

Application Number: 17/10394 Full Planning Permission

Site: DOWNTON MANOR FARM, CHRISTCHURCH ROAD,
DOWNTON, MILFORD ON SEA SO41 0LA

Development: Use of barn as 3 dwellings; associated alterations; cycle/bin store;
parking; landscaping

Applicant: HH & DE Drew Ltd

Target Date: 22/05/2017

Extension Date: 12/08/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
7. The countryside

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Landscape Character Assessment
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 16/11370 - (prior approval) use of barn as 3 residential units, associated works. Prior approval refused 30.11.16. Appeal pending.
- 6.2 16/10826 - (prior approval) use of barn as 3 residential units, associated works. Prior approval refused 11.8.16

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal and would not accept a delegated approval. Concerned about establishing a tarmac road in the Green Belt.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - no mains in area
- 9.2 Ecologist - support subject to condition
- 9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £3,372 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In order to address concerns raised with regard to the ecological and visual impact of the development, amendments were received which enables a positive recommendation to be made.

14 ASSESSMENT

14.1 The site lies within the Green Belt and close to the hamlet of Downton. It is part of a wider planning unit which includes agricultural and extraction uses. Although the site is set back from the main road, there are residential properties opposite and a site with an extant permission for a replacement farmhouse on adjacent land in the same ownership. The proposal entails the conversion of an agricultural building into three dwellings. A further building would be converted into a shared bin and

bike store and other structures attached to the large agricultural building adjacent to the site would be demolished. The courtyard between the converted building and adjacent barn would be landscaped to provide parking and access for the residents and their visitors. Turning for larger vehicles would be provided outside the courtyard.

- 14.2 The application follows the refusal of two prior notification applications for the conversion of the building into three dwellings. These applications were refused for technical reasons, firstly that the proposed floor space (which included buildings other than that to be converted into the dwellings) was greater than that permitted and for highway safety reasons. The second application addressed these concerns but the overall site area included amenity space in excess of the permitted allowance. At the time of writing, the latter application is under appeal.
- 14.3 Within the Green Belt, new residential development is considered to be inappropriate development where it involves the construction of new buildings. The reuse of buildings is considered to be not appropriate under para 90 of the National Planning Policy Framework and on this basis, it is considered that the proposal is acceptable in principle in addition to this, having regard to the permitted development rights for buildings of this nature, it is clear that the main building on site could be converted with a smaller amenity space and this should be taken into consideration in the determination of this application. Further, the proposal would result in less built form on site and would not increase the height or foot print of buildings to be retained. It is therefore considered that the proposal, in terms of its physical capacity, would have no greater impact on the Green Belt than the existing group of buildings.
- 14.4 With regard to residential amenity, the site is far enough away from existing residential properties and the extant scheme on the adjoining site not to adversely affect existing privacy. Similarly, the proposed dwellings would not impact on the amenity of each other. It is noted that there is gravel extraction which occurs in the immediate vicinity although these works are bound by bunding which should minimise disruption to future occupiers.
- 14.5 The Highway Authority has advised that the necessary visibility splays (2.4m x 120m) at the junction of the existing access track with Christchurch Road are entirely contained within highway land and are achievable. The site contains adequate space for all vehicles to turn safely as well as parking facilities for future occupants and visitors. While the scheme incorporates parking provision in excess of the recommended amount, it would be considered inappropriate and unsustainable to object to the scheme for this reason. The area between the building to be converted and existing barn is currently an area of hard surfacing and could accommodate many more vehicles although this would be inappropriate and harmful to the setting of the buildings.
- 14.6 In visual terms, the proposed dwellings have been designed with regard to their rural setting and the conversion makes the most of existing openings to the building. It is accepted that there are some large proposed openings to the rear of the building, although these are shown to have sliding screens to minimise light intrusion. As stated above, the existing courtyard is currently hard surfaced, including under the lean-to proposed to be removed. While this part of the site would remain hard

surfaced in order to accommodate the parking area, the eastern end of the site would be un-mown grass, as some of it is at present, thus retaining a rural edge to the site. Each dwelling would however, be provided with a small amount of amenity space to the front of the building, comparable to the general minimum guidance within the Local Distinctiveness Supplementary Planning Documents.

- 14.7 Outside of the courtyard area would be the turning area for emergency and refuse vehicles. There is a concrete track here at present and beyond the site, there is extensive hard surfacing in association with the adjoining use. It is not considered that the proposed landscaping of the site would be harmful to the character of the area. The comments made by the Parish Council have been noted although the application does not state that the access road would be laid to tarmac (this would be dealt with by condition No.4 (c))
- 14.8 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.9 The proposal would make good use of an attractive farm building and remove less attractive additions to a large agricultural building. The minimal works to the courtyard to provide small amenity spaces and adequate parking provision for future occupiers would have a limited impact on the openness of the Green Belt. It is therefore considered appropriate to recommend approval.
- 14.10 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0

Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£10,350		

CIL Summary Table

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	374	647	-273	-273	£80/sqm	-£22,764.00 *
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Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

15. 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: Planning Statement, Biodiversity Checklist, Ecological Appraisal, 00 Rev P2, 01 Rev P2, 02 Rev P2, 03 Rev P2, 04 Rev P3, 07 Rev P2, 05 Rev P3, 06 Rev P3, 08 Rev P3, 09 Rev P1.

Reason: To ensure satisfactory provision of the development.

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

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

4. Before the occupation of the first dwelling, 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 (including any changes to the access drive) 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 occupation shall occur 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 to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy)

5. The development hereby permitted shall be carried out in accordance with all the measures outlined in the Ecological Appraisal dated June 2017 by Phil Smith Consultants unless otherwise previously agreed by the Local Planning Authority. Development shall only proceed in accordance with the approved details and shall be implemented prior to the occupation of any dwelling.

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

6. No windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

Reason: To safeguard the rural setting of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

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

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In order to address concerns raised with regard to the ecological and visual impact of the development, amendments were received satisfying these issues.

2. Whilst no post-construction monitoring is likely to be required by the Natural England species licensing, you are advised that confirmation from the applicant/consultant that works have been delivered successfully, would be helpful. This could comprise the Council simply being copied into the licence return to Natural England.
3. In discharging condition No. 7 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
4. You are advised that under condition 4, and changes to the existing access drive should not involve the use of tarmac other than where necessary adjacent to the highway,

Further Information:

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New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee
August 2017**

Item No: 3d

Downton Manor Farm
Christchurch Road
Downton Milford on Sea
17/10394
SZ2693

Scale 1:5000

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

