

Application Number: 18/10274 Full Planning Permission

Site: LAKE HOUSE, WOOLMER LANE, BLASHFORD, RINGWOOD
BH24 3PQ

Development: House; parking and landscaping; ecological enhancements;
demolition of existing

Applicant: Mr & Mrs McGrath

Target Date: 02/05/2018

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Ellingham, Harbridge and Ibsley Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone 3

Countryside outside the New Forest

Public Right of Way

Adjacent to Public Open Space

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
7. The countryside
8. Biodiversity and landscape

Policies

Core Strategy 2009

CS1: Sustainable development principles

CS2: Design quality

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

CS4: Energy and resource use

CS6: Flood risk

CS10: The spatial strategy

Local Plan Part 2 (Sites and Development Management DPD) 2014

DM2: Nature conservation, biodiversity and geodiversity

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Residential Design Guide for Rural Areas

SPG - Blashford Lakes Strategic Management Plan

6 RELEVANT PLANNING HISTORY

- 6.1 Single storey rear extension - prior approval application (16/11421)
Approved on the 16th November 2016
- 6.2 Form link between house and garage (98/65396) Granted on the 4th
February 1999
- 6.3 Detached garage car port (98/65397) Granted in the 4th Feb 1999
- 6.4 Conservatory (98/63333) Granted on the 14th April 1998
- 6.5 Detached garage (94/54899) Granted with conditions on the 8th Sept
1994
- 6.6 One and two storey additions (94/53894) Granted with conditions on the
23rd March 1994
- 6.7 Addition of dormer and room in roof over conservatory and detached
double garage (92/ 49990) Granted with conditions on the 10th July 1992

7 PARISH / TOWN COUNCIL COMMENTS

7.1 Ellingham, Harbridge & Ibsley Parish Council

Propose to recommend permission with the following comments:-

- The key considerations for the Parish Council were whether the application is exceptional enough in design and ambition to merit setting aside Policy DM20, and whether its circumstances are sufficiently individual so as not to create a precedent to be used for redeveloping other properties.
- It was noted that Permitted Development Rights would allow sizeable rear extensions to the existing dwelling.
- At 6 acres, it was felt that the site would be large enough to accommodate the significant increase in size of dwelling applied for.
- It was noted the existing dwelling occupies 0.08% of the 6 acre site, and the proposed dwelling would increase this to 0.09%.
- Native hedge screening is already being established on the boundaries and the nearest property is some 200m away. Oversight from FP 701 to the north was not considered to be a significant issue.
- As a result of the flood risk modelling carried out, it is understood why the building has been designed with habitable space above ground floor level with largely storage and garaging areas beneath.

- Splitting the dwelling into two offset structures reduces the massing of the building, which would have been overbearing, even in this large setting. The absence of ground floor infill, particularly under the southern structure also helps reduce the consolidation of the dwelling.
- A new structure on this site would allow for the low energy, self-sustaining dwelling proposed with water source heat pump and flat roof pv panels, which is to be welcomed.
- Concern was expressed about the extensive glazing and potential for light pollution, particularly where overlooking the lake (reflection) and roof lights (skyglow), and light attenuation measures should be conditionable.

By a majority vote, it was felt that there was sufficient distinction in this application for it to be made an exception to DM20, subject to: a comprehensive, monitored and enforceable s.106 habitat and ecological enhancement management plan, which the Parish Council understands has already been produced; conditioned attenuation measures for internal lighting, and for external light sources to be both approved and under PIR control; conditioned environmental systems; conditioned selection of external materials and colours - timber, brick work, paving etc;

The Parish Council hope and expect that the application will also be considered by the Planning Committee where it would receive a wider range of opinion.

7.2 Neighbouring Parish Council Ringwood Town Council

Recommend refusal. The application is contrary to Policy DM20 and the grounds provided are not sufficient for it to be considered as an exception. Members also considered that the proposal was out of character for its surroundings considering that it can be viewed from rights of way in the area and the adjacent Poulner Lakes open space.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Natural England: This application is within 400 metres of the Avon Valley Special Protection Area and the Avon Valley (Bicton to Christchurch) SSSI. The site is adjacent to the series of lakes known as Blashford Lakes, most of which are within the designated area. There are potential impacts on the SSSI and supporting habitats, during construction due to pollution and post construction due to surface water runoff from the site. In order to mitigate these adverse effects, appropriate conditions are required.
- 9.2 Environmental Health(Contaminated Land): No objection but would recommend an informative note due to the close proximity of previous landfill sites.
- 9.3 Ecologist: No objection subject to condition that development shall be carried out strictly in accordance with measures proposed in the submitted ecological report and further secured by the submission of a final Construction Environment Management Plan and method statement for bat licensing prior to development commencing as recommended in

ecology report. The measures for ecological compensation and enhancement seem well informed and represent appropriate and functional nature conservation gains. Overall for a replacement dwelling the range of measures, usage of appropriate liaison with local experts to inform design and commitment to suitable management seems to be in excess of that which the Council would normally secure and are welcomed. Successful implementation will very much depend on careful operations informed by the ecological reports and experts involved.

- 9.4 Landscape Officer: The proposal represents a fantastic opportunity to enhance the existing rich features of this site. The proposal is lifted, enabling its mass to sit at tree canopy height whilst allowing glimpses of the wider site through the ground floor from the very limited and fleeting views of the site during the winter months from the public rights of way network. The wider proposals to enhance the ecological value through careful new planting, habitat creation and sensitive management should be celebrated.
- 9.5 Environment Agency: No objection subject to condition. It is for the Local Planning Authority to apply the Sequential Test in accordance with the National Planning Policy Framework to determine whether or not there are other sites available at lower flood risk.

10 REPRESENTATIONS RECEIVED

- 10.1 9 letters of support. The proposed development sits in a unique location and consequently deserves an outstanding property to sit alongside it. The proposed design is appropriate for this setting. The applicants have carried out significant work in restoring the lakeside and boundaries. The site sits on a secluded plot. The proposal will support wildlife and its construction means it has a small carbon footprint and would have a low impact on the environment.
- 10.2 1 letter of objection concerned that the proposed replacement dwelling and the environmental improvements proposed are not intrinsically linked. The proposal is not of such a high quality to 'set aside' policy. The site lies within the countryside where restrictive policies apply.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Based on the information provided at the time of this report this development has a CIL liability of £26,552.03.

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.

The applicants sought pre application advice, which was for a similar proposal. Officers responded to the pre application enquiry advising that the proposal would fail to comply with policy, in terms of the 30% restrictions and size and should a planning application be submitted, it would not be supported.

14 ASSESSMENT

14.1 The site and location

14.1.1 The site extends to some 2.4 hectares and comprises a detached dwelling and garaging set next to a large secluded lake bounded by trees and greenery. The existing dwelling on the site is an attractive Victorian red brick building, likely to have dated from the 1900's and is situated at the end of a narrow unmade gravel track known as Woolmer Lane. Although the property has been extended in the past, the main building is of a simple symmetrical form and design under a pitched roof. The existing dwelling has some attractive features including decorative fascia boards and chimneys.

14.1.2 When arriving at the site, after crossing over the bridge, the lake together with its landscape setting provides you with the first striking impression. The drive curves to the left and the dwelling is set back at the end of a gravel parking area, orientated at right angles to the lake. For the most part, the perimeter of the site is heavily tree'd and landscaped, although there are some open gaps, where the applicant has started to plant new hedgerows. The Lin Brook and Ellingham Footpath No 1 run along the north and to the east providing access into an area of public open space, lying just outside the site.

14.1.3 The site lies to the south of Blashford Lakes Nature Reserve which was established in 1995. Blashford Lakes is a series of former gravel pits surrounded by grassland and woodland. The Dockens Water Stream runs through the reserve and is bounded by ancient woodland.

14.1.4 The site lies to the north of Ringwood outside the built up area or settlement boundary. The site lies within Flood Zone 3. To the west of the site is Headland Business Park and to the south is Kingfisher Lake, which is used for private fishing. To the east of the site is an area of Public Open Space. To the north of the site is an open field, but the views are somewhat limited because of the trees along the track.

14.2 The proposal

14.2.1 The proposal is to demolish the existing dwelling and garaging and to construct a two storey dwelling with integral garaging and swimming pool, which would be positioned broadly in the same position as the existing buildings. The proposal also includes landscaping and ecological enhancements to the site. The application is accompanied by a number of technical and detailed supporting documents. Access into the site would remain unchanged.

14.2.2 Unlike the more traditional design of the existing dwelling, the proposal is to create a more radical and contemporary designed building comprising two rectangular building forms supported on columns with the majority of the habitable floor space being on the first floor. By creating a building in which the first floor habitable accommodation is on the first floor, this helps alleviate the flooding issues on the site. The proposed dwelling would be larger in size than the existing dwelling. Orientated to face the lake, the proposed building would be constructed from timber cladding on the upper levels and brick on the lower levels, and would incorporate large glazed areas at first floor level. Other than a swimming pool to be constructed next to the dwelling, and a courtyard area with garaging, no further buildings or structures would be provided within the site.

14.3 Policy context and assessment

14.3.1 The site lies outside the settlement boundary and therefore restrictive countryside policies apply. Policy DM20 of the Local Plan Part 2 relates to residential development in the countryside. The policy permits the replacement of existing dwellings in the countryside, but this is subject to meeting certain criteria. In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts. Replacement dwellings should not normally provide for an increase in floor space of more than 30% of the original dwelling. The original dwelling is defined as how the property existed on the 1st July 1982. In all cases proposals should be designed to respect the character and scale of the existing dwelling, and not significantly alter the impact of built development on the site within its setting.

14.3.2 Based upon the planning history of the site, the proposed replacement dwelling would result in a floor space well in excess of the 30% limitation. The property which stood on the site on the 1st July 1982 measured approximately 127 square metres (the 30% increase permissible under

policy would therefore allow an increase of 165 square metres). The property has had several incremental extensions over the years, including a link from the dwelling to garage which utilised the 30% limitation. The existing property which now stands on the site measures approximately 199 square metres. The existing detached garage/ outbuilding measures some 49 square metres. The proposed replacement dwelling (ground and first floor rooms including the attached garage, gym, studio, plant, garden store, changing area etc) equates to an area of 485 square metres and as such the proposal would fail to comply with policy DM20. Accordingly the proposal would result in a floor space significantly more than double that of the existing property. The main thrust of the policy is to maintain a balance in the Districts rural housing stock, and to resist the cumulative effects of significant enlargements being made to rural dwellings. The proposals would result in a building well in excess of the 30% limitation and as such would be contrary to local plan policy DM20. It should also be noted that if the applicant were to extend the existing property under 'permitted development' this would only add some 34 square metres of floor space. The applicants do not intend to explore this option given that this would also require demolition of part of the existing dwelling.

- 14.3.3 The proposed house would broadly be sited within the same position as the existing property, however the proposed dwelling would comprise two long horizontal building forms orientated with its longer elevations facing the lake. The building elevation facing the lake would be 21.5 metres long, and the building elevation behind would be 19 metres long. The proposed dwelling would be slightly taller than the existing ridge height and would be a significantly longer building form with a full two storeys eaves height and flat roof, in which most of the first floor would be raised on columns. The proposed dwelling itself would be of a bold and contemporary design using a palette of materials which would complement the design of the elevation, including large areas of horizontal glazing. Although the site is somewhat secluded from neighbouring roads, situated at the end of an access track and well screened with trees and vegetation, the main views into the site are from the public footpath and open space which run around the perimeter of the site.
- 14.3.4 It is considered that the proposed building in itself is a well executed piece of architecture and is well designed, however, the proposed dwelling would appear very different to the established and distinctive rural character of the area, and be of a design and appearance which would not reflect the design principles set out in the Councils adopted Supplementary Planning Guidance Residential Design Guide for Rural Areas of the New Forest District. The existing house that sits on the site is a traditional cottage which was originally surrounded by fields in a rural setting. The dwelling that now sits on the site has a limited relationship with the lake and the surroundings. The character of the more immediate area is quite modern, as a network of lakes has been created and the development at Headlands business park and the properties in the area have been built which are 20th Century.
- 14.3.5 It is difficult to understand how the proposed design was arrived at in defining local character and the chosen form and materials appear at odds with the defined character. Nevertheless, the main concern is that the proposed replacement dwelling would be far more imposing and visually intrusive on the site compared to the existing modest traditional Victorian building. Put simply, the sheer size of the replacement dwelling

with most of its accommodation provided at first floor level and its long horizontal form, would result in a building that goes well beyond the policy requirements and would result in a far more imposing building in its setting.

14.3.6 Indeed, although the proposed building would be marginally taller than the existing building, it is considered that by reason of its size, and excessive horizontal and monolithic form and mass which is exacerbated by its use of a full two storey eaves height and flat roof, the proposed replacement dwelling would be out of keeping and far more imposing and visually intrusive than the existing property on the site, to the detriment of the character and appearance of this sensitive rural countryside location. The main objective of the policy is to protect the countryside from development that would significantly alter the impact of built development on the site within its setting and by permitting a development that would be more than twice as large as the existing building would result in an unacceptable urbanisation contrary to local plan Policy DM20.

14.4 The case for the applicant

14.4.1 The applicants accept that the proposed replacement dwelling exceeds the floor space limitation set out by policy, but have made a detailed case, as to why there are material considerations to justify an exception being made to policy. The supporting statement explains that the extent and quality of the setting benefits a dwelling of larger size and of the highest architectural quality and the concept combines the design of a house that would deal with intermediate flooding, with the opportunities to make substantial improvements to the landscape and ecology of the site and the lake. In particular, the applicants consider that the design of the house would enhance and complement the lakeside setting, by creating a building with weightless appearance, that 'floats above the water'. The applicant considers that the site is exceptionally large and that the lakes themselves are not representative of the rural character of the wider district. On this basis, the applicants believe that the proposed development would not result in an urbanisation or loss of character, in which a significant portion of the site will remain open.

14.4.2 The other improvements proposed include a suite of ecological, landscaping and sustainability enhancements introducing suitable fish species, improving water edges to create habitats for waders and create interconnected habitats between the lakes. Other initiatives include improving native flora and diversity. In relation to landscape, improvements to the biodiversity of the existing woodland habitats and meadows around the site, together with creating naturalistic planting around the immediate setting of the house. In addition, to the proposed ecological enhancements, the proposal will be a net zero energy development incorporating the latest technology including Water Source Heat Pumps, Photo Voltaic Panels and Battery Storage. In essence, it is claimed that the proposed dwelling should not need to take electricity from the national grid. The case made on flooding, is on the basis that the proposed dwelling would be 600mm higher than the existing dwelling and all habitable floor space will be situated at first floor level to ensure the property is resilient to flooding for generations to come and will ensure the long term survival of the lake.

14.5 Response to Applicant's Case

14.5.1 In response to the case put forward, whilst not criticising the design of the building, it is considered that its simple form, appearance and elevational treatment cannot be described as either outstanding, innovative or exceptional, which demonstrates that the design of the building far exceeds the design standards of other buildings or weigh in favour of the proposed development. The proposed dwelling itself, whilst designed to a high standard, will be considerably larger in size and would appear more prominent in its setting than the existing dwelling. Moreover, whilst all these enhancements and improvements are welcomed and applauded, it is not considered that they outweigh policy in this case. There is no reason to dispute the enhancements made, which all consultees support. However, it is questioned whether a number of these environmental benefits can be achieved, without the need to increase the floor space well beyond what would normally be acceptable under local plan policy. Lastly it is considered that, as proposed, the scheme has the effect of dominating the current landscape setting rather than complementing it. Whilst attractive it has not been demonstrated that the proposed dwelling would significantly enhance its immediate setting.

14.6 Other matters

14.6.1 In relation to other matters, it is considered that the proposal will not impact on highway safety, flooding, residential amenity or trees. The Ecologist raises no objection on ecological grounds and welcomes the proposed enhancements. The Environment Agency have made a comment that it is for the Local Planning Authority to apply the Sequential Test in accordance with the National Planning Policy Framework to determine whether or not there are other sites available at lower flood risk. On the basis that the proposal is for a replacement dwelling, on broadly the same siting, a Sequential Test is not required. Indeed, the whole of the site lies within the Flood Zone and accordingly, it is not possible to re-locate the proposed dwelling on the site in an area at lower risk of flooding.

14.7 Conclusion

14.7.1 In summary, there is no objection to the principal of replacing the existing dwelling. The main issue in this case is whether the material considerations, namely the design of the dwelling and wider environmental enhancements outweigh local plan policy DM20 which restricts the size of dwellings in the countryside. In this case, while the proposed dwelling is well designed, and much thought has gone into making significant enhancements to the landscape, sustainability, ecology and minimising flood risk, on balance, it is considered that this does not outweigh policy in this case.

14.7.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	492	216.3	275.7	275.7	£80/sqm	£26,552.03 *
Subtotal:	£26,552.03					
Relief:	£0.00					
Total Payable:	£26,552.03					

* 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 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. In order to safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative affect of significant enlargements being made to rural dwellings. Consequently Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan seeks to limit the proportional increase in the size of such dwellings recognising the benefits this would have in minimising the impact of buildings and human activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal would result in a building which is unacceptably large in relation to the original dwelling and would undesirably add to pressures for change which are damaging to the future of the countryside and contrary to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan, Policy CS10 of the Core Strategy for the New Forest District outside the National Park.

2. By reason of its size, excessive horizontal emphasis and monolithic form, height and mass which is exacerbated by its use of a full two storey eaves height and flat roof, the proposed replacement dwelling would be out of keeping and far more imposing and visually intrusive than the existing property on the site, to the detriment of the character and appearance of this sensitive rural countryside location. As a result, the proposed development would be contrary to policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and to Policy DM20 of the Local Plan Part 2: Sites and Development Management Plan and adopted Supplementary Planning Guidance 'Residential Design Guide for Rural Areas'.

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.

The applicants sought pre application advice, which was for a proposal similar to that proposed. Officers responded to the pre application enquiry advising that the proposal would fail to comply with policy, in terms of the 30% restrictions and size and should a planning application be submitted, it would not be supported.

2. Note to applicant

There are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Further Information:

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**Planning Development
Control Committee**

June 2018

Item No: 3k

Lake House
Woolmer Lane
Blasford Ringwood
18/10274

Scale 1:3000

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

