

Application No: 17/00403/FULL Full Application

Site: Hatch Motors Of Sway, Station Road, Sway, Lymington, SO41 6BA

Proposal: Three storey building to include convenience store (Use Class A1), 6 No. flats; associated refuse, plant area and parking areas; 4 No. three storey dwellings with associated parking; demolition of existing garage and associated outbuildings

Applicant: Mr I Coates, Landmark Estates

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP7 The Built Environment
CP8 Local Distinctiveness
CP12 New Residential Development
CP14 Business and Employment Development
CP15 Existing Employment Sites
DP1 General Development Principles
DP6 Design Principles
DP9 Residential Density in the Defined Villages
DP15 Infrastructure Provision and Developer Contributions
DP16 Redevelopment of Existing Employment Sites

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 2 - Ensuring the vitality of town centres
Sec 6 - Delivering a wide choice of high quality homes
Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend REFUSAL, for the reasons listed below (comments based on amended plans):

Sway Parish Council strongly support the principal of developing this site with this mix of a retail outlet and residential units. Anything that increases the use of local shops is to be applauded. The current plan for the Hatch Motors site goes a long way to achieving this, and the amended plans addressed some of the previous concerns.

Notwithstanding these potential benefits, the Committee voted to refuse permission for the following reasons:

- town houses were more suitable for an area like Totton and do not reflect fully the village character of the area, two storey properties would be preferable and should be kept to below 100sq m limited proposed by the NFNPA local plan
- add details to the side elevations
- proposal should include a full landscaping plan, to include tree planting along roadside and better screening to the rear of the site
- parking issues, specifically that there is insufficient space within the deliveries area which is kept clear prior to deliveries arriving
- main building with retail unit is too large and overbearing, creating noise and light pollution
- delivery times to be resolved and do not consider conditions sufficient to control times

8. CONSULTEES

8.1 Tree Officer: No objection, subject to conditions.

8.2 Highway Authority (HCC): Concern over inadequate parking and manoeuvring, but could accept a condition over delivery times

8.3 Building Design & Conservation Area Officer: Some concerns with the originally submitted proposal over the impact of the proposal on the adjoining churchyard and height of the town houses, and also the detailing of the front building. Amended plans have sought to overcome some of these concerns.

8.4 Planning Policy Officer: No objection.

8.5 Housing Development NFDC: No objections.

- 8.6 Ecologist: No objection, subject to the developers implementing in full the recommendations of the submitted report, and making a contribution towards the New Forest and Solent SPAs.
- 8.7 Environmental Protection (NFDC): No objection, subject to conditions.

9. REPRESENTATIONS

- 9.1 17 representations received objecting on the following grounds;
- scale of proposed retail store is unsuitable for small National Park village
 - height and size of town houses are too dominant and out of scale the adjacent buildings
 - cramped layout
 - town houses would affect existing houses opposite
 - lack of parking for retail store
 - conflict between uses of the store, delivery vehicles and other road users, and would add to congestion in centre of village
 - noise disturbance from traffic, customers and air conditioning
 - dwellings proposed are too small
 - loss of local businesses
 - concerned that adjacent NFU building has been excluded from the application site
 - insufficient space for landscaping
 - loss of trees concerned over lack of financial contributions
 - overlooking of Sway Youth Centre

10. RELEVANT HISTORY

- 10.1 None

11. ASSESSMENT

- 11.1 Hatch Motors lies within the centre of Sway, off Station Road. The site is currently used as a garage, providing servicing, MoT and car sales. The buildings on the site comprise a two storey red brick building, the ground floor of which is used for the showroom, and a run of lower blockwork buildings for the servicing and other works. A flat and storage space occupies the first floor. The remainder of the site is open with a surface of either tarmac or gravel. The main building is set back from Station Road with a parking area in front and has two entrances. Boundaries comprise close boarded fencing and trees and hedges to the rear and side. Adjoining the site to the south is Sway Youth Centre, comprising a car park with a building to the rear. To the rear of that is St Luke's Churchyard. To the north (in the same ownership) is a two storey building used as offices, with a Pharmacy beyond. Opposite is a mix of residential and commercial properties (shops), and Sway Manor Hotel.

- 11.2 The proposal is for the demolition of the current buildings and the erection of four town houses to the rear of the site and a building to the front of the site to comprise a convenience store (Co-op) on the ground with six flats above, in total a net increase of 9 residential units. The building to the front of the site would be 2.5 storeys in height, the convenience store would have a footprint of 300m² and the flats would be primarily 2 bedrooms (one would be one-bedroom) with floor areas ranging between 48m² and 85m². The town houses are also 2.5 storeys and have been separated into two blocks of two semi-detached pairs. Each would have three bedrooms, making use of the roof space. 18 parking would be provided for the residential development, with 13 spaces for the convenience store. The in and out arrangement would remain.
- 11.3 The key planning considerations are:
- principle of redevelopment and compliance with policy
 - scale and design of the proposal
 - impact on the character of the street scene
 - impact on the amenities of adjoining properties
 - implications for traffic
 - implications for trees and ecology
- 11.4 As the site lies within the defined village of Sway, and the adopted Core Strategy supports appropriate, small-scale development proposals including housing, employment and retail within the village (policy CP9 refers), it is considered that the principle of redeveloping the site for the proposed uses would comply with policy. In addition, the loss of any employment associated with the removal of the garage would be balanced by the job creation associated with the convenience store, and the proposal would therefore not be contrary to policy CP15.
- 11.5 As has been stated above, the residential development represents a net increase of 9 units, some of which are smaller residential units which would be in line with the housing need in the National Park, identified in the Strategic Housing Market Assessment (2014).
- 11.6 Following the Reading and West Berkshire High Court case, the Government's National Planning Policy Guidance (NPPF) resource confirms that: *"...in a rural areas where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks..."*

The Authority can therefore seek financial contributions towards off-site affordable housing provision and other forms of

infrastructure. The application was accompanied by a Viability Report which concluded that no contributions could be delivered. The Report was independently verified by DVS (Property Specialists for the Public Sector) who concluded that a reduced affordable housing contribution (£87,727) be delivered. This has been accepted by the applicant, and a S106 Agreement will therefore need to be completed to include that figure.

- 11.7 In terms of the scale of development, the proposal would represent a greater built footprint than the existing situation, but this in itself is not a reason to refuse the scheme. The areas of hard standing and parking would equate to what is currently on site, but the inclusion of rear gardens for the town houses to the rear would create some meaningful open space. The Sway Village Design Statement requires new development to "respect the spacious character of the locality", and it is considered that, with the mix of uses in the immediate vicinity, including the current use, and varying spaces together with the tighter knit development opposite, this proposal would not be contrary to that advice.
- 11.8 The existing development at the front of the site has an Edwardian character with tile hanging and a projecting gable end, and this style has been replicated in the proposed new building. Whilst it would be taller than the existing building by some 3.0m (to a height of approximately 10m), within the street scene this would not be considered excessive. It would be set back from the street frontage and would be comparable in height to the Pharmacy two doors away. The open space of the adjoining car park for the Youth Centre would also provide spacing to off-set the scale. In terms of design, it would pick up on the Edwardian character and would introduce appropriate features and materials which are also appropriate to Sway. The proposal would present a bulkier building when approaching from the south, but the height of this building has been reduced to the rear, and windows introduced at first floor level to relieve an otherwise bland elevation. From the north, the building is hidden by other development. Notwithstanding the increase in bulk of this building, it is nevertheless considered acceptable in this location in the centre of the village where it would be seen in the context of other large buildings.
- 11.9 The town houses to the rear would be marginally lower (a ridge height of approximately 9.5m). Through negotiation, small changes have been made to the porches and fenestration to ensure that they appear more cottage-like in their features. Being set well back within the site, they would have little significant impact on Station Road. In terms of design and proposed materials, the town houses are considered would be acceptable. There was a concern that they would have a detrimental impact on the adjoining church yard, but the position of the end dwelling which has been pulled away from the

adjoining trees, and the presence of these trees, would ensure that this impact would not be overwhelming. Appropriate back-to-back distances with the properties in Westbeams Road to the rear have been incorporated to ensure that the first and second floor windows of the town houses would not give rise to unacceptable overlooking.

- 11.10 Although the current use does not appear to have generated complaints in relation to noise and disturbance due to the car-related activities, it is considered that the proposed use of housing and a convenience store is unlikely to generate significant additional nuisance. Concern has been raised over noise in relation to delivery vehicles, but a condition is recommended restricting the hours of deliveries to ensure that no disturbance would occur during anti-social hours.
- 11.11 The trees shown for removal to the rear of the site are of low quality and their removal is therefore acceptable, but this should be subject to a suitable landscape scheme seeking alternative planting. Along the southern boundary of the site are four Sweet Chestnut trees which are shown to be retained. Whilst some pruning of these trees is anticipated, it is considered that a suitable distance to unit 4 of the town houses could be maintained so as not to cause harm to either trees or dwelling in the future, and this would be subject to a condition.
- 11.12 An Ecological Report was submitted with the application which sets out a number of recommendations for enhancement and mitigation, and provided that these are adhered to and conditioned, there is no objection to the proposal. In addition, the site lies within 5.6km of the Solent SPA (but outside 400m of the New Forest SPA) and a further financial contribution, in line with the Habitats Regulation, would be sought to mitigate against potential effects of new housing development.
- 11.13 One of the main concerns is in relation to traffic and parking associated with the development. Appropriate parking provision has been made in relation to the residential units at the site. The particular concern is with the shared parking and delivery space which could give rise to parking being displaced to Station Road, already an area heavily used for parking. Whilst this is a convenience store aimed at serving the population of Sway, rather than attracting customers from a wider catchment, it will attract car-borne customers and sufficient parking does need to be provided, particularly at peak hours. Further negotiations have taken place with the Highways Authority, who initially raised objections, and provided that deliveries can be made during off-peak times and controlled by condition (with which the Co-op are in agreement for their own deliveries), this then would overcome those objections.

- 11.14 In conclusion, it is considered that the proposal, as amended has overcome the concerns of the Parish Council, and would be acceptable in this location and would comply with policies of the Core Strategy and the guidelines of the Sway Village Design Statement. Subject to the completion of a S106 agreement for contributions towards affordable housing, ecological mitigation, and other off-site requirements, permission is recommended.

12. RECOMMENDATION

Subject to the prior completion of a section 106 agreement to seek contributions towards affordable housing, off-site highway works, open space and mitigation against potential harm to the Solent SPA, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following 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 Development shall only be carried out in accordance with Drwgs: Site location plan, 868-D-300 Rev D, 868-D-301 Rev B, 868-D-302 Rev C, 868-D-303 Rev D, 868-D-304 Rev B, 868-D-305 Rev C, 868-D-306, A17-109-E-100 and A17-109-E-200, 2095/1. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 3 No development shall take place above slab level until samples of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

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

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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. In addition, no development otherwise approved by Class B of Part 7 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 New Forest National Park 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 DP10 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park 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 safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works 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 National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (kpecology Ecology Report dated 13 July 2017) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 The development hereby permitted shall not be occupied until the arrangements for parking (cars and cycles) and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 10 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement (John Shutler Tree Services Arboricultural Report (Version 1.2 revision 2.3.1) dated 09/05/2017) and in accordance with the recommendations as set out in BS5837:2012).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 The retail unit hereby permitted shall not be open for customers or deliveries outside the following times: Monday to Sunday between the hours of 23:00hrs and 06:00hrs. Deliveries from the convenience stores own suppliers shall only take place between the hours of 10:00hrs and 13:00hrs.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 12 Prior to the commencement of the development, a scheme shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The scheme shall be approved in writing by the National Park Authority and the approved scheme shall be implemented, maintained and retained.

Reason: To safeguard the amenities of the occupants of the flats hereby approved in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination (nos 14 to 17) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 14 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by

competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 15 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

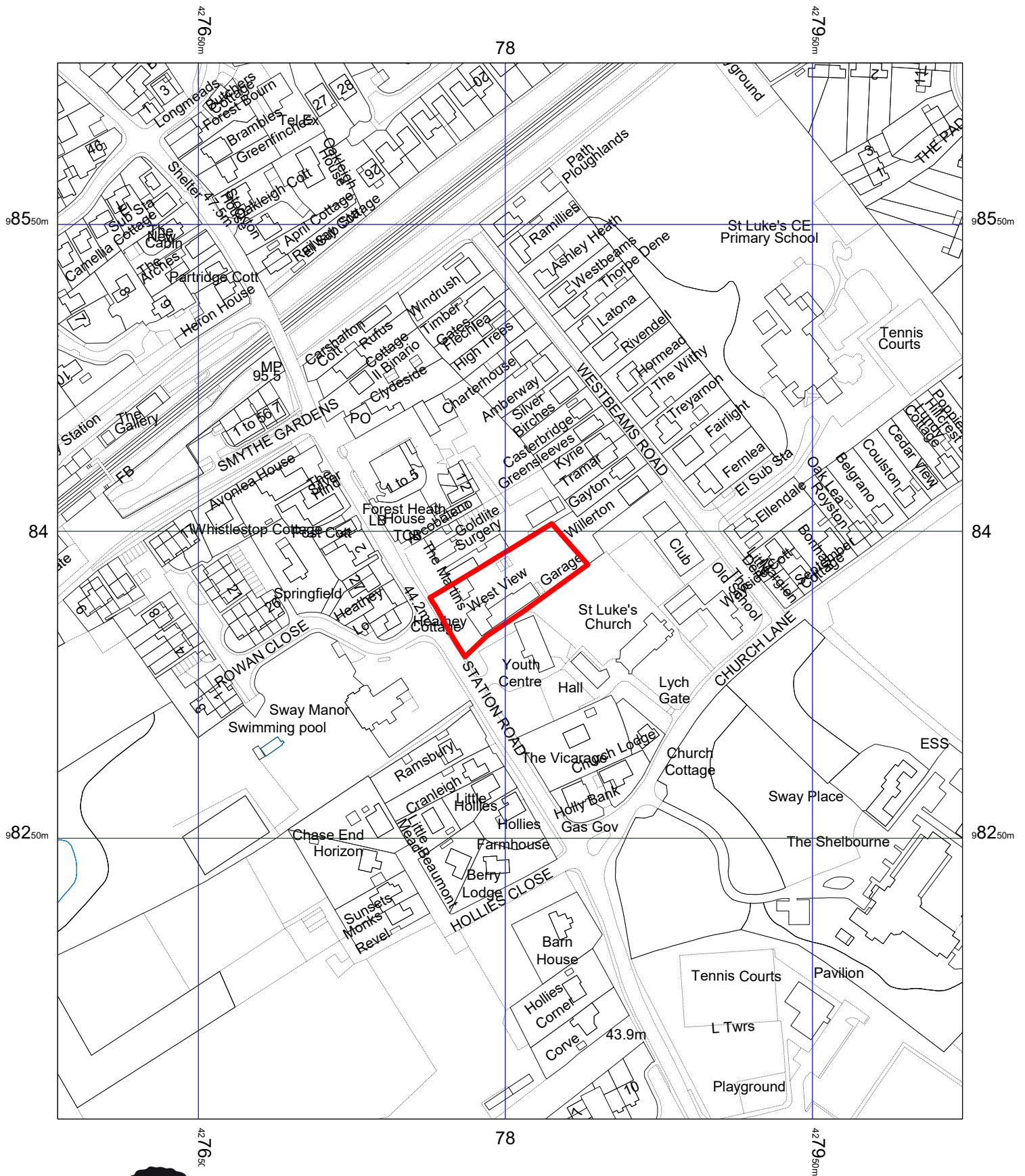
- 16 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation,

unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the New Forest National Park Core Strategy and Development Management DPD (December 2010).



New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

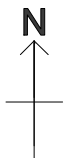
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Date: 05/09/2017

Ref: 17/00403/FULL

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Application No: 17/00433/FULL Full Application

Site: Sandy Balls Holiday Village, Southampton Road, Godshill,
Fordingbridge, SP6 2JZ

Proposal: Demolition of farmhouse and 9 No. outbuildings; removal of existing
car park (Application for Conservation Area Consent)

Applicant: Mr G Lashley, Away Resorts Ltd

Case Officer: Ann Braid

Parish: GODSHILL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP1 Nature Conservation Sites of International Importance
CP2 The Natural Environment
CP7 The Built Environment
CP8 Local Distinctiveness
DP1 General Development Principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Godshill Parish Council: Recommend refusal on the following grounds:

Loss of trees - the mature trees in the Sandy Balls estate are extremely important, both to Godshill and to the surrounding areas of the National Park. Unfortunately it is well known that the Law protecting such trees is extremely weak and impossible to enforce, so Godshill Parish Council cannot accept that imposition of the conditions suggested would provide sufficient guarantee of tree protection.

Loss of the farmhouse - the Parish Council wonders whether there has been any consultation on the continued use of the farmhouse for forestry/agricultural workers?

8. CONSULTEES

8.1 Building Design & Conservation Area Officer: No objection

8.2 Ecologist: No objection subject to condition

9. REPRESENTATIONS

9.1 Six letters have been received (two from the same neighbour). These relate to issues with the planning application which was submitted at the same time as the proposed demolition, and has now been withdrawn. The demolition is not mentioned in the correspondence

10. RELEVANT HISTORY

10.1 Improvement to guest services phase 1 to include: restaurant; welcome building; temporary cycle hire centre; extension and conversion of existing restaurant to admin building; guest services/retail building; information points; extension to play area; car parking; use of land as leisure (85020) granted on 18 January 2001

10.2 Change of use of site and restructuring facilities for holiday centre (26193) granted on 6 February 1985

10.3 Dwelling for Farm Director (RFR10512) granted on 1 June 1965

11. ASSESSMENT

11.1 The farm house at Sandy Balls Holiday Village is a two storey dwelling, located within the holiday park, to the west of the main visitor parking area and south of the amenities complex, which comprises the service buildings and facilities such as the pool, bars and restaurant. A public footpath passes to the west of the house. The house was granted planning permission in 1965 subject to an agricultural occupancy condition and is located on

an area of land which has been in use for recreation as part of the Holiday Village. On the land associated with the farm house is a series of barns and outbuildings which it is intended to demolish along with the house.

- 11.2 This application for the proposed demolition was submitted alongside a planning application for the redevelopment of the existing car park area with new holiday lodges and the creation of a car park on the site of the farmhouse. That planning application has been withdrawn. This application seeks consent only for the demolition, and not for any redevelopment of the land.
- 11.3 The applicant only needs to seek permission for the demolition because the farm house is located in the Conservation Area. Had the building not been located within the Conservation Area then the demolition would have been allowed as 'permitted development' (subject to the prior approval of the Authority of the subsequent treatment of the land). For this reason, the only issue to be considered is what impact of the loss of the building would have on the character and appearance of the Conservation Area.
- 11.4 The house is clad in dark timber and has a concrete tiled roof. The house and outbuildings date from the 20th Century and are not of any historic or architectural interest. Although visible from the public footpath, the buildings do not contribute positively to the character and appearance of the Conservation Area and their loss would have no impact on the character buildings elsewhere on the site. The demolition is therefore acceptable from the Conservation perspective.
- 11.5 Other issues to be considered are the impact of the loss of the buildings on protected species and any potential for damage to trees.
- 11.6 With regard to the impact of the demolition upon protected species, an extended Phase 1 Habitat Survey of the land and buildings was carried out in May 2017. The site was found to be of limited or negligible ecological interest for all but commuting and foraging bats. Phase 2 emergence and return surveys were therefore carried out indicating that no bats emerged from any of the buildings, but five trees had the potential to support bats and should be retained. The ecologist raises no objection to the demolition.
- 11.7 The trees on the site are protected by virtue of their Conservation Area location. A tree survey has been submitted, but the specified protection measures relate mainly to the trees that would have been affected by the redevelopment of the site, the application for which has now been withdrawn. The trees in the vicinity of the farm house are of amenity and ecological significance, in particular the oak to the west of the house, and the trees should be protected during demolition works in accordance with a

scheme to be agreed with Officers. A condition to this effect is attached.

- 11.8 The Parish Council is understandably concerned about the loss of an agricultural dwelling. Whilst not relevant to the determination of the application, in response to this concern, the applicant's agent has submitted a supporting letter indicating that in their opinion, the original consent has been superseded by the later consents which related to the whole of the park. As no specific conditions were attached to those consents, and no restrictions were carried forward in the legal agreements, the agricultural restriction no longer applies. In any case, it is argued, evidence could be supplied to show that the property has been occupied in breach of the condition, for more than ten years, which renders the condition unenforceable. The applicant is confident a Certificate of Lawful Development for the existing use of the house in breach of the condition would be granted.
- 11.9 Even if the condition could be enforced, it is considered that as there is no agricultural land associated with the house and the house is completely surrounded by the Holiday Village there is little prospect of the dwelling fulfilling any agricultural need for accommodation. Its loss to the stock of agricultural dwellings would not be a sustainable reason for refusal of the demolition. The demolition would also remove any opportunity for an open market dwelling to become established on the site.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 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.

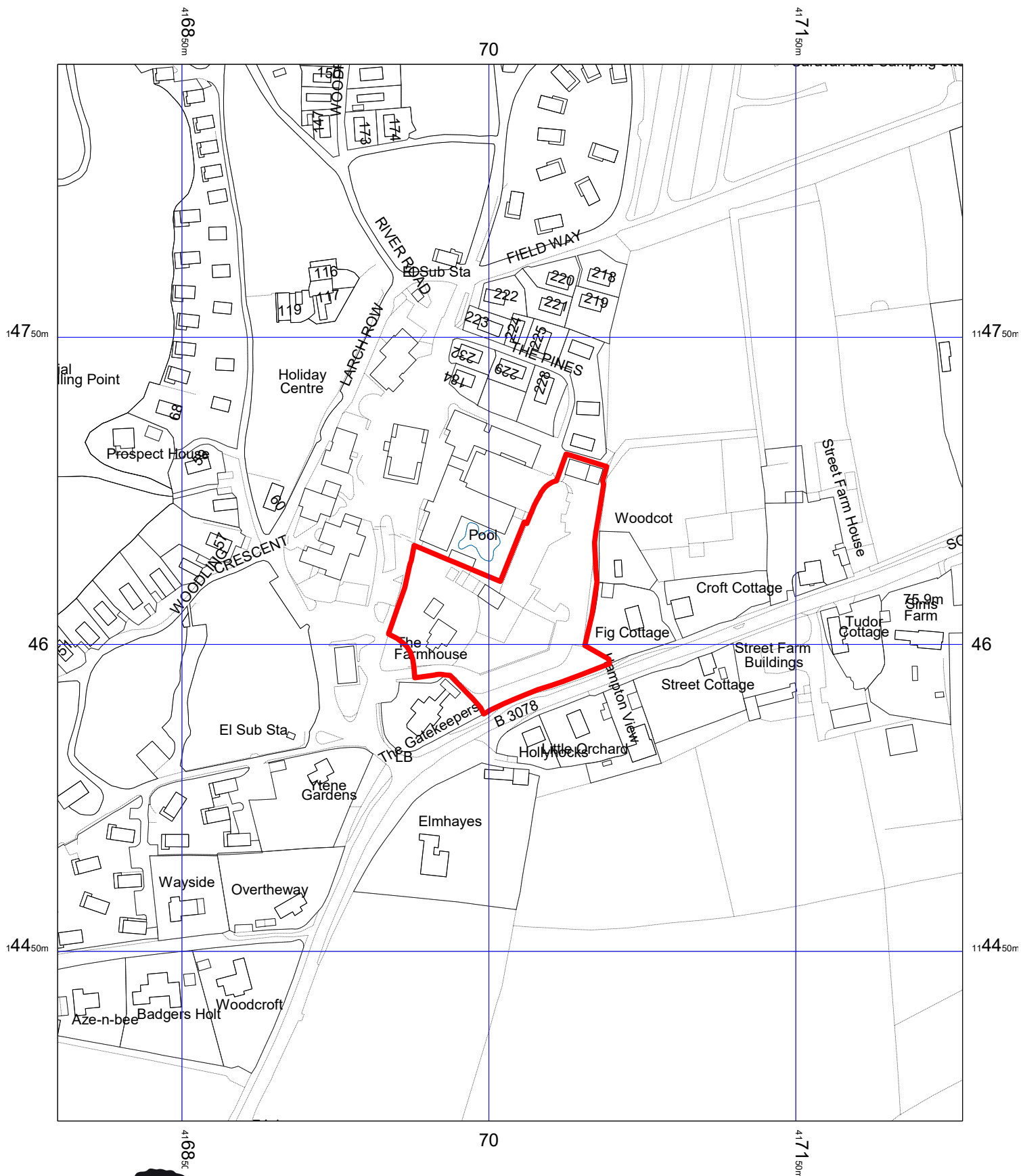
- 2 Notwithstanding the measures set out in the submitted tree report by MJC Services Ltd, dated 21 July 2017, no development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site to be identified by agreement with the Local Planning Authority beforehand, have been submitted to and approved in writing by the Local Planning Authority.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report by ACD Environmental dated July 2017, hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

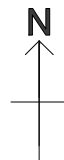
Tel: 01590 646600 Fax: 01590 646666

Date: 05/09/2017

Ref: 17/00433/FULL

Scale: 1:2500

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Application No: 17/00451/VAR Variation / Removal of Condition

Site: Fritillaries, Brockhill Nursery, Sway Road, Tiptoe, Lymington, SO41
6FR

Proposal: Application to remove Condition 2 of planning permission
NFDC/96/59007 (Agricultural Occupancy).

Applicant: Mr G Meadowcroft

Case Officer: Ann Braid

Parish: HORDLE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP14 Removal of Agricultural Occupancy Conditions

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 3 - Supporting a prosperous rural economy
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Hordle Parish Council: Recommend permission.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

- 9.1 Two letters of support received; the income from the enterprise is insufficient and the occupancy condition precludes finance from being raised against it.

10. RELEVANT HISTORY

- 10.1 Application to remove agricultural occupancy condition attached to planning permission 96/59007 (16/00809) refused on 18 November 2016
- 10.2 Garage with store over (77717) granted on 21 May 2003
- 10.3 Horticultural dwelling (96/59007) granted on 10 July 1997

11. ASSESSMENT

- 11.1 This application seeks the removal of an agricultural occupancy condition imposed on a horticultural dwelling granted planning permission in 1997. The condition states that:

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined by Section 336 of the Town and Country Planning Act, 1990, or in forestry, including any dependents of such a person residing with him or her, or a widow or widower of such a person."

- 11.2 The reason cited for the condition on the original decision notice is that *"the site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or horticulture."*

A similar application seeking to remove the occupancy condition was refused last year under delegated powers.

- 11.3 The National Planning Policy Framework advises that new houses in the countryside should be avoided unless there is an essential need for a rural worker to live near his/her place of work. It follows that the removal of the occupancy condition would, in effect, create a new open-market house in the countryside, which would no longer fulfil such an essential need.
- 11.4 For this reason, Local Plan Policy DP14 states that an occupancy condition should only be removed when the Authority is satisfied that the long term need for the dwelling has ceased and there is no evidence of a continuing need for housing for people engaged in agriculture (or forestry) or for practising commoners. The explanatory paragraph in the Core Strategy (7.48) sets out the criteria to be followed to demonstrate that the long term agricultural need for the dwelling has ceased. The applicant will normally be expected to show that appropriate steps have been

taken to try to sell or market the property for rent with the occupancy condition intact and that marketing has been correctly targeted, financially realistic and sustained.

- 11.5 Consent to remove the condition was refused last year for the following reason:

"The property was granted for the current applicants in 1997 to serve the needs of their horticultural business. That business continues to remain profitable and whilst the applicant wishes to pursue other opportunities there is insufficient evidence to justify the removal of the agricultural occupancy condition; in particular the type and level of marketing undertaken and the absence of other uses, occupiers or diversification pursued at the site and therefore the strict requirements of policy DP14 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) have not been met."

- 11.6 In resubmitting the application, the applicant has provided more information in respect of each aspect of the above reason for refusal.

- 11.7 The marketing of the property

- 11.8 Following the earlier refusal, the applicant placed the property back on the market with a different estate agent, who confirms that 16 local businesses in the horticultural and agricultural trade were contacted as part of the marketing campaign. It is also stated that the applicant spoke directly to three nursery proprietors and that there was no interest shown as a result of these contacts.

- 11.9 The property was previously marketed for sale between February and September 2016. Following the refusal last year the property was re-marketed for sale from 6 January 2017 although the property is now no longer on the market. The new estate agent advises that the property was marketed exhaustively, including online, with an asking price of £840,000 (which according to the estate reflects a 30% reduction on the open market price to take account of the occupancy condition).

- 11.10 A statement from the estate agent explains that four potential purchasers were sufficiently interested to discuss the business with the applicant but did not then take their interest further. No offers were made, with the reasons given in the estate agent's statement that there is a lack of demand for an agriculturally tied property due to the restrictive nature of the tie and difficulty in raising finance because of the existence of the occupancy condition.

- 11.11 The applicant also confirms that the property was advertised in various local publications including two specialist publications, the press and online.

- 11.12 The property needs to be marketed at a price that reflects the restriction of the occupancy condition and enables that condition to remain intact. As a rule of thumb, this is generally accepted to be some 30% lower than the open market price, but in an area such as the National Park, where property commands a high premium, it is considered that the reduction may need to be more than 30% to achieve a realistic disposal of the property with the condition intact. In this case the application property is a 200m² four bedroom home (including accommodation that has subsequently been added in the roof). Even with a reduction in place, the asking price of £840,000 for the house and £510,000 for the business as a going concern is likely to be beyond the reach of most people engaged in agriculture within the Forest.
- 11.13 There is a case to be made therefore that the property should be marketed at a lower price in order to attract a greater level of interest. The agent has referred to two local examples where the removal of an occupancy condition was allowed at appeal. In these cases the asking price was reduced by 33% and 40% respectively, but it is arguable that in this specific instance, as the property is larger and located in an area where property commands a substantial premium that the reduction would have to be even more.
- 11.14 Alternative uses and diversification
- 11.15 Policy DP14 requires that opportunities for the dwelling to become a local housing needs dwelling should be explored. The applicant has not pursued this option and has previously argued that the size of the dwelling, the associated running costs and the lack of local facilities and services would make it unsuitable to meet local housing need. Part of the application site enjoys commoners' rights but the applicant advises that the Commoners Defence Association has been notified of the availability of the property, but no interest was expressed to him.
- 11.16 The applicant has stated that as plant specialist nurseries have been taken over by chain retailers, there is less of a market for the plants propagated at Brockhills Nursery. However, it is the Authority's view that the business cannot be described as 'failing' as it has consistently returned a profit for a number of years and has supported the applicant and several members of staff. The applicant has submitted additional information relating to diversification. This consists of a table of potential uses that have been considered. These do not appear to have been considered in any depth, as each option has been discounted in a single sentence, with no detailed business plan to show why such uses would not be feasible. If the current operation is not returning enough profit, it may be that it would be necessary to close the nursery and restructure the business. Although this would be undesirable for the applicant, this option should at least be costed

and potential business plans considered before it is rejected outright as an option. Should the condition be lifted and the house sold separately from the land it is inevitable that there will be some changes to the agricultural use of the land, as it has previously been proven that the house is essential to the running of the nursery (otherwise it would not have been permitted in 1997). The separate sale of the house and the land on the open market would in all likelihood result in the land being taken out of productive agricultural/horticultural use.

- 11.17 Insufficient evidence has therefore been supplied to enable the Authority to scrutinise fully the claimed failing of the business and the array of potential solutions (including some other form of agricultural work entirely) other than the removal of the occupancy condition. The applicant believes that changes to the horticultural market have left their business unviable. Diversification has been considered, as indicated in Appendix E to the supporting statement, but none of these have been taken further. Accounts have previously been submitted which show that the business is in profit, albeit small.
- 11.18 A continuing need for agricultural dwellings in the New Forest
- 11.19 The Authority continues to receive planning applications for new agricultural dwellings. In total, 39 applications for agricultural workers' dwellings have been received since 2006 made up of a mix of dwellings and mobile homes. Of these:
- 17 were refused (with one appeal dismissed); and
 - 22 were approved, one at appeal. Of the applications that were approved, nine were temporary consents and six of these have been later superseded either by further temporary consents or by a permanent permission.
- 11.20 There are two applications currently awaiting a decision. The application records therefore show that there is a demand for these properties, and nine commoners' dwellings have also been approved since 2006.
- 11.21 During the same period, the Authority has received 57 applications for the removal or variation of an agricultural occupancy condition. Of these:
- 19 were refused (including one dismissal at appeal);
 - 31 were confirmed as immune from enforcement action through a Certificate of Lawfulness;
 - two were varied to retain the occupancy condition and allow additional occupants;
 - two were granted planning permission; and
 - three were allowed at appeal having been refused by the Authority.

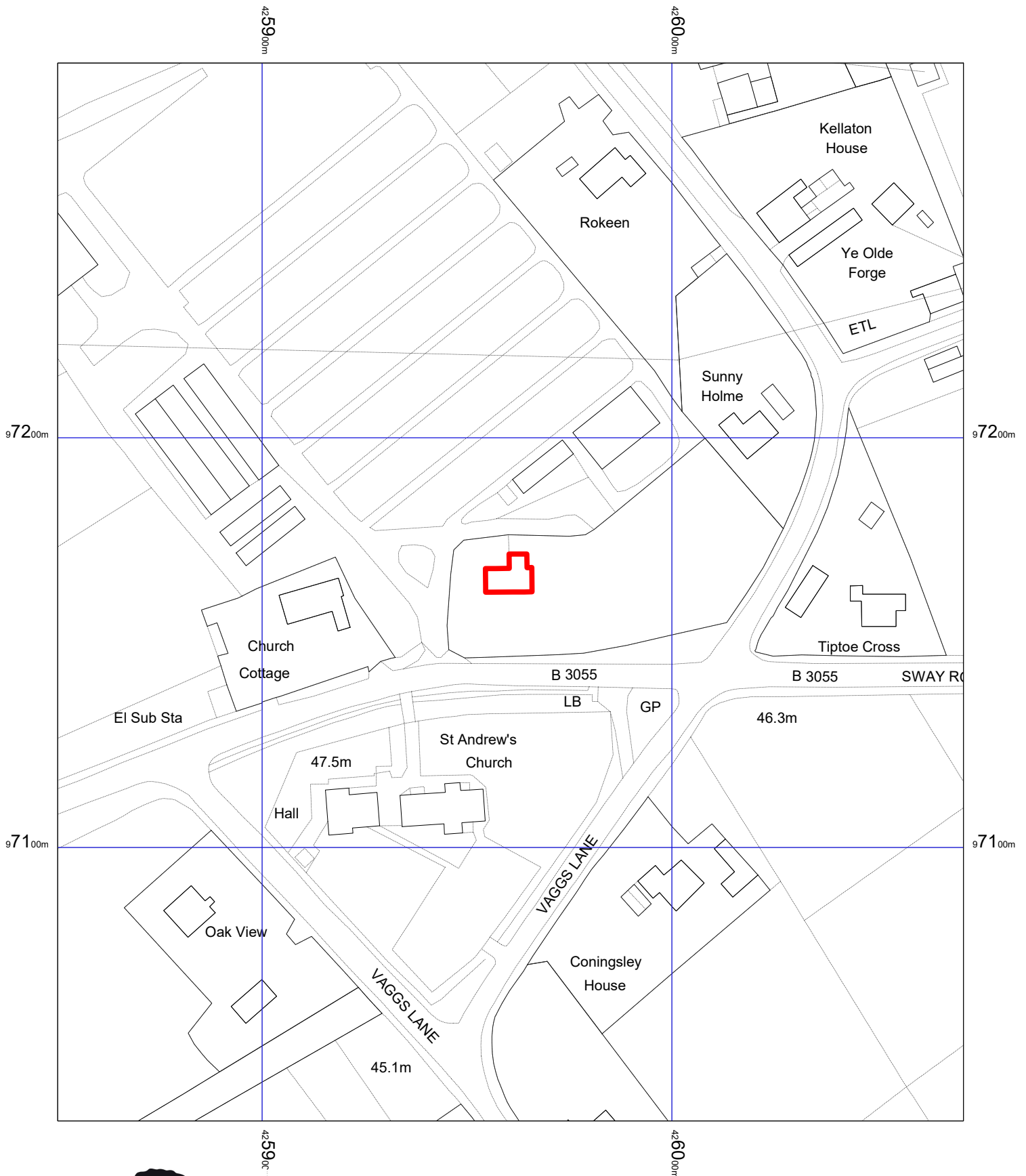
- 11.22 Based on this analysis, it will be appreciated that there is still a demand for new agricultural workers' dwellings whilst a number of existing occupiers have sought removal of the condition, either through an application for planning permission or a Certificate of Lawfulness.
- 11.23 To minimise the loss of further agricultural dwellings through the 'immunity' provisions the Authority regularly monitors compliance with the occupancy condition for each such property in the National Park. There is currently a stock of just over 100 agricultural dwellings that the Authority has been able to confirm are occupied in accordance with the condition (as further evidence of a continuing demand/need for this type of property).
- 11.24 Conclusion
- 11.25 The current application differs from the two cases referred to above (11.21) which were granted consent to remove the condition. In those two cases, the houses were built following consents in 1950 and 1966. At the time the occupancy conditions were lifted, there was no longer any agricultural activity taking place at either site, the original land having been sold off separately over time.
- 11.26 With regard to the three appeal decisions which removed the restrictive conditions, these related to two dwellings given planning permission in the 1960s and one allowed on appeal in 1988. In each case, the agricultural business on the site had failed and there was insufficient land attached to the properties in question to make it likely that new viable businesses could be established on any of the three sites.
- 11.27 It is considered that this case presents fundamental differences from these earlier appeal cases. The house the subject of this application was granted planning permission comparatively recently in 1997, when a case was made by the current applicant for the necessity for staff to live on site to support the business. The dwelling was granted planning permission in the light of these exceptional circumstances, and a successful business has been operated in the intervening years, and continues to operate. Agricultural ties should be kept in place to reflect these exceptional circumstances unless a clear case is made to lift them. In this case it has not been demonstrated that the business is failing, or that there is no demand for the property (if marketed at the right price) or that other income streams have been fully considered. The applicant currently resides at the property in full compliance with the occupancy condition.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The property was granted for the current applicants in 1997 to serve the needs of their horticultural business. That business continues to remain profitable and whilst the applicant wishes to pursue other opportunities there is insufficient evidence to justify the removal of the agricultural occupancy condition; in particular the type and level of marketing undertaken and the absence of other uses, occupiers or diversification pursued at the site and therefore the strict requirements of policy DP14 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) have not been met.



New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 01/09/2017

Ref: 17/00451/VAR

Scale: 1:1250



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Application No: 17/00517/FULL Full Application

Site: Field Opposite Forest Cottage, Lymington Road, Setley,
Brockenhurst, SO42 7UF

Proposal: Agricultural building

Applicant: Mr Byford

Case Officer: Carly Cochrane

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
CP8 Local Distinctiveness
DP20 Agricultural and Forestry Buildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal. We object to this application on the basis that it provides insufficient information to support the functional need for this building and its position relative to existing structures. Advice from Commoners Advisory Service or similar organisations would be useful in allowing us to form an opinion.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

10.1 Form new access (close existing) Granted 22 September 1999

11. ASSESSMENT

11.1 The application site is located to the western side of the A337 Lymington Road, to the south west of Setley Ridge garden centre and with its access opposite that for Forest Cottage. The site comprises a 1.3 hectare parcel of agricultural land, enclosed along its eastern boundary by a hedgerow and southern boundary by an area of woodland. The site is owned by a Young Commoner, who has been running stock on the forest since 1998. During the course of this application, the applicant has purchased additional livestock, resulting in a total cattle herd numbering 34, alongside 5 New Forest Ponies.

11.2 This application seeks planning permission for the erection of an agricultural building to the southern part of the site, approximately 10 metres from the southern boundary, and measuring approximately 18.1 metres in width, 9.1 metres in depth and 4.8 metres in height, and subdivided internally as follows:

- Area of 8m x 9m for the storage of hay/straw
- Area of 3.3m x 9m for a stable, storage of hard feed and machinery
- Area of 7m x 9m for livestock, based on RSPCA guidelines of 8.5m² per animal, allowing for the housing of up to 7 cattle at one time.

The building would be constructed of concrete panels to the lower 2 metres and tanalised timber Yorkshire boarding to the top half of the building, with a cement fibre reinforced corrugated roofing in Natural Grey, with 12 rooflights. The front elevation would be open, with a cantilevered overhang.

11.3 Policy DP20 states that permission will be granted for buildings required for agricultural purposes where there is a functional need for the building, and its scale is commensurate with that need; the building is designed for the purposes of agriculture; the site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location, and; they do not involve large or obtrusive structures, or generate a

level of activity which would have a detrimental effect on the National Park.

- 11.4 The land subject of this application forms part of Graceland Farm at Tile Barn Lane, which is owned by the applicant's parents. The surrounding land to the north, south and west is also agricultural in nature. There are no other buildings at the site, and none of any substantial scale within adjoining fields; as such, the proposed building would not be related to existing buildings as per the policy requirement. However, it is not considered that the site is within an isolated location, as it forms part of the wider Graceland Farm holding and benefits from direct access from the A337, which would allow the applicant to carry out commoning activities independent of Graceland Farm. It is considered that in order for the applicant to be able to continue with and further expand the commoning activity, an agricultural building is necessary. As such, it is considered that there is a functional need for the building in this location order to support commoning activities.
- 11.5 The scale of the proposed building, with a floor area measuring 170m², would be substantial. It is stated that this area is required in order to provide sufficient storage for food and machinery, and shelter for the livestock in accordance with RSPCA guidelines. The building would be utilitarian in its design, and considering the absence of any other building on the site, and the size of the site, it is considered that the proposed building would be commensurate to the functional need. Whilst the proposal would introduce built development to the site, when viewed in association with the wider Graceland Farm holding, it would not appear incongruous. The building has been sited in close proximity to the southern boundary which comprises a woodland area; this location has been chosen as it is close to the vehicular access; would be partially screened from outside the site by the trees when approaching from the south; and the trees would provide a natural wind break to shelter the building. The building has been sited so as not to interfere with the root protection areas of the trees along the southern boundary.
- 11.6 The proposed building would result in an increased level of activity at the site, however there is an existing access and there would be no change of use of the land. It is not considered that the increased level of activity would be detrimental to the character of the area or the wider National Park.
- 11.7 The nearest residential property is Forest Cottage, approximately 110 metres to the south east, across the A337. The site is not visible from this property by virtue of the areas of woodland adjacent to the A337 which provides screening and acts as a noise buffer. As such, it is not considered that the proposal would result in any adverse impact upon neighbouring amenity.

- 11.8 It is therefore recommended that permission is granted subject to conditions, as the proposal accords with Policies DP1, DP6, DP20 and CP8 of the Core Strategy.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 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 Development shall only be carried out in accordance with

Drawing nos: TQRQM17171185130637, 1, 17- 48223.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

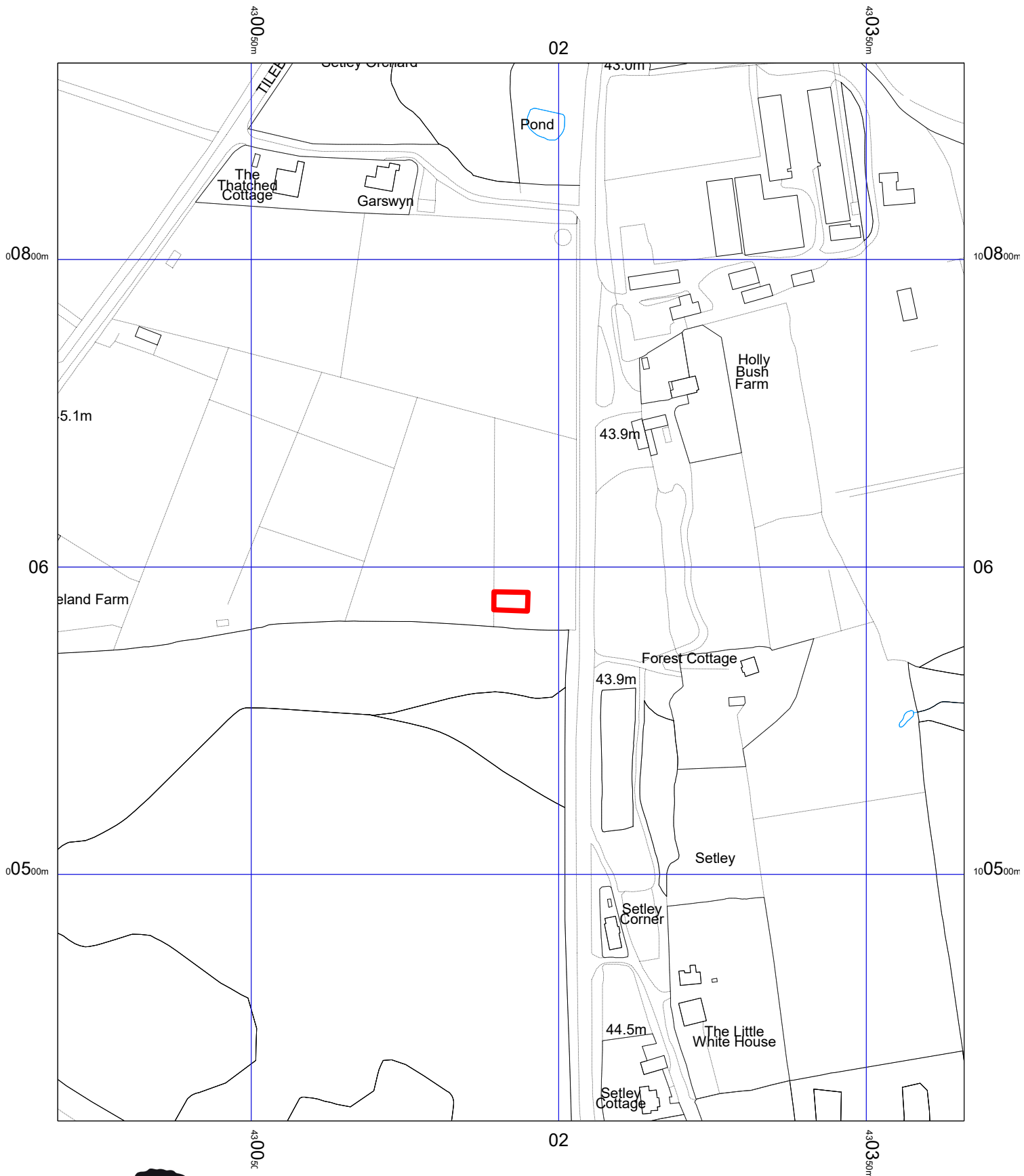
Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 3 The building the subject of this permission shall only be used for agricultural purposes and for no other commercial, business or storage purposes whatsoever. Should this use cease the building shall be removed from the site, and the land reinstated to a condition which has been agreed in writing by the Local Planning Authority beforehand, within 6 months of the cessation of that use.

Reason: In order to preserve the character and appearance of the area in accordance with the requirements of Policies DP20 and CP8 of the New Forest National Park Core Strategy.

- 4 Unless otherwise first agreed in writing by the New Forest National Park Authority the external facing and roofing materials shall be as stated on the application form hereby approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
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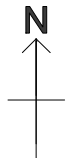
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Application No: 17/00591/FULL Full Application

Site: 37 New Forest Drive, Brockenhurst, SO42 7QT

Proposal: Replace tiles to front and rear of property with cladding

Applicant: Mr & Mrs Hardy

Case Officer: Carly Cochrane

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
CP8 Local Distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal. We object to this application as the proposed cladding is not in-keeping with neighbouring properties.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 4 letters of representation have been received in support of the application.

10. RELEVANT HISTORY

10.1 First floor side extension over existing garage/utility (11/96595)
Granted 22 August 2011

11. ASSESSMENT

11.1 The application site is located to the southern side of a cul-de-sac within New Forest Drive, and comprises a two storey detached dwellinghouse within the Defined New Forest Village of Brockenhurst. There is an attached side garage, with a porch overhang, and the first floor front and rear elevations are tile clad.

11.2 This application seeks planning permission for the replacement of the existing tile cladding with cement fibre cladding in 'pearl grey'.

11.3 There are no concerns with regard to impact upon neighbouring amenity. The occupiers of numbers 31, 33, 35 and 39 New Forest Drive have written in support of the application.

11.4 Although the use of cement fibre cladding is not generally considered to be a traditional material or one which reflects buildings typical of the New Forest National Park, the existing building and those in both the immediate and wider locality are not recognised as being of significant aesthetic or vernacular interest. The site does not lie within or impact upon the Brockenhurst Conservation Area, and cannot be viewed from the open forest. The property is set back from its neighbour at number 39, which occupies the corner plot of the cul-de-sac, and resultantly is not directly visible from New Forest Drive. Similar cladding in a variety of colours have been used on properties elsewhere within New Forest Drive; the proposed 'pearl grey' is intended to have an appearance similar to weathered natural wood. Overall, whilst the use of a natural timber is preferable, in this location and given the presence of the cement fibre material elsewhere within New Forest Drive, it is not considered that the proposal would have any significant impact upon the character or appearance of the area, or upon the special qualities of the New Forest National Park.

11.5 It is therefore recommended that permission is granted subject to conditions, as the proposal accords with Policies DP1, DP6 and CP8 of the Core Strategy.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

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

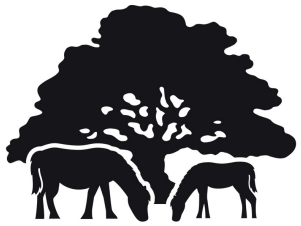
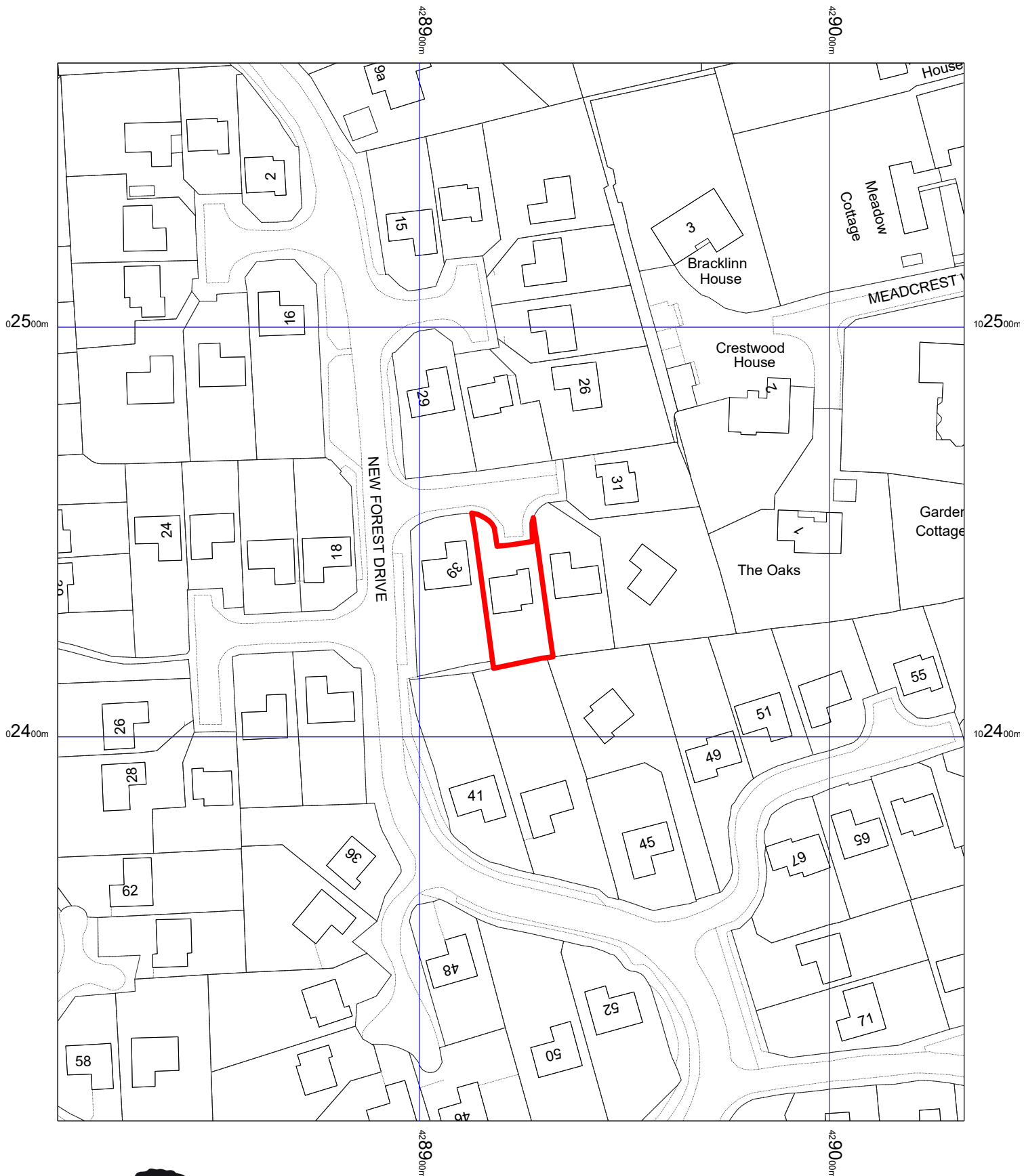
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Development shall only be carried out in accordance with

Drawing nos: 1, 2, 3, 4.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
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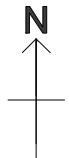
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Application No: 17/00615/FULL Full Application

Site: Willow Green, Seamans Lane, Minstead, Lyndhurst, SO43 7FU

Proposal: 2No. Outbuildings

Applicant: Mrs J Melin-Stubbs

Case Officer: Ann Braid

Parish: MINSTEAD

1. REASON FOR COMMITTEE CONSIDERATION

Application from Officer

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP7 The Built Environment
CP8 Local Distinctiveness
DP1 General Development Principles
DP12 Outbuildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 7 - Requiring good design

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Minstead Parish Council: Support

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 None received.

10. RELEVANT HISTORY

10.1 Replacement conservatory roof (09/93773) granted on 30 April 2009

10.2 Summer house (07/91947) granted on 21 December 2007

10.3 Garage (07/91190) granted on 10 April 2007

10.4 Two-storey dwelling (05/85562) granted on 14 October 2005

11. ASSESSMENT

11.1 The site is occupied by a two storey, detached dwelling built in red brick with a tiled roof and a single storey garage. The property is accessed via a gravel track which serves several residential properties. There is an existing summerhouse located towards the south west corner of the garden.

11.2 Consent is sought for two outbuildings in the rear garden to provide a garden shed for storage of garden tools and a potting shed. The main issues to assess are whether the visual impact of the proposed buildings on the site and its surroundings would be acceptable and whether there would be any adverse impact on neighbouring amenity.

11.3 With regard to the proposal, the proposed buildings would comply with Policy DP12 in that they would be sited within the domestic curtilage of the dwelling and are required for purposes that are incidental to the main house. No habitable accommodation is proposed within the buildings.

11.4 With regard to the impact of the buildings, the form and height of the buildings would be appropriate in the setting. The design and materials proposed would ensure that the proposed outbuildings would have a rural character. The proposed outbuildings would not appear out of keeping in the locality and would comply with Policies CP8 and DP1.

11.5 The proposed outbuildings would have no adverse impact on the residential amenities of the neighbouring properties by way of loss of light, outlook or privacy. The buildings would be visible from neighbouring properties but would be screened to an extent by existing vegetation. They would not appear unduly overbearing to any significance that would warrant the refusal of the application.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

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

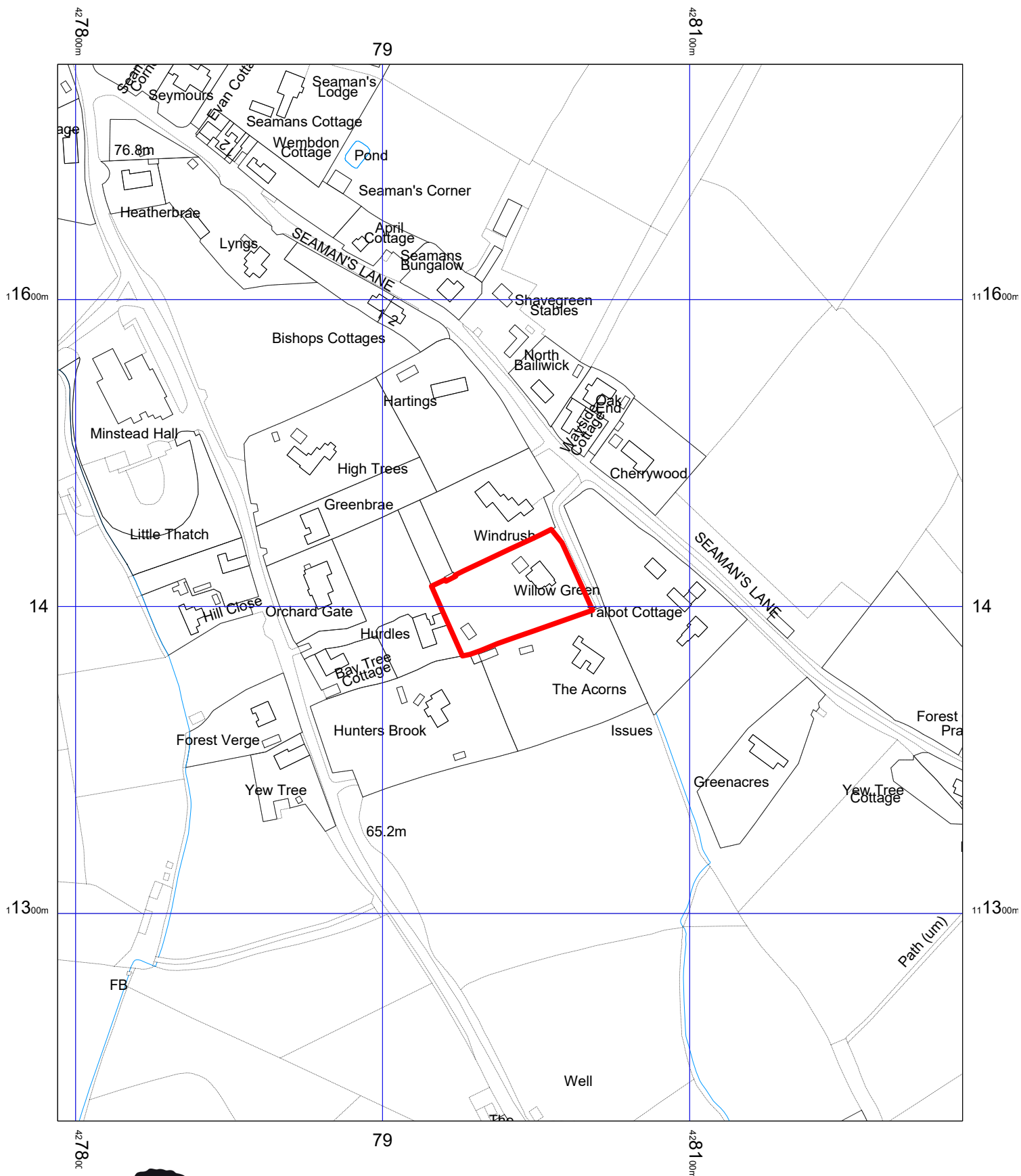
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The building the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 Development shall only be carried out in accordance with drawing nos: 1, 2 and 3. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 05/09/2017

Ref: 17/00615/FULL

Scale: 1:2500



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Application No: 17/00642/FULL Full Application

Site: 62 New Forest Drive, Brockenhurst, SO42 7QW

Proposal: Detached garage; cladding to front elevation of main dwelling

Applicant: Mr & Mrs Lawrie

Case Officer: Carly Cochrane

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village
Tree Preservation Order

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
CP8 Local Distinctiveness
DP11 Extensions to Dwellings
DP12 Outbuildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal. We object to this application as it is not in-keeping with the local area and is an over-development of the site. We consider that it will result in loss of

amenity to neighbouring properties and are also concerned that the colour of the cladding is not sympathetic to the local area.

8. CONSULTTEES

8.1 Tree Officer: No objection subject to condition.

9. REPRESENTATIONS

9.1 2 letters of objection have been received from the occupiers of 64 New Forest Drive. The comments made are summarised as follows:

- Visual Impact: the proposal would be located in a comparatively confined area and would be a permeant feature of the approach to [our] home. The design, colour and materials are out of character with the locality and appear to be an overdevelopment of the site.
- [Our] access would be significantly affected; the proposed garage sits immediately next to the shared boundary and would have the effect of the driveway looking like a tunnel, oppressively overshadowing access to [our] house.
- Concern with the parking of contractors vehicles
- Concern with regard to impact upon roots of the row of conifer trees
- Access is already difficult as visitors park close to the mouth of the driveway; manoeuvrability issues; should the garage be built, this will be exacerbated.
- Concern with regard to property value

9.2 A letter of objection has been received from Friends of Brockenhurst. The issues raised are summarised as follows:

- No significant changes since the withdrawn application
- No comment made with regard to the cladding to the main dwellinghouse
- Proposal would result in an unacceptable disturbance to the street scene and scenic harmony.
- Loss of amenity for the occupants of number 64

10. RELEVANT HISTORY

10.1 Detached garage; cladding to front elevation of main dwelling (17/0423) Withdrawn 29 June 2017

10.2 Addition of porch and study and extension to dining room and kitchen (NFDC/86/33094) Granted 29 October 1986

11. ASSESSMENT

11.1 The application site is located to the end of a cul-de-sac within New Forest Drive, within the Defined New Forest Village of

Brockenhurst, and comprises a two storey detached dwellinghouse with an integral garage. The first floor front and rear elevations of the dwellinghouse are tile clad. The front boundary of the site is shared with the driveway of the neighbouring property of number 64 New Forest Drive. There is a Silver Birch within the front garden which is subject to a single Tree Preservation Order.

11.2 By way of background, this application has been subject to pre-application discussions, in which concern was raised regarding the siting of the proposed garage and the potential dominant and cramped appearance within the street scene. An application for planning permission was then submitted and withdrawn, following concerns raised by the Planning Officer, Parish Council and neighbour. Amended plans have also been submitted during the course of this current application.

11.3 This application therefore seeks planning permission for the following development:

- Replacement of existing tile cladding upon the first floor front and rear elevations with Marley Eternit Cedral weatherboarding, in C10 'Blue-Grey'. The dormer window would also be re-clad.
- Erection of a detached garage and carport within the front garden area and set just behind an existing row of conifer trees. The garage would measure approximately 7.5 metres in depth and 3.4 metres in width, and the adjoining carport would measure approximately 6 metres in depth and 2.5 metres in width. The overall height to the ridge of the roof would measure approximately 4.5 metres. The outbuilding would be clad in a natural timber, and comprise a hipped roof with a catslide to the rear part of the garage.

Other changes proposed, however not requiring planning permission, are the conversion of the integral garage to a bedroom, with the garage door being replaced with a window; and a small addition to the rear in the form of a full height window bay. These are considered to be covered under Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11.4 With regard the proposed cladding of the main dwellinghouse, although the use of cement fibre cladding is not generally considered to be a traditional material or one which reflects buildings typical of the New Forest National Park, the existing building and those in both the immediate and wider locality are not recognised as being of significant aesthetic or vernacular interest. The site does not lie within or impact upon the Brockenhurst Conservation Area, and cannot be viewed from the open forest. The property is set to the rear of the cul-de-sac and is well screened by other properties and vegetation; as such, the

property is not directly visible from New Forest Drive. Similar cladding in a variety of colours has been used on properties elsewhere within New Forest Drive; the proposed C10 'Blue-Grey' is intended to have an appearance similar to painted natural wood. Overall, in this location, and given the relatively small area to be clad and the presence of the cement fibre material elsewhere within New Forest Drive, it is not considered that the proposal would have any significant impact upon the character or appearance of the area, or upon the special qualities of the New Forest National Park.

- 11.5 The proposed garage would be located to the front of the main dwellinghouse, and adjacent to the front boundary shared with number 64 New Forest Drive. Concern was raised at pre-application stage that an outbuilding in this location may appear cramped within the plot and dominant within the street scene. Changes have since been made to the proposed outbuilding, including the reduction in the overall bulk and massing by virtue of the creation of the car port, and changes to the facing materials, from cement fibre cladding to natural timber. Whilst the proposed outbuilding would be visible within the street scene of the cul-de-sac, due to the curved layout of the carriageway, the site is not visible from the main highway of New Forest Drive. It would also be screened by vegetation and trees both within the application site and within other properties when approaching from the south. The creation of a car port, which would be open to all sides, reduces the overall built form of the outbuilding. The use of natural timber would result in a more sympathetic appearance than the cement fibre cladding as originally proposed. Whilst the proposed outbuilding would be visible within the street scene, it is not considered it would appear unduly incongruous within the residential setting, nor would it have any adverse impact upon the character or appearance of the area.
- 11.6 A number of concerns have been raised with regard impact upon neighbouring amenity. These mainly relate to the siting of the proposed outbuilding and its proximity to the driveway of number 64 New Forest Drive. The proposed plans show the retention of a row of coniferous trees immediately adjacent to the boundary; the outbuilding would be located behind these, and would be of a similar height. These trees already overshadow and enclose the driveway serving number 64; there is also a dense row of evergreen trees along the other side of the driveway and forming the boundary of number 66 New Forest Drive. The dwellinghouse of number 64 is located approximately 13 metres from the boundary of the application property. Whilst the proposal may introduce built development along the boundary, it is not considered that the presence of the outbuilding would result in any significantly exacerbated impact with regard loss of light or overshadowing to the driveway area of number 64. Overall, it is not considered that the proposal would result in any significant adverse impact upon neighbouring amenity.

- 11.7 Other issues raised relate to access and parking concerns. The proposal would not have any impact upon the existing manoeuvring areas as it would be wholly located within the application property. Whilst there are concerns with regard the displacement of vehicles as a result of the outbuilding, two parking spaces would remain on site, and the outbuilding would provide two spaces. As such, there would be no loss of on-site parking spaces, and as the surrounding roads are not restricted and are not within the application site, the parking within the cul-de-sac by private vehicles or contractors cannot be controlled through this application. The issues raised with regard to loss of outlook and property prices are not material planning considerations.
- 11.8 The proposed outbuilding would be located in close proximity to a Protected Silver Birch. The default position as recommended within BS 5837:2012 should be that all structures are situated outside of the root protection areas of protected trees unless overriding justification can be demonstrated. As such, the outbuilding has been designed so that the car port is of a less intrusive construction than that of the garage, and would therefore have less impact upon the RPA of the protected tree. The exact details with regard to the foundations for the car port have not been submitted; the Tree Officer initially required this information up front, however it has been agreed that this could be submitted as part of a condition. Concern has been raised by neighbours with regard to the impact of the construction upon the conifer trees; the site is not located within a Conservation Area, and these trees are not subject of a TPO. These trees are not considered to be of any public amenity value, and as such, should these trees be harmed by the development and ultimately lost, it is unlikely to be objectionable.
- 11.9 It is therefore recommended that permission is granted subject to conditions, as the proposal accords with Policies DP1, DP6, DP11, DP12 and CP8 of the Core Strategy.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 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 Development shall only be carried out in accordance with
- Drawing nos: 5120 PL 01 REV B, 5120 PL 02, 5120 PL 03, 5120 PL 04 REV B, 5120 PL 05 REV B, 5120 PL 06 REV E
- No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.
- Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.
- 3 No development shall take place above slab level until samples or exact details of the facing and roofing materials for use upon the outbuilding have been submitted to and approved in writing by the New Forest National Park Authority.
- Development shall only be carried out in accordance with the details approved.
- Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
- 4 The building the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.
- Reason: To protect the character and appearance of the countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
- 5 No development, demolition or site clearance shall take place until a method statement and engineering drawings for the foundation design of the approved development has been submitted to and approved in writing by the Local Planning Authority.
- Development shall only take place in accordance with these approved details.
- Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees on the site (as identified in the approved plans) have been submitted to and approved in writing by the Local Planning Authority.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



NEW FOREST
NATIONAL PARK

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