

**Application No: 16/00909/VAR Variation / Removal of Condition**

**Site:** The Old School House, Church Lane, Sway, Lymington, SO41 6AD

**Proposal:** Application to vary condition 10 of planning permission 15/00987 to allow a minor material amendment to planning permission reference 15/00376

**Applicant:** Moortown Developments

**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**

CP12 New Residential Development  
CP7 The Built Environment  
CP9 Defined Villages  
DP1 General Development Principles  
DP6 Design Principles

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Sway Village Design Statement

**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**

Sway Parish Council: Recommend refusal:

- latest in a long running series of applications

- recently refused additional conservatory space
- use of roof space will increase the burden on the infrastructure and add to congestion in an area close to the school which already experiences parking issues
- would increase light pollution

## **8. CONSULTEEES**

- 8.1 Highway Authority (HCC): No objection. The original plans for the dwellings indicated four bedrooms, and no objections were raised at the time.

## **9. REPRESENTATIONS**

- 9.1 One representation received objecting to the proposal as no provision would be made for bat roosts in the roof as per the original proposal.

## **10. RELEVANT HISTORY**

- 10.1 Retention of single storey rear extension (16/00910) - concurrent application (item 3 on this agenda)
- 10.2 5 no. detached dwellings; sheds; access; widening of footpath; associated landscaping (Revised design to Planning Permission 15/00376) (16/00619) refused on 18 October 2016
- 10.3 Application to vary condition 10 of planning permission 15/00987 to allow a minor material amendment to planning permission reference 15/00376 (16/00311) granted permission on 6 June 2016
- 10.4 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (Application for a non-material amendment to 15/00376) (15/00987) - no objections raised 8 January 2016
- 10.5 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (15/00376) granted permission on 28 July 2015

## **11. ASSESSMENT**

- 11.1 The application site occupies a corner plot at the junction of Westbeams Road and Church Lane. It is a level site and previously comprised a single large two storey height red brick Victorian building of character with a tiled roof. Development of the site with five dwellings is now nearing completion.
- 11.2 The proposal to demolish the existing building and erect five detached dwellings was granted planning consent in July 2015

(15/003767) and subsequently amended to include a small single storey lean-to extension to the rear of each dwelling in June 2016 (16/00311). The dwellings are predominantly two-storey and constructed of traditional materials - brick under a tiled roof. Four of the dwellings are accessed off Church Lane, with the remaining one off Westbeams Road, and parking (2 spaces per dwelling) is to the front of the dwellings.

- 11.3 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied; the condition in this case is to vary the plans submitted with the original application. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved, otherwise a new application would be necessary.
- 11.4 The minor material amendment to the original permission sought in this case is specifically to add three additional rooflights to Plots 3, 4 and 5 and to raise the height of the already permitted rooflight higher up the roofslope of the same units so that there are two pairs of rooflights in both side elevations. Although no stairs are shown to serve the loft space, which would be served by a hatch, it may be possible to change these arrangements internally.
- 11.5 The re-positioning of the proposed roof lights and the insertion of the additional rooflights in the dwellings for Plots 3, 4 and 5 are not considered to detrimentally change the overall appearance of the dwellings, and therefore in that respect this proposal is considered acceptable. The key consideration would be whether the proposal is likely to create significant overlooking or have a detrimental impact on the surroundings in terms of additional activity in the wider area.
- 11.6 It is not considered that there would be any significant overlooking issues as a result of the proposal; for the most part the rooflights would be internal to the overall development and where they are not, i.e. the north elevation of Plot 5 and the west elevation of Plot 3, they would simply look out onto existing blank roofs. In addition, the cill level would be at least 1.7m above the floor of the loft space making it difficult to gain any direct views from the windows.
- 11.7 The plans indicate that the space to be served by the rooflights for the three dwellings would be a warm/insulated loft to be used for storage - a wall is proposed to be inserted creating about 24m<sup>2</sup> of storage space which would be accessed via a loft hatch. The insertion of the rooflights would make it easier for the space to be used as habitable floorspace, and therefore a condition is

proposed that no further rooflights or windows should be added, and also that the development should only be carried out in accordance with the submitted plans to address this possibility.

- 11.8 However, it is important to note that the original plans for the dwellings indicated that each dwelling would have four bedrooms, and at the time the provision of two parking spaces was considered sufficient - no objection was received from the Highways Authority. The current plans now indicate that these three dwellings would each have only three bedrooms and thus the potential for the roofspace being used for a further bedroom would not give rise to a further requirement for additional parking. Advice has been sought from the Highways Authority, and no objection has been raised.
- 11.9 The objection from the Parish Council refers to increased congestion as a result of the development, but in an area which already experiences considerable traffic issues associated with the nearby school, it is not considered that the insertion of these rooflights would significantly add to those problems.
- 11.10 The Parish Council also objects on the grounds of light pollution. However, as the rooflights are currently proposed to serve loft space, it is unlikely that there would be any significant light spillage from space which would not be excessively used. Even with the roofspace being used (potentially) for habitable accommodation, it is not considered that the insertion of additional rooflights would significantly increase light pollution in the area.
- 11.11 A concern has been raised that the use of the roofspace would be contrary to the approved details for a bat roost. However, the bat roost was proposed in the roof space of Plot 1 only (as approved), and therefore this application would not affect that provision.
- 11.12 A succession of applications proposing various amendments can be frustrating but this in itself is not a reason for refusal. The aim of the condition in this case was to enable the Authority to retain some control over any future changes to the roof rather than to blankly prohibit any further changes. For the reasons outlined above, and in the absence of any demonstrable harm, permission is therefore recommended subject to the conditions set out below.

## **12. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

- 1 Development shall only be carried out in accordance with Drwgs: 8562/200 REV B, 8562/601, 8562/202 REV D, 8562/500, 8562/501, 8562/502, 8562/503 and 8562/206 REV D. 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.

- 2 All new roof lights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 Landscaping of the site shall be laid out in accordance with Drwg No: 8562/207, approved by letter dated 21 April 2015.

Development shall only take place in accordance with those details.

Reason: 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).

- 4 The development hereby permitted shall not be occupied until the arrangements for parking both cars and cycles, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

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.

- 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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the 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 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 (ref The Wood Burning Centre\_28032015). 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).

- 7 Development shall only take place in accordance with the details of the means of disposal of surface water from the site as set out on Drwg No 8562/300 REV F and the Surface Water Strategy Report and approved on 21 July 2016 by the New Forest National Park Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 Prior to the commencement of development details of the future maintenance of the drainage system approved under condition 7 above shall be submitted to the National Park Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the National Park Authority by the applicant prior to occupation of the penultimate building.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).

- 9 No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges as identified on Drwg No 8562/207 as approved on 21 April 2015 have been implemented.

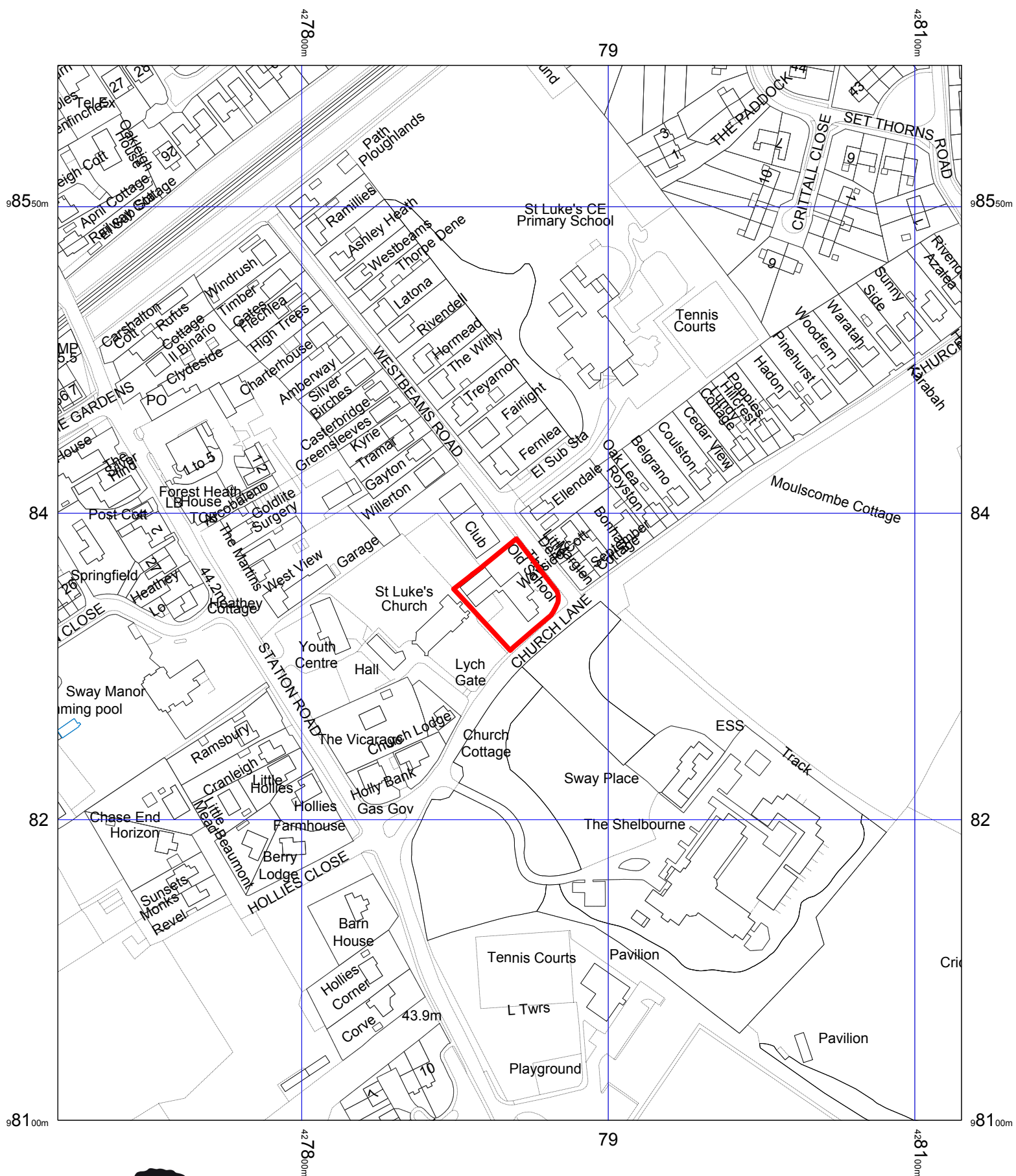
The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

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).

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

Reason: To ensure the accommodation provided on the site remains of a size appropriate to its location within the countryside and to comply with Policy DP11 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: 03/01/2017

Ref: 16/00909/VAR

Scale: 1:2500

© Crown copyright and database rights 2017 Ordnance Survey 1000114703

