricted to light industrial uses only within Class E. Consequently, the proposal complies with the amenity related provisions of Policy ENV3.

### Impact on highway safety, including matters relevant to car parking

The site benefits from an extant outline planning permission, 13/11450, at which



time only the access onto the highway was considered. The points of access were fixed by the outline approval and are not subject to change at this stage. The current application seeks to utilise the accesses onto Crow Lane for the northern section of the site and onto Crow Arch Lane for the southern section of the site, these accesses were previously considered to be acceptable. The internal road layout within the site has been completed to an adoptable standard, although the County Council will not be adopting the road.

The submitted plans show clear allocations of car parking spaces for the proposed development which accords with the recommended car parking requirements as set out by the adopted SPD. The application is accompanied by swept path drawings, routes for refuse vehicles and emergency fire vehicles for the whole site, which are considered to be acceptable by the County Highway Authority.

The Highway Authority require a Travel Plan to be covered by a Section 106 Agreement to secure the County Council's monitoring fees and to ensure the Travel Plan requirements are enforceable by the County Council. It is considered prudent to re-impose conditions applied to the extant reserved matters in respect of a construction management plan, parking, cycle storage and turning area conditions. A condition is also imposed to prevent installation of mezzanine floors in the interests of retaining an acceptable level of parking provision relative to floorspace.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which are secured by condition.

#### Impact on provision of economic development opportunities and employment floorspace

The development would deliver a practical and valuable mix of employment space, meeting demand and creating employment opportunities within the local area. The more mixed economic offering reflects the wider economic profile of the local area and as such it would deliver local growth and opportunities for business in accordance with Policy ECON1 and Chapter 6 of the NPPF.

## **11 CONCLUSION**

In summary this proposal accords with the broad principles of previous consents and would not have any adverse impact on the living conditions of the adjoining neighbouring properties or highway safety and would assist with the delivery of local growth and opportunities for business. Accordingly the proposal complies with policies of the development plan and is recommended for approval.

## **12 RECOMMENDATION**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure a Travel Plan and its monitoring fee.
- 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:

NFD-BSL-ZZ-XX-DR-A-1001-PL (Location Plan)  
NFD-BSL-ZZ-XX-DR-A-2001-PL (Site Plan)  
NFD-BSL-UB-XX-DR-A-3001-PL (Unit B Ground Floor Plan)  
NFD-BSL-UC-XX-DR-A-3001-PL (Unit C Ground Floor Plan)  
NFD-BSL-UD-XX-DR-A-3001-PL (Unit D Ground Floor Plan)  
NFD-BSL-UE-XX-DR-A-3001-PL (Unit E Ground Floor Plan)  
9220-Rev P01 (Vehicle Tracking Drawing)  
9221-Rev P01 (Vehicle Tracking Drawing)  
9222-Rev P01 (Vehicle Tracking Drawing)  
9223-Rev P01 (Vehicle Tracking Drawing)  
Travel Plan by Paul Basham Associates dated 20/10/2020  
Transport Statement by Paul Basham Associates dated 20/10/2020  
BREEAM Pre-assessment by SRE dated 2018  
17043-4004 A Block B - Elevations  
17043-4005 A Block C - Elevations  
17043-4006 A Block D - Elevations  
17043-4007 A Block E - Elevations  
16-086-400 Final Phase Drainage & Site Levels (Sheet 1/5)  
16-086-401 Final Phase Drainage & Site Levels (Sheet 2/5)  
16-086-402 Final Phase Drainage & Site Levels (Sheet 3/5)  
16-086-403 Final Phase Drainage & Site Levels (Sheet 4/5)  
16-086-404 Final Phase Drainage & Site Levels (Sheet 5/5)  
16-086-416 General Access Arrangement  
16-086-418B External Works 1 of 2  
16-086-419A External Works 2 of 2  
A130-LA15 Landscape Strategy  
A130-LA16 Planting Strategy  
A130 PP06 Rev C Landscape Plan  
A130 PP07 Rev C Landscape Plan  
A130 PP08 Rev C Landscape Plan  
A130 PP09 Rev D Landscape Plan  
A130 PP12 Rev A Landscape Plan  
Planning and Design Statement and Appendices by Terence O Rourke dated July 2018  
Final Phase Drainage Technical Note by Odyssey dated June 2018  
Final Phase Highways Technical Note by Odyssey dated June 2018

Reason: To ensure satisfactory provision of the development.

3. The buildings shall be constructed in accordance with the slab levels in relationship to the existing ground levels as set out on drawing Plan Drawing numbers 16-086-400 Final Phase Drainage & Site Levels (Sheet 1/5), 16-086-401 Final Phase Drainage & Site Levels (Sheet 2/5), 16-086-402 Final Phase Drainage & Site Levels (Sheet 3/5), 16-086-403 Final Phase Drainage & Site Levels (Sheet 4/5), 16-086-404 Final Phase Drainage & Site Levels (Sheet 5/5) and PP1180 380-00 P3 (Final Phase Street Elevations), unless otherwise agreed in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan Part 1 and the Ringwood Local Distinctiveness Document.

4. Prior to any development of the buildings hereby approved above slab level, samples or exact details of the external facing and roofing materials for these aspects of the development 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 ENV3 of the Local Plan Part 1 and the Ringwood Local Distinctiveness Document

5. Before further development commences on the employment site, a scheme of landscaping of that portion 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. All external works (hard and soft landscape) shall be carried out in accordance with the approved landscape plans and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 and the Ringwood Local Distinctiveness Document

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown

on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy ENV3 of the Local Plan Part 1.

7. No employment building hereby approved shall be occupied until the bin storage provision has been made for each building in accordance with the details shown on plan no. NFD-BSL-ZZ-XX-DR-A-2001-PL. The bin storage provision shall thereafter be retained in accordance with the approved details.

Reason: To ensure adequate bin storage and parking provision is made in the interests of highway safety and in accordance with Policy ENV3 of the Local Plan Part 1.

8. No building, structure, hardstanding (other than that already approved) or serviced areas shall be constructed or created within the landscaped area to the rear (north) of employment Blocks D and E, shown as landscaping on approved drawing no. NFD-BSL-ZZ-XX-DR-A-2001-PL unless otherwise agreed by the Local Planning Authority.

Reason: This area of land provides an important landscaped buffer between the residential properties in Hightown Gardens and the rear of the buildings identified as Units D and E would also contribute in screening the buildings from the surrounding area and it is important to ensure that the landscaping and tree planting is not removed and replaced with buildings, hardstanding, and rear service areas in the future in accordance with Policy ENV3 of the Local Plan Part 1.

9. Before development is commenced above slab level on the employment land, details of the cycle storage within that portion of the site shall be submitted to and be approved in writing by the Planning Authority. The cycle storage/parking for each employment unit shall be carried out prior to its occupation, in accordance with the approved details and shall be retained thereafter

Reason: To promote sustainable travel mode and in the interests of highway safety.

10. Employment units B, C, D and E shall not be occupied until the access, turning and parking for those buildings has been provided in accordance with the details shown on plan no. NFD-BSL-ZZ-XX-DR-A-2001-PL have been provided and made available for use. The arrangements shown on plan NFD-BSL-ZZ-XX-DR-A-2001-PL for the access, turning and parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the buildings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 of the Local Plan Part 1.

11. Prior to any further development on the site, a Construction Management Plan (CMP) shall be submitted to and be approved in writing by the Local Planning Authority in relation to the employment development hereby approved. The approved plan shall be adhered to throughout the construction period. The CMP shall include arrangements for but not be limited to:

parking of vehicles of site operatives and visitors;  
routes for construction traffic;  
hours of operation;  
method of prevention of mud being carried onto highway;  
pedestrian and cyclist protection;  
proposed temporary traffic restrictions if required; and  
arrangements for vehicles turning on site.

Reason: In the interests of safe operation of the highways in accordance with Policy ENV3 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

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

Reason: To ensure adequate provision within the site in the interests of highway safety in accordance with Policy ENV3 of the Local Plan Part 1.

13. No goods, plant, or machinery shall be stored in the open on the site and no work shall be undertaken outside the buildings hereby approved without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, employment units D and E shown on site plan NFD-BSL-ZZ-XX-DR-A-2001-PL shall be used only for the purposes of commercial, business and service use within Class E (c) (iii), (e), (g) (i, ii & iii) and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: In the interest of highway safety and adjoining amenity and in

accordance with Policy ENV3 of the Local Plan Part 1.

15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, employment units B and C shown on site plan NFD-BSL-ZZ-XX-DR-A-2001-PL shall be used only for the purposes of commercial, business and service use within Class E (c) (iii), (e), (g) (i, ii & iii) and for storage and distribution use within Class B8 and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: In the interest of highway safety and adjoining amenity and in accordance with Policy ENV3 of the Local Plan Part 1.

16. 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 and hardstandings 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. 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

17. The buildings will be required to achieve a BREEAM 'very good' standard, as set out in the BREEAM Pre-assessment by SRE dated 2018. No buildings shall be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the buildings have achieved a BREEAM 'very good' standard.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy IMPL2 of the Local Plan Part 1 for the New Forest District outside the National Park.

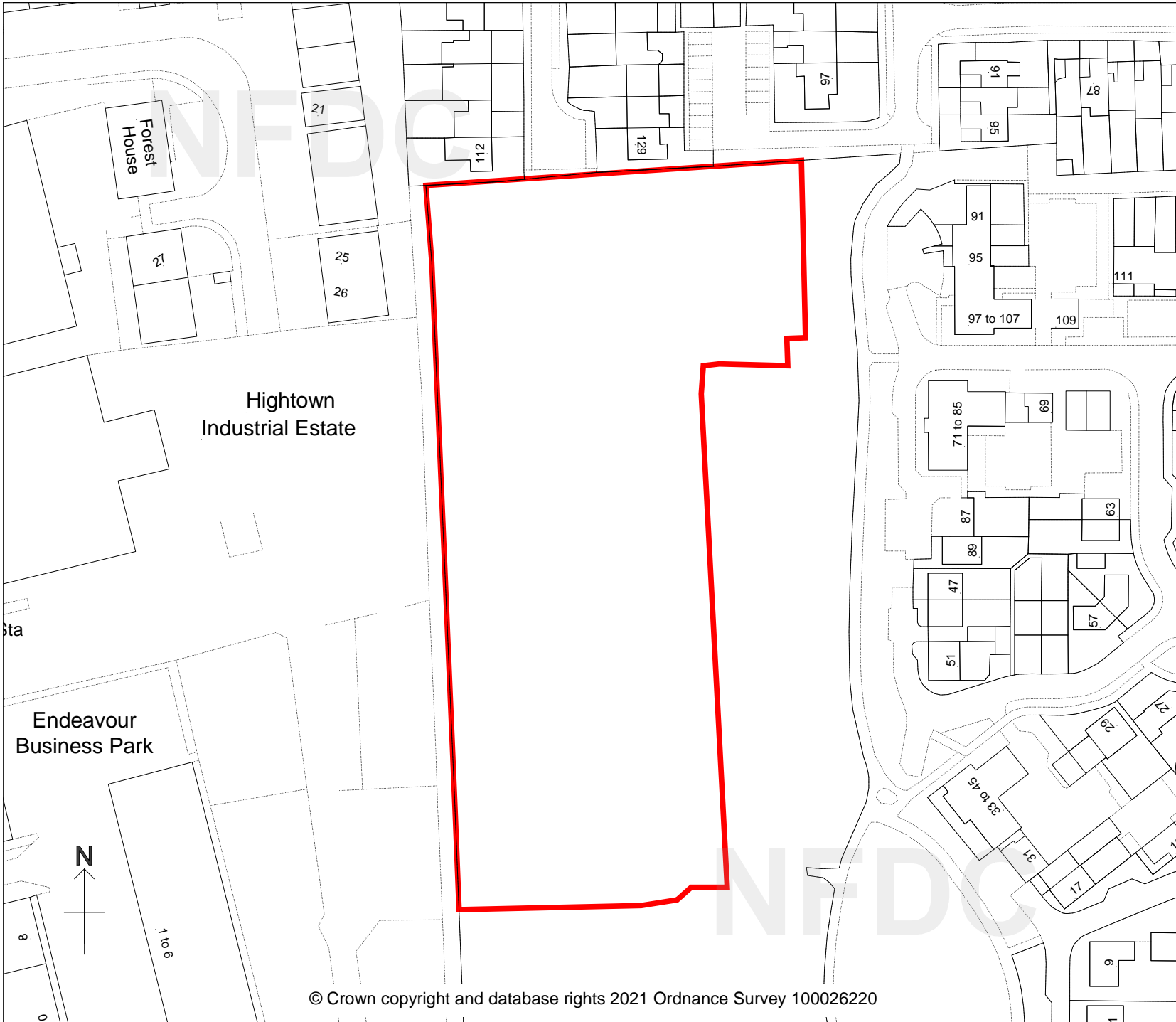
18. Prior to first occupation, provision should be made for the convenient installation of charging points for electric vehicles on the site. Details to be first submitted and agreed in writing with the Local Planning Authority and then thereafter provided and retained for that purpose.

Reason: To ensure suitable provision is made and in accordance with Policy IMPL2 of the Local Plan Part 1 2016-2036 Planning Strategy

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

Claire Upton-Brown  
 Executive Head of Planning,  
 Regeneration and Economy  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

October 2021

LAND OFF HOPCLOVER WAY  
 FORMERLY LAND AT  
 CROW ARCH LANE BH24 3DZ  
 20/11208

Scale 1:1250

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

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**Application Number:** 21/10903 Full Planning Permission

**Site:** 30 PARK ROAD, FORDINGBRIDGE SP6 1EQ

**Development:** Two-bedroom dwelling; associated parking; new parking surface for number 30

**Applicant:** Mr Edmunds

**Agent:** Williams Lester Architects

**Target Date:** 31/08/2021

**Case Officer:** Jim Bennett

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Planning History of the Site
3. Design, site layout and impact on local character and appearance of area
4. Impact on highway safety, including matters relevant to car parking
5. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
6. On Site Biodiversity and protected species
7. Habitat Mitigation
8. Housing Land Supply

This application is before Committee as the reasons for refusal are not in complete alignment with Fordingbridge Town Council's Par4 objection on grounds of reduced car parking capacity and harm to wildlife habitat.

## 2 SITE DESCRIPTION

The site lies within the built-up area of Fordingbridge. The existing property is a sizeable, semi-detached dwelling, situated at the junction of Park Road with Whitsbury Road. The majority of the site is currently utilised as a parking area for no. 30 Park Road, with access onto Park Road. The proposal would also utilise a portion of no. 30's garden area, set at a higher level than the surrounding roads. An attractive hedge fronts Park Road, at an elevated level, as well as a tree at road level. The application site occupies a prominent corner plot and its surroundings have a spacious feel with uniform spaces between semi-detached dwellings and well-treated, generous garden areas.

## 3 PROPOSED DEVELOPMENT

It is proposed to utilise the parking area, garage footprint and a portion of garden to erect a detached chalet bungalow. The dwelling would be separate and independent of no. 30. Two parking spaces would be provided for the proposed dwelling and two for no. 30, both accessed from Park Road.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
91/NFDC/47793 Convert existing dwelling to five self-contained flats	25/07/1991	Refused
XX/RFR/15242 Dwelling.	25/07/1972	Refused
XX/RFR/13604 Change of use from residential to office.	15/07/1970	Refused
XX/RFR/13408 Change of use from dwelling to Laundrette.	15/04/1970	Refused

#### 5 PLANNING POLICY AND GUIDANCE

##### Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development  
Policy STR5: Meeting our housing needs  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards

##### Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

##### Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPD - Fordingbridge Town Design Statement

##### Relevant Advice

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

##### Plan Policy Designations and Constraints

Built-up Area  
Plan Area  
River Avon Catchment

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Fordingbridge Town Council** - Recommend refusal under PAR4, as the application goes against the Fordingbridge Town Design Statement, paragraph 9.6, which states that back-garden in-filling in Salisbury Road, Park Road, Alexandra Road and Whitsbury Road should be resisted. Such developments would have an adverse impact on the character of the original street pattern, reduce car parking capacity due to access roads and destroy valuable wildlife habitat in large gardens and large trees which enhance the views from existing properties

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**HCC Highways** - The visibility splays for the left-hand access, the distance is not actually correct, the applicant states the y distance is 33m when in fact it is more likely to be 20m. However, regarding the access/parking for no. 30 in relationship with the junction of Whitsbury Road, given that the new access is located roughly 20m away from the junction, it is anticipated that vehicle speeds would be low, and therefore the highway authority would have no objection to this. It would also be required that there is no obstruction within these visibility splays and that any vegetation is kept below 600mm.

**NFDC Ecologist** - Appropriate Assessments considering the recreational and nutrient impacts of the scheme are required. No ecological enhancement measures have been incorporated within the proposed new dwelling. Built in ecological enhancements should be provided to demonstrate biodiversity net gain in line with the NPPF and the Local Plan e.g. bird boxes. Further details of suitable enhancement measures are provided in the NFDC Interim Ecology and Biodiversity Net Gain Advice Note available here: Ecology and Biodiversity Net Gain - New Forest District Council. The relevant section is entitled "Demonstrating biodiversity net gain on small sites ('minor applications')".

**NFDC Tree Officer** - A maturing London plane tree that is growing on the frontage of this site, adjacent to Park Road will be lost. This tree is a prominent tree the road, which has limited tree coverage within the street scene. Given the importance of this tree it has been recently protected by Tree Preservation Order TPO/0012/21. The proposal is objected to on tree grounds due to the loss of the London Plane tree that contributes to the local urban environment. Recent changes to the NPPF have highlighted the importance of trees to the street scene in paragraph 131.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Impact upon the availability of light
- The central upstairs window on the rear/north elevation will result in overlooking.
- Impact on wildlife
- Biodiversity enhancements should be incorporated
- Queries are made in respect of access rights, boundaries and maintenance
- A more detailed drainage survey is required to establish how the proposal will affect adjoining drainage and surface water discharge
- The proposal will reduce existing on-road parking, removing 3-4 spaces
- There will a loss of parking space during construction.
- The proposed new off-road parking for number 30 will require removal of the existing retaining brick wall and hedge. Detailed assessment of the impact of this is required as our property is several feet above road level due to the topography of the site and levelling of the site may impact our foundations.
- The proposed use for the building is queried

For: 0

Against: 3

## 10 PLANNING ASSESSMENT

### Principle of Development

The application site lies within Fordinbridge's built-up area, where there is a presumption in favour of new housing. However, the benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections.

### Design, site layout and impact on local character and appearance of area

Policy ENV3 and the Fordingbridge Town Design Statement, stipulate that new development will be required to be well-designed to respect the character, identity and context of the area's towns. The surrounding area is characterised by semi-detached dwellings fronting Park Road and Whitsbury Road, all with good sized, linear gardens extending to the rear.

The proposal would result in the new plot having by far the smallest rear garden in the locality, of between just 5m and 5.5m in depth. In this respect, the dwelling would not reflect the existing pattern of development and distinctiveness of the area, appearing cramped in its layout, all surrounding dwellings benefiting from good sized, linear gardens extending to the rear. Paragraph 9.6 of the Fordingbridge Town Design Statement states that back-garden in-filling in Park Road and Whitsbury Road should be resisted, due to the adverse impact on the character of the original street pattern, reduced car parking capacity and harm to wildlife habitat and large trees. The cramped form of development is exemplified by the limited degree of separation between the back of the existing dwelling and side of the proposed dwelling, at just 5m, which is exacerbated by the introduction of two parking spaces for no. 30, further eroding the garden space and verdant character of the corner plot. A maturing and attractive tree and length of attractive hedge would need to be removed from the Park Road frontage, which contribute to street scene, replaced with hardstanded parking. Paragraph 131 of the NPPF states that 'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined and that existing trees are retained wherever possible'

The frontage parking spaces would be a hard and unfortunate feature in the street scene, where most dwellings have planted front gardens lending a verdancy the proposal cannot offer. Furthermore it is not clear from the submitted plans how parking for no. 30 will be provided, as it is at a lower level than the garden and hedge, possibly requiring retaining wall. It is unlikely that the level of excavation required would cause stability issues for surrounding properties, although plans demonstrating how the parking spaces would be provided and retaining structures required should have been provided. The visibility splay plan provided suggests a substantial portion of the hedge will need to be removed to provide safe egress, to the detriment of the street scene.

The proposed shallow garden and parking spaces to the front, with limited scope for landscaping, coupled with the removal of the tree and hedge from the street scene are symptomatic of an overdeveloped form of development. The proposal is cramped and overdeveloped in its layout, which would fail to comply with the design and character related provisions of Policy ENV3 of the NFDC Local Plan Part 1 2016-2036, the Fordingbridge Town Design Statement, and Chapter 12 and paragraph 131 of the NPPF.

### Impact on highway safety, including matters relevant to car parking

The site currently has a single existing access from Park Road. It is proposed to widen the access to provide parking for four vehicles. The plans show that the new dwelling would be a two-bedroom unit. Two off-street parking spaces would meet with the Council's Parking Standards SPD, which recommend the provision of two spaces. While the proposal would result in the loss of on-street parking provision, through the introduction of dropped kerbs along more of the Park Road frontage, this cannot substantiate a reason for refusal on highway safety grounds. However, it is symptomatic of the overdeveloped form of development, which weighs against the principle of providing an additional dwelling on this site.

The impact of the proposal on the safe operation of the local highway network would be very modest, and a reason for refusal based on traffic generation would not be justified. While querying the submitted visibility splays, the Highway Authority raise no objections to the proposal.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which could have been secured by condition.

### Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 also requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development would be acceptable in respect of loss of privacy, loss of light and overbearing impact; and also whether the proposed development would provide sufficient private open spaces arrangements for occupiers of the existing and proposed dwellings.

While not ideally related to the host dwelling due to the limited degree of separation, the relationship is just about acceptable and perhaps a matter for the applicant to consider. Nevertheless it is a further symptom of the cramped form of development sought.

In response to the comments of adjoining occupiers that the proposal would impact upon the availability of light, the dwelling would be broadly in line with the dwellings either side, would be 1.5 storey with low eaves and located 5m away from the garden to the rear. Coupled with the fact that an existing structure would be removed from the boundary of no. 18, its impact on adjoining owners would not cause significant light loss.

The central upstairs window on the rear/north elevation could have resulted in overlooking. The window serves a stairwell and had planning permission been granted a condition could have been applied to ensure the window was obscure glazed and fixed shut, to address the privacy issue.

The plot would provide a very modest garden area, due to the overdeveloped form of the proposal, although it would provide adequate amenity space for future occupiers. Overall, the proposal complies with the amenity related provisions of Policy ENV3.

## On Site Biodiversity and protected species

As of 7th July 2020, the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2. The Council's Ecologist notes that Appropriate Assessments considering the recreational and nutrient impacts of the scheme are required. No ecological enhancement measures have been incorporated within the proposed new dwelling, which should be provided to demonstrate BNG e.g. bird boxes. This could have been addressed by a condition applied to any approval.

### Habitat Mitigation

#### a) Recreational Impacts

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, 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. In the absence of a completed a Legal Agreement to secure the contribution, a further reason for refusal must be introduced.

#### b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. In the absence of a completed Legal Agreement to secure the contribution, a further reason for refusal must be introduced.

#### c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was 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. However, Natural England have recently drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan sets out mitigation measures for new development up the end of March 2020, and thereafter relies on the delivery of the Wessex Water River Avon

Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, a further reason for refusal must be introduced.

### Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land, although the Council's Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and the harm identified above in respect of character, amenity and habitat impacts weighs against the proposal.

### Other Matters

With regard to the comments of notified parties not addressed above, the position of soakaways will be a matter for further consideration at the Building Regulation stage. There is nothing to suggest that surface water drainage would be a problem in the locality, but had permission been granted a condition would have been applied to ensure sustainable urban drainage techniques were employed. Queries are made in respect of access rights, boundaries and maintenance are private legal matters and not relevant to determination of this planning application. Disruption caused by construction activity and parking is an inevitable consequence of any new development, but not a substantive reason for refusal.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	82	21	61	61	£80/sqm	£6,250.15 *
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Subtotal:	£6,250.15
Relief:	£0.00
Total Payable:	£6,250.15

## 11 CONCLUSION

In conclusion, while the proposed development would make a modest contribution to housing stock, it would fail to preserve the character of the area. Furthermore, no information has been submitted to demonstrate that the impact on protected European sites can be successfully mitigated. Accordingly, the proposal is recommended for refusal.

## 12 RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The character and appearance of the area would be undermined by the cramped and overdeveloped form of development sought. This is exemplified by the limited level of space around the new dwelling, hardening of the frontage to the street caused by parking and access arrangements and erosion of the site's green and verdant setting through loss of tree and hedge cover, which contribute street scene and to the wider character and distinctiveness of the area. Consequently, the proposal would be contrary to the design and character related provisions of Policy ENV3 of the Local Plan Part 1, Chapter 12 and paragraph 131 of the National Planning Policy Framework and the Fordingbridge Town Design Statement.
2. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1, Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

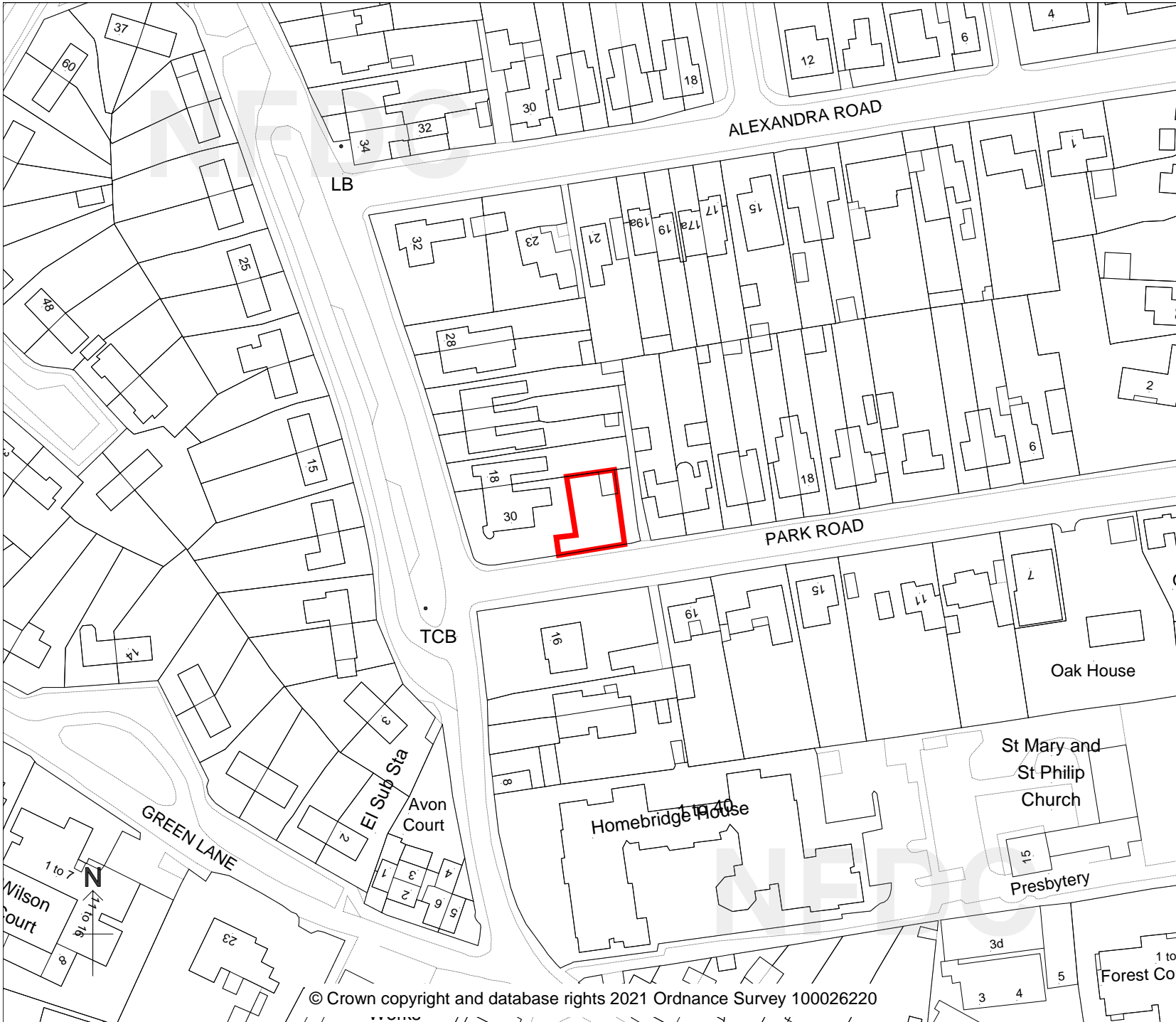


3. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in a new unit of residential accommodation which will have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), River Avon Ramsar site and River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). A precautionary approach is required to be adopted and in the absence of an Appropriate Assessment being carried out an adverse impact on the integrity of the SAC, Ramsar and SSSI cannot be ruled out. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017, Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

Claire Upton-Brown  
 Executive Head of Planning,  
 Regeneration and Economy  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

October 2021

30 PARK ROAD  
 FORDINGBRIDGE  
 SP6 1EQ  
 21/10903

Scale 1:1250

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

**Application Number:** 21/11013 Full Planning Permission

**Site:** WHITEFIELD COTTAGE, WEST ROAD, MILFORD-ON-SEA  
SO41 0NZ

**Development:** Replacement dwelling with annexe

**Applicant:** Mrs Scardifield

**Agent:** Mike Street Architectural Technician

**Target Date:** 07/09/2021

**Case Officer:** Jim Bennett

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Design and the impact on the character and appearance of the area,
3. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy;
4. Impact on highway safety, including matters relevant to car parking;
5. Flood Risk and Drainage
6. Impact on ecology and in particular protected species;

This application is to be considered by Committee at the request of Cllr David Hawkins and as the recommendation is contrary to the PAR4 view of Milford on Sea Parish Council.

## 2 SITE DESCRIPTION

Whitefield Cottage is a detached dwelling situated within the Milford on Sea's built up area, located in a line of substantial detached dwellings to the west of West Road of late Twentieth Century design. The area is characterised by generally good sized, spacious plots. The site is bound by trees to the west, with Green Belt beyond.

## 3 PROPOSED DEVELOPMENT

The proposal is for replacement of the existing dwelling with a larger dwelling and annexe accommodation. The proposed dwelling would be of contemporary design, finished in slate, zinc, render, buff brick, cedar cladding and aluminium windows. Off-street parking for 4 no. vehicles would be provided to the front of the dwelling, set back from the access road.

Following the initial submission, the applicant has submitted amended plans in light of the comments of consultees and notified parties. The amendments reduce the depth of the annexe extension by 1.5m, pull the annexe extension away from the northern boundary by 1m, replace the fully pitched roof of the annexe with a lower, asymmetric standing seam metal roof, retain a wall on the boundary with Larksmead and pull the fascias of the main dwelling roof in.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
21/10634 Replacement single dwelling with attached annexe	08/06/2021	Withdrawn by Applicant

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness  
Policy IMPL2: Development standards

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

DM2: Nature conservation, biodiversity and geodiversity

##### **Supplementary Planning Guidance**

SPD - Parking Standards  
SPG - Milford-on-Sea Village Design Statement

##### **Relevant Advice**

NPPF Chap 12: Achieving well designed places

##### **Constraints**

NFSFRA Surface Water  
Plan Area

##### **Plan Policy Designations**

Built-up Area  
Green Belt (adjoining)

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council** - PAR4: recommend REFUSAL, being gross overdevelopment of the site and not sympathetic to the surrounding area in terms of scale and massing.

#### 7 COUNCILLOR COMMENTS

Cllr David Hawkins requested the application be determined by Committee

#### 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**NFDC Ecologist** - no objection, subject to the mitigation and enhancement measures detailed in the Preliminary Roost Assessment Report being secured by planning condition.

**Environment Agency** - no comment received

**HCC Surface Water Management** - As a residential application less than 0.5 hectare in size and less than 10 dwellings. There is no need for us to comment on it at this time. However, please direct the applicant to our website for further information on recommended surface water drainage techniques

**Southern Water** - no comment received

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 13

For: 9

Those objecting to the proposal cite:

- The size of dwelling and annexe is excessive
- The cottage is an important architectural feature
- The cottage has not been maintained well
- Overdevelopment
- The annexe sets a poor precedent for similar developments
- The need for the annexe is queried
- The proposal could result in two separate dwellings
- The design is not in-keeping with the character of the locality
- The balcony will invade privacy
- Windows will invade privacy
- Flood risk posed by surface water run-off
- Communal foul drainage and pumping station may be affected
- Loss of vegetation
- Harm to wildlife, including the adjoining nature reserve
- The movement of the building line is not required
- Loss of light
- Overbearing impact
- Pollution caused by flue and log burners
- The site is in a conservation area
- Increased traffic movements
- Inadequate parking arrangements
- Spoil from demolition may be hazardous
- The suggestion that the level of the garden of Whitfield Cottage be raised is unacceptable
- Disruption caused by construction traffic and activity
- Commercial uses may be introduced
- Wall removed from northern boundary
- There is a covenant restricting the height of structures to 10 feet on the site
- Permitted development rights should be removed
- The proposal is could be sold to a developer
- The proposal could be a self-build by the applicant with little experience of project management
- No consultation has been made by the applicant with neighbours
- The amendments do not address many of the objections raised previously

Those in favour of the proposal cite:

- The proposal will allow three generations of the applicant's family to co-habit
- The existing dwelling is in poor condition
- The existing dwelling does not site well with surrounding properties
- The plot has scope for a larger dwelling
- Similar new builds in the locality have enhanced the housing stock
- The proposed dwelling is similar in scale to adjoining properties
- The dwelling would be a visual enhancement to the site
- There is a diverse range of house styles on West Road, within which the proposal would sit
- Flooding in the road quickly dissipates

## 10 PLANNING ASSESSMENT

### Principle of Development

In assessing this proposal consideration has been given to the relevant policies of the Local Plan and relevant Supplementary Planning Documents, including the Milford-on-Sea Village Design Statement. As the site is within the built up area, the principle of a replacement dwelling is acceptable, subject to consideration of matters including whether the proposed dwelling would be contextually appropriate having regard to the prevailing character of the area, impact on neighbouring residential amenity, ecological impacts, impact on flooding and drainage and car parking provision, which are discussed below.

### Design, site layout and impact on local character and appearance of area

Policy ENV3 and the Milford-on-Sea Village Design Statement seek to ensure that new development is well designed to respect the character, identity and context of the area's towns.

The proposed dwelling sits in a row of large detached dwellings of varied design and ages. While the cottage to be replaced is an older dwelling, it is not of sufficient quality or architectural merit to warrant retention in its own right. What is proposed is a replacement dwelling of contemporary design and materials, which would not be out of place in the varied street scene. It would be a detached dwelling, similar in footprint to those around it and adhering to the established building line along West Road. The proposal would sit within a generous garden curtilage, commensurate with the scale of dwelling sought, which would not constitute overdevelopment. Off street parking for four cars can be provided to the front of the site, which also facilitates retention and enhancement of landscaping on the site frontage with West Road.

Following receipt of amended plans which reduce the scale and alter the design and appearance of the development, it is considered that the proposal will preserve the character and appearance of the area and reflects the pattern of development in the locality, in accordance with Policy ENV3 of the NFDC Local Plan Part 1 2016-2036, Milford-on-Sea Village Design Statement and Paragraph 192 of the NPPF. This subject to conditions in respect of formalising materials and removing permitted development rights.

### Highway safety, access and parking

The plans show that four off-street car parking spaces, accessed from West Road for use by future occupiers could be provided. The dwelling would be a six bedroom unit, which would require 3 off street parking spaces to meet the Council's Parking Standards SPD. While the proposal would result in an intensification of the site's

usage, it does not raise significant issues in respect of vehicular access, parking and traffic generation.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, which will be ensured by condition.

Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy:

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

In respect of the relationship of the new dwellings to surrounding occupiers the annexe has been modified in terms of its depth, height and proximity to Larksmead, which results in an acceptable proposal in terms of its visual impact and would have no significant overbearing impact. In terms of privacy it is proposed to obscure glaze the first floor windows in both the north and south elevations to preserve the privacy of Larksmead and Westerlies, which may be ensured by condition. The rear balcony is largely covered with low eaves and privacy screens to preserve the privacy to the north and south. Again the privacy screens may be ensured by condition. While there would be a degree of overlooking of the rear gardens either side from the balcony, views would be oblique and similar to views experienced from first floor rear windows of dwellings positioned in a linear format. It is not considered that the proposal would have any harmful impacts in terms of visual intrusion, overbearing impact, shading, noise or light pollution. Consequently there are no issues with regard to the amenity of adjoining properties that could substantiate a reason for refusal.

The amenity space provided for future occupiers of the dwelling would be acceptable and in compliance with the amenity provisions of Policy ENV3.

Flooding and Drainage

Flood risk posed by surface water run-off arises in the land to the rear of Whitefield Cottage and Larksmead and is identified as NFSFRA surface water risk area. HCC Surface Water Management Team have not commented as a small scale residential application. The Environment Agency have yet to respond, but it appears that water channels away to the east through the site.

The agent explains that the flooding situation may never be fully corrected because the level of the highway immediately outside is slightly higher, preventing surface water from spilling away to the east/to the ditch on the other side of the road. To fully address the issue would require culverting under West Road to allow flood water to run off to the east, but that would be beyond the remit of this planning application, being beyond the red line. Raising the floor level by 150mm would protect the new dwelling from flooding around the house and annexe. Coupled with that, it is intended that ground levels around the house (except for the immediate paved areas such as the patio) approximately 150mm below floor. The existing ground levels, particularly in the front garden are to be raised too but only about 100 to 150 mm, in order to direct water eastwards and across the roadway into the ditch. Something like "tipping" a plate. The intention is to build up the ground levels using hardcore from the demolition works. There is no indication that spoil from demolition of the cottage may be hazardous, although if hazardous substances are encountered, it will be a matter for the developer to dispose of them in an appropriate manner.

The site is lower than the adjoining neighbours and the existing dwelling fills most of the plot's width. The proposed development, while larger and raised by 150mm from existing ground level, would not exacerbate flood risk to future occupiers of the development, nor adjoining neighbours as the proposal has been designed to allow water to channel either side of the new dwelling and away to the east, which is currently the case. All areas surrounding the dwelling (patio to the rear and parking area to the front) would be finished in permeable materials to assist with drainage. In addition a condition is proposed to ensure the replacement dwelling is constructed in accordance with good Sustainable Urban Drainage techniques. While there is an existing flood problem on the site, if infrequently occurring, the proposal will not make the flooding situation any worse than the current situation and should enhance the situation, due to the drainage measures to be employed in the new build.

Notified parties suggest that communal foul drainage and pumping station may be affected by the new dwelling. This is unlikely in view of the fact the proposal is for replacement dwelling, although Southern Water have been consulted for their view on this concern.

#### Ecology on Site Biodiversity and protected species

As of 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2.

There would be very limited loss of vegetation from the site and it would have no significant harmful impact on wildlife, including upon the adjoining nature reserve. Details have been submitted in the form of a Preliminary Roost Assessment Report outlining how biodiversity net gain and wildlife enhancements would be achieved by the development, delivery of which will be ensured by planning condition. Subject to this condition, the Council's Ecologist raises no objection to the proposal.

#### Habitat Mitigation

As a proposal for a replacement dwelling there is no requirement for it to mitigate recreational impacts, achieve nitrate neutrality or address air quality.

#### Other Matters

With regard to the comments of the objecting parties, which are not addressed above;

- The setting of precedent cannot substantiate a reason for refusal, each case must be considered on its own merits.
- The need for the annexe is queried and it is suggested that the proposal could result in two separate dwellings or introduction of a commercial use. The annexe shows an internal link to the main dwelling and officers are satisfied that the proposal is for an annexe. Should the annexe be subdivided or used for a commercial purpose that constitutes a material change of use, these would require the express grant of planning permission.
- Pollution caused by flue and log burners is an issue rising up the climate change agenda, but is not a reason for refusal.
- The site is not within a conservation area.



- Disruption caused by construction traffic and activity is an inevitable consequence of most new developments and would not be a reason for refusal on such a small scheme.
- If there is a covenant restricting the height of structures to 10 feet on the site, then this is a private legal matter, not a planning matter.
- The fact that the proposal could be sold to a developer or could be a self-build by the applicant with little experience of project management are not matters that can influence the outcome of the planning decision.
- While lack of consultation is unfortunate, the applicant was not statutorily required to consult neighbours prior to submission of the application.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	291.6	145.45	146.15	146.15	£80/sqm	£14,974.75 *
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Subtotal:	£14,974.75
Relief:	£0.00
Total Payable:	£14,974.75

## 11 CONCLUSION

The proposal would bring forward regenerative benefits and create a development which would be acceptable in street scene and provide housing stock renewal. In applying the balancing exercise, the proposal raises no significant concerns in respect of highway safety, visual amenity, ecology, flood risk or residential amenity. The proposal would make efficient use of land to provide new housing in a sustainable location close to services and facilities. Overall it is considered that the benefits outweigh the negatives and the proposal is accordingly recommended for approval.

## 12 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:
- Amended drawing number 0820.02/01 rev b - Site Location and Block Plans
  - Drawing number 0820.02/02 - Plan of Site as Existing
  - Drawing number 0820.02/03 - Whitefield Cottage as Existing
  - Amended drawing number 0820.02/05b - Plan of Site as Proposed
  - Amended drawing number 0820.02/11a - View from West Road, South and Rear as Proposed
  - Amended drawing number 0820.02/12 - Proposed New House with Annexe
  - Design and Access Statement by Mike Street dated 7th July 2021
  - The Hampshire Ecological Services Ltd Preliminary Roost Assessment Report, dated July 2021

Reason: To ensure satisfactory provision of the development.

3. Before development commences the following shall be submitted to and approved in writing by the Local Planning Authority:
- External facing and roofing materials and details
  - Full window and door joinery details, including material, finish and colour

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 ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park

4. All external works (hard and soft landscape) shall be carried out in accordance with approved drawing number 0820.02/05b - Plan of Site as Proposed within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The works hereby approved shall be undertaken in strict accordance with the ecological enhancement measures and planting detailed in Section 5 and Figure 4 of the Hampshire Ecological Services Ltd Preliminary Roost Assessment Report, dated July 2021, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

6. 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 ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. 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 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 amenities of neighbouring properties, in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

8. The first floor en-suite and bathroom windows in the north and south elevations of the approved dwelling) shall be :

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. Prior to first occupation, provision should be made for the convenient installation of charging points for electric vehicles on the site. Details to be first submitted and agreed in writing with the Local Planning Authority and then thereafter provided and retained for that purpose.

Reason: To ensure suitable provision is made and in accordance with Policy IMPL1 of the Local Plan Part 1 2016-2036 Planning Strategy

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443

NFDC



New Forest  
DISTRICT COUNCIL

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

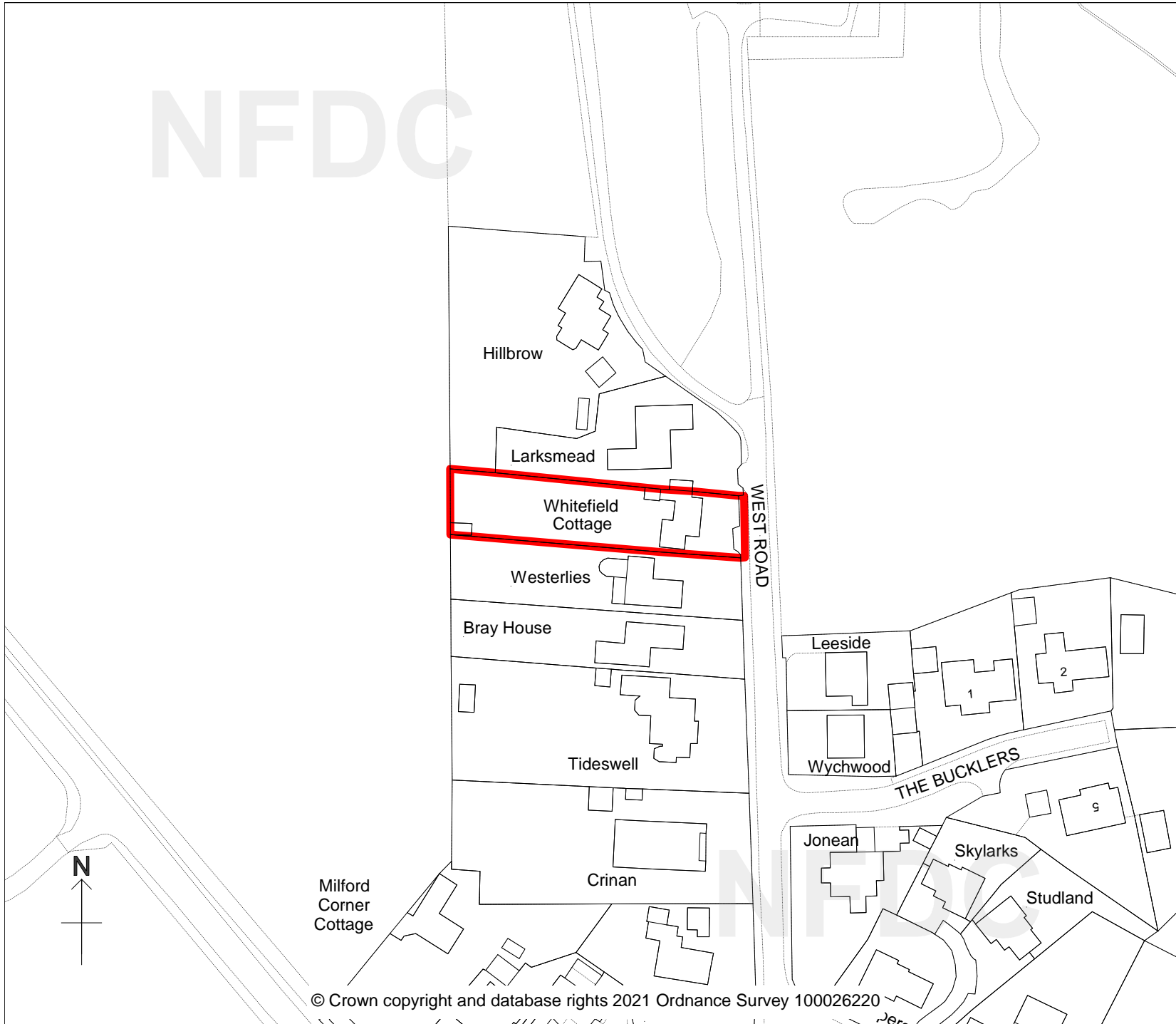
Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**October 2021**

WHITEFIELD COTTAGE  
WEST ROAD  
MILFORD-ON-SEA SO41 0NZ  
21/11013

61



Scale 1:1250

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the internet, it will not be to  
scale.

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**Application Number: 21/10624** Full Planning Permission

**Site:** THE CLIFF HOUSE, MARINE DRIVE WEST, BARTON-ON-SEA,  
NEW MILTON BH25 7QL

**Development:** Replacement Garden Bar

**Applicant:** Mr & Mrs Darbshire

**Agent:** R Elliott Associates

**Target Date:** 12/07/2021

**Case Officer:** Vivienne Baxter

**Extension Date:** 14/10/2021

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area/Green Belt
- 3) Impact on the residential amenities of the area
- 4) Coastal erosion

This application is to be considered at Committee due to a contrary Town Council view.

## 2 SITE DESCRIPTION

The site is situated on the cliff top in Barton on Sea where the land is designated as Green Belt. It is a small hotel with bar/restaurant facilities open to the public. An outdoor bar area has been a feature on the site for a few years.

## 3 PROPOSED DEVELOPMENT

The proposal entails the provision of a replacement outdoor bar to include cellar and BBQ area. The works have been implemented.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/11573 Kitchen extension; conversion of loft within managers flat; external alterations	03/06/2020	Granted Subject to Conditions	Decided
19/11106 Garden Bar	29/10/2019	Granted Subject to Conditions	Decided
18/11170 Temporary bbq area and garden bar (retrospective)	29/10/2018	Grant Temporary Permission	Decided
18/10191 Single-storey extension; disabled parking and access	09/04/2018	Granted Subject to Conditions	Decided

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

### **Local Plan Part 2: Sites and Development Management 2014**

DM6: Coastal Change Management Area

DM7: Restrictions on new soakaways

### **Supplementary Planning Guidance And Documents**

SPD - New Milton Local Distinctiveness

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework 2021

### **Relevant Advice**

Chap. 12: Achieving well designed places

Chap.13 - Protecting Green Belt land

### **Constraints**

Article 4 Direction

Aerodrome Safeguarding Zone

SSSI IRZ All consultations

### **Plan Policy Designations**

Coastal Change Management

Green Belt

No Soakaway

Countryside

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **New Milton Town Council**

Object (non-delegated)

Insufficient information on hardstanding, drainage, and coastal policy.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environmental Health (Pollution)**

No objection

### **Coastal Protection**

Amendments will reduce risk to cliff stability

## **9 REPRESENTATIONS RECEIVED**

One comment has been received from a local resident advising that the site is adjacent to a SSSI.



## 10 PLANNING ASSESSMENT

### Principle of Development

The proposal is retrospective and is to replace an existing feature of the site with an improved facility and there are no objections to the principle of this. Within the green belt, replacement buildings can be acceptable, subject to them not being materially larger than the one it replaces ( NPPF Para 149).

### Design and impact on character and appearance of area/Green Belt

The proposed structure is in two sections. The bar/cellar area is a fully enclosed timber clad building with flat roof and metal shutters to secure the building when not in use. Attached to this is a BBQ area which has two openings and is open, other than a pergola structure, above 1.2m in height. The top of the pergola is slightly lower than the main bar/cellar element of the structure.

In design terms, the horizontal cladding and flat roof reflect the rear additions to the hotel and there are no objections in this respect. Whilst at present, there are other structures adjacent to the building which add to a somewhat cluttered appearance, they are not part of this application and are in situ on a temporary basis in view of the ongoing pandemic. Following the removal of these temporary structures, the proposal would provide a barrier to the car park and would offer a more private amenity space for the hotel guests.

The proposed building is larger than the previous structure and would add a further 7.3m<sup>2</sup> of internal floor space, providing a total of 20.8m<sup>2</sup> in a rectangular format compared to the squarer building of the original outdoor bar. This is not considered to be materially larger than the previous structure and would therefore comply with Green Belt policy in this respect.

In view of its minimal height and lightweight structure, it is not considered that the proposal is harmful to the openness of the Green Belt or the character and appearance of the area.

### Residential amenity

The building is controlled through the premises license which allows use between 1000h and 2300h on a daily basis. Environmental Health have not been advised of any concerns relating to potential noise and disturbance from this part of the site and do not raise any objection to the proposal subject to the hours of operation being restricted as above. These hours have been stated within the application documentation and it is not expected that the applicants would exceed them.

There will be some impact on outlook from residential properties across the road in view of the increased size of the structure. However, given the limited size of the building and separation distance this impact is not significant such as to warrant refusal of the scheme.

### Coastal Protection

The site lies within the orange coastal change management area (2025-2055) where policy allows development directly linked to the coastal strip, including cafes/tea rooms and holiday accommodation. The proposed structure is ancillary to an existing hotel and provides food and drink for residents and other visitors. Given that it is also a replacement facility, the proposal is considered to comply with policy DM6.

The application also includes guttering and a waterbutt along the rear elevation of the structure which will prevent excess water from draining into the cliff edge and therefore minimising any harm to the stability of the cliff. In addition to this, the collected water will benefit potted plants around the site.

## **11 CONCLUSION**

The proposal represents an improvement to an existing ancillary facility to this hotel without giving rise to unacceptable impacts on the character and appearance of this green belt location or the residential amenities of the area. The rainwater harvesting scheme included will limit the impact of the proposal on the cliff stability and enable plants within the site to be watered. As such, it complies with ENV3 and DM6 and planning permission is recommended.

## **12 OTHER CONSIDERATIONS**

The Town Council has also raised issues relating to drainage and hard surfacing. The application form advises that both surface and foul drainage would go into the mains drainage which is acceptable in this location. The proposal does not include any hardsurfacing although it is noted that the area between cliff top and building is laid to gravel. This surfacing does not result in surface water being concentrated in any one area which could impact on coastal erosion.

The comment received from the local resident is not a planning matter. The site is approximately 13m from the SSSI although the location of the structure is in excess of 50m from this designation.

## **13 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

Planning Statement  
8749 OB 01 rev. B - plan, elevations, site & location plan.

Reason: To ensure satisfactory provision of the development.

2. No activity shall take place on the site in connection with the approved use other than between the hours of 10am and 11pm on any day.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy for the New Forest (outside of the National Park).

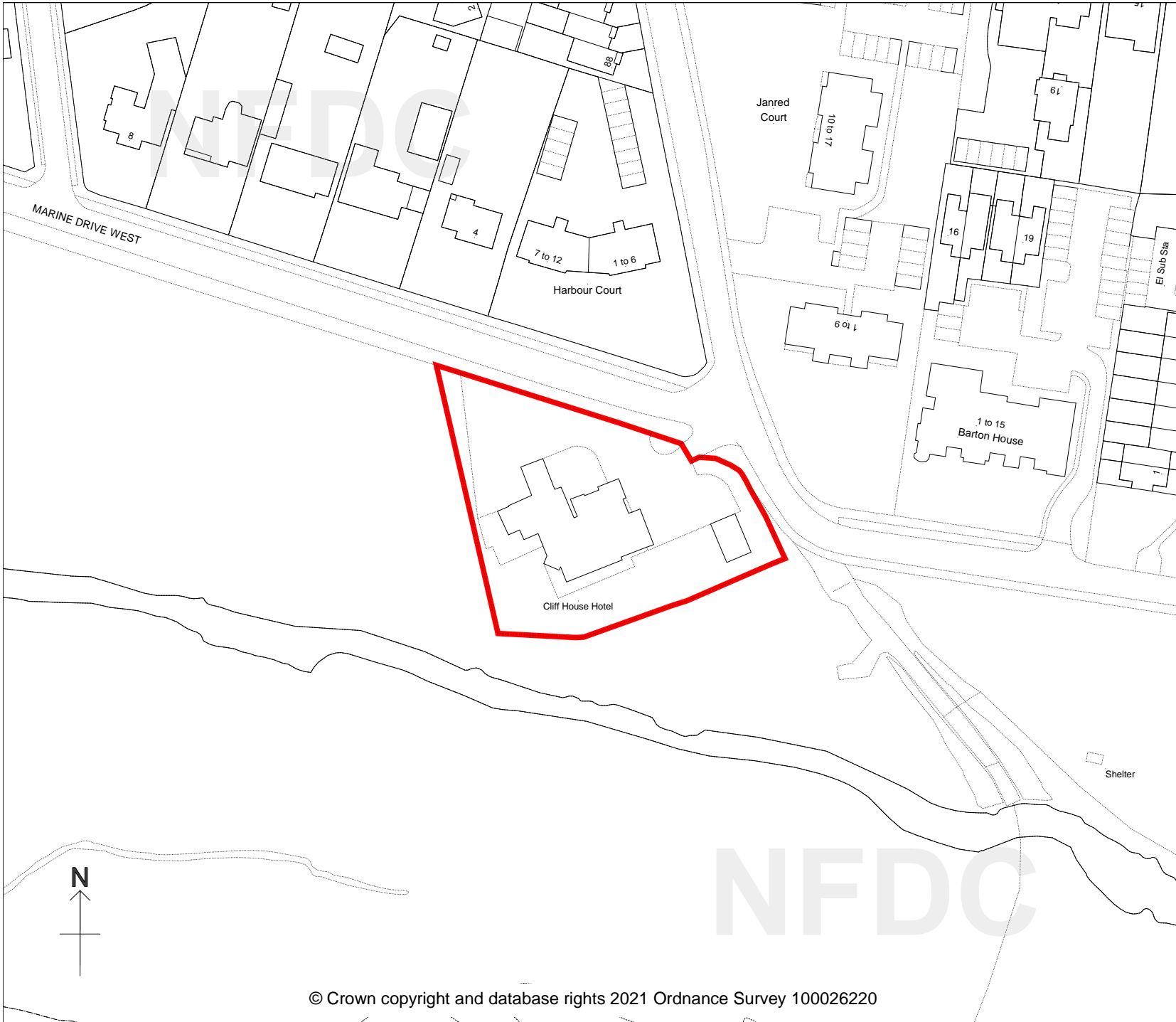
3. The proposed guttering and water butt shall be implemented in accordance with the submitted details by the end of October 2021 and permanently maintained for the purposes of rainwater harvesting.

Reason: In order to ensure drainage is satisfactorily addressed and in accordance with policies DM6 and DM7 of the New Forest District Council Local Plan Part 2: Sites and Development Management.

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



**New Forest**  
DISTRICT COUNCIL

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Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**October 2021**

CLIFF HOUSE, MARINE DRIVE WEST  
BARTON-ON-SEA  
NEW MILTON BH25 7QL  
21/10624

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the internet, it will not be to  
scale.

Planning Committee 13 October 2021 **Item 3 f**

**Application Number:** 21/10969 Variation / Removal of Condition

**Site:** 14 MEADOW CLOSE, RINGWOOD BH24 1RX

**Development:** Variation of condition 2 of planning permission 21/10514 to allow amended plans raising the ridge height of the extension on the front elevation.

**Applicant:** Mrs Carter

**Agent:**

**Target Date:** 10/09/2021

**Case Officer:** Vivienne Baxter

**Extension Date:** 14/10/2021

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact of the proposal on the character and appearance of the area
- 3) Impact of the proposal on the residential amenities of the area
- 4) Highway matters including parking

This application is to be considered by Committee because there is a contrary view from the Town Council.

## 2 SITE DESCRIPTION

The site lies within the built up area of Ringwood in a residential cul-de-sac. The majority of properties in the road are bungalows although there are examples of two storey accommodation in Meadow Close. To the rear of the site is another residential cul-de-sac which also has examples of two storey accommodation in an area which was built predominantly as bungalows. Permission was granted earlier this year for a single storey rear addition and roof alterations in association with a new first floor and works have commenced on this approved scheme.

The property benefits from a front garden and space for off road parking behind a boundary wall.

## 3 PROPOSED DEVELOPMENT

The proposal entails an amendment to the approved scheme which introduces an additional dormer in place of the original single storey gable feature to the front elevation. The approved first floor window in the eastern side elevation would be removed and the approved windows in the dormer window to the rear would all be reduced in size. The proposal also includes a more specific layout for the landscaping of the front garden/parking area.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10514 Loft conversion with dormers; single-storey rear extension and update of existing facades	28/05/2021	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

**Local Plan 2016-2036 Part 1: Planning Strategy**  
Policy ENV3: Design quality and local distinctiveness

**Local Plan Part 2: Sites and Development Management 2014**

**Supplementary Planning Guidance And Documents**

SPD - Ringwood Local Distinctiveness

**Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

**Relevant Advice**

Chap 12: Achieving well designed places

**Constraints**

Avon Catchment Area

Aerodrome Safeguarding Zone

**Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Ringwood Town Council**

R(4) Recommend refusal. The Committee felt that the proposed amendment would have a detrimental impact on the street scene and amenities of neighbouring properties.

Following receipt of amended plans:

**Ringwood Town Council, Ringwood Gateway**

Refusal(4) Recommend refusal. The Committee felt that the new plans do not address the concerns raised with the previously submitted plans. The proposal would be overdevelopment, have a detrimental impact on the street scene and amenities of neighbouring properties.

#### 7 COUNCILLOR COMMENTS

No comments received

#### 8 CONSULTEE COMMENTS

No comments received

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 1

- concern raised regarding overbearing impact and loss of light

## 10 PLANNING ASSESSMENT

### Principle of Development

The principle of extending and altering this dwelling has previously been considered acceptable and there is no change to this principle.

### Design and impact on local character and appearance of area

The proposed changes to the scheme would create a more balanced design to the front elevation of this property whilst maintaining the single storey eaves level. There are no further increases to the overall height of the building and the proposed materials reflect those already granted permission.

The extant permission was not specific in relation to the front garden area or where cars would park given the demolition of the existing single garage although it was considered that sufficient space was available to provide adequate parking. This is reflected in the submitted plan indicating an area for block paving, an area to be planted, the retention of a cherry tree and planters along the boundary with no.12. The front boundary wall would be retained and a sliding gate provided, maintaining an appropriate front boundary treatment. It is considered that this plan negates the need for a landscaping condition (the rear garden area would be a private, gardening matter) and the previously imposed condition has been amended to reflect this.

### Highway safety, access and parking

The access to the site would remain as existing and a sliding gate provided allowing maximum space on the drive for an adequate level of car parking. Whilst this would not allow on site turning to be provided, it is noted that not all properties in the road benefit from onsite turning and given the location of the site at the end of a quiet cul-de-sac, it is unlikely to give rise to highway safety concerns.

### Residential amenity

The proposal is considered to represent an improvement in terms of privacy given the removal of the approved secondary window to the front bedroom. At the rear of the property, the ensuite and bedroom windows are all smaller than previously approved.

In terms of the impact of the built form on the light to adjacent properties, it is noted that an objection has been received from a local resident concerned with the potential loss of light to the side windows of their property. However, their concern is specific in that it relates to the increased height in the ridge line which is not proposed to be altered from the extant permission. In addition to this, the proposal has been amended since the comment was received and the amended plans represent a minimal change to the approved scheme in terms of their impact on the nearest dwelling. This is having regard to privacy, light and overbearing impact. It is noted that the nearest window in the adjacent dwelling would be at an oblique angle to the proposal and at a distance of around 7m.

## 11 CONCLUSION

The proposal would have a limited impact on the residential amenities of the area given the extant permission. In terms of the impact of the proposal on the character and appearance of the area, the proposal would maintain a single storey eaves line whilst adding to the variety of dwelling styles in the area.

## 12 OTHER CONSIDERATIONS

It is understood that the extant permission would not allow for adequate head height in the front bedroom, hence the desire to provide a more useable space in this corner of the property.

## 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.

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

2101 S.01 - location plan  
2101 AP.01 - block plan  
2103 AP.02 rev.A - proposed plans  
2103 AP.03 rev.A - proposed elevations  
2103 AP.04 rev.A - proposed sections.  
unnumbered landscaping drawing

Reason: To ensure satisfactory provision of the development.

3. Prior to the provision of the timber cladding, exact details of its colour and finish 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 ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.



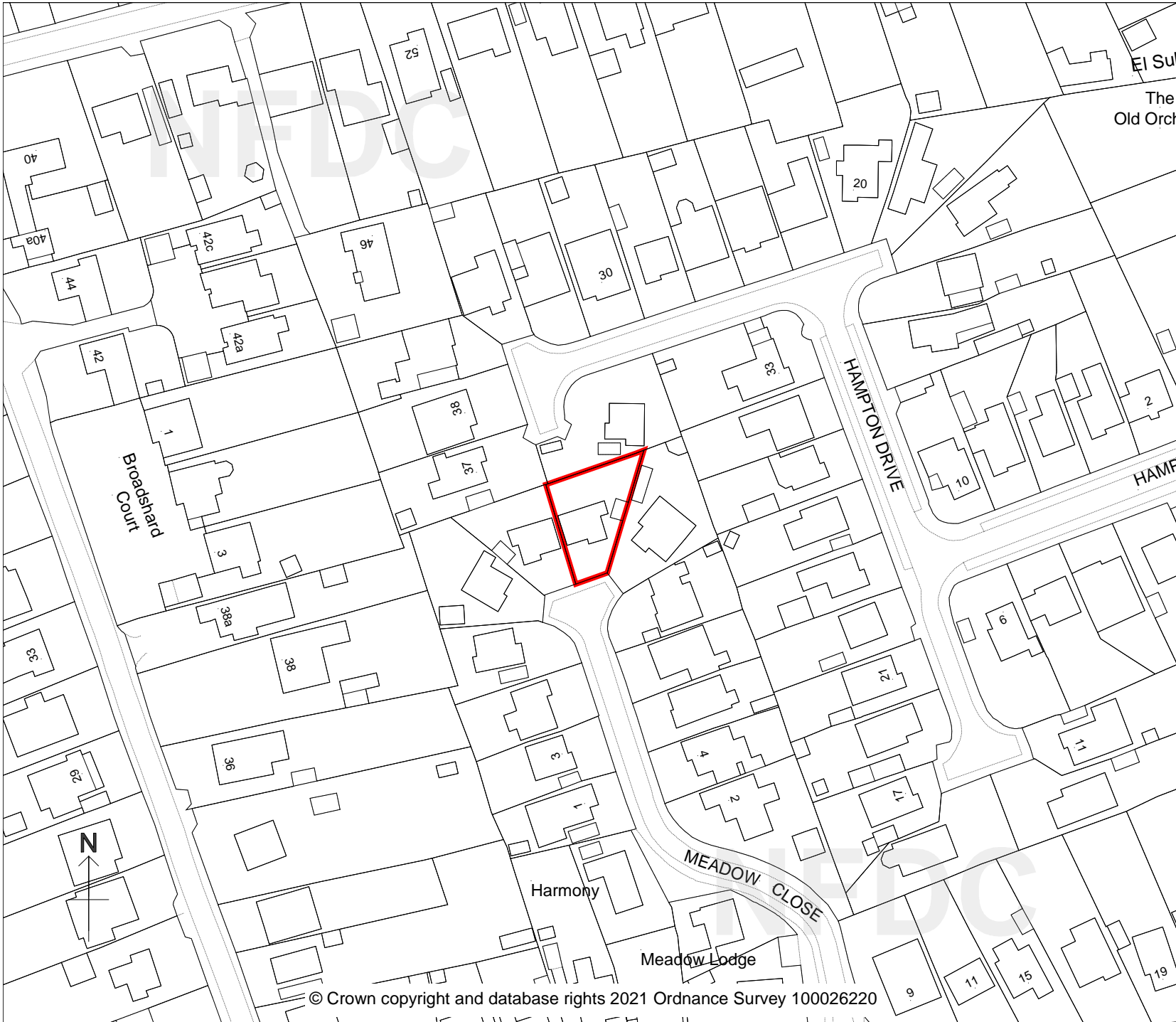
4. The approved landscaping scheme to the front of the property shall be implemented in the first planting season following the substantial completion of the development unless an alternative scheme is previously approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Vivienne Baxter

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Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**October 2021**

14 MEADOW CLOSE  
RINGWOOD  
BH24 1RX  
21/10969

Scale 1:1250

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the internet, it will not be to  
scale.

**Application Number:** 21/11168 Full Planning Permission

**Site:** SOUTHFIELD, KINGS SALTERN ROAD, LYMINGTON  
SO41 3QD

**Development:** Alterations and extensions

**Applicant:** Boden

**Agent:** Jerry Davies Planning Consultancy

**Target Date:** 13/10/2021

**Case Officer:** Kate Cattermole

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the Kings Saltern Conservation Area

This application is to be considered by Committee because contrary view to Lymington Town Council

## 2 SITE DESCRIPTION

The application site is located within the Kings Saltern Conservation area, and is also mainly within the built up area of Lymington. The boundary of the built up area (where it abuts the Green Belt) cuts across part of the southern end of the plot, and this includes part of the existing dwellinghouse. Kings Saltern Road is a narrow road without pavements contributing to a semi rural character, and is one of the older pre car lanes in the town. There are notable period dwellings along the road, predominately on the western side of the road, including two Grade II Listed Buildings, Crookham Cottage and Salterns, opposite the application site. However, the eastern side of the road which includes the application site has examples of more modern properties including Rope Walk House.

The application site consists of a detached two storey dwelling, which has been the subject of a number of extensions over the years which have significantly altered the appearance and form of the dwelling from when it was first built as a bungalow in the late 1950's/early 1960s. The external finish to the dwelling is render with horizontal composite cladding at first floor level. The property has an attached garage, with first floor over, which sits forward of the main dwelling and formed part of an earlier extension, and there is a graveled area to the front of the house for parking. There is an existing balcony to the rear of the dwelling, which has access to the rear garden via a spiral staircase adjacent to the boundary with Salters Green, a large detached house to the north east of the site. The existing dwelling has the benefit of a reasonable sized plot, with tree screening along the southern and eastern boundaries.

To the south of the site is the Hut, which was granted consent in 2011 for holiday use, whilst to the rear of the application site is an area used for dinghy storage.

### 3 PROPOSED DEVELOPMENT

Single storey extension infilling the area under the existing balcony which spans the majority of the rear elevation and also projects beyond the southern elevation of the existing dwelling. Relocation of the spiral staircase to the southern side of the dwelling. Rebuilding the existing two storey side and front extension. Two storey flat roofed extension on the front elevation. Change to the external materials of the dwelling introducing vertical cladding and zinc roofing. Turntable on front drive.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/10386 External spiral stair case	11/05/2017	Granted Subject to Conditions	Decided
06/87365 Convert rear of garage to ancillary living accommodation with first floor extension over; single-storey rear extension	17/05/2006	Granted Subject to Conditions	Decided
99/67599 Addition of garage and access alterations	10/12/1999	Granted Subject to Conditions	Decided
95/NFDC/57997 Alterations to balcony and addition of boiler house	14/02/1996	Granted Subject to Conditions	Decided
94/NFDC/55716 Addn & construction of 1st floor with leisure deck	10/01/1995	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

Policy ENV2: The South West Hampshire Green Belt

#### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

#### **Supplementary Planning Guidance And Documents**

SPD - Lymington Local Distinctiveness

#### **Constraints**

Flood Zone

Conservation Area: Kings Saltern Conservation Area

#### **Plan Policy Designations**

Built-up Area

Green Belt

### 6 PARISH / TOWN COUNCIL COMMENTS

#### **Lymington & Pennington Town Council**

PAR 4: Recommend Refusal

- Conflicts with New Forest District Local Plan policy, ENV3: Design quality and local distinctiveness.
- The application is inappropriate to the Lymington Conservation Area.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **NFDC Tree Team**

No objection

### **Environmental Health Officer**

No objection subject to condition and informative

### **Conservation Officer**

No objection

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 4

- ugly, intrusive and totally out of keeping with neighbouring properties
- timber cladding ugly - looks like a glorified shed
- noisy when raining on metal roofing
- timber cladding in particular inappropriate within the conservation area
- detract from the character of the area and potentially affect holiday let business
- Opposite two listed buildings, and area consists of Victorian/Edwardian houses painted in suitable colours
- proposed materials not consistent with other properties in the area
- house built higher due to flooding and will be overbearing in street scene

## 10 PLANNING ASSESSMENT

Amended plans were submitted to correct minor errors on the plans, but they have not altered the details of the proposed alterations and extensions.

### Planning Principle

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality. The principle of the development is considered to be acceptable, subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area and residential amenity. Even though a small part of the application site falls within the Green Belt, the prevailing character of the site is residential and the minor element of the development that is located in this part of the site (namely the relocated spiral staircase and part of the extension under the balcony) would not be harmful to the character of the Green Belt.

Paragraph 203 of the National Planning Policy Framework 2021 states that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Moreover, there is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

The plans also show internal changes to the building including the introduction of an indoor swimming pool, but S55 of the Town and Country Planning Act 1990 states that alterations that only affect the interior of the building do not constitute development. Therefore the internal changes do not form part of the consideration of this application.

#### Design, site layout and impact on the character and appearance of Kings Saltern Conservation area

The existing dwelling, as already noted, dates from the later 20th Century and has been significantly altered since first built. The external materials on the existing house consist of render and horizontal composite cladding, and a mixture of tile and slate roofing. The impact of the cladding on the front elevation is currently screened to a degree by a wisteria. As such, by reason of it being a relatively modern building which does not have any notable features, it does not contribute to the character or significance of the Kings Saltern Conservation area.

The proposed extensions would not significantly increase the footprint, scale or massing of the building. The proposed front extension would not project any closer than the existing two storey side/front extension which is to be rebuilt as existing without any significant alterations, and by reason of the materials would blend in to the existing front elevation of the dwelling. The existing dwelling is at an angle to the front boundary, and therefore views of the side (south) elevation are not highly visible from public vantage points. The relocated spiral staircase would be sited towards the back of the building, and as such would not impact on the street scene. Furthermore, this is already a feature of the dwelling. The proposed turntable would be located within the front driveway and would not be visible, as such would not impact on the character or appearance of the conservation area.

The most controversial part of this proposal is the change in materials to predominately vertical cladding (there is a small area of metal cladding to the rear of the dwelling) and a zinc roof, and the impact this would have on the overall appearance of the dwelling in this sensitive location. The proposed timber cladding would be an improvement to the composite cladding already in place, and would be an appropriate material in the Conservation Area. The application states that the cladding would be Siberian Larch pre weathered, resulting in a soft grey appearance, and the brick plinth would also be replaced with a grey brick. The zinc roof would be pre patinated, and therefore would not be shiny or reflective, and would be dark grey from installation. As such, this combination of materials would result in a more harmonious appearance to the dwelling as a whole. The use of zinc is not untypical on residential dwellings, and the claim that it would be noisy in rainy weather is not substantiated. Moreover, the insulation of the roof would reduce the reverberation further mitigating any impact in this respect. These would be good quality materials which would update the appearance of the dwelling, and the proposed extensions and alterations to Southfield on balance would not harm the Conservation Area when compared to the existing appearance of the dwelling on site. The Conservation Officer has raised no objection to the proposed extensions and alterations and states that they would preserve the character and appearance of the Conservation Area.

The two Grade II Listed Buildings, Salterns and Crookham Cottage are on the opposite side of the road, and by virtue of this degree of separation and relationship, the alterations to Southfield would not adversely impact upon these two properties.

Reference has been made to the fact that Southfield was built at a higher level due to flood risk, and the changes would make it more dominant within the street scene. The extensions and alterations would not alter the overall height of the dwelling, and though it is accepted that the change in the materials would contrast significantly with the appearance of the existing dwelling it would not necessarily follow that the changes would make the resulting dwelling more dominant within the street scene. Furthermore, this is not a historic dwelling and it already contrasts with the period dwellings within the immediate vicinity.

#### Landscape impact and trees

There would not be a significant increase to the existing footprint of the building, and consequently no trees that contribute to the amenity of the Conservation Area would be affected by this proposal.

#### Highway safety, access and parking

Even though the integral garage is to be reutilised as habitable floorspace, there is sufficient parking within the residential curtilage. Furthermore, the provision of a turntable would allow access and egress from the site in forward gear.

#### Flood Risk

The application site is located in a flood zone, but confirmation has been received that the floor levels will be no lower than already exist and this conforms with the advice from the Environment agency in relation to householder applications within the flood zone.

#### Residential amenity

The single storey additions would infill under the existing balcony, and by virtue of their siting and form would not create issues in respect of neighbour amenity. The relocation of the spiral staircase would be an improvement in respect of the amenities of Salterns Green, as following the removal of a substantial hedgerow on this boundary the existing spiral staircase allows unrestricted views into their property. Even though the relocation of the staircase would be closer to the boundary with The Hut, taking into account the tree screening along this boundary and the siting of the building on this neighbouring plot coupled with its use, there are no identified issues arising from this aspect of the proposal.

Plant is proposed to be installed for the pool. Information was provided as part of the application as to the noise levels of the filtration pump and its housing. The information supplied was sufficient but a condition is proposed to ensure the noise levels are maintained at an acceptable level.

## **11 CONCLUSION**

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained within the National Planning Policy Framework (2019) and other Local Plan policies. Permission is therefore recommended

## **12 OTHER CONSIDERATIONS**

None

## 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:

- 3d drawing as deposited with the Local Planning Authority on 12 August 2021
- Site survey as deposited with the Local Planning Authority on 12 August 2021
- 95-176/P02 Existing ground floor plan as deposited with the Local Planning Authority on 12 August 2021
- 95-176/P03 Existing First floor plan as deposited with the Local Planning Authority on 12 August 2021
- 95-176/P04 Existing roof plan as deposited with the Local Planning Authority on 12 August 2021
- 95-176/P07 Proposed ground floor plan as deposited with the Local Planning Authority on 12 August 2021
- 95-176/P08 Proposed First floor plan as deposited with the Local Planning Authority on 12 August 2021
- 95-176/P01 Site Location & Block plan as deposited with the Local Planning Authority on 18 August 2021
- 95-176/P05 Existing Elevations as deposited with the Local Planning Authority on 18 August 2021
- 95-176/P06 Existing sections as deposited with the Local Planning Authority on 18 August 2021
- 95-176/P11 Proposed Elevations as deposited with the Local Planning Authority on 18 August 2021
- 95-176/P12 Typical window details as deposited with the Local Planning Authority on 18 August 2021
- 95-176/P10 Rev A Sections and Elevations as proposed as deposited with the Local Planning Authority on 7 September 2021
- 95-176/P09 Rev A Roof plan as proposed as deposited with the Local Planning Authority on 23 September 2021

Reason: To ensure satisfactory provision of the development.



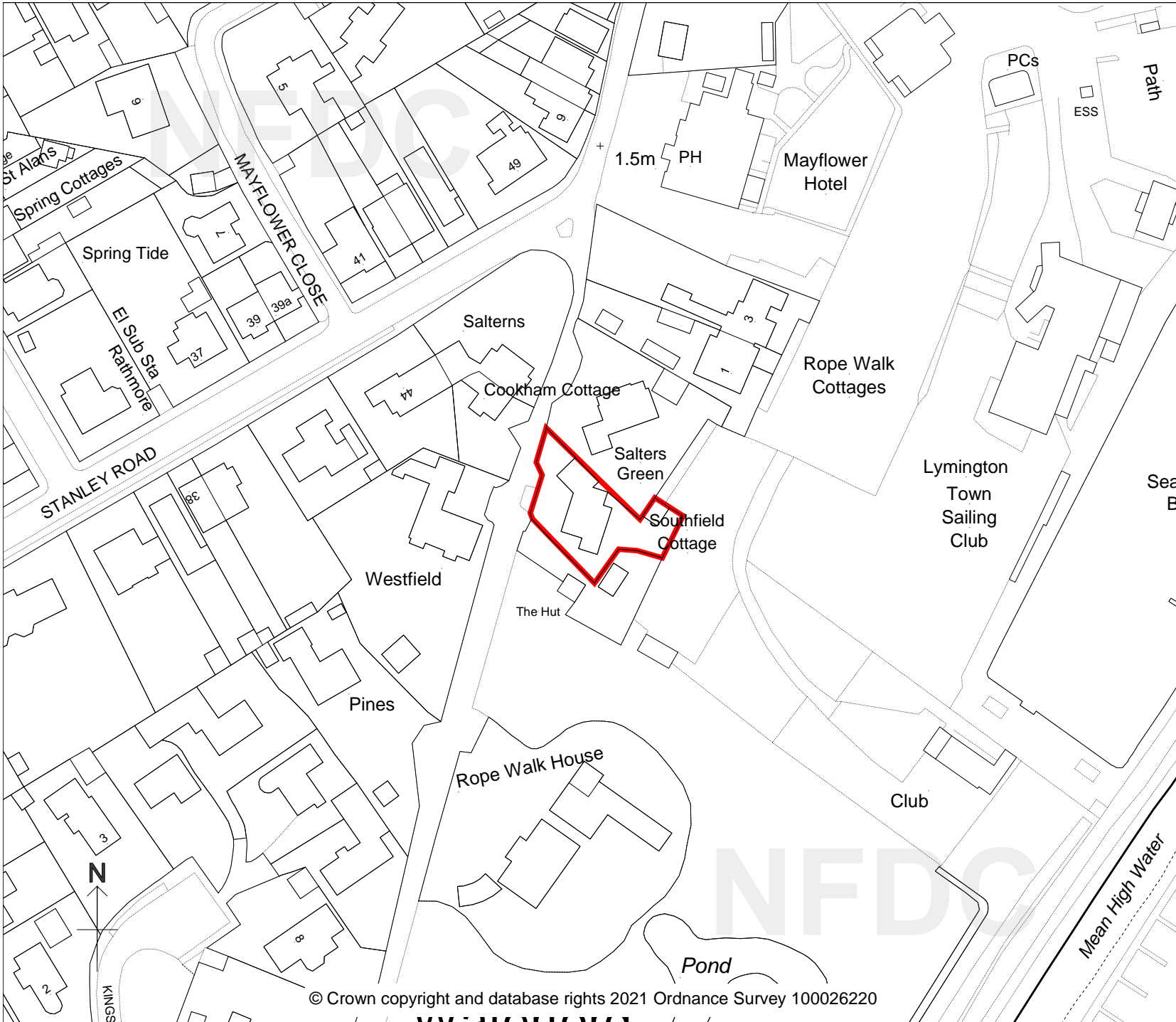
3. The combined noise rating level of the plant and equipment hereby approved, shall not exceed the level specified (30db - Planning Statement pg 8) (LA90) at the facade of neighbouring properties. Also that the plan, equipment and enclosures hereby approved shall be installed, retained and maintained in accordance with the manufacturer's recommendations.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Kate Cattermole

Telephone: 023 8028 5446



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# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
 Executive Head of Planning,  
 Regeneration and Economy  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

October 2021

SOUTHFIELD  
 KINGS SALTERN ROAD  
 LYMINGTON SO41 3QD  
 21/11168

Scale 1:1250

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

**Application Number:** 21/11187 Full Planning Permission

**Site:** PENTAGON COURT, BLACKFIELD ROAD, FAWLEY SO45 1ED

**Development:** Alterations to provide two additional bedrooms to create 8 bedroom property for short term residential accommodation with shared facilities; external changes to the rear (Sui generis use)

**Applicant:** Mr Davis

**Agent:** New Forest District Council

**Target Date:** 18/10/2021

**Case Officer:** Judith Garrity

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of the use
2. Design, site layout and impact on local character and appearance of area
3. Impact on trees
4. Highway safety, access and parking
5. Residential Amenity
6. Ecology and Habitat mitigation

This application is to be considered by Committee at the discretion of the Executive Head of Planning, Regeneration and Economy because it relates to a NFDC Housing development scheme.

## 2 SITE DESCRIPTION

The site is located on the south east side of Blackfield Road. The site has a rear boundary with The Pentagon where there is access to a parking area. The existing building on the site is a single storey pitched roof structure with a hardened forecourt area and a central entrance porch. There is an amenity area to the rear where there is also a mature eucalyptus tree .

The property on the site is currently used to provide six bedrooms for short term residential accommodation which falls within Class C4 of the Use Classes Order (use for multiple occupation for up to 6 people).

## 3 PROPOSED DEVELOPMENT

The current planning application is for internal alterations to provide two additional bedrooms for short term residential accommodation with shared facilities. The proposals to use the property for 8 bedrooms for shared use would constitute what is known as a sui generis use - a use that doesn't fall within any of the defined classes.

There would be limited external changes to the rear fenestration to change the existing patio door to a window serving bedroom 8.

No changes are proposed to the external areas or parking provision made on the site although new cycle parking provision would be made.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
99/67142 Ground floor additions	08/10/1999	Granted Subject to Conditions	Decided
99/65938 Single storey addition & conservatory	23/04/1999	Granted Subject to Conditions	Decided
89/NFDC/40794 Convert dwelling to 4/5 units of accomm sharing facilities	25/04/1989	Granted Subject to Conditions	Decided
88/NFDC/38993 Add conservatory and change of use of existing outbuildings to B and B.	31/10/1988	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy HOU1: Housing type, size, tenure and choice

##### **Local Plan Part 2: Sites and Development Management 2014**

None relevant

##### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

##### **Relevant Legislation**

##### **Relevant Advice**

NPPF Ch.12 - Achieving well-designed places

##### **Constraints**

SSSI IRZ

Aerodrome Safeguarding Zone

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

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

#### 7 COUNCILLOR COMMENTS

No comments received

#### 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Health and Safety Executive (PADHI):** Do not advise against

## **9 REPRESENTATIONS RECEIVED**

No representations received.

## **10 PLANNING ASSESSMENT**

The main issues are:

1. Principle of the use
2. Design, site layout and impact on local character and appearance of area
3. Impact on trees
4. Highway safety, access and parking
5. Residential Amenity
6. Ecology and habitat mitigation

### Introduction:

The existing use of the site is for short term residential accommodation with 6 bedrooms with ensuite facilities. The current proposals would result in 8 bedrooms for shared use which would provide 2 additional bedrooms. Whilst the internal works in themselves would not need planning permission, due to the increase in the number of bedrooms at the premises it would require permission because an 8 bedroom property so would be a Sui Generis use and would no longer fall within Class C4 (use for multiple occupation for up to 6 people).

### Principle of Development

The site is located in the built up area where the principle of residential accommodation is acceptable subject to consideration of relevant material planning considerations.

In addition, these proposals would upgrade the existing accommodation and create 2 additional bedspaces which will provided for an urgent need for short term residential accommodation in the district.

### Design, site layout and impact on local character and appearance of area

The alterations to the external appearance of the building are limited to fenestration changes which have a minimal visual impact and are located to the rear of the building . There would be no extensions to the built form or changes to the external amenity areas provided which would continue to make appropriate provision to meet the needs of the existing and future residents of the accommodation.

### Impact upon trees

There is a large eucalyptus tree located within the amenity area on the site. This tree has public amenity value and would be retained. The tree can be protected during building operations with no storage to take place within its root protection zone. This can be secured by condition.

### Highway safety, access and parking

There are no changes proposed to the existing parking and access arrangements although new cycle parking facilities would be provided.

There are no specific parking standards for the proposed use. Given the nature of the accommodation to be provided it is anticipated that there would be relatively low

car ownership by future residents and the application has advised that the existing spaces are rarely used. In addition, the site is located close to bus stops and there aren't any parking restrictions on Backfield Road. Furthermore, new cycle parking facilities would be provided on the site. As such, the retention of existing parking without additional provision being made is considered to be acceptable.

Policy IMPL2 places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. However, as these proposals are for temporary accommodation where residents are less likely to own cars it is not considered to be a reasonable requirement in this case.

#### Residential Amenity:

There would be no impact on amenity as a result of the fenestration changes.

The addition of 2 extra bedrooms could lead to an increase in associated noise and activity due to the increased use of the parking and external amenity space. However, any increase would not be material or lead to harm to adjoining residents given the existing use of the site.

#### On Site Biodiversity and protected species

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy, Government advice and emerging legislation all require an enhancement to on site biodiversity wherever possible.

Local Plan Policy ENV1 requires ecological enhancements to demonstrate biodiversity net gain (BNG) in line with the NPPF. Under the NFDC interim guidance note on BNG, this development would constitute a 'minor' development where there would not be an expectation to assess biodiversity net gain using the Defra biodiversity metric. However, minor developments such as this are not exempt from the requirement to demonstrate appropriate ecological enhancement measures.

To address this, appropriate ecological enhancements in the form of bird nesting boxes will be provided on the north east facing elevation of the building. Details can be agreed by planning condition.

#### Recreational 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant will make the required habitat mitigation contribution prior to planning consent being issued.

#### Air Quality Monitoring:

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects

within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant will make the required air quality monitoring contribution prior to planning consent being issued.

Nitrate neutrality and impact on the Solent SPA and SACs:

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4<sup>th</sup> September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Developer Contributions

As part of the development, the following will be secured prior to consent being issued:

Habitat Mitigation Infrastructure	£5,260
Habitat Mitigation Non-Infrastructure	£766
Solent Bird Aware	£722
Air Quality monitoring	£170

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

**11 CONCLUSION**

These proposals would upgrade the existing accommodation and create additional bedspaces which will provided for an urgent need for short term residential accommodation in the district. The site is located in the built up area where the principle of residential accommodation is acceptable.

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2021). The other material considerations, including the Local Plan, do not indicate otherwise, they confirm the indication given by the development plan.

Planning permission should therefore be granted subject to the specified contributions first being made and conditions as set out.

## 12 OTHER CONSIDERATIONS

None

## 13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

i) a payment to secure the following financial contributions:

Habitat Mitigation Infrastructure	£5,260
Habitat Mitigation Non-Infrastructure	£766
Solent Bird Aware	£722
Air Quality monitoring	£170

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:

P 001A Location and site plan  
P 100 Existing Ground Floor Plan and elevations  
P 101 Proposed Ground floor plan and elevations  
P 102 Proposed floor plans in full  
Planning Statement V2 dated 28 July 2021

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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
  
4. The development hereby permitted shall not be occupied until the cycle parking shown on approved plan P 001A have been provided. The approved spaces shall be retained and kept available for the parking of vehicles and cycles for the dwellings hereby approved at all times unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
  
5. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel , shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the Local Planning Authority.  
  
Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
  
6. The locations and specifications of the bird nesting features to be provided in accordance with Section 4.5 of the Planning Statement V2 shall be submitted to the Local Planning Authority prior to their installation. Once agreed these ecological enhancement features shall be installed prior to first occupation of the dwellings hereby approved and evidence provided to show them installed as agreed. These approved ecological enhancement features shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

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

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;

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

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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

**Further Information:**

Judith Garrity

Telephone: 023 8028 5434



# New Forest DISTRICT COUNCIL

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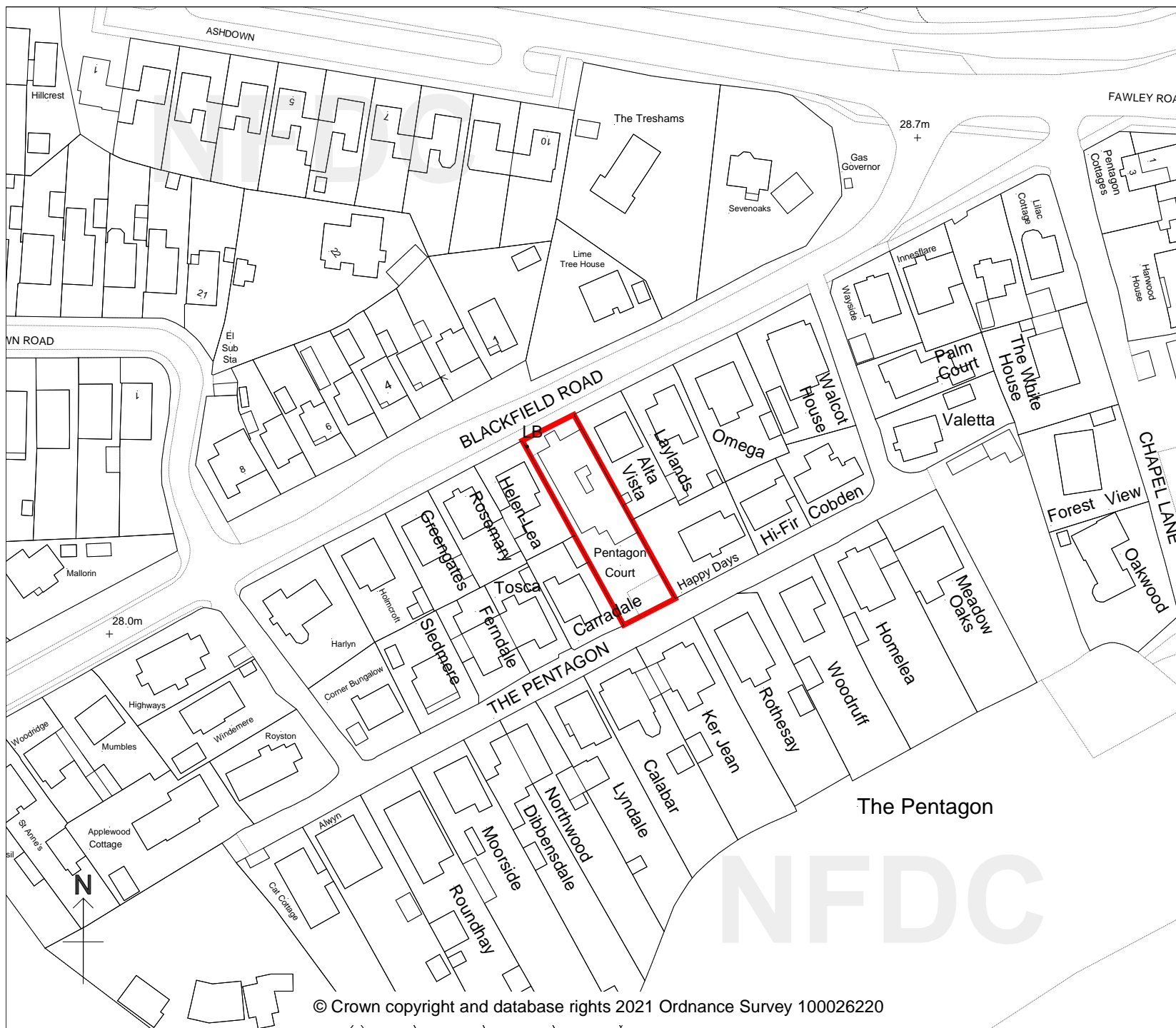
## PLANNING COMMITTEE

October 2021

PENTAGON COURT  
BLACKFIELD ROAD  
FAWLEY SO45 1ED  
21/11187

Scale 1:1250

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



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**Application Number:** 21/10242 Full Planning Permission

**Site:** COPPICE LEE, 9 WOODSIDE LANE, LYMINGTON SO41 8FJ

**Development:** Replacement Dwelling

**Applicant:** Mr & Ms Vokes and Thorne

**Agent:** Morgan Building Design

**Target Date:** 22/04/2021

**Case Officer:** Andrew Amery

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Design, site layout and impact on the amenity of adjacent and nearby residents
- 4) Highway safety, access and parking
- 5) Impact on the setting of the Green Belt / adjacent countryside
- 6) Ecology - on-site Biodiversity and protected species

This application is to be considered by Committee because the Officer recommendation is contrary to the Town Council's view.

## 2 SITE DESCRIPTION

The site is located within the built-up area of Lymington within a triangle of land contained by Woodside Avenue to the north, Woodside Lane to the west and Viney Road to the east.

This discreet residential enclave comprises detached dwellings set back from the single track carriageway behind a partial screen of hedgerows and mature trees. Woodside Lane and Viney Road converge at the southern end of this triangle of land, a point which represents the boundary between the District and National Park Authority.

To the south and east, the land is within the National Park. The Green Belt designation surrounds the area to the south, east and west. However, the area is not designated as a Conservation Area.

There is a listed building ('Manor House') beyond the built-up area and within the Green Belt approximately 80m to the south-west of the site. Despite the proximity, mature trees to the rear (north) of Manor House, and along the west side of Woodside Lane mean that the site is not readily visible from the listed building.

At its southern end, Woodside Lane has an unusual and character defining landscape feature in the form of a continuous landscaped strip along its eastern edge. The application site is one of the properties which has this distinctive arrangement.

The effect is that in order to gain access to the dwellings along this section of the road, there is a 7m wide strip of grassed amenity land contained within two lines of hedgerows. The outer hedgerow to the Lane and the inner hedgerow defining the functional residential curtilage of the houses. This provides a good landscape screen to the houses from the Lane but also gives the area a distinctly semi-rural character and context at the edge of the Green Belt.

Coppice Lee is currently a very modest 2-bedroom bungalow of brick elevations under a tiled roof which was virtually hidden behind the former frontage landscaping and hedgerow before these features were recently removed (the removal does not represent any breach of planning control). The bungalow is one of the few remaining unaltered properties within the wider area.

In recent years a number of the former properties within both Woodside Lane and Viney Road have been extended, remodelled or replaced with larger houses and the introduction of more contemporary architecture with a greater emphasis on cladding, render and glazing. The character of the area has changed accordingly.

### **3 PROPOSED DEVELOPMENT**

The proposals seek to replace the existing two-bedroom bungalow with a four-bedroom, two-storey dwelling.

The siting of the dwelling is roughly similar to that of the bungalow. The replacement dwelling does not project forward or rear of the existing front and rear elevations of the bungalow, and the rear garden area has been marginally increased compared to the existing. The cutting back of the existing leylandii hedge at the rear of the property has also significantly increased the useable area of the rear garden whilst maintaining the height of the privacy screen.

Compared to the existing bungalow, the proposed dwelling has a greater height, scale and overall massing.

The existing bungalow measures 16m in width, 12m in depth and 5.6m in height.

The proposed dwelling measures 16m in width, 12m in depth but has a main ridge of 7.0m in height rising to 7.4m in height about the front to rear gable on the north side of the proposed dwelling.

The proposals retain the existing access point and general width of driveway over the landscape strip. 3 parking spaces are provided within the site. The parking does not encroach onto the landscaped strip at the front of the site.

The proposals also provide additional landscaping, including the planting of a mixed native hedgerow along the site frontage (inner hedgerow) to replace that recently removed and a new tree planting to the front and rear gardens.

The loss of the original hedgerow and two pollarded Oaks within it is regrettable but did not represent a breach of planning control.

The application has been the subject of a series of amended plans submitted by the applicants in response to concerns raised by officers, the Town Council and local residents.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
XX/LYB/09331 9 bungalows and garages and 4 semi-bungalows and garages (in accordance with amended plans dated 3.6.64).	21/10/1964	Granted
XX/LYB/04876 9 bungalows and 8 semi-bungalows and garages (in accordance with plans amended and agreed by the applicant).	24/07/1958	Granted

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy Local Plan Part 2: Sites and Development Management 2014**

STR1 Achieving Sustainable Development  
ENV 3 Design quality and Local Distinctiveness  
ENV4 Landscape Character and Quality

##### **Supplementary Planning Guidance And Documents**

Lymington Local Distinctiveness SPD  
Parking Standards SPD

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

Chap 12: Achieving well designed places

##### **Constraints**

None relevant

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### **Comments on application as originally submitted.**

##### **Lymington & Pennington Town Council**

Recommend Refusal but would accept a delegated decision: Requires re-planning with parking arrangements within the red line boundary on the submitted site layout plan and not on the grass verge which is a special feature of Woodside Lane.

Overdevelopment and not in keeping with the street scene.

##### **Comments dated 17 September in response to amended plans.**

##### **Lymington & Pennington Town Council**

Recommend Refusal.

- The amended plans are still deemed to be overdevelopment of the streetscene.
- The amended plans are still deemed to be unneighbourly.
- It is recommended that no parking shall be allowed outside the red line shown on drawing LP.01 REV E.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### **Ecologist**

No objection subject to conditions - Given that the existing dwelling is to be demolished and given the favourable context of the application site for good foraging and commuting habitats for bats, requests that a preliminary ecological appraisal (PEA), to include a preliminary roost assessment is undertaken by a suitably qualified and experienced Ecologist to ascertain whether or not there is potential for roosting bats (or other species) to be impacted by the proposals.

In addition, proposals should include biodiversity enhancement measures. The ecologist undertaking the PEA (as requested above) should make appropriate and proportionate recommendations for any necessary mitigation measures (based on surveys where required) and ecological enhancements in order to meet and demonstrate NPPF requirements and those of the Local Plan - i.e. biodiversity net gain.

### **HCC Highways**

No objection - Due to this application consisting of a replacement dwelling and no changes to the existing access with no material increase in trips, the Highway Authority does not wish to make any further comments on the application.

### **Lymington Society**

Objects

#### Comments on original submission:

The Lymington Society objects to the application as we consider it to be an overdevelopment of the site. The block steps forward of the building line and we consider this to be an intrusion upon the streetscene. The block would also be detrimental and overpowering in relation to the single-storey property to the left.

#### Comments on first set of amendments:

The visual intrusion is a result of the planning mass of the structure and the presentation of a two-storey gable ended feature that creates the main intrusion, impacting upon neighbour amenity and light.

We do not object to the possible redevelopment of the existing bungalow but consider that any development should take account of :-

- Limitations due to size of site
- Neighbour amenity, light, visual intrusion and privacy.
- The character and appearance of the area and its green belt setting



- Highway safety, parking and access.
- Landscaping in keeping with the area.

Comments on second set of amendments:

The Lymington Society would like to reiterate our objection to the proposed development of Coppice Lee. We do note that the amended proposal does not break forward of the 'building line'. However, we do consider that the proposal is an overdevelopment of a site smaller than all other sites on Woodside Lane. Also, as stated previously, the proposal would dominate and be detrimental to the adjoining bungalow.

## 9 REPRESENTATIONS RECEIVED

The proposals have generated a high level of response both for and against. The following is a summary of the representations received.

For: 13

- The replacement house will be a vast improvement on the current property
- The current dwelling has been left to degrade and has become somewhat of an eyesore. It is outdated and requires regeneration. The proposed new dwelling will be more efficient and more visually appealing. This in turn will enhance the area for the benefit of everyone locally
- The proposal will be a positive addition to the locality.
- The proposals would be in keeping with the neighbouring properties and a welcome improvement to the Lane.
- The design is very much in keeping with other properties in the lane and can only enhance the area.

Against: 20

- Overdevelopment of the site
- The increase in mass, scale and footprint is excessive and would result in a dwelling that would be too dominant and bulky, and out of character with the site's surroundings
- The ridge height of the dwelling would dwarf neighbouring properties, and appear overbearing and insensitive
- The proposals indicate moving the dwelling closer to the road, thus off the building line. Any new development should reflect others in the lane and be set further back, not forward.
- The proposed dwelling would be unsightly and negatively impact on neighbouring properties and those opposite
- Coppice Lee stands in the smallest plot of houses built around the same time in the 1960s on the east side of Woodside Lane. The building line would be much closer to the road than the other recently converted properties in Woodside Lane which all have larger plots and are sited further back, thus having a reduced impact along the lane.
- Woodside lane is unique in its rural appearance, aided by most residents maintaining the large grass verge frontage. The erosion of this space would be completely out of character with its immediate surroundings.
- The felling / destruction of two old oaks - and hawthorn hedges results in a loss of local amenity and wildlife / biodiversity on Woodside Lane.
- The new house would have upstairs windows that would look directly into neighbouring properties, resulting in a loss of privacy.
- The proposal would adversely affect the light, outlook and amenity of immediate neighbours.

- The footprint of the replacement indicates that a rear garden would be appreciably smaller than those around, being less than 10 metres deep for much of its width.
- The proposed northern gable style elevation, due to its height and close proximity to the northern boundary of the site, would be visually intrusive and leave insufficient space to reduce this negative impact by planting of trees or shrubs.
- This would be the first property, due to the excessive bulk of the proposed building, to lack any parking provision within the main body of its site.
- The plans wrongly show trees in the N.E. corner of the neighbours' plot which are no longer there due to the building works in neighbouring houses.
- The amended plans have only been marginally altered from the original application and do not address concerns of overdevelopment on a small site.

## 10 PLANNING ASSESSMENT

### Principle of Development

The site is located within the built-up area of Lymington where the principle of new development is acceptable.

### Design, site layout and impact on local character and appearance of area

The site falls within Character Area 10 (Rural Lanes) of the Lymington Local Distinctiveness Supplementary Planning Document (SPD). Whilst close to Lymington centre this network of narrow lanes has a very distinctive character and pattern of development.

It consists of ribbons of development lining the old rural lanes that criss-cross the area and includes both Woodside Lane and Viney Road. The characteristics of the area are clearly defined at para 4.10.2 of the SPD:

*'The Woodside Triangle to the east of area abuts the open fields of the Coastal Plain Estates. The triangle's buildings are set in generous plots among mature trees and shrubs, ranging from older cottages, to inconspicuous one and a half storey homes to substantial mid-twentieth century houses, each in their own garden setting.'*

In the 10 years since that document was adopted in 2011, further development of substantial early twenty-first century houses has taken place as the character of area continues to change and evolve.

The SPD goes on to state at para 10.4.2 that whilst the building types, scale and form within the 'triangle' have changed over time, 'it is the deep and wide garden settings, the set backs and the large trees that are fundamental to the character of the area.

As has been referenced by several of the objectors, the two roads forming the Woodside Triangle (Woodside Lane and Viney Road) converge at its southern end, resulting in smaller plot depths the further one travels south along both lanes. The lack of depth to the plots in Woodside Lane is only readily apparent due to the greater visual impact and closer proximity of houses within Viney Road to the rear.

This is the case with the application site. The proposals retain a similar footprint and siting to the existing property and, given that the site coverage of the building in terms of maximum width and depth is broadly similar to the existing, the proposals cannot be described as 'overdevelopment'.

The increase in height, scale and massing will make the replacement property much more visible in the streetscene than the existing. However, the existing property is one of the most modest buildings in terms of scale along the whole of the Woodside Lane frontage and is no longer in itself typical of the housing types now found within either Woodside Lane or Viney Road to the rear. Whilst this is a smaller plot due to the lack of depth at the rear, it is a wider plot than those to the north, and the front elevation (following receipt of amended plans) is no closer to Woodside Lane than the houses to the north of it.

In order to assess the appropriateness of the proposed dwelling's height, massing, form and overall appearance, it is important to consider the site and the proposals in context with the character of the area as a whole.

The applicant has provided a streetscene contextual plan (Drg No. SS.01 Rev D ) which demonstrates a number of design features of the proposed dwelling when compared to other buildings within the streetscene:

- The siting of the property is consistent in terms of building line and alignment of the rear elevation when compared to adjoining properties.
- The gaps retained to the side boundaries are consistent with adjoining and nearby properties
- Out of 6 other houses in this section of Woodside Lane the proposals have a lower ridge height than two nearby houses and a similar ridge height to one other. It also has a lower ridge height than the recently constructed property immediately to the rear of the site in Viney Road.
- The site coverage is not significantly greater than adjoining and nearby properties.
- The site is more than 25% wider than the three plots immediately to the north, allowing for a wider front elevation as found at Maxcroft to the north and Manor Cottage to the south.

The design also incorporates a number of features that are repeated in houses along the Woodside Lane frontage and in particular on the wider plots. These include a strong gable end addressing the street; a subservient (in height) wing running across the frontage; a horizontal form to the building; a low eaves over the main part of the front elevation; and hipped ends to create a sense of space between buildings at first floor and roof level.

The proposals retain the existing access and more importantly do not erode or interrupt the green corridor/landscape strip to the site frontage, which is fundamental to retaining the character of the area.

A new native-mix hedgerow is to be planted between the landscape strip and the road, providing long term screening for the site.

For these reasons it is considered that the proposals are sympathetic to their environment and their context in terms of layout, landscape, scale, height, appearance and site coverage and in relation to adjoining buildings, spaces and landscape features and, as such, the proposals are compliant with Policy ENV3 of the Local Plan.

#### Design, site layout and impact on the amenity of adjacent and nearby residents

The proposals have strongly divided opinion within the local community and residents in the immediate area, and this is reflected in the comments set out above. It is notable that of the 4 immediately adjoining residents, two have supported the scheme and two have strongly objected.

The additional height and massing of the new dwelling represent the main impact on immediate neighbours to all sides.

The impact to the property immediately opposite the site on the west side of Woodside Lane is limited to additional visual impact and perceived overlooking from first floor habitable room windows where none are currently visible. The separation distance between the front elevations of both properties would be 21m. This is usually the minimum distance expected for a back to back relationship. With front elevations which are already in the public view this relationship is usually considered less imposing. In this case, the level of separation across a publicly used lane is not considered to represent unneighbourly overlooking to the extent that privacy is lost and amenity harmed. Whilst the additional height and massing will be visible to the occupiers of this property and will alter the open and verdant outlook currently enjoyed, it does not represent an overbearing or unduly dominating relationship.

The property to the north 'Worsley' has recently been significantly extended and remodelled. It has two ground floor windows to the south facing side elevation and a rooflight window in the south facing roofslope that will be impacted upon given the additional height, depth and massing of the proposed dwelling along the northern boundary. It is noted that in the submissions the occupiers of this property have supported the proposals and stated that they do not consider it will have an adverse impact on their amenity. There will be an impact on the two ground floor windows which appear to provide light to functional rather than habitable rooms, and the rearmost room also has a rear facing aspect. Whilst there will be an impact on the outlook from both these windows, and some loss of light and shadowing, the internal arrangement of this property (based on the plans submitted with the recent extensions and modifications) means that the areas used as habitable accommodation will not be significantly impacted upon.

The property to the south, 'Sheepfold', is set within the southern part of its site some 20m from the proposed two storey southern side elevation of the replacement dwelling. Whilst the additional massing will be visible from the parking and garage area of this site, the main habitable room windows would not be unduly affected and the garden area at the rear of the house would be largely screened from it. The window arrangement in the rear elevation of the proposed dwelling uses mainly rooflights to ensure the privacy of Sheepfold and also No.7 Viney Road to the rear of the site, is maintained. Being north of both properties, there would be no loss of light or overshadowing.

The greatest additional impact will be on the properties to the rear of the site in Viney Road at Nos 6 & 7.

Both properties have rear facing first floor bedroom windows that would be affected by the proposed window to the proposed bedroom window in the gable end at the north side of the rear elevation.

No.6 is a chalet bungalow with dormers in the rear roofspace. The rear elevation of No.6 is angled to the north-west and looks more directly out across the adjoining property at 'Worsley' than Coppice Lee. The respective windows would, nevertheless, be in clear view of each other. The separation distance between the windows would be approximately 20m, which is standard in a more built-up area but is lower than typical for this location. However, taking into account the angle between the two properties and some landscape screening, it is considered, on balance, that this would not be a harmful relationship.

No.7 is a substantial new-build property, very recently completed and with a rear projecting two-storey gable elevation with windows that are conditioned to be partly obscure glazed. No 7 has an unusual plot layout with a narrow section of garden projecting northwards to the rear of the site and No.6 Viney Road. The shared boundary with the site is only with No.7, with this strip of garden (approximately 4m wide) separating the site from No.6. The rear facing bedroom window in the proposed dwelling is located on the far side (northern side) of the application site away from No.7, and given the angle of the rear elevation of both properties there would be no direct overlooking between windows.

The additional height of the dwelling will cause some additional shadowing to rear gardens of No.6 and 7 Viney Road in the late afternoon or evening depending on the time of year. However, the degree of separation between the two properties and the landscape screening retained within the site means that the additional impact is not overbearing or one that creates an undue sense of enclosure.

There will undoubtedly be an impact on the amenity of all surrounding occupiers given the very modest scale of the existing bungalow. But the replacement is not out of keeping with the scale, height, massing and appearance of surrounding houses. The impact on neighbouring amenity from the development is material but, on balance, is not considered to be harmful.

For these reasons, the proposals are considered to comply with Policy ENV3 of the Local Plan.

#### Highway safety, access and parking

The existing access is to be reused and parking for 3 cars provided within the functional residential curtilage in compliance with the Council's parking standards for a 4 bedroom dwelling.

The amended proposals do not see parking encroaching outside the existing functional curtilage of the site and onto the open grassed landscape strip.

Whilst cars would have to reverse onto Woodside Lane, this is the existing arrangement and the highway authority has raised no objections to the proposals.

#### Impact on setting of Green Belt / adjacent countryside

The edge of the Green Belt is located along the western side of Woodside Lane immediately opposite the site.

As the proposals do not fall within the Green Belt, the application does not need to be considered in accordance with National planning policy as set out in Chapter 13 of the NPPF 2021.

The Green Belt designation is one element of the Council's spatial strategy which seeks to maintain the distinct identity of settlements, maintaining the openness and permanence of the green belt and the gaps between settlements.

In recognising that there are increasing development pressures at the edge of settlements, including new build houses and replacement of older housing, it is important that the transition between town and open countryside is handled sensitively rather than having an abrupt change in character, through inappropriate height, massing and density of development along this edge.

Given the context of the streetscene, whilst the replacement dwelling is of greater height and massing, it has been found not to be out of character. It will not appear unduly dominant and does not prejudice the key functions of the Green Belt or the landscape value of the open countryside beyond the site.

The balanced and attractive transition between town and countryside that the Woodside Triangle offers will be maintained, and the proposals are therefore considered to be in accordance with Policies ENV2, ENV3 and ENV4 of the Local Plan.

#### Ecology - on-site Biodiversity and protected species

An emergence survey of the existing property found no presence of bats.

A new mixed native hedgerow to replace the hedge and two Oaks that were recently removed will add to the biodiversity value of the site, with the species chosen being appropriate to support native British wildlife, including birds and insects. The loss of the original hedgerow is highly regrettable but did not represent a breach of planning control.

Additional biodiversity enhancement measures such as bird boxes and bat boxes can be secured by condition to be provided within the site and the fabric of the new building.

Whilst replacement dwellings are not required to provide mitigation for recreational disturbance of protected habitats or secure mitigation against the impact of Nitrates entering the Solent, the ability to secure on-site bio-diversity enhancement is in accordance with the Council's Ecology & Biodiversity Net Gain - Interim advice and information note 2020 which states that, 'the requirement to deliver biodiversity net gain will be applied to all new build development.'

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Self Build (CIL Exempt)	298	122	176	176	£80/sqm	£18,033.23 *
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Subtotal:	£18,033.23
Relief:	£18,033.23
Total Payable:	£0.00

## 11 CONCLUSION

Whilst the significant level of concern and objections raised by local residents and the Town Council are recognised and have been taken into account, it is considered that the proposals, as amended, are compliant with the policies of the adopted Local Plan in that they sufficiently respect the pattern, scale, massing height and appearance of the existing streetscene as a whole and will not appear unduly dominant or out of character with the surrounding area.

Furthermore, whilst there will be an increased impact on immediately adjoining neighbours due to the increased height and massing of the replacement dwelling, the impact is not so significant as to be an unneighbourly form of development in terms of loss of light, overshadowing, overlooking, or the creation of an overbearing impact or undue sense of enclosure.

The scale, height, massing, layout, siting and appearance of the proposed dwelling takes references from other recent developments within the Woodside triangle.

The important features that define the area are retained, including the open landscape strip to the front of the site, whilst new hedgerow and tree planting can be secured through a landscape condition.

Within the current national planning framework there is a very clear and very strong presumption in favour of sustainable development as set out at Para 11 of the NPPF 2021.

Para 11 (c) states that development proposals which accord with an up-to-date plan should be approved without delay. As such, the application is recommended for permission subject to conditions.

## **12 OTHER CONSIDERATIONS**

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.

## **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:

Amended Site Location Plan and Site Layout Plan Drg No. LP.01 Rev E dated January 2021 received 31 August 2021  
Amended Proposed Floor Plans Drg No.PL01 Rev C dated January 2021 received 24 August 2021  
Amended Proposed Elevations (North and South) Drg No.PE.02 Rev C dated January 2021 received 24 August 2021  
Amended Proposed Elevations (East and West) Drg No.PE.01 Rev C dated January 2021 received 24 August 2021  
Amended Landscape Plans Drg No. L.01 Rev B dated April 2021 received 24 August 2021

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure an acceptable appearance of the development in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The new soft landscaping, including the replacement mixed native hedgerow, as shown on the amended landscape proposals Drg No.01 Rev B dated April 2021 received 24 August 2021, shall be planted prior to the replacement dwelling hereby approved being first occupied unless an alternative implementation timeframe is otherwise agreed in writing with the Local Planning Authority. Any new trees or any plants forming part of the proposed new mixed native hedge which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The grassed and soft landscaped area to the front of the site that is shown within the area outlined in blue on the amended site layout plan Drg No. LP 01 Rev E dated January 2021, received 31 August 2021, (which for the avoidance of doubt is not considered to form part of the functional curtilage of the residential property) shall be retained and maintained in accordance with the details shown on the amended Landscape Layout Plan Drg No. L01 Rev B dated April 2021, received 24 August 2021.

Reason: In the interests of the character of the area, in accordance with Policy ENV3 of the Local Plan.



6. The development hereby permitted shall not be occupied until the 3 parking spaces shown on plan Drg No. L.01 Rev B dated April 2021, received 24 August 2021, for the parking of motor vehicles have been provided. The 3 spaces and the turning area shall thereafter be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

Reason: In view of the physical characteristics of the plot, 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

8. No other windows or rooflights other than those hereby approved shall be inserted into the roofspace of the dwelling unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. Prior to development commencing, details of measures to provide biodiversity enhancement on the site shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented in accordance with the approved details prior to first occupation of the proposed dwelling, and shall thereafter be maintained and retained in accordance with the approved details.

Reason. To ensure the development complies with the requirement that all new build development achieves Biodiversity Net Gain in accordance with the Council's Ecology and Biodiversity Net Gain advice note 2021.

11. Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted and approved by the Local Planning Authority. The CEMP shall include the following details:
- The areas to be used for the parking of vehicles associated with the demolition and construction period of the development
  - The areas to be used for the storage of materials, plant, equipment and any other items, including any site office or facilities during the demolition and construction period of the development.
  - The hours during which deliveries to the site or removal of material from the site will take place
  - The hours during which any activity of construction capable of generating noise, dust, odours or vibration will take place during the demolition and construction period of the development
  - The measures to be undertaken to ensure Woodside Lane remains free of obstruction during the demolition and construction period of the development
  - The measures to be put in place to prevent mud from the site and/or vehicles involved in the demolition and construction period of the development from affecting Woodside Lane
  - Details of any plant and equipment or external lighting needed to be operated on the site outside the approved hours including noise levels and luminance levels where necessary
  - Details of the height, alignment and materials to be used for any security fencing around the site during the demolition and construction period of the development

Development shall only proceed in accordance with the approved details.

Reason: To ensure the activity associated with the demolition and construction phase of development does not have a significant impact on the character of the area, the amenities of nearby residents or highway safety.

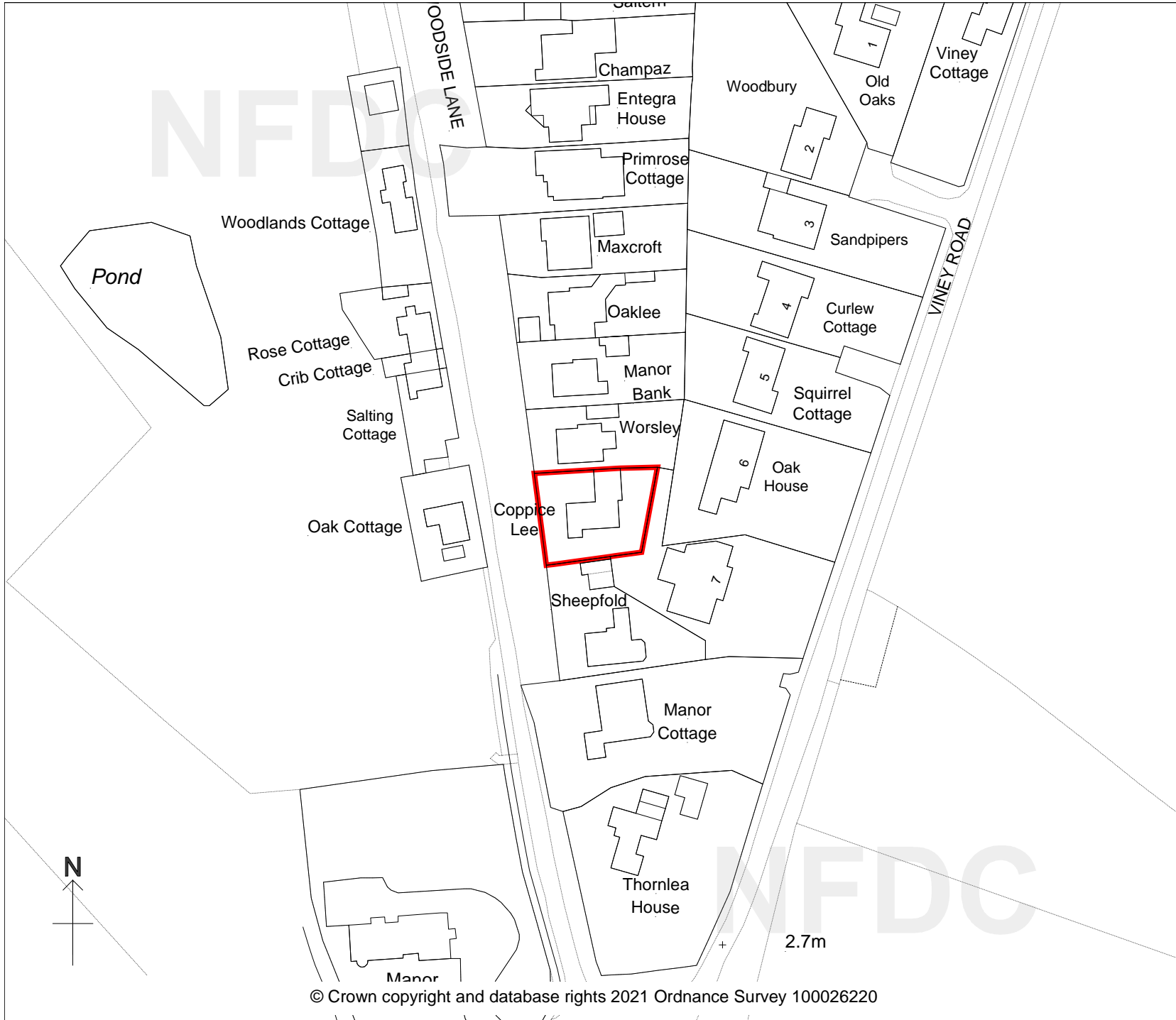
12. Prior to the first occupation of the new dwelling, an electric vehicle charging point shall be provided for the new dwelling hereby approved and thereafter retained for that purpose.

Reason: In the interest of promoting sustainable means of travel and in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park

**Further Information:**

Andrew Amery

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# New Forest

DISTRICT COUNCIL

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Regeneration and Economy  
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## PLANNING COMMITTEE

October 2021

COPPICE LEE  
9 WOODSIDE LANE  
LYMINGTON SO41 8FJ  
21/10242

Scale 1:1250

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