

Application No: 09/94287/LDCE Lawful Development Certificate Existing

Site: Paultons Park, Ower, Romsey, SO51 6AL

Proposal: Application for a Certificate of Lawful Development for existing use of land as Amusement Park

Applicant: Mr R Mancey

Case Officer: Laura Harry

Parish: COPYTHORNE

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Applications 09/94285 and 09/94286 have been reported to the Committee because the recommendations are contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

Not applicable.

5. MEMBER COMMENTS

None received.

6. PARISH COUNCIL COMMENTS

Copythorne Parish Council: Happy to accept the decision reached by Officers under their delegated powers - do not have any evidence to support or deny the evidence submitted with the application.

7. CONSULTEES

Legal Services (HCC): The Senior Solicitor has examined the evidence submitted by the applicant and considers that a Lawful Development Certificate should be issued.

8. REPRESENTATIONS

8.1 Statement by the agent that the evidence submitted demonstrates the site has been used as an Amusement Park for more than 10 years.

Rides have been added and removed as if the Park benefitted from permitted development rights for an Amusement Park

- 8.2 33 representations received, 30 of which object to the application and 3 support the application.
- 8.3 29 of the representations received refer to the planning merits of the use and are not relevant to the purely legal issues which are involved in determining this case.
- 8.4 Four of the representations refer specifically to the Lawful Development Certificate. However, no one has provided any evidence to contradict the information submitted by the applicant.

9. RELEVANT HISTORY:

- 9.1 There is an extensive planning history (22 planning applications). The most relevant applications are considered to be the following:
- 9.2 Land as a country park with ancillary facilities (19525) granted 09 June 1981.
- 9.3 Erection of a restaurant/gift shop and farm shop/reception area with landscaping and car parking facilities (21745) granted 14 June 1982.
- 9.4 Erection of 2 ice cream kiosks and burger bars with toilets and a building for animated electronic displays. Use of land for play area with erection of associated play equipment (30425) granted 20 November 1985.
- 9.5 Erection of a railway station building to include cafe and shop and construction of scenic railway (32960) granted 18 December 1986.
- 9.6 Engineering workshop; replacement guest services; replacement ticket kiosks and canopy over; extension and upgrading of entrance and retail facilities; toilet block; upgrading of car parks (93702) granted 09 March 2009.

10. ASSESSMENT

10.1 Procedural Matters

Applications for Lawful Development Certificates (LDC) made under section 191 of the Town and Country Planning Act 1990 are different from normal planning applications in that anyone (not just a person with a legal interest in the land) may apply to the Local Planning Authority for a decision as to whether a specified existing use, operation, building or failure to comply with a planning condition or limitation, which has already been carried out on land is lawful for planning purposes.

- 10.2 In respect of existing use of land, if an applicant can show the use has been continuous for at least 10 years (prior to the date of the application), then the Authority has to issue a certificate confirming that the use is lawful for planning purposes.
- 10.3 The onus of proof in a LDC application is firmly on the applicant. The relevant test of the evidence is the "balance of probability". The applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. Such applications are normally determined by the Authority's Senior Solicitor under delegated powers. The relevant circular (Circular 10/97: Enforcing Planning Control) clearly states that provided the applicant's evidence is sufficiently precise and unambiguous, and if the Authority has no evidence to contradict or undermine the applicant's version of events, then a certificate shall be granted.
- 10.4 Site and Background
- Paultons Park is located at Ower, north west of Southampton and south west of Romsey. To the north of Paultons Park is Paultons Golf Club and to the east of the site the villages of Wigley and Ower. The Park is within a rural area, surrounded by woodland and bounded to the west by Cadnam River and to the north and east by a lake. Beyond the lake to the south east, and at a distance of 100m, are located several houses, including a Victorian terrace. Woodland and agricultural land to the south separate Paultons Park from the M27 motorway.
- 10.5 Paultons Park was granted planning permission 09 June 1981 as a Country Park (ref.19525) with ancillary facilities including: erection of a restaurant/gift shop; erection of a farm shop/reception area; change of use of barn to country museum/information centre; change of use of barn to tropical bird centre; animal paddocks, picnic areas, open space, fishing and boating facilities and the construction of car parks.
- 10.6 Planning applications were submitted and granted planning permission for 24 buildings within the existing site between 1981 and 2009. The buildings include a restaurant, gift/farm shop, country museum, ice cream/burger kiosk, animated display building, play area, toilet block, maintenance area, first aid building, office building, head keepers house, station building, themed building, extension to retail unit, staff facilities, Santa's Christmas wonderland and cedar room, extension to village life building, toilets, office extension, workshop and retail store, staff facilities, storage building, engineering workshop, replacement guest services, replacement ticket kiosks and canopy over, extension and upgrading of entrance and retail facilities, toilet block and upgrading of car parks.
- 10.7 A certificate of lawfulness is sought for the existing use of a part of the previous Country Park as an Amusement Park as defined by Part 28, Class A, paragraph A.2 of The Town and Country Planning (General Permitted Development) Order 1995. Amusement park means 'an

enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side -shows ...' The certificate is being sought on the grounds that the use as an Amusement Park has been continuous for at least 10 years before the date of the application. The area of land to which this application relates is outlined in red on a plan titled 'Site Location Plan' (drawing number 2574-C10-17, revision B). This site is bounded by a lake to the north and east, woodland and Cadnam River to the west, the visitor car park to the south and excludes the land occupied by the Cobra and Edge rides (which are the subject of a separate planning application – Item 2.

10.8 Evidence

The submitted document 'Paultons Park Development 1997-2009' incorporates historic newspaper articles, press releases, adverts, park maps and construction photographs which detail the year when new rides were installed and when rides were removed. This evidence is a combination of the applicant's own evidence and independent evidence. There have been rides on the site for more than 10 years that one would expect to find at an amusement park.

10.9 In 1998 the following 35 rides and attractions existed within the Lawful Development Certificate boundary: Go Karts; Percy's Bouncy Castle; Trampolines; Sky Diver Ride; Krazi Karts; Rabbit Ride; Astroglide; Dinosaur Land; Japanese Gardens; Cableways; Kid Kingdom; Clock Maze; Percys Play Park; Whirly Copter; Flying Saucer; Wagoners Restaurant; Trading Post Shop; Gift Shop; Village Life Museum; Romany Museum; Tiny Tots Town; Crazy Golf; Crazy Snooker; Wind in the Willows; Runaway Train Coater; Aqua Bugs; Honda Cars; Games Area; Magic Forest; Station Restaurant; Rio Grande Train; Bumper Boats; Remote Control Cars; Santa's Christmas Wonderland; and Tea Cup Ride.

10.10 Ride test certificates when some of the rides (18 rides) were commissioned for use have been submitted, detailing the name of the device (ride) and date the test was undertaken. The earliest certificate submitted was issued in 1997 for a Family Cup and Saucer ride, the dates of the certificates range between 1997 and 2007. This provides further evidence that a number of the rides were in situ as detailed in the 'Paultons Park Development 1997-2009' document. In addition a letter from R.J. Associates Ltd., an independent registered inspection body state that they have worked with Paultons Park for ten years and have been employed to ensure and certify that their client's devices have been correctly designed, manufactured, erected, commissioned and maintained and state that the emphasis of Paultons Park for the last 10 years or more has been as a family orientated theme park.

10.11 Statements and Affidavits verifying the evidence that the area of Paultons Park within the red line has continuously operated as an

Amusement Park for more than 10 years from the following people:

- Richard and Sara Mancey (The applicants)
- Mark Taylor (General Manager, Park Operations of Paultons Park)
- Martin Lewis Curtis Russell (Senior Partner of Bells Solicitors who has acted for the applicant and their company Paultons Park Ltd. since the mid 1980's)
- Anthony Climpson (Employment and Tourism Manager, New Forest District Council)

10.12 Comments on representations

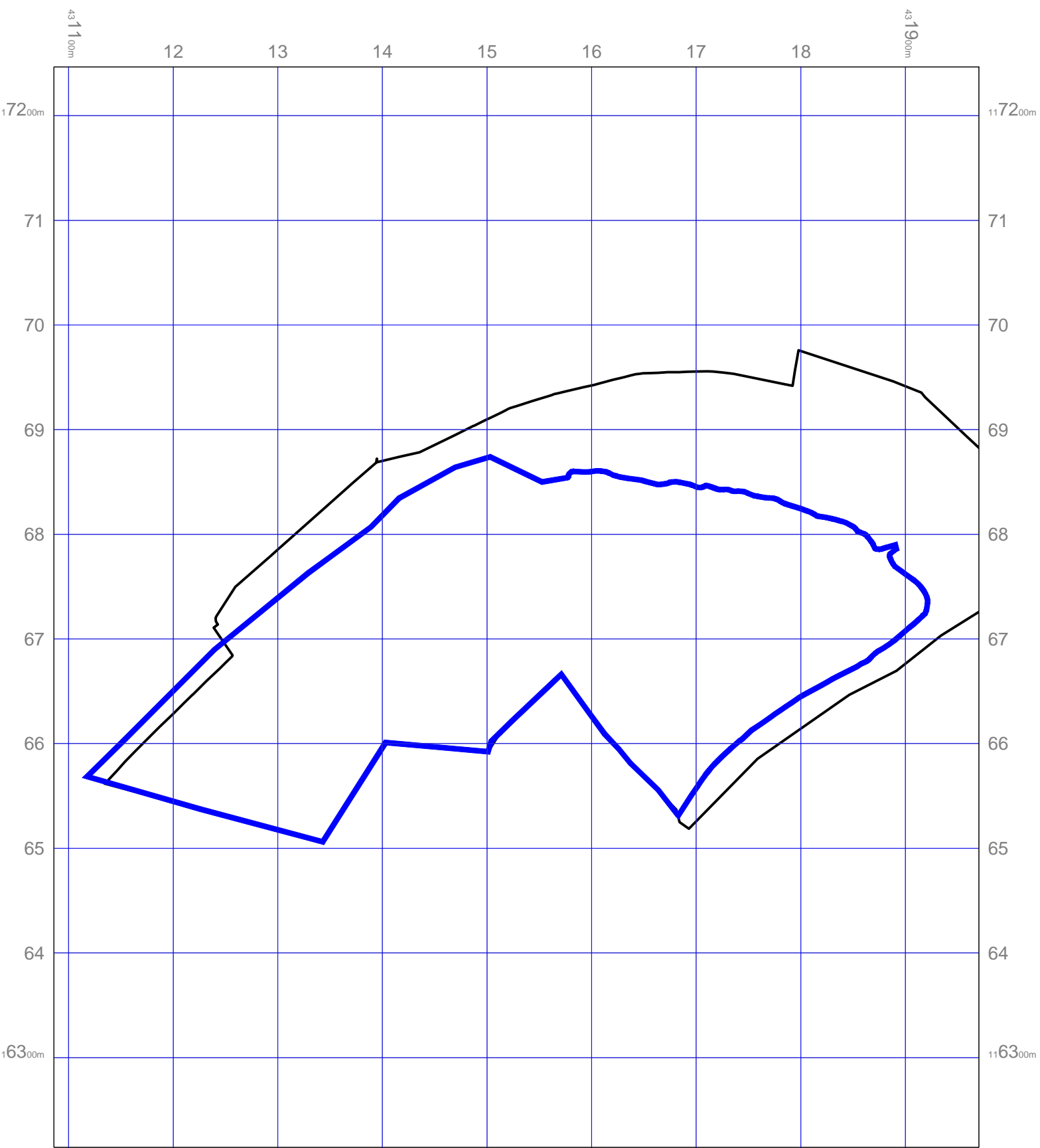
33 representations have been received, the vast majority (29) of which refer to the planning merits of the use and are not relevant to the purely legal issues which are involved in determining this application. Some comments have been submitted by the objectors which challenge the applicant's version of events but none of the comments received makes the applicant's version of events less than probable. One of the objectors has observed that use of the site changed within the last 8 or 9 years. Others have disputed the claim that the site has been used as an amusement park for 10 or more years. It is claimed by objectors that the character of the site did not change significantly until about 2002.

10.13 Conclusion

It is considered that the evidence provided satisfactorily demonstrates that the area of land to which this application relates, outlined in red on a plan titled 'Site Location Plan' (drawing number 2574-C10-17, revision B) has been used as an Amusement Park as defined by Class A, paragraph A.2 of the Town and Country Planning (General Permitted Development) Order 1995 for more than 10 years before the date of the application. In the absence of any evidence to contradict or otherwise make the applicant's version of events less than probable it is therefore considered that a certificate of lawfulness should be issued.

11. RECOMMENDATION

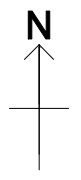
That a Certificate of Lawful Development for the existing use of the land as an Amusement Park be issued.



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 Date: 07:10:09
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Item: 1
Ref: 09/94287/LDCE

SCALE: 1:5000



Application No: 09/94285/FULL Full Application

Site: Paultons Park, Ower, Romsey, SO51 6AL

Proposal: Proposed Change of Use to Amusement Park; retention of Cobra & Edge rides; retention of control buildings; catering kiosk & photograph booth.

Applicant: Mr R Mancey

Case Officer: Laura Harry

Parish: COPYTHORNE

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

New Forest District Local Plan First Alteration 2005

PP-1 Paultons Park (page 184)

NF-TM10 Visitor attractions in the New Forest (page 159)

DW-E1 General development criteria (page 57)

DW-E43 Control of pollution (page 85)

DW-E15 Access for impaired or restricted mobility (page 64)

DW-E49 River and coastal flooding (page 89)

DW-E50 Drainage (page 90)

NF-E4 Landscape character of the New Forest (page 139)

DW-E36 Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites (page 79)

DW-E37 Sites of Special Scientific Interest (SSSIs) (page 79)

The South East Plan 2009

C1 The New Forest National Park

TSR4 Tourism Attraction

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Copythorne Parish Council: Recommend Refusal - Over-development of the existing park, absence of environmental considerations and implications for increased traffic.

7. CONSULTEES

- 7.1 Environmental Health (NFDC): Objection - The noise from the screams of patrons using the two rides does cause harm and loss of amenity to residents of noise sensitive premises.
- 7.2 Environment Agency: No Objection - Subject to the submission of a surface water drainage scheme for the site.
- 7.3 Tourism Officer (NFDC) Support - Paultons Park is an exemplar in the manner in which the visitor attraction has been developed and managed over the last 22 years. The business has also played a very significant role in the creation and development of New Forest Tourism Association who have worked closely in partnership with NFDC and other organisations to make the area the popular and very successful visitor destination it is today.
- 7.4 Natural England: No Objection - The proposal either alone or in combination with other plans or projects would not be likely to have a significant effect on the interest features or tranquillity of the New Forest.
- 7.5 Highway Authority (HCC): No Objection - The introduction of new rides/attractions is not anticipated to increase visitor numbers and there is no increase in parking capacity. It is not considered that there are any grounds to substantiate an objection based on an increase in vehicle movements.
- 7.6 Landscape Officer: No Objection - The visual impact of the Cobra and Edge rides from Home Farm and elsewhere is not sufficiently intrusive to recommend refusal. The level of sound being imposed on the tranquillity of the landscape is a more difficult quality to measure, and depends on wind direction in particular as to its level.

8. REPRESENTATIONS

- 8.1 Statement by the applicants that planning permission was not sought before the developments were carried out because it was believed Paultons Park benefitted from the permitted development rights for an Amusement Park.
- 8.2 32 objections received (3 of the objections received were written by or on behalf of the same person) relating to the following:
- noise levels from additional rides and traffic.

- traffic and associated congestion, noise and air pollution.
- light pollution.
- visual impact.
- potential impact of flooding on the area.
- negative impact on the character of the New Forest and intrusion to the tranquillity of the countryside.
- extension of opening hours would increase disturbance to neighbours.
- increased development and intensification of the site.
- extending the park.

8.3 One letter with 57 signatories addressing the issues raised by the applicant in a letter dated 25 August 2009. The majority of issues raised in this letter are not material planning considerations, nor do any of the issues raised relate specifically to this application. Traffic and noise are discussed as above. A large number of the signatories have written in separately and have been counted in the above objections.

8.4 Five letters of support relating to the following:

- employment – The Amusement Park has 66 full time and 500 part time employees
- traffic and noise have not increased in the last 5 years (length the representee had lived in the area).
- no impact on views.

9. RELEVANT HISTORY:

9.1 Application for a Certificate of Lawful Development for existing use of land as amusement park (94287) going to planning committee 20 October 2009.

9.2 Land as a country park with ancillary facilities (19525) granted 09 June 1981.

10. ASSESSMENT

10.1 Site and background

Paultons Park is located at Ower, north west of Southampton and south west of Romsey. To the north of Paultons Park is Paultons Golf Club and to the east of the site are the villages of Wigley and Ower. Paultons Park is within a rural area, surrounded by woodland and bounded to the west by Cadnam River and to the north and east by a lake. Beyond the lake to the south east, and at a distance of 100m, are located several houses, including a Victorian terrace. Woodland and agricultural land to the south separates Paultons Park from the M27 motorway. The application site consists of an area of 1.27 hectares and its north boundary abuts the existing amusement park. The western boundary of the application site is defined by an area of scrub land and trees and

the remaining two boundaries are defined by a hedgerow.

10.2 Consent is sought to change the use of the land from Country Park to Amusement Park and for the retention of the Cobra and Edge rides, two control buildings, a catering kiosk and photograph booth. The Cobra opened in 2006 and the Edge in 2009. The Cobra has a maximum height of 18 metres and the Edge has a maximum height of 13 metres. The rides are constructed entirely of steel and painted. The Cobra control building has a length of 29.6 metres, width of 10.3 metres and height of 6 metres. The Edge control building has a length of 6.4 metres, width of 3 metres and height of 5 metres. The Snake Pit (catering kiosk) has a length of 7.4 metres, width of 7.2 metres and height of 3.5 metres. The photograph kiosk has a length of 5.3 metres, width of 5.6 metres and height of 3.5 metres. The buildings are faced in timber painted blue and roofed with profile metal sheeting (appearance of tiles).

10.3 The key issues for consideration are:

- is the proposal acceptable in principle?
- design, scale, layout and appearance
- impact on residential amenities, in particular noise
- vehicular traffic
- visual impact
- impact on the natural environment
- accessibility
- flood risk

10.4 Is the proposal acceptable in principle?

This proposal is to extend an existing and well established tourist attraction and the application site itself is referred to as a leisure park in the Local Plan. The site is contained physically by existing hedgerows and has a formal parkland appearance, set against the backdrop of an existing amusement park. The development would not impinge on the New Forest or surrounding countryside, the woodlands, lake or river. The development of the two rides and buildings at Paultons Park are considered appropriate to its use as a leisure park, complying with policy PP-1. Policy C1 of the Regional Spatial Strategy (South East Plan) gives high priority to conserving and enhancing land and its specific character within the New Forest National Park. The policy states "*Proposals which support the economies of the Park will be encouraged provided that they do not conflict with the purposes for which the Park has been designated.*" Policy TSR4 in The South East Plan also gives priority to "*improving the quality of all existing attractions to meet changing consumer demands and high environmental standards in terms of design and access*", supporting this comparatively small scale development at Paultons Park.

10.5 Design, scale, layout and appearance

The two rides and buildings are considered to be sited appropriately, having a close physical and visual relationship with the existing amusement park. They are appropriate in scale and appearance to the amusement park. The layout of the site is dictated by the size and shape of the rides. However, the control building for the Cobra ride is sited on the northern boundary of the site to be grouped with existing buildings. The materials, simple rectangular form and size of the buildings are typical of others within the amusement park, complying with policy DW-E1.

10.6 Impact on residential amenities

Contrary information regarding noise has been received from different sources. Atkins Ambient Noise Level Survey, 2009 submitted with the application form, concluded from measuring noise levels at seven locations that *"Except for the nearest properties, the only sporadically audible noise was that of young children enjoying themselves. Mechanical or engineered noise, such as coaster track running noise and the 'train' was only occasionally audible even at these two closet locations"* (pg. 3-1, para. 3.2).

10.7 Additional studies were carried out by Atkins to address claims by the public and Environmental Protection (NFDC) that the original report was deficient in certain respects. Atkins Ambient Noise Level Surveys, August Bank Holiday Weekend, 2009 assessed the significance of any noise directly related to the Edge and Cobra rides by closing the rides for periods to assess the noise effects of the Park without the rides in operation. The bank holiday weekend represented one of the likely busier periods of use and the prevailing wind direction requirement was satisfied throughout the majority of the three days. The survey concluded that *"... noise associated with the operation of rides at Paultons Park, including Edge and Cobra, is sporadically audible from near the southern boundary of Home Farm"* (pg, 3-1, para. 3.1). Crucially the report concludes that *"... there is no measurable difference in noise level, or in duration of audible screams, whether or not these two rides are in use"* (pg, 3-1, para. 3.1).

10.8 Sharps Redmore Partnership (SRP) submitted a Noise Assessment on behalf of the residents of Home Farm. The report states *"... the man-made noise from customers screaming on the new ride introduced this year is audible both within the garden and conservatory of Home Farm, and is out of character with the existing rural noise climate within the New Forest National Park"* (pg.3) and concluded that *"... the noise from people, particularly on the Edge ride will result in a significant adverse impact on the local community"* (pg.16, para.5.4). However, the report also states like the Atkins report that *"there is no significant variation in*

the general noise levels between when the rides are closed and when the Edge and Cobra rides are operational... [but] this does not highlight the noticeable character of the noise" (pg. 130, para. 4.9). Atkins and RPS Planning, the applicant's agent, highlight a number of deficiencies within the SRP report. They have commented that whilst the SRP report states that there would be an adverse impact on the community, there is no primary evidence to support this as the noise readings were only taken at Home Farm. Secondly, Atkins and RPS Planning believe the issue is whether the screams from the Cobra and Edge rides are materially different, more frequent and noisier than the screams from the rest of the Park. They have pointed out this is not addressed in the report as readings were not specifically taken when the two rides were closed, which would have enabled an assessment of the noise effects of the Park without the rides in operation. Furthermore, Atkins and RPS Planning have pointed out no noise complaints were made to Environmental Protection until 2009 when the Edge ride was introduced even though the Cobra ride opened in 2006.

10.8 The additional information submitted by Atkins has been forwarded to Environmental Protection, (NFDC) but they have not withdrawn their objection and maintain that the screams from users of the Cobra and Edge rides is detrimental to the amenity of the residents of Home Farm.

10.9 Vehicular traffic

Visitor numbers have fluctuated between 2004 and 2008 (lowest attendance 448000 – highest 471000). The Cobra ride opened in the 2006 season and there was no discernible upturn in visitor numbers for that year. As the Edge ride was introduced at the start of the current season, visitor numbers are not yet available, but the final annual figures are anticipated to fall within the range for the previous five years. The introduction of new rides is not anticipated to increase visitor numbers but, rather, to maintain the current levels. Having regard to visitor numbers and the fact that there is to be no increase in car parking capacity, the Highway Authority has commented there are no grounds to substantiate an objection based on an increase in vehicle movements. Subsequently there is no evidence to suggest that there would be an increase in air or traffic noise pollution which would cause an unacceptable loss of amenity, complying with policy DW-E43.

10.10 Visual impact

The tops of the gantries of the Cobra and Edge rides were seen above the tree tops when viewed from a distance, and in particular from the top of Bricky Lake Lane; the thick belt of trees visually screens the rest of the rides' structures. The visual impact of the Cobra and Edge rides from Home Farm and elsewhere is not considered to be sufficiently intrusive to warrant

a refusal. The development abuts the existing amusement park and would not adversely affect the distinctive landscape character of the New Forest, complying with policy NF-E4.

10.11 Impact on the natural environment

The development would not, through consultation with Natural England, either alone or in combination with other plans or projects be likely to have a significant effect on the interest features of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, or any of the features of interest of the New Forest Sites of Special Scientific Interest (SSSI). Complying with policy DW-E36 and DW-E37.

10.12 Accessibility

The car parks are on generally level ground and include spaces for disabled people. Level access is available from the car park into the amusement park. Hard surfaced paths are provided on the application site providing level access to the rides, photograph and catering kiosks. Ramped access is available for disabled visitors allowing them access to the rides and Park employees are available at the rides to assist with access onto the rides. Complying with policy DW-E15.

10.13 Flood risk

The north west corner of the application site falls within Flood Zone 2. The Environment Agency have no objection to the proposal which will be suitably conditioned to ensure the development will not cause or exacerbate flooding, complying with policy DW-E50.

10.14 Other material planning consideration

If as is recommended, a certificate of lawfulness for the existing use of part of the previous Country Park as an Amusement Park is issued it is important to consider the type of development which could be constructed without planning permission under the General Permitted Development Order (GPDO) 1995. The GPDO, Part 28, Class A, A.1 (ii) would allow rides to be erected providing they would not exceed 25 metres in height, which neither the Cobra nor Edge rides exceed. Accordingly the Cobra and Edge rides could be relocated to sites within the Lawful Development Certificate boundary without planning permission.

10.15 Comments on representations

32 objections (3 objections from one representee) and 1 letter with 57 signatories addressing the issues raised by the applicant in a letter dated 25 August 2009 were received. Concerns regarding noise associated with the Cobra and Edge rides and

additional vehicle movements as a result have been addressed within paragraphs 10.5, 10.6 and 10.7. Opening hours would not be extended; the reference to 7pm within the application form relates to the fact that the last Park visitor would probably not drive out of the car park until that time. The rides are advertised to close at 5.30pm and in practical terms to give everyone a ride in the queue all rides are closed by 6pm at the latest. A condition limiting the time when the rides can be operated is included in the recommendation (10am - 6pm). Concerns relating to an extension/overdevelopment of Paultons Park have been considered but this proposal has a close relationship with the existing Amusement Park and does not impinge on the surrounding countryside. There would be no additional light pollution that would cause an unacceptable loss of amenity as a result of the development. Other objections raised have been discussed within the planning considerations section above.

10.16 Conclusion

Whilst the Environmental Protection Officer (NFDC) has objected to the application and considers that screams from users of the Cobra and Edge rides is detrimental to the amenity of the residents of Home Farm, Members should note that as explained at 10.14 the General Permitted Development Order allows rides not exceeding 25 metres in height to be erected at an Amusement Park, which neither the Cobra nor Edge rides exceeds. Accordingly, the two rides could be located within the Lawful Development Certificate boundary without planning permission.

10.17 The Cobra and Edge rides and associated buildings do not impinge on the New Forest or surrounding countryside, complying with policy PP-1. The rides and buildings are appropriate in terms of siting, scale, design and materials to Paultons Park and the surrounding area, complying with policy DW-E1. The rides and buildings about the existing Amusement Park and do not adversely affect the distinctive landscape character of the New Forest, complying with policy NF-E4. The rides and buildings do not have a significant effect on SACs, SPAs or SSSIs, complying with policies DW-E36 and DW-E37. Consideration has been given to the needs of people with impaired mobility to access the rides, complying with policy DW-E15. The rides and buildings do not cause or exacerbate flooding, complying with policy DW-E50. For these reasons planning permission is recommended.

11. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. Within one month of the date of the grant of this permission a surface water drainage scheme for the site, based on sustainable

drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the New Forest National Park Authority. The scheme must also include details of how the scheme shall be maintained and managed after completion. Within 6 months of the date that the New Forest National Park Authority has approved the scheme in writing the works shall be implemented in accordance with the approved details.

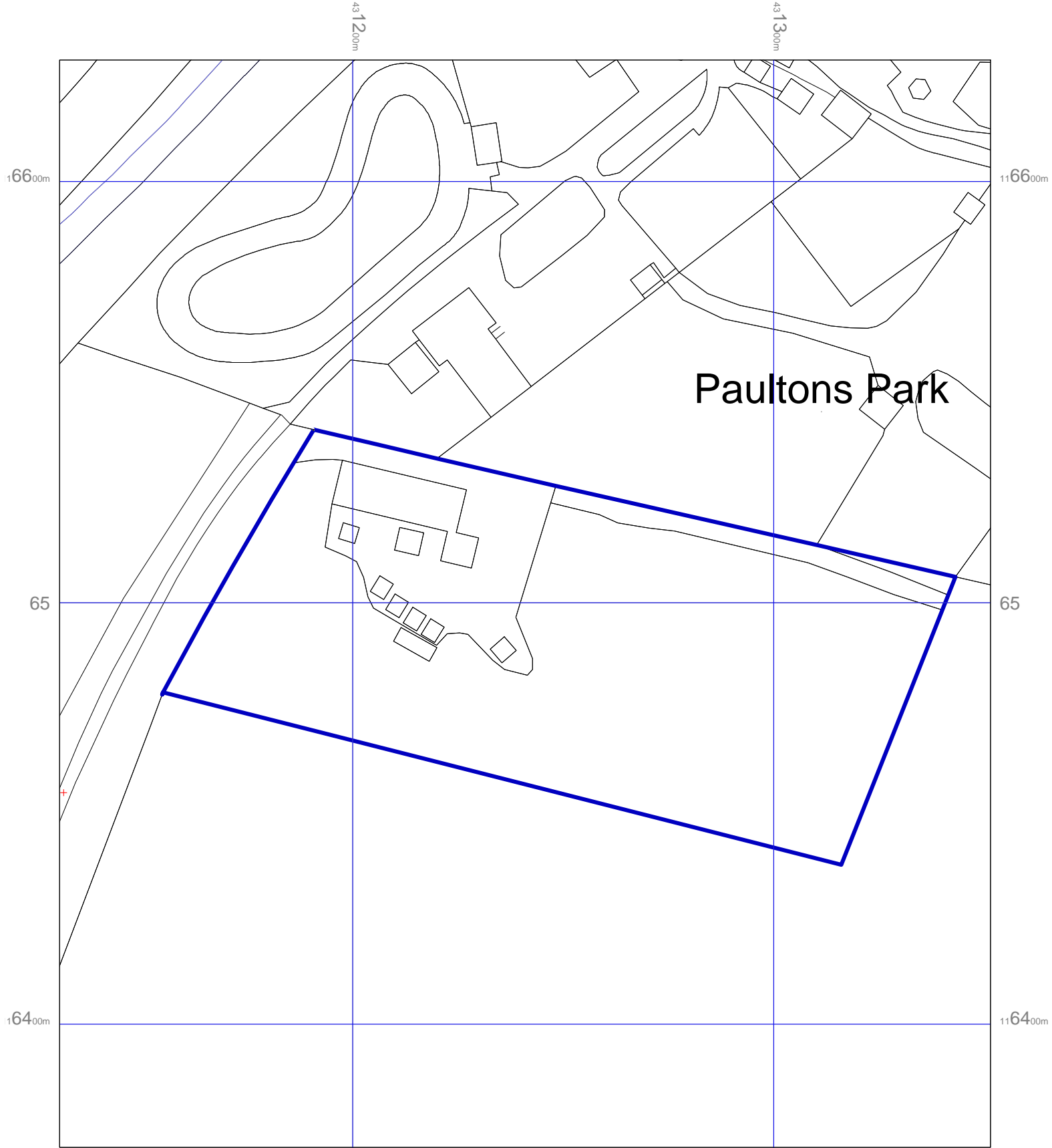
Reason:

To prevent the exacerbation of damaging flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with policy DW-E50 of the New Forest District Local Plan First Alteration.

2. The development or any future development on this site shall not open on the site in connection with the approved use other than between the hours of 10 am and 6 pm.

Reason:

To safeguard the amenities of residential properties in the surrounding area in accordance with policy DW-E1 of the New Forest District Local Plan First Alteration.



Paultons Park



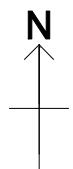
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Item: 2
Ref: 09/94285/FULL

SCALE: 1:1250



Application No: 09/94286/FULL Full Application

Site: Paultons Park, Ower, SO51 6AL

Proposal: Two storey building

Applicant: Mr R Mancey

Case Officer: Laura Harry

Parish: COPYTHORNE

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation.

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)

PP-1 Paultons Park (page 184)

DW-E43 Control of pollution (page 85)

DW-E15 Access for impaired or restricted mobility (page 64)

DW-E50 Drainage (page 90)

NF-E4 Landscape character of the New Forest (page 139)

NF-E5 Design of new development in the New Forest (page 140)

DW-E36 Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites (page 79)

DW-E37 Sites of Special Scientific Interest (SSSIs) (page 79)

DW-E38 Locally designated sites (page 79)

5. MEMBER COMMENTS

None received.

6. PARISH COUNCIL COMMENTS

Copythorne Parish Council: Recommend refusal - Overdevelopment of the site and subsequent implications for increased traffic.

7. CONSULTEES

7.1 Archaeologist: No archaeological requirement.

- 7.2 Landscape Officer: No Objection - Subject to a condition for more details of the construction of the green roof and retaining structure holding up the bund. Also details of any paving, bollards, lighting etc and the proposed hedge.
- 7.3 Tourism Officer: (NFDC) Support - Paultons Park is an exemplar in the manner in which the visitor attraction has been developed and managed over the last 22 years. The business has also played a very significant role in the creation and development of New Forest Tourism Association who have worked closely in partnership with NFDC and other organisations to make the area the popular and very successful visitor destination it is today.
- 7.4 Natural England: No Objection - The proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the interest features of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, or any of the features of interest of the New Forest Sites of Special Scientific Interest (SSSI).
- 7.5 Highway Authority: (HCC): No Objection - The introduction of new rides/attractions is not anticipated to increase visitor numbers but, rather to maintain current levels, supported by details submitted of visitor numbers between 2003 and 2008 where despite various new rides/attractions over this period, visitor numbers have fluctuated.
Vehicle parking is to be neither increased nor decreased as part of this application. Having regard to the information, considering visitor numbers and the fact that there is no increase in parking capacity, it is not considered that there are any grounds to substantiate an objection based on an increase in vehicle movements.
- 7.6 Ecologist: No objection - The development is not in close proximity to a local wildlife site (SINC) and direct impacts are therefore unlikely. In addition there do not appear to be pathways of indirect impact (e.g. pollution) that would have a significant impact on the interests of the closest site. Whilst no ecological survey information has been provided to support the application, it is considered that the area would be of an unsuitable nature to support important biodiversity (e.g. protected species or habitats).

8. REPRESENTATIONS

- 8.1 Statement by the agent that wet weather affects the number of visitors Paultons Park attracts. The proposal will reduce the number of visitors lost on wet days.
- 8.2 30 objections received (3 of the objections received were written by or on behalf of the same person) relating to the following:

- noise levels from additional rides and traffic.
- traffic and associated congestion, noise and air pollution.
- light pollution.
- visual impact.
- potential impact of flooding on the area.
- negative impact on the character of the New Forest and intrusion to the tranquillity of the countryside.
- extension of opening hours would increase disturbance to neighbours.
- increased development and intensification of the site.

8.3 One letter with 57 signatories addressing the issues raised by the applicant in a letter dated 25 August 2009. The majority of issues raised in this letter are not material planning considerations, nor do any of the issues raised relate specifically to this application. Traffic and noise are discussed as above. A large number of the signatories have written in separately and have been counted in the above objections.

8.4 Four letters of support relating to the following:

- employment - The Amusement Park has 66 full time and 500 part time employees.

9. RELEVANT HISTORY:

None relevant.

10. ASSESSMENT

10.1 Site and Background

Paultons Park is located at Ower, north west of Southampton and south west of Romsey. To the north of Paultons Park is Paultons Golf Club and to the east of the site are the villages of Wigley and Ower. Paultons Park is within a rural area, surrounded by woodland and bounded to the west by Cadnam River and to the north and east by a lake. Beyond the lake to the south east, and at a distance of 100m, are located several houses, including a Victorian terrace. Woodland and agricultural land to the south separates Paultons Park from the M27 motorway. The application site lies within Paultons Park towards the north east corner in relatively close proximity to the lake.

10.2 The application site is 0.53 hectares and currently used as a flightless wild bird enclosure. Consent is sought for a 2 storey building to be used as a new indoor play, retail and catering building. The building would have a double volume central area and the curved roof would accommodate two mezzanines either side, creating a first floor. The existing buildings on the site would be demolished. The applicant has explained the motivation for

the project stems from the desire to level out visitor numbers throughout the season, irrespective of the weather. The low eaves to the north and south elevations of the building would reduce the height of the long walls and overhang the north elevation providing a covered walkway. The central area would be glazed up to roof level (formed by straightening out the curve of the roof centrally on the northern side). The building would have a green roof which would comprise of a covering of wild flowers and grass and a built in irrigation system. The building would have a number of other sustainable features including wind catchers and sun tubes providing natural light and ventilation and the overhanging eaves would protect the play area from the sun. The south elevation would be screened from view by the construction of an earth bund, which would be planted with wild flowers and grasses to match the planting of the roof. A water feature with secure fencing would prevent public access onto the bund. The building would be faced in render and timber cladding with polyester powder coated aluminium windows and doors.

10.3 The total development would have an internal area of 1242 square metres. The ground floor would be 837.5 square metres, with a play area (366 square metres), associated retail including stairs (230 square metres), associated catering including stairs (156 square metres) and toilets (85 square metres). The play area would have a double volume and mezzanine floors either side of the play area and would create a first floor of 405 square metres in total, with retail storage (206 square metres) and a party room (199 square metres).

10.4 The key issues for consideration are:

- is the proposal acceptable in principle?
- design, layout and landscape
- impact on the natural environment
- impact on amenities
- vehicular traffic
- impact on the landscape of the area
- accessibility
- flood risk

10.5 Is the proposal acceptable in principle?

Policy PP-1 of the New Forest District Local Plan First Alteration aims to ensure the character of the Paultons Park as an open air leisure facility based upon the gardens, lakes and site of former Paultons House, and offering a mixture of formal and informal recreational facilities predominantly related to the natural and historic features of the site, does not change. The building would not undermine the aim of policy PP-1. The development would not impinge on the New Forest or surrounding countryside as it would be sited within the existing Amusement Park. The building would be in close proximity to the lake and would be screened

from view by the construction of an earth bund from the existing houses across the lake, respecting viewpoints within and from the site. The development would be large in scale, but is considered appropriate to the application site. The siting of the building within the Amusement Park is appropriate, respecting the setting of the lake and not impinging on the surrounding countryside, complying with policy PP-1.

10.6 Design, layout and landscape

The building would be modern and simple in design and of an agricultural style with a modern interpretation. The north elevation which would face into the site would be visually pleasing with a varying roof form, breaking up the roofline and creating interest along the extensive elevation. The south elevation is particularly important as it would face outside the site. The south elevation is a large expanse of building, which is not broken up by any addition to the roof. However, the simplicity of this elevation would help to blend the building within the surrounding landscape when viewed from a distance. The blunt ends of the building could have benefited from a smooth curve downwards, replicating the shape of the bund and imitating a hill from a distance, but there are a large number of trees along both sides of the lake which would provide further screening of the building from the properties on the other side of the lake. The design and appearance of the proposed building are therefore considered acceptable. The proposed materials would be suitable for this type of building and will be conditioned to ensure they are appropriate, complying with policy DW-E1.

10.7 Impact on the natural environment

The development would not, through consultation with Natural England, either alone or in combination with other plans or projects be likely to have a significant effect on the interest features of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, or any of the features of interest of the New Forest Sites of Special Scientific Interest (SSSI). The Ecologist has also confirmed that the development would not be in close proximity to a local wildlife site (SINC) and that direct impacts would be unlikely. In addition there do not appear to be pathways of indirect impact (for example pollution) that would have a significant impact on the interests of the closest site. The area would be of an unsuitable nature to support important biodiversity (for example protected species or habitats). Complying with policies DW-E36, DW-E37 and DW-E38.

10.8 Impact on amenities

No comments have been made by Environmental Protection regarding noise as a result of this building. Due to the siting of the proposed development within the existing Park and the nature of

the development (indoor activities) it is considered that the building would not materially increase the level of noise emanating from the Park. Whilst the Authority accepts that the number of visitors may increase as the proposed attraction would give the option for visitors to use the facility on wet days, the increase in visitor numbers is not expected to be significant and is more likely to reduce the number of visitors Paultons Park has previously lost on such days. Air and noise pollution from a potential increase in vehicles on wet days would, considering the level of additional activity created, be unlikely to cause any unacceptable environmental impacts. It is considered that light pollution would be minimal as the expanse of glazing would provide a large amount of natural light into the building and would not create an unacceptable addition. The development would not create an unacceptable loss of amenity or other unacceptable environmental impacts on or adjoining the site. Complying with policy DW-E43.

10.9 Vehicular traffic

Visitor numbers have fluctuated between 2004 and 2008 (lowest attendance 448,000 – highest attendance 471,000). Having regard to visitor numbers and the fact that there is to be no increase in car parking capacity, the Highway Authority has commented there are no grounds to substantiate an objection based on vehicle movements. Subsequently there is no evidence to suggest that there would be an increase in air or traffic noise pollution which would cause an unacceptable loss of amenity, complying with policy DW-E43.

10.10 Impact on the landscape of the area

The landscape character of this area is that of an amusement park within rural surroundings. The proposed development is sited within the confines of Paultons Park and would maintain the character of this immediate area, without adversely affecting the distinctive landscape character, quality or built heritage of the rural surroundings or wider New Forest, complying with policies NF-E1, NF-E4 and NF-E5. The Landscape Officer has no objections to this development but more details relating to the construction of the green roof and retaining structure holding up the bund will be conditioned.

10.11 Accessibility

Access from parts of the site is suitable for people with impaired mobility, and the proposed building would have level thresholds. Disabled and ambulant disabled toilets would be provided, a lift would be provided from the public access from the catering area to the party rooms located on the mezzanine. It is accepted that wheelchair users will not be required to carry merchandise from the mezzanine to the shop floor which the stairs would serve.

Consideration has been given to the needs of people with impaired mobility, complying with policy DW-E15.

10.12 Flood risk

The north and south corners of the application site fall within Flood Zone 2, which is the low to medium flood risk zone. There is no requirement to consult the Environment Agency in accordance with the consultation matrix within the flood risk standing advice for local planning authorities or Planning Policy Statement 25: Development and Flood Risk.

10.13 Comments on representations

30 objections (3 objections from 1 representee) and 1 letter with 57 signatories addressing the issues raised by the applicant in a letter dated 25 August 2009 were received. A large number of the objections received relate loosely to this application and were instead focused on the other two current applications for Paultons Park (09/94285 and 09/94287). Opening hours would not be extended; the reference to 7pm within the application form relates to the fact that the last Park visitor would probably not drive out of the car park until that time. The rides are advertised to close at 5.30pm and in practical terms to give everyone a ride in the queue all rides are closed by 6pm at the latest. A condition limiting the time when the building can be used is included in the recommendation (10am-6pm). There have also been concerns relating to overdevelopment. It is considered that this proposal would be sympathetic and appropriate to Paultons Park, sited well within the Park's boundary and would not significantly increase its built development. Other objections raised have been discussed within 'The Key Issues For Consideration' section above.

10.14 Conclusion

The proposed two storey building would be in close proximity to the lake, respecting viewpoints within and from the site, sited within Paultons Park and not impinging on the New Forest or surrounding countryside, complying with policy PP-1. The proposed development would be appropriate in terms of siting, scale, design and materials to Paultons Park and the surrounding area, complying with policy DW-E1. The development would not have an adverse effect on SACs, SPAs, SSSIs or SINC, complying with policies DW-E36, DW-E37 and DW-E38. The development would not cause nuisance or unacceptable loss of amenity by reason of noise, air or light pollution, complying with policy DW-E43. In the design and layout of the building consideration has been given to the needs of people with impaired mobility, complying with policy DW-E15. The development would not adversely affect the distinctive landscape character within the New Forest or detract from the built heritage of the New Forest, complying with policies NF-E4 and NF-E5.

The development would not cause or exacerbate flooding, complying with policy DW-E50. For these reasons planning permission is recommended.

11. 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. Prior to commencement of development samples or exact details of the facing and roofing materials shall be submitted to and approved in writing by the New Forest National Park Authority.

Reason:

To ensure an acceptable appearance of the building in accordance with policy DW-E1 of the New Forest District Local Plan First Alteration.

3. The two storey building hereby approved shall not open for use by the public other than between the hours of 10 am and 6 pm.

Reason:

To safeguard the amenities of residential properties in the surrounding area in accordance with policy DW-E1 of the New Forest District Local Plan First Alteration.

4. Before development commences 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) construction details of the green roof and retaining structure holding up the earth bund;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other details including for example bollards and lighting if required.

Reason:

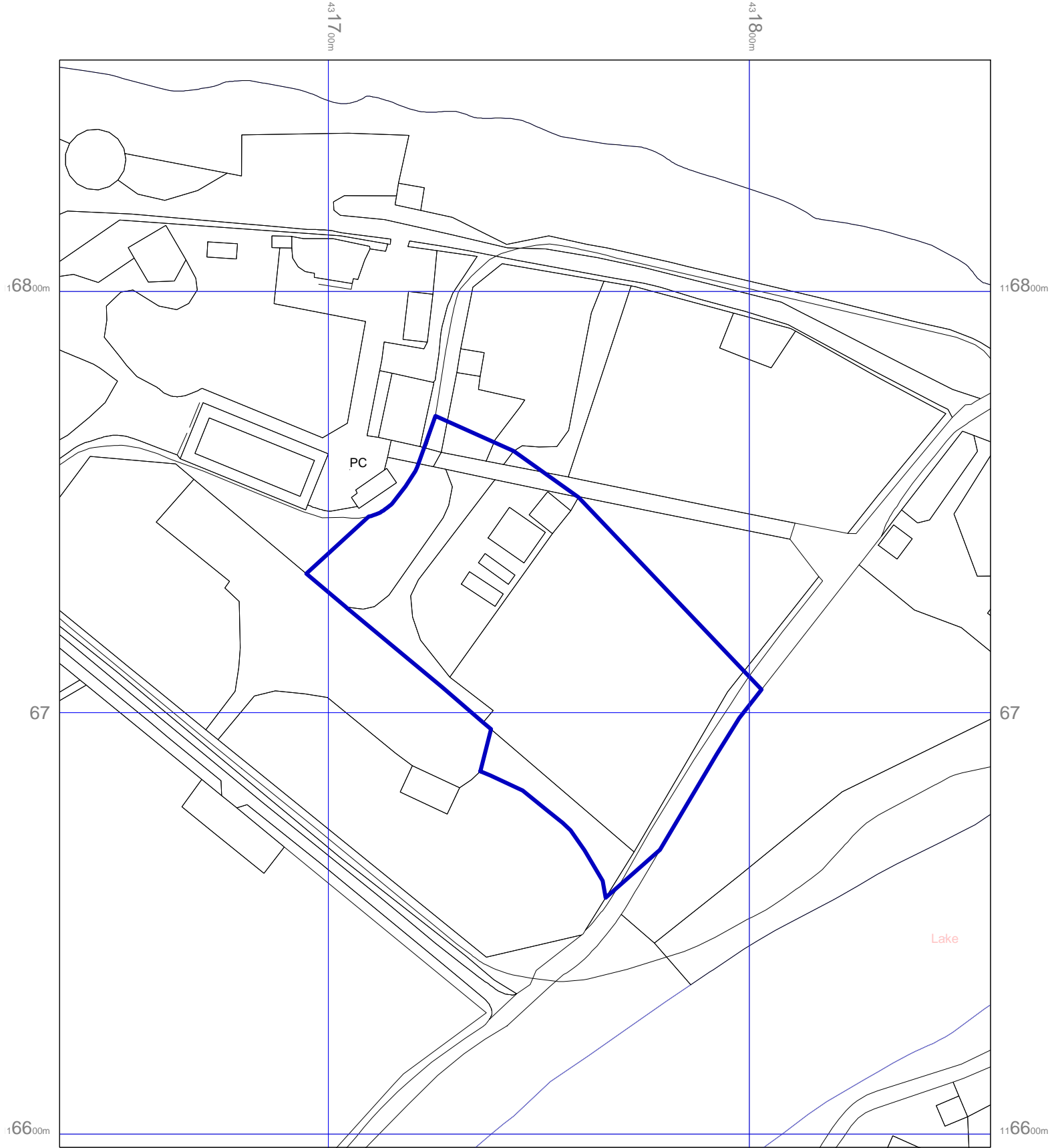
To ensure that the development takes place in an appropriate way and to comply with policies DW-E1 of the New Forest District Local Plan First Alteration.

5. Within one month of the date when development first commences a method and programme for the implementation of the landscaping scheme and the means to provide for its future maintenance shall be submitted to the New Forest National Park Authority.

No further development shall take place after three months unless these details have been approved in writing by the New Forest National Park Authority and then only in accordance with those details.

Reason:

To ensure that the development takes place in an appropriate way and to comply with policies DW-E1 of the New Forest District Local Plan First Alteration.



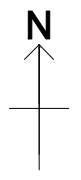
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Item: 3
Ref:09/94286/FULL

SCALE: 1:1250



Application No: 09/94125/FULL Full Application

Site: Land Between Lark Rise And Greentrees, Wootton Road, Tiptoe,
Lymington SO41 6FT

Proposal: Use of land as community open space / amenity land and associated
works including new pedestrian access

Applicant: Mrs S Witcher, Hordle Parish Council

Case Officer: Paul Hocking

Parish: HORDLE

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Application submitted by Hordle Parish Council

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

NF-R3 Outdoor recreation facilities for local needs in the New Forest (page 170)

NF-E1 Control of development (in the New Forest) (page 135)

NF-E3 Loss of grazing land (page 136)

NF-E4 Landscape character of the New Forest (page 139)

DW-E1 General development criteria (page 57)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

6.1 Hordle Parish Council: Recommend permission: Believe this is a good use of land, providing a much needed facility in the village of Tiptoe and reducing pressure on the New Forest regarding recreational use.

6.2 Sway Parish Council: Recommend permission: A project that will enhance the village and improve community spirit.

7. CONSULTEES

- 7.1 Landscape Officer - No objection: The landscape layout is appropriate for its function and will not detract from the landscape character of the area.
- 7.2 Tree Officer:- No tree objections subject to conditions. The road frontage of the site has three trees of valuable public amenity, these being two Limes and an Oak. The proposed access and paths are appropriately designed and sufficiently remote as to not affect these trees. Any clearance of existing vegetation, and replanting/sowing of shrubs and meadow seed, in the vicinity of these trees should be managed carefully to avoid any excessive tree root disturbance. Conditions are therefore suggested.
- 7.3 Crime Reduction Officer: Support: Although a number of criminal offences have been committed along Wootton Road this should not impact on this application as the use of the land would be for recreational purposes. From a crime prevention perspective boundary security is particularly important for the occupants of properties bordering the public open space. From experience, properties in equivalent locations have been subjected to problems such as juvenile nuisance, vandalism/criminal damage, trespass and to a lesser degree, theft or burglary.
- 7.4 Community Safety Officer (NFDC) - No objection: Not aware of any crime or anti-social behaviour issues in the area of the application. Consideration could be given to a management plan looking at maintenance of vegetation and potential behaviour issues, access to the site, and boundary type and security.
- 7.5 Highway Authority (HCC): No highway objection: The application does not seek to provide any off-street parking facilities and in order to promote alternative modes of transport, the highway authority considers the provision of cycle parking facilities both desirable and appropriate.
- 7.6 Environmental Protection (NFDC): No objection: No noise or Contaminated Land concerns regarding this application.
- 7.7 Land Drainage (NFDC): Advise that the applicant must contact the Environment Agency if the proposed pedestrian bridge across the existing ditch will in any way interfere with the flow of the ditch. Also if the intention is to pipe, culvert or alter any part of the ditch or watercourse the Environment Agency must be contacted. Photographs show that the site is prone to flooding which is retained on the site by permeating through the ground. If surface water is passed to the roadside ditch it will need to be balanced so as not to exceed that which existed prior to development. All water should therefore be dealt with on the site.

8. REPRESENTATIONS

- 8.1 14 Representations received in support of the proposal: Benefit to the village; long standing wish of residents; invaluable link with the school curriculum; supported by majority of the village; central focus community facility; Tiptoe currently lacks amenities; low key landscaping; greater variety of wildlife; efforts undertaken to minimise nuisance to neighbours; secures long term protection of area; facilitates social cohesion; area to walk and play; benefit to children; additional benefit following closure of Post Office.
- 8.2 2 Representations received stating no objection to the proposal: Concern regarding security provisions; access by dogs; rubbish control; parking of cars; noise; proper regard must be given to neighbouring amenities; should be kept free from buildings.
- 8.3 2 Representations received commenting on the proposal: The proposed new access should allow for the easy access of wheelchairs (including gates); the landscaping proposed has reflected discussions within the village; planning conditions suggested.
- 8.4 7 Representations received objecting to the proposal: Query location and requirement for a new pedestrian entrance; parking and visibility; nuisance and privacy issues; positioning of proposed seating; potential for drinking and anti-social behaviour; design is more of an urban park rather than a low key discreet village green; no requirement for change of use; recreational land abundantly available; no justification for Parish Council funding; maintenance concerns; rural area where views should be protected; few children in Tiptoe will benefit; field should be retained; adverse effect on surrounding properties; parking hazards; precedent; vandalism; close proximity to open forest; surface water concerns; health and safety implications; concern about future developments/uses at the site; concern about who would police the site; exacerbate existing parking issues; loss of back-up grazing; landscape impact; over development; unsightly fencing; health risks; already existing community buildings/facilities; Human Rights Article 8 and home owners right to peace and quiet implications; noise from ball games; adversely affect enjoyment and distress nearby residents; intrusive.
- 8.5 Applicant and local stakeholder groups write in support of the proposal: The Tiptoe Green Trust was formed by Tiptoe residents and Hordle Parish Councillors with the object of the Trust being '*To Conserve in perpetuity the open space known as Tiptoe Green as amenity land for the benefit of the community of Tiptoe*'. A questionnaire resulted in 59 responses which revealed that over 80% were in favour of buying the field for use as a community area. A working party sought pledges which to date stand at £31,090 and the Parish Council has agreed to donate £35,000 to the project from developers' contributions.

8.6 The applicant believes this overwhelming support, both financially and physically, demonstrates Tiptoe's desire to retain this green space within the village and to create a much needed community area and focal point. The proposal will give many local residents a great deal of pleasure and has been talked about for many years as a central point for the village to be proud of. The designated wildlife area will increase biodiversity.

9. RELEVANT HISTORY:

9.1 None directly relevant.

10. ASSESSMENT

10.1 The application site is situated within the village of Tiptoe. It is directly bordered by seven properties that are situated along Middle Road and there are a further 11 properties either opposite or adjacent to the site situated along Wootton Road. The setting of the site itself is therefore reasonably residential in character, in part due to the boundary treatments of the site provided by the Middle Road properties. The site is however open and consequently rural in character. At the time of the officer's site visit the field was set to grass.

10.2 The proposal relates to the subdivision of the field to allow the use of the northern side as community open space / amenity land, as well as associated works, landscaping and a new pedestrian access. Although not the subject of this application, it should be noted that the southern side of the field is to be retained for agricultural purposes.

10.3 The application is submitted by Hordle Parish Council on behalf of the Tiptoe Green Trust. The objectives of the proposal, including funding sources, are detailed in section 8.5 of this report.

10.4 The key issues for considerations are:

- the principle of the development
- the landscape impact
- residential amenities
- public safety
- highway matters

10.5 Principle

It is considered that policy NF-R3 offers support to the principle of this proposal. The policy states that the development of formal and informal outdoor recreational facilities to meet the needs of local communities within the New Forest will be permitted. It is considered that, based on the evidence submitted, the proposal would provide and meet local recreational needs, although the existence of the open forest and the generally open character of the

area is noted. The policy continues that the loss of back-up grazing is considered acceptable in order to meet the needs of local communities within the New Forest. In support of this contention, the site would not be considered suitable for commoning purposes, although it is accepted that the site provides land for grazing.

10.6 Landscape impact

As outlined above, the site is bordered by residential neighbouring properties. Given the boundary treatments that address the site a mix of close-boarded fencing, neat hedges and open aspects to rear gardens, the site assumes a somewhat residential character. This is however not to say that the site itself is anything other than rural. Given the generally residential context of the site it is well enclosed and therefore the proposal would not give rise to any wider landscape impact. The site neither borders nor provides views across the open forest.

10.7 The proposed landscaping of the site is considered to be consistent with the nature of the use proposed, and would provide functionality without being obtrusive. Although the character of the field would change from agricultural, the site would still remain open, and although neighbouring properties have views into the site the proposal would not be intrusive. The landscape officer does not raise an objection to the scheme.

10.8 Residential amenities

The concerns expressed regarding neighbouring amenities have been duly noted and considered. It is understood that the use of the site would give rise to a range of potential recreational based activities that could clearly not take place otherwise. The issue is whether the use of the site would introduce such levels of activity (including noise) as to outweigh the potential benefit to the wider community, based on the evidence submitted. Given the proposed low key nature of the use (no play equipment is proposed, for example) and that the majority of the surrounding properties benefit from reasonably robust boundary treatments (with the notable exception of 'GreenTrees' adjacent to the site), it is considered that on-balance the proposal can be recommended for permission as the impact on neighbouring amenities would not warrant refusal of the scheme. The removal of permitted development rights are however suggested.

10.9 Public safety

The local crime prevention and community safety officers have been consulted on the application and raise no objection to the proposal. Although it has been commented that properties in similar locations (i.e. bordering public open space) have been subjected to problems, it has been suggested that the provision of a management plan can ameliorate these issues. It is considered

that due to the existing boundary treatments, landscaping measures proposed and provision of a management plan (to be controlled by condition), the proposal can be reconciled as acceptable. There is little suggestion from the officers that the fear or perception of crime would be harmfully increased for residents in the vicinity.

10.9 Highway matters

The Highway Authority has not raised an objection to the scheme on the basis that the site is unlikely to be accessed by car; and thus the proposal would have a minimal impact upon the safety and convenience of other users of the highway. There was however a condition suggested for on-site cycle parking which is not considered to be necessary in this particular instance as the absence of such provision is considered unlikely to deter cycling as a means of transport. There would clearly be ample space to leave bicycles within the site. There is also concern that the imposition of such a condition requiring cycle facilities would introduce urbanising facilities (development) onto the site which otherwise need to be carefully controlled.

10.10 Conclusion

Taking into account the comments received in representations and from external consultees, and in the interests of protecting the long term character and appearance of the area and neighbouring amenities, the recommendation is to grant planning permission subject to the conditions set out at section 11. As the site is controlled by the Parish Council it is considered appropriate to remove permitted development rights as uncontrolled development could lead to an urbanising appearance of the area. The other issues raised in the representations received would not be considered to outweigh a recommendation to grant planning permission.

11. 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 provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any re-enactment of that Order) no development otherwise approved by Class A of Part 12 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: The site is within the open countryside of the New Forest National Park and is bordered by residential properties. Permission has only been granted on the basis submitted which sought consent for a low key use for the benefit of local residents. Additional development therefore needs to be carefully controlled in the interests of protecting the character and appearance of the area and neighbouring amenities which is in accordance with policies NF-E1, NF-E4, DW-E1, NF-R2 and NF-R3 of the adopted New Forest District Local Plan First Alteration.

3. Notwithstanding any submitted documents, before development commences a management plan for the site shall be submitted to and approved in writing by the New Forest National Park Authority. The management plan shall include:
 - (a) The management of access to the site to mitigate against anti-social behaviour, use of vehicles, travellers and flytipping on the site.
 - (b) A method and programme for its implementation and the means to provide for its future maintenance.

The details subsequently agreed shall remain in perpetuity unless variations are agreed in writing by the Authority.

Reason:

To ensure a continuing and appropriate management of the site in the interests of protecting the character and appearance of the area and neighbouring amenities which is in accordance with policy DW-E1 of the adopted New Forest District Local Plan First Alteration.

4. Notwithstanding any submitted documents, before development commences 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) A specification for new planting (species, size, spacing and location (including all boundary treatments));
 - (b) A method and programme for its implementation and the means to provide for its future maintenance.

Reason:

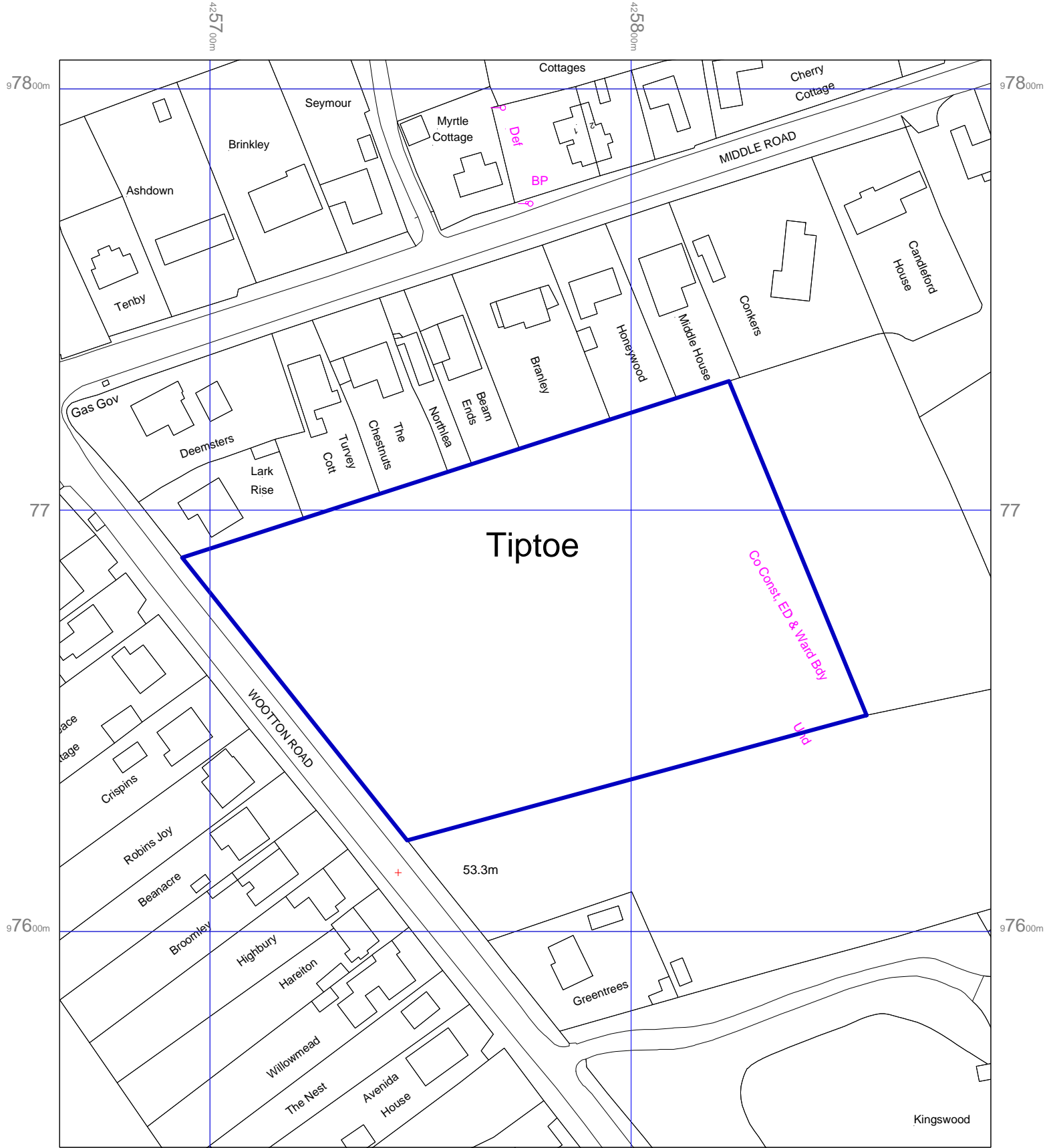
To ensure that the development takes place in an appropriate way and to comply with policy DW-E1 of the adopted New Forest District Local Plan First Alteration.

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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with policy DW-E1 of the adopted New Forest District Local Plan First Alteration.

Informative(s):

1. Land Drainage (New Forest District Council) advise that the applicant must contact the Environment Agency if the proposed pedestrian bridge across the existing ditch will in any way interfere with the flow of the ditch. Also if the intention is to pipe, culvert or alter any part of the ditch or watercourse the Environment Agency must be contacted. Photographs show that the site is prone to flooding which is retained on the site by permeating through the ground. If surface water is passed to the roadside ditch it will need to be balanced so as not to exceed that which existed prior to development. All water should therefore be dealt with on the site.



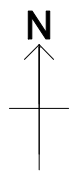
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Item: 4
Ref: 09/94125/FULL

SCALE: 1:1250



Application No: 09/94259/LDCE Lawful Development Certificate Existing

Site: Annexe Trim Cottage, Woodgreen Common Road, Woodgreen, Fordingbridge, SP6 2BD

Proposal: Application for a Certificate of Lawful Development for existing use of ancillary building as separate unit of accommodation

Applicant: Mrs Hollick

Case Officer: Deborah Slade

Parish: WOODGREEN

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.
Referred by Authority Member.

3. DEVELOPMENT PLAN DESIGNATION

Conservation Area.

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

Not applicable.

5. MEMBER COMMENTS

John Sanger: In view of the site's planning history any recommendation for approval should be referred to the Planning Committee for Members' consideration.

6. PARISH COUNCIL COMMENTS

Woodgreen Parish Council: Recommends refusal on the grounds that the applicants and their agents were well aware of their responsibility to inform the local planning authority if at any time the use changed from accommodation for a carer to other accommodation.

7. CONSULTEES

Legal Services (HCC): The Senior Solicitor has examined the evidence submitted by the applicant and considers that a Lawful Development Certificate should be issued.

8. REPRESENTATIONS

8.1 No representations received.

9. RELEVANT HISTORY:

9.1 Addition of utility room and shower room and erection of a garage (31239) approved on 14 February 1986.

10. ASSESSMENT

10.1 Procedural Matters

Applications for Lawful Development Certificates (LDC) made under Section 191 of the Town and Country Planning Act 1990 are different from normal planning applications in that they enable anyone to apply to the Planning Authority for a decision as to whether a specified existing use, operation, building or failure to comply with a planning condition or limitation, which has already been carried out on the land, is lawful for planning purposes.

10.2 In respect of the existing use of any building as a single dwellinghouse, if an applicant can show that the use has been continuous for at least 4 years (prior to the date of the application), then the Authority has to issue a certificate confirming that the use is lawful for planning purposes.

10.3 The onus of proof in a LDC application is firmly on the applicant. The relevant test of the evidence is the "balance of probability". The applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. Such applications are normally determined by the Authority's Senior Solicitor under delegated powers. The relevant circular (Circular 10/97: Enforcing Planning Control) clearly states that provided the applicant's evidence is sufficiently precise and unambiguous, and if the Authority has no evidence to contradict or undermine the applicant's version of events, then a certificate shall be granted.

10.4 Background

The Annexe at Trim Cottage is a wooden single storey outbuilding located within the side garden of the main Trim Cottage, at a distance of about 6m from the main dwelling. It was first permitted as a garage for the house in 1986 and measures approximately 10m x 4m in footprint.

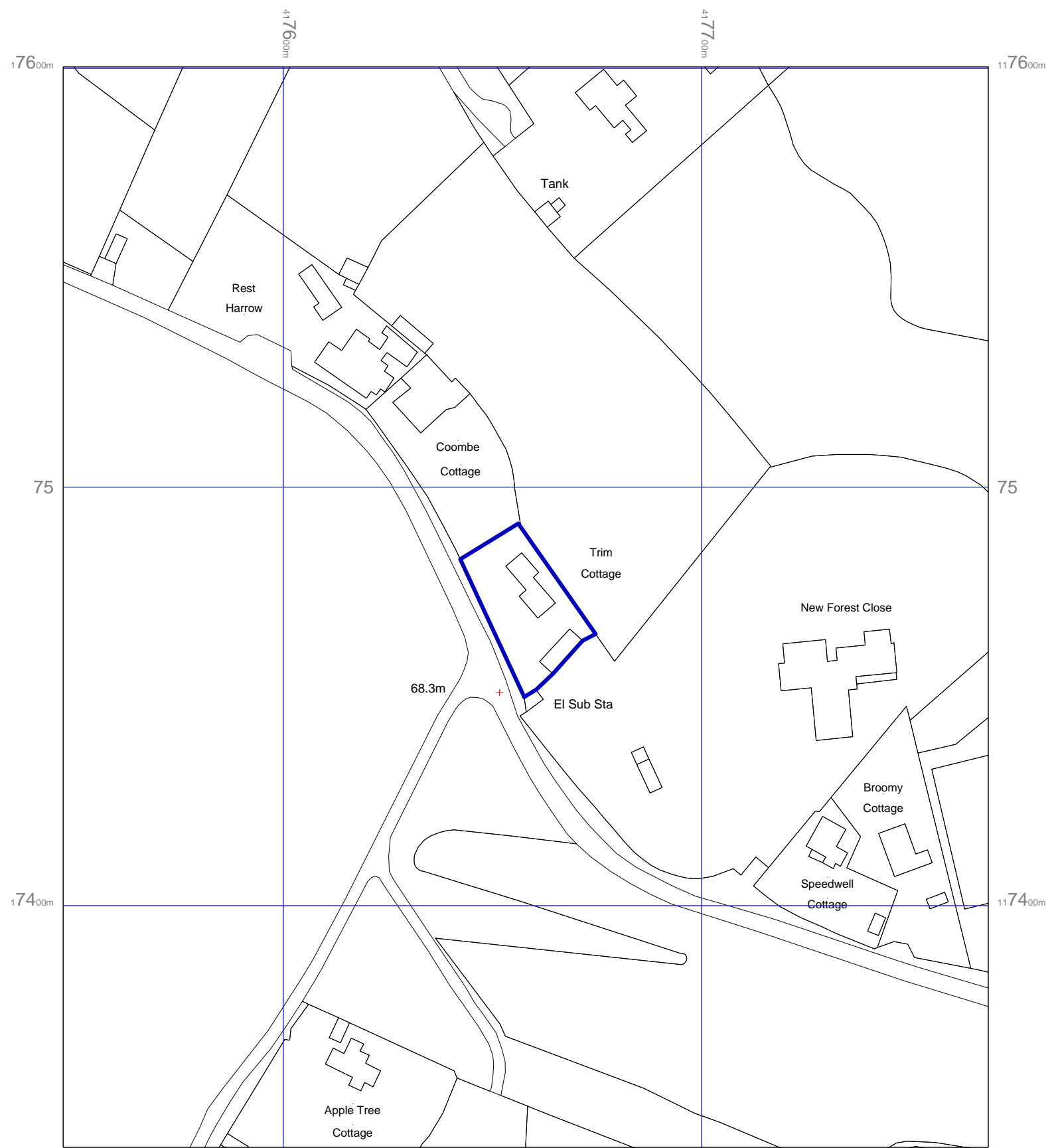
10.5 In 2001 the agent was advised that conversion of the garage to provide ancillary accommodation for a live-in carer for Mrs Mary Hollick, who had arthritis, would not require planning permission provided that it was truly ancillary to the main dwelling. The building was therefore converted in 2002.

- 10.3 Mrs Hollick's daughter and son then contend that when the conversion was completed in 2002, the condition of Mrs. Mary Hollick's arthritis was still under control and was not deteriorating, so they decided to let the Annexe as a separate dwelling under an Assured Shorthold Tenancy. Through personal contacts they found Suzanne Green as a tenant. The applicant states that the rent received was a most helpful additional income.
- 10.4 Evidence
- A copy of the tenancy agreement dated 20 December 2002 has been submitted with the application. Rent of £450 per month has been paid since then. Suzanne Green and her partner Jeremy McClements moved into the property in January 2003 and still reside at the property. They have not provided personal care to Mrs Mary Hollick and have their own full time jobs.
- 10.5 Until the end of 2007 Mrs Mary Hollick remained generally in good health, independent and looking after herself. Following a fall in 2007 Mrs Mary Hollick had to go into hospital and showed symptoms of dementia. She moved into a residential care home in 2008 and her son and daughter now have power of attorney over her affairs.
- 10.6 This history is verified by sworn statements from:
- Caroline Kemp, Mrs Mary Hollick's daughter
 - Martin Clarke, family friend for 15 years
 - Clive Hollick, son of Mrs Mary Hollick
 - Mrs Suzanne McClements (nee Green), tenant of the Annexe
- 10.7 No neighbouring representations have been received. No evidence has been provided by the Parish Council to contradict the evidence provided by the applicant.
- 10.8 Council Tax has been paid on the Annexe continuously since 1st July 2002 and this has been verified by the Council Tax section of New Forest District Council.
- 10.9 Assessment of the evidence
- In terms of the physical form of the building, it appears as a separate unit and has an independent pedestrian access, but no vehicular access.
- 10.10 No evidence has been received to challenge the information submitted by the applicant, and as such, on the balance of probabilities, there are no grounds to withhold the issue of a certificate for use as a separate unit of accommodation.
- 10.11 The application has been assessed by the Authority's solicitor, who agrees that the Certificate should be issued. The Authority's

solicitor states that the building has all the attributes of independent residential accommodation. Suzanne Green and her partner appear to be ordinary tenants on an Assured Shorthold Tenancy and in no way are they connected to the main house. Whilst the Authority's solicitor understands the Parish Council's concerns, she notes that as this is a Certificate of Lawful Development application and not a Planning Application, it is only the evidence that can be assessed, i.e. what has been the use for the four years preceding the application.

11. RECOMMENDATION

That a Certificate of Lawful Development for the existing use of the Annexe as a separate unit of accommodation be issued.



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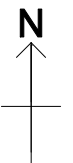
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Item: 5
Ref: 09/94259/LDCE

SCALE: 1:1250



Application No: 09/94297/FULL Full Application

Site: 32 The Meadows, Lyndhurst, SO43 7EL

Proposal: First floor side and ground floor side extensions.

Applicant: Mr J Turner

Case Officer: Laura Harry

Parish: LYNDHURST

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Application by husband of Officer.

3. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village.

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)
NF-H3 Extensions to dwellings in the New Forest (page 144)

5. MEMBER COMMENTS

None received.

6. PARISH COUNCIL COMMENTS

Lyndhurst Parish Council: Recommend permission - In keeping, no overlooking, no reported neighbour concerns and adequate parking but the parking surface should be of a permeable material.

7. CONSULTEES

No consultations required.

8. REPRESENTATIONS

None received.

9. RELEVANT HISTORY:

None relevant.

10. ASSESSMENT

- 10.1 The application site comprises a detached two-storey dwelling with an attached garage, faced in red brick and set within a moderately sized plot. The dwelling is located within residential surroundings in the defined New Forest Village of Lyndhurst.
- 10.2 Consent is sought for ground and first floor extensions, sited to the side of the dwelling. The proposed ground floor extension would involve extending the length of the existing garage forward by 3.5 metres, with the depth remaining the same. A first floor extension would then be constructed above the proposed ground floor extension and existing garage which would be 6.6 metres in length and 4 metres in depth. The extension would have a height of 7.25 metres to the ridge. The extensions would be constructed of brick and concrete tiles to match the existing.
- 10.3 The key issues for consideration are:
- the scale, design and external appearance of the proposal
 - the impact on the amenities of adjoining properties, the street scene and the wider area
- 10.4 As the dwelling lies within a defined New Forest village and is not a “small dwelling”, there are no floorspace restrictions in terms of the size of the extension.
- 10.5 The proposed extensions would be subservient to the existing dwelling, set back from the front elevation of the property and with a lower roofline. The design would be simple, complementing the existing dwelling, and the proposed materials would match the property and are therefore considered appropriate.
- 10.6 There would be no detrimental impact on the character of the streetscene or wider New Forest in terms of additional impact or visual intrusion as a result of the proposed development. There would be no detrimental impact on the amenities of the neighbouring property '30 The Meadows' as there are no windows proposed and none existing in the side elevation of either property. Furthermore, the property the subject of this application and the proposed extension are and would be set back in comparison to both neighbouring properties.
- 10.7 The proposed development would be appropriate in terms of siting, scale, design and materials, without having a detrimental impact on the amenities of any other neighbouring properties. The proposed development would not have a detrimental visual impact on the character of the New Forest complying with policy NF-H3. Planning permission is therefore recommended.

11. 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.

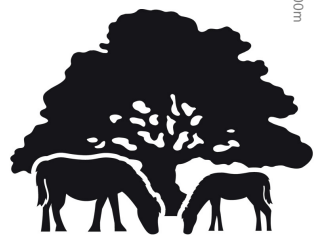
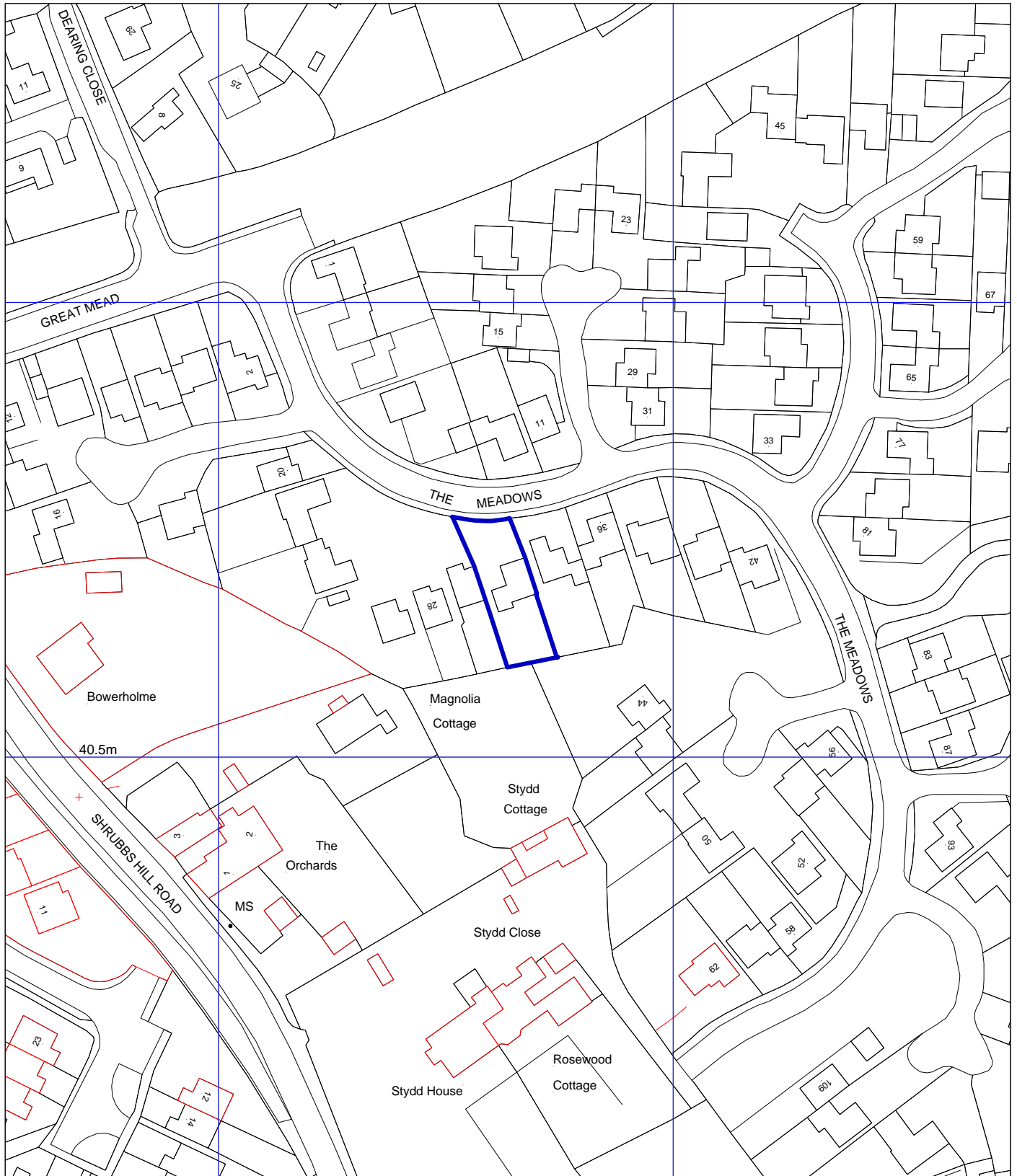
Reason:

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 external facing materials shall match those used on the existing building.

Reason:

To ensure an acceptable appearance of the building in accordance with policy DW-E1 of the New Forest District Local Plan First Alteration.



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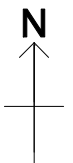
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Item: 6
Ref: 09/94297/FULL

SCALE: 1:1250



Application No: 09/94332/FULL Full Application

Site: Halloween, Canada Common Road, West Wellow, Romsey, SO51 6DH

Proposal: Replacement dwelling and garage; Demolition of existing bungalow; Access alterations.

Applicant: Mr LARBALÉSTIER

Case Officer: Clare Ings

Parish: WELLOW

1. DISTRICT/BOROUGH: Test Valley Borough Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

SET11: Replacement dwellings in the countryside (page 39)

SET13: Buildings in domestic curtilages in the countryside (page 41)

ENV06: New Forest National Park (page 53)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Wellow Parish Council: Recommend refusal – out of keeping.

7. CONSULTEES

7.1 Environmental Design - Design: No objection subject to conditions requiring details of all materials, joinery details etc. The scale of buildings in this area varies and the proposal would not wholly be at odds with others; the overall appearance of the scheme, including the frontage of the site, will be rural but it could be improved if the garage were set further back to create a less suburban relationship with the house and form more of a courtyard to the rear.

7.2 Highway Authority – (HCC): No objection.

8. REPRESENTATIONS

8.1 One letter of objection from an adjoining neighbour on the following grounds:

- object to garage which is out of proportion to the main dwelling; will dominate and block sun from dark side of garden
- query need for such a large garage

9. RELEVANT HISTORY:

9.1 Dwelling and garage; demolition of existing (91741) approved on 10 August 2007.

10. ASSESSMENT

10.1 The application site comprises a detached bungalow with accommodation in the roof space, and a collection of dilapidated outbuildings, some attached to the bungalow. It is characterised by a steep slate roof and its external walls are of pebble dash. There is an existing central vehicular access. The bungalow lies within a row of detached dwellings, of a mix of ages, sizes and designs, which also display a variety of front boundary treatments - hedges, walls and fences. The property is accessed via a single width tarmac road which becomes an unmade gravel track. The row of dwellings, in which the application site lies, is opposite the open forest area of Canada Common.

10.2 The proposal, which follows a previous consent, is to replace the existing bungalow with a two-storey dwelling. Part of the dwelling would be on the same footprint as the existing bungalow, and would be constructed of red brick under a tiled roof. It would have two lower elements (although still two-storey) to the rear and north elevations, with a simple front porch. It would have the characteristics of a traditional New Forest cottage. The proposal would differ from the previous scheme approved in 2007 in terms of design, with a lower eaves height and dormer windows, and would extend further across the site by some 5m. There would also be an open fronted car port to the side, an element which formed part of the previous scheme, but with some first floor accommodation in the roof space, accessed via an external staircase. The central access would be moved to the south with the existing access being retained, but for pedestrians only.

10.3 The key issues for consideration are:

- the design of the proposed dwelling
- the impact on the neighbouring property
- vehicular access
- the landscape setting

10.4 Design

The design of the proposed dwelling would be acceptable, picking up on many of the existing traditional New Forest designs and executing them well, with good window to wall ratios, reduced spans thus keeping the height down, and gables to the rear. The introduction of a timber boarded element (outshoot) is also traditional and would add to the character of the dwelling. The overall height of the main ridge would be increased from 6.5m, the height of the bungalow, to 8.0m which would give the dwelling a greater presence in the area, but this increase has been previously accepted. The length of the dwelling would be increased from the previous scheme, and whilst this would add to its presence in the area, it would not appear out of keeping with the scale of the adjoining development.

10.5 The proposed garage would replace an existing outbuilding and is also considered acceptable in design terms due to the use of timber boarding and plain clay tiles. Although it would include an element of accommodation at first floor level, this would be restricted in size due to the steep pitch, and would be acceptable being incidental to the main dwelling.

10.6 Impact on the neighbouring property

One window is proposed at first floor level on the north elevation, ie towards an adjacent property, but as it would serve a bathroom, it would not result in any significant additional overlooking of that property. However, it is proposed to add a condition restricting any further windows.

10.7 The garage would be closer to the adjoining property than the previous scheme (1.0m from the shared boundary as oppose to 4.5m) and would be 0.7m higher to its ridge, but due to the level of mature landscaping, the disposition of buildings of the adjoining property, ie the garage and driveway which are to the north of the plot, it is not considered that it would give rise to significant overshadowing to the detriment of their private amenities. It is not considered that the garage could be set further back into the site without adversely harming an Oak tree which contributes to the area.

10.8 Vehicular Access

The change of the position of the vehicular access has not attracted any objection from the Highway Authority and would reduce the amount of hardstanding within the plot.

10.9 Landscape setting

Although the replacement dwelling and outbuilding would have a greater presence in the area than the existing bungalow and be

marginally greater than the previous scheme, it is not considered that it would adversely harm the wider landscape setting especially from Canada Common. It would be seen in the context of other two-storey dwellings in the row. The boundary vegetation, including that to the rear of the site which is tall, would be retained to create a soft environment and the dwelling would be viewed within this context.

10.10 The proposed dwelling and outbuilding are of a scale which would be acceptable. However, any further extensions or outbuildings could upset the balance of built form to the size of the plot and for this reason permitted development rights are proposed to be removed. This would then allow the National Park Authority to control over any future development.

10.11 Conclusion

In conclusion, the design, scale and massing of the proposal would be acceptable, picking up on many New Forest characteristics. It would not adversely harm the street scene or with wider New Forest area when viewed with other development in the area. There would not be any adverse detrimental impact on the amenities of the adjoining dwellings, and permission is therefore recommended.

11. 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. Prior to the commencement of development exact details of the facing and roofing materials, to include a sample area of brickwork (to show brick, bond and joint), a sample of render and the finished boarding, shall be submitted to and approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with those details which have been approved.

Reason:

To ensure an acceptable appearance of the building in accordance with policies SET11, DES05, DES06 and DES07 of the Test Valley Borough Local Plan.

3. Before development commences, the following details shall be submitted to, and approved in writing by the New Forest National Park Authority.

- a) Typical joinery details including windows/doors, eaves, verge.

Development shall only take place in accordance with those details which have been approved.

Reason:

To protect the character of the area in accordance with policies SET11, DES05, DES06 and DES07 of the New Forest District Local Plan First Alteration.

4. The outbuilding the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not form part of the property's habitable accommodation.

Reason:

To protect the character and appearance of the countryside in accordance with policy SET13 of the Test Valley Borough Local Plan.

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

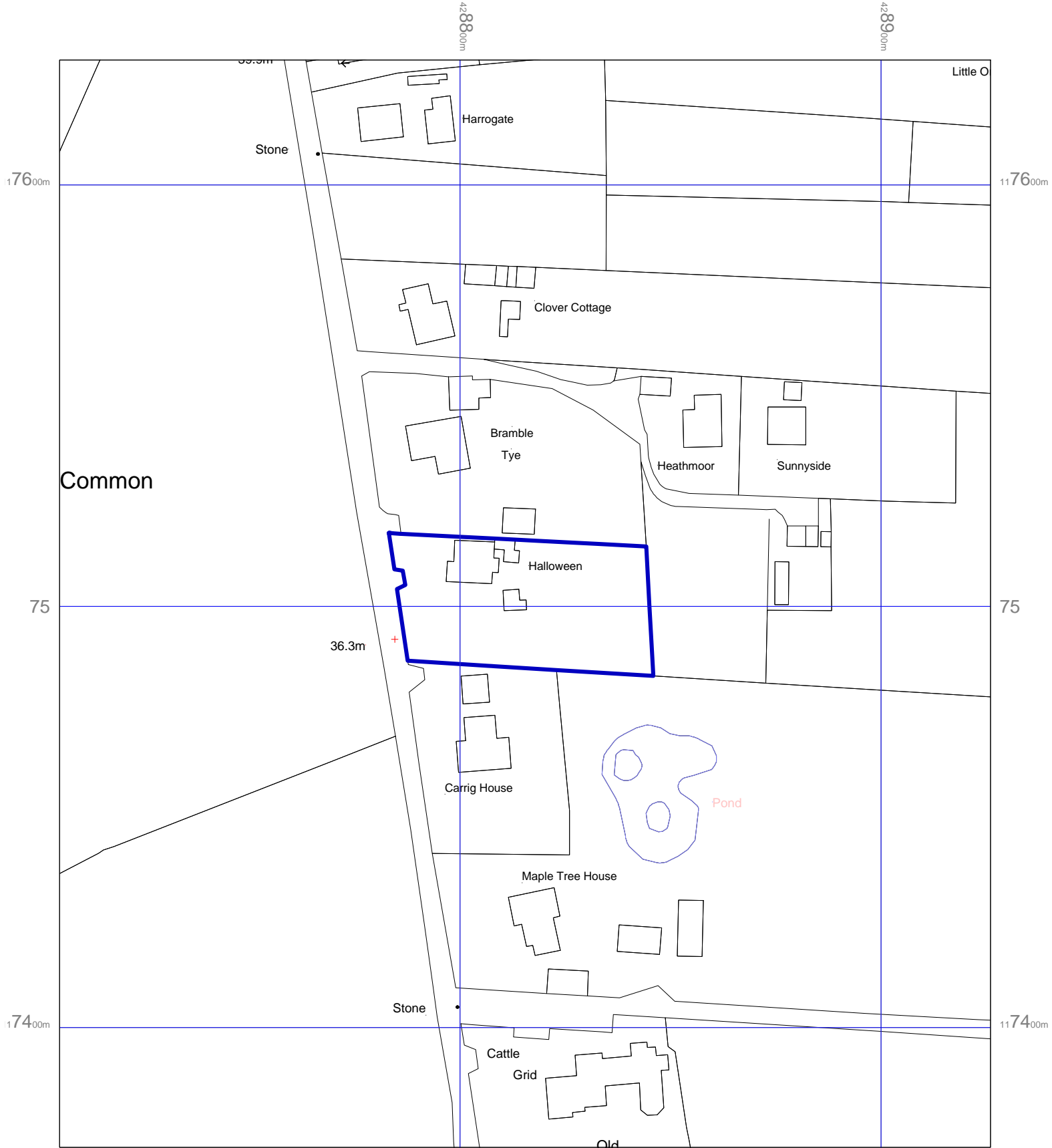
Reason:

To safeguard the privacy of the adjoining neighbouring properties in accordance with policy AME01 of the Test Valley Borough Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 ENV06 of the Test Valley Borough Local Plan.



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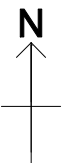
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Item: 7
Ref: 09/94332/FULL

SCALE: 1:1250



Application No: 09/94338/FULL Full Application

Site: Normanton, Gosport Lane, Lyndhurst, SO43 7BL

Proposal: Alterations to Fenestration

Applicant: Mr T Barna

Case Officer: Laura Harry

Parish: LYNDHURST

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Lyndhurst Parish Council: Recommend refusal - Regret retrospective applications and have concerns regarding enforcement of the proposals should they be changed in the future.

7. CONSULTEES

No consultations necessary.

8. REPRESENTATIONS

8.1 Two letters of objection received on the grounds that the proposed window would have a detrimental impact on the amenities of number 2 Shaggs Lane in terms of overlooking and loss of privacy

9. RELEVANT HISTORY:

- 9.1 Conversion of house into two flats and parking/turning area (46427) granted planning permission 10 October 1991.
- 9.2 Alteration to fenestration (Retrospective application) (94022) refused 07 July 2009.

10. ASSESSMENT

- 10.1 Normanton is a first floor flat within a converted house which comprises two flats. The building is faced in red brick at ground floor level and pebble dash at first floor level. The site consists of a parking/turning area to the front of Normanton and a small rear garden, enclosed by a fence. The property is situated on Gosport Lane, a busy one way road through Lyndhurst.
- 10.2 Consent is sought to retain and alter a kitchen window in the rear elevation of a first floor flat. The original window measured 1.57m (width) by 0.56m (depth), and has been increased in depth by 1.2m. It comprises three panes. The glazing would be obscurely glazed with the right-hand pane (seen internally) permanently sealed (screwed shut) and the handle removed. The left-hand pane would be obscurely glazed and opening. The window has a pvc white double glazed frame.
- 10.3 A previous application for the retention of the kitchen window in the rear elevation of the first floor flat was refused. This was due to the actual and perceived detrimental impact on the neighbouring property number 2 Shaggs Meadow, in terms of overlooking and a loss of privacy due to the fact that it would have clear glazing.
- 10.4 The key issue for consideration is:
- does the revised scheme overcome the previous reasons for refusal?
- 10.5 Although the size and siting of the window would remain unchanged in comparison with the previous application, the glazing would be obscured and the right-hand pane would be non-opening. The left-hand pane which would open is recommended to be conditioned so that its opening is restricted. Thus there would be no line of sight into the first floor windows of number 2 Shaggs Lane due to the acute angle. It is considered that the proposed window would not have a detrimental impact on the amenities of any neighbouring properties, and that the changes made would overcome the original reason for refusal. The siting, size, design and proposed materials of the window would be considered appropriate to the existing property.

- 10.6 Two objections were received regarding the impact of the proposed window on the amenities of number 2 Shaggs Meadow in terms of overlooking and loss of privacy. These concerns are addressed in paragraph 10.5. Concerns regarding the fact that the property is currently on the market and that a new vendor could change the obscure glazing to clear without planning permission would not be the case; the application applies to the property and not the vendor. Planning permission would be required to make any alterations to the window in the future. The issues raised by Lyndhurst Parish Council are not material planning considerations.
- 10.7 The proposed window would be appropriate in terms of siting, size, design and materials and would not have a detrimental impact on the amenities of any neighbouring properties, complying with policy DW-E1. Planning permission is therefore recommended.

11. RECOMMENDATION

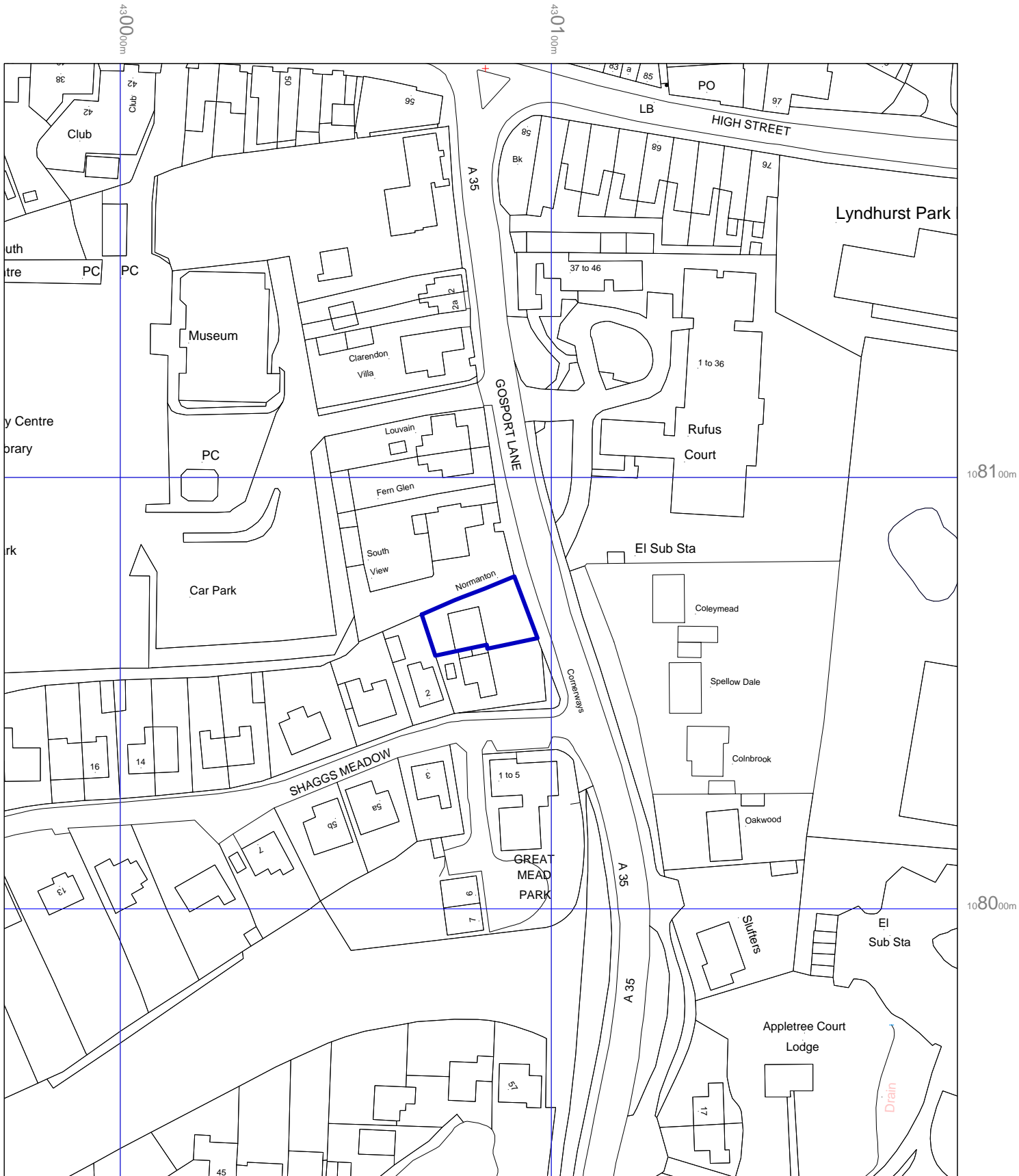
Grant Subject to Conditions

Condition(s)

1. Within three months of the date of this decision the window the subject of this application shall be obscurely glazed, the right-hand pane (seen internally) shall be permanently sealed (screwed shut) and the handle removed, and the opening of the window pane marked X on the attached plan shall be limited to 80mm, in accordance with details which shall be first submitted to and approved in writing by the New Forest National Park Authority. Thereafter the window shall not be altered in any way.

Reason:

To ensure there would be no detrimental impact on the amenities of any neighbouring properties in accordance with policy DW-E1 of the New Forest District Local Plan First Alteration.



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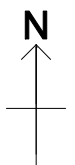
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Item: 8
Ref: 09/94338/FULL

SCALE: 1:1250



Application No: 09/94350/FULL Full Application

Site: Glebe Fields Farm, Football Green, Minstead, Lyndhurst, SO43 7FR

Proposal: Agricultural Barn

Applicant: Mr A Naphine

Case Officer: Paul Hocking

Parish: MINSTEAD

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Referred by Ward Councillor.

3. DEVELOPMENT PLAN DESIGNATION

Conservation Area

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E23 New development in Conservation Areas (page 70)
NF-B1 Agricultural development in the New Forest (page 152)
DW-E50 Drainage (page 90)
NF-E1 Control of development (in the New Forest) (page 135)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Minstead Parish Council: Recommend permission: Due to the complexity and ramifications of issues associated with this application the application should be discussed at Committee. Suggest the following conditions:

a). Submission and approval of drainage details, including surface water, foul water and slurry.

b). Cattle must be kept in the barn throughout the winter and not turned out into the roadway at any time during the winter.

c). Animal numbers accommodated in the barn must not exceed those referred to in the submitted planning statement.

7. CONSULTEES

- 7.1 Landscape Officer : No objection. The re-orientation of the barn from the previous application responds more coherently with the overall site and its setting. The introduction of native hedgerow planting within the site is a welcome addition.
- 7.2 Head of Sustainable Development: Recommends permission. The applicant has been an agister for 19 years (since October 1991) and has made an important contribution to the commoning community. The Verderers computerised marking fee records go back to 1996 and the applicant has been turning out since before this date.

8. REPRESENTATIONS

- 8.1 Councillor Forse (Ward Councillor) has asked for the application to be referred to Committee because of significant interest, environmental concerns and the overall complexity of the application.
- 8.2 The Applicant has written in support of the proposal: I have been an agister for 19 years and worked in the forest all my life. I need the building to help carry on commoning. In the winter months cattle need supplemental feeding (unlike ponies) and to date I have followed the forest tradition of having cattle return to my holding for this supplement daily. I am now proposing to change my system of stock keeping The barn will enable me to over winter my cattle indoors to facilitate the supplementary feeding and then turn them out again in warmer months. The barn will also be used at calving time. It is not proposed to keep cattle in additional numbers. My stock would therefore no longer be walking up and down the road to my holding or poaching the ground in the local vicinity.
- 8.3 12 representations have been received in support of the proposal: Important to support the practice of commoning; necessary for the welfare of animals; the applicant is an agister and has lived in the forest all his life; required for winter months; building would not be out of character with the area.
- 8.4 Petition in support of the application containing 102 signatories.
- 8.5 20 representations have been received objecting to the proposal: The site cannot sustain the number of cattle involved; traffic and access implications; no agricultural requirement; inappropriate for the size of the plot; no mains drainage or slurry facilities; site in a conservation area of a National Park; pollution of watercourses; eyesore; land for sale with local estate agent; no justification; increased activities at the site; overgrazing in local area; condition of road; degradation of area; concern about validity of application;

narrow access; against policies; intensified use; hazardous use of road; concern about animal welfare; not sympathetically farmed; nearby watercourses; contest figures provided in application; harm to air, land and water quality; harm to Football Green and cricket field; hours of operation; the applicant does not live in the area; building would dominate site; SSSI, SINC and should be protected; detrimental impact on living conditions; the supporters of the proposal do not live in the area; rural nature of the area lost due to new buildings; not traditional commoning.

- 8.6 A petition has been received containing 33 signatories objecting to the proposal on the following grounds: The site is too small; no main drains; no direct forest access; increased road traffic from standing animals; barn is large and inappropriate in a rural landscape; verges, trees and hedges will be broken down; number of animals will cause excessive land, air and water pollution; the applicant has not shown a requirement for the barn; Football Green and Football Green Lane will be covered in excrement and slurry; if granted Football Green, which is within a conservation area of a National Park as well as adjoining an AONB, SSSI and SINC, would be lost.

9. RELEVANT HISTORY:

- 9.1 Change of use of part of barn for the shelter of horses and livestock (28029) granted on 14 January 1985.
- 9.2 Agricultural building (86294) withdrawn on 6 March 2006.
- 9.3 Agricultural Building (90527) withdrawn on 19 October 2006.
- 9.4 Agricultural Building (93459) withdrawn on 17 November 2008.

10. ASSESSMENT

- 10.1 The application site is within the Forest Central South Conservation Area and within the perambulation of the New Forest. The site is accessed via a network of country lanes. The site extends to approximately 1.4 ha (3.5 acres) and accommodates an agricultural building located near a vehicular access point at the east of the site. There is also some hardstanding. The site is enclosed by hedgerows of varying degrees of density as well as some mature trees. There are neighbouring properties within the vicinity. The site itself is not within a SSSI.
- 10.2 The proposal relates to an agricultural building to house livestock. The building would have a height to ridge of 5 metres, length of 18 metres and depth of 15 metres. The building would be constructed from concrete panels and timber weatherboarding under a fibre cement sheet roof.

- 10.3 The key issues for consideration are:
- to ensure the development is reasonably required for the purposes of agriculture; and
 - to ensure that the development can be accommodated without harm to the character and appearance of the area
 - impact on the environment / highways / neighbouring amenities

10.4 Is the development reasonably required for the purposes of agriculture?

The application site extends to approximately 1.4 ha and is owned by a practising commoner. The site is the only land owned by the applicant in the New Forest although he benefits from commoner's rights to turn out stock onto the forest; which he duly exercises. His turn out records are as follows:

2005 - 31 ponies, 35 cattle and 5 donkeys

2006 - 30 ponies, 52 cattle, 8 donkeys and 15 pigs

2007 - 31 ponies, 35 cattle, 5 donkeys and 4 pigs

2008 - 36 ponies, 35 cattle, no donkeys and 22 pigs

2009 - 29 ponies, 42 cattle, no donkeys. Pigs not yet marked but some will go out later this year

The application site is therefore used as the hub of the agricultural enterprise, being situated within the perambulation of the New Forest. The applicant leases a further 134 acres of land on short term agreements.

10.5 Impact on the character and appearance of the area

The floorspace required for the farming activities has been calculated and the conclusion is that 443 sq. metres is justifiable. The proposal, taking into account the existing agricultural building, would amount to 441 sq. metres. It is considered that the calculations submitted are based on sound principles (although this has been contested by objectors to the scheme) and on this basis the proposal would be considered reasonably required for the purposes of agriculture.

10.6 Impact on the environment / highways / neighbouring amenities

The potential levels of activity and intensity of farming on the site could be harmful given the size of the holding but, because the applicant is a commoner and exercises those rights by turning out stock, the use of the barn would be acceptable. The practice of commoning on the New Forest should be supported where possible. It is therefore recommended that a condition restricting the use of the building for the purposes of commoning only is attached. In the event this use ceases the building would be

demolished. The building could therefore not be used for other agricultural purposes. The safeguard of this condition, as well as a condition to secure appropriate drainage at the site, would be considered to reconcile the development as acceptable. The applicant is in agreement with these conditions.

- 10.7 This proposal follows three previously withdrawn schemes. This proposal is however materially different from the previous schemes in respect of the siting and design of the building. The siting of the building would form a courtyard with the existing building and thus would reflect not only a traditional composition of buildings, minimising the spread of development, but also provides containment to the farming activities and potential paraphernalia. A landscaping scheme is proposed which is considered suitable subject to condition. The building itself reflects a narrow form with a twin gabled arrangement to reduce the height and massing of the building. The use of materials are also considered consistent with a building of this function. The design and siting of the building follows the pre-application advice provided by the Authority. Although the building would have an impact in the landscape, it would not be considered obtrusive and is justifiable in this context for the purposes of agriculture. On this basis, the development is considered to preserve the character and appearance of the conservation area.
- 10.8 The number of cattle owned by the applicant has remained constant over recent years (see section 7) and there are currently 42 cattle turned out on the forest. The applicant has outlined that he intends to change his system of stock management (see section 8.5 for details) and therefore the requirement for cattle to be brought back to the site would be reduced. Thus, environmental concerns and the poaching of surrounding verges and land would likely decrease. For the same reasons traffic and access concerns raised would not result in harmful consequences. The presence of an additional barn at the site would not harm neighbouring amenities or facilitate an unacceptable level of commoning activity from the site.
- 10.9 Minstead Parish Council support the principle of the proposal although are concerned about environmental implications and have suggested three conditions to this effect (see section 6). It is considered that their first suggested condition would be acceptable and is recommended. The other conditions would not be considered to meet the six requisite tests as advised in Circular 11/95, principally due to concerns about enforcement and relevance to the development to be permitted - namely a building and not an agricultural practice.
- 10.10 The other issues raised and comments of objectors would not outweigh a recommendation to grant planning permission subject to conditions.

11. 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 hereby permitted shall only be used to house animals and store their food and bedding where those animals are also grazing the New Forest using commoner's grazing rights. Should this practice 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 six months of the cessation of that use.

Reason:

Permission would not have been granted for this building were it not for the benefit it would bring to the practice of commoning on the New Forest. The retention of the building for other purposes, including agricultural, could not be justified and would result in a harmful and over-intensive use of the site and be contrary to policies NF-B1, DW-E1 and DW-E23 of the adopted New Forest District Local Plan First Alteration.

3. Before development commences, details of the means of disposal of surface water, foul water and slurry from the site shall be submitted to and approved in writing by the New Forest National Park Authority. Development shall only take place in accordance with the approved details.

Reason:

In order to ensure that the drainage arrangements are appropriate and in accordance with policies DW-E1 and DW-E50 of the adopted New Forest District Local Plan First Alteration.

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

Reason:

To ensure an acceptable appearance of the building in accordance with policy DW-E23 of the adopted New Forest District Local Plan First Alteration.

5. Prior to the commencement of development 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) 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.

The development shall only take place in accordance with those details.

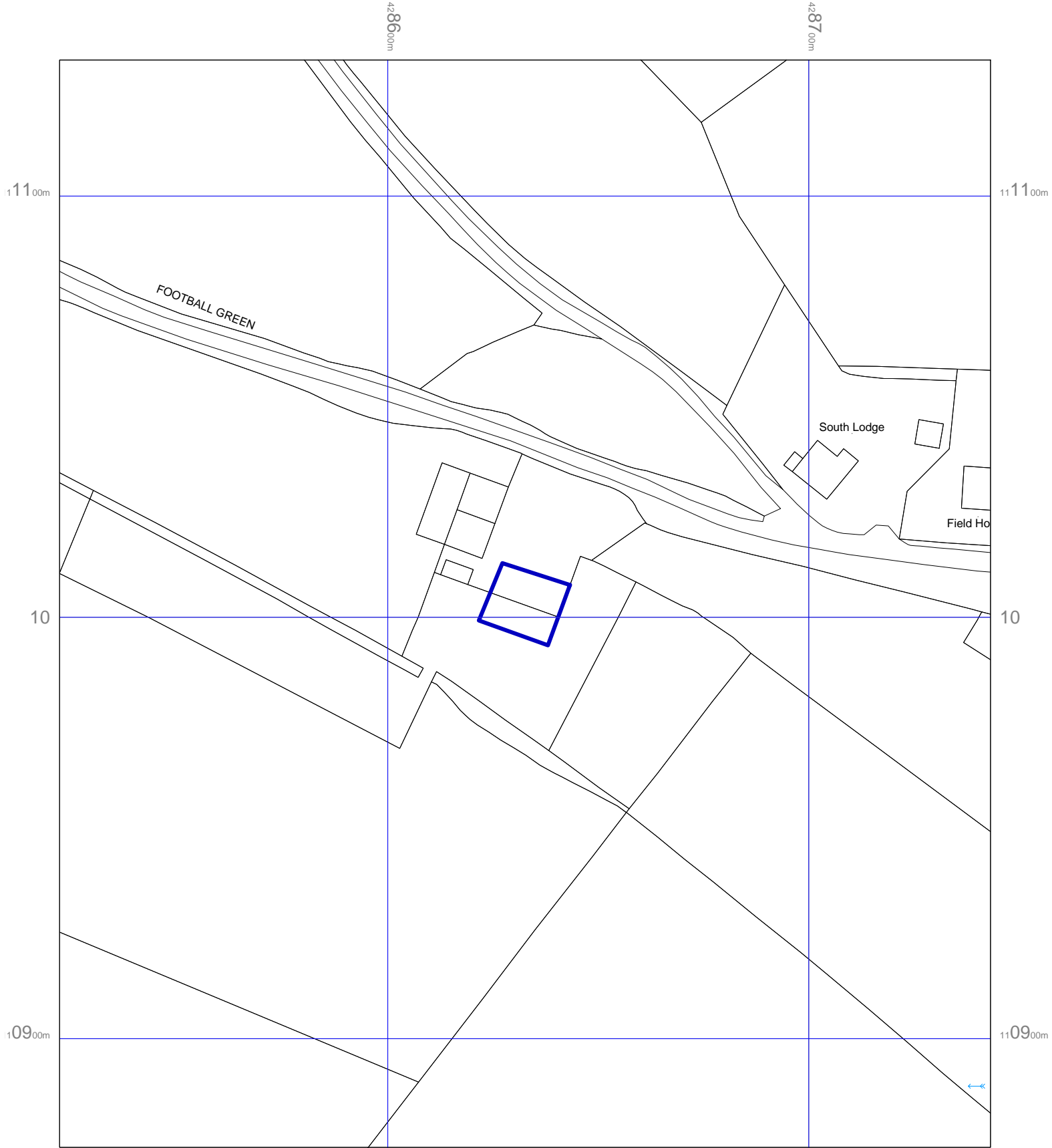
Reason:

To ensure that the development takes place in an appropriate way and to comply with policies DW-E1 and DW-E6 of the New Forest District Local Plan First Alteration.

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

Reason:

To ensure the appearance and setting of the development is satisfactory and to comply with policy DW-E23 of the adopted New Forest District Local Plan First Alteration.



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 South Efford House, Milford Road,
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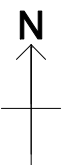
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Date: 09:10:09

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Item: 9
Ref: 09/94350/FULL

SCALE: 1:1250



Application No: 09/94357/ADV Advertisement Consent

Site: Forest Edge Filling Station, Picket Post Eastbound, Picket Post, Ringwood, BH24 3HN

Proposal: Two non-illuminated canopy fascia signs; 1 Illuminated logo sign.

Applicant: Shell Oil Products Ltd

Case Officer: Liz Young

Parish: ELLINGHAM HARBRIDGE AND IBSLEY

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)
NF-E4 Landscape character of the New Forest (page 139)
NF-E6 Advertisements in the New Forest (page 141)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

6.1 Burley Parish Council: (neighbouring Parish Council): No comments received.

6.2 Ellingham Harbridge and Ibsley Parish Council: Recommend refusal; no information relating to front canopy colour, illumination and coating or LUX levels; there should be no illumination or colouring of canopy and the ability to blend with the landscape should be retained.

7. CONSULTEES

7.1 Highway Authority (HCC): Request that the Highways Agency are consulted.

7.2 Highways Agency: No comments received.

8. REPRESENTATIONS

8.1 None received.

9. RELEVANT HISTORY:

9.1 Replace existing timber canopy fascia with flat painted metal (91749) approved on 29 August 2007

9.2 Display various illuminated and non-illuminated signs (59711) approved on 7 October 1996

9.3 Display various illuminated and non-illuminated signs (58459) approved on 10 April 1996

9.4 Illuminated shop fascia totem sign and pump island box signs (46963) approved on 19 March 1991

9.5 Erect new filling station with canopy and petrol pumps (46408) approved on 14 February 1991

10. ASSESSMENT

10.1 Forest Edge Filling Station is located in rural surroundings and is accessed directly from the A31 dual carriageway which lies immediately to the south. The site is in a fairly elevated position and lies well outside the built up areas of Burley and Ringwood. The site is not directly adjoined by any residential properties, and the closest neighbouring developments are the Little Chef restaurant and the cricket pavilion to the north west. Beyond this the locality is largely surrounded by open forest.

10.2 Permission was recently granted (reference 91749) to clad the entire canopy (all three elevations) in powder coated metal (brown) to replace the former timber cladding.

10.3 Consent is sought to erect two non-illuminated fascia signs onto the existing canopy along the south and west elevations (which is currently dark in colour with no signage) and an internally illuminated pecten (the Shell emblem) on the west (forecourt) elevation. The proposed pecten would have a surface area of approximately 5 square metres and it would have a marginally greater depth (2.3 metres) than the canopy (which has a depth of 1.6 metres). The total extent of additional signage around the canopy (inclusive of both elevations) would amount to 22 metres in length and would incorporate white, yellow and red colours (RAL specifications).

- 10.4 The key issues for consideration are:
- highway safety
 - visual amenity
- 10.5 The signage as proposed would effectively be contained within the existing site and would not present any highway safety concerns. Much of the existing signage within the site is illuminated. Whilst there is currently no signage on the canopy, the only additional illumination proposed would be the "pecton" or Shell emblem. Following the receipt of additional information relating to the corporate colours (non illuminated) proposed along the canopy it is evident that both aspects of the proposal would not significantly increase the visual impact of the filling station, particularly when taking account of the impact of existing signage both within and adjacent to the site.
- 10.6 The development would not impact upon wider views within the New Forest National Park. The development would therefore satisfy the requirements of Policies DW-E1, NF-E4 and NF-E6 of the adopted New Forest District Local Plan, First Alteration.

11. RECOMMENDATION

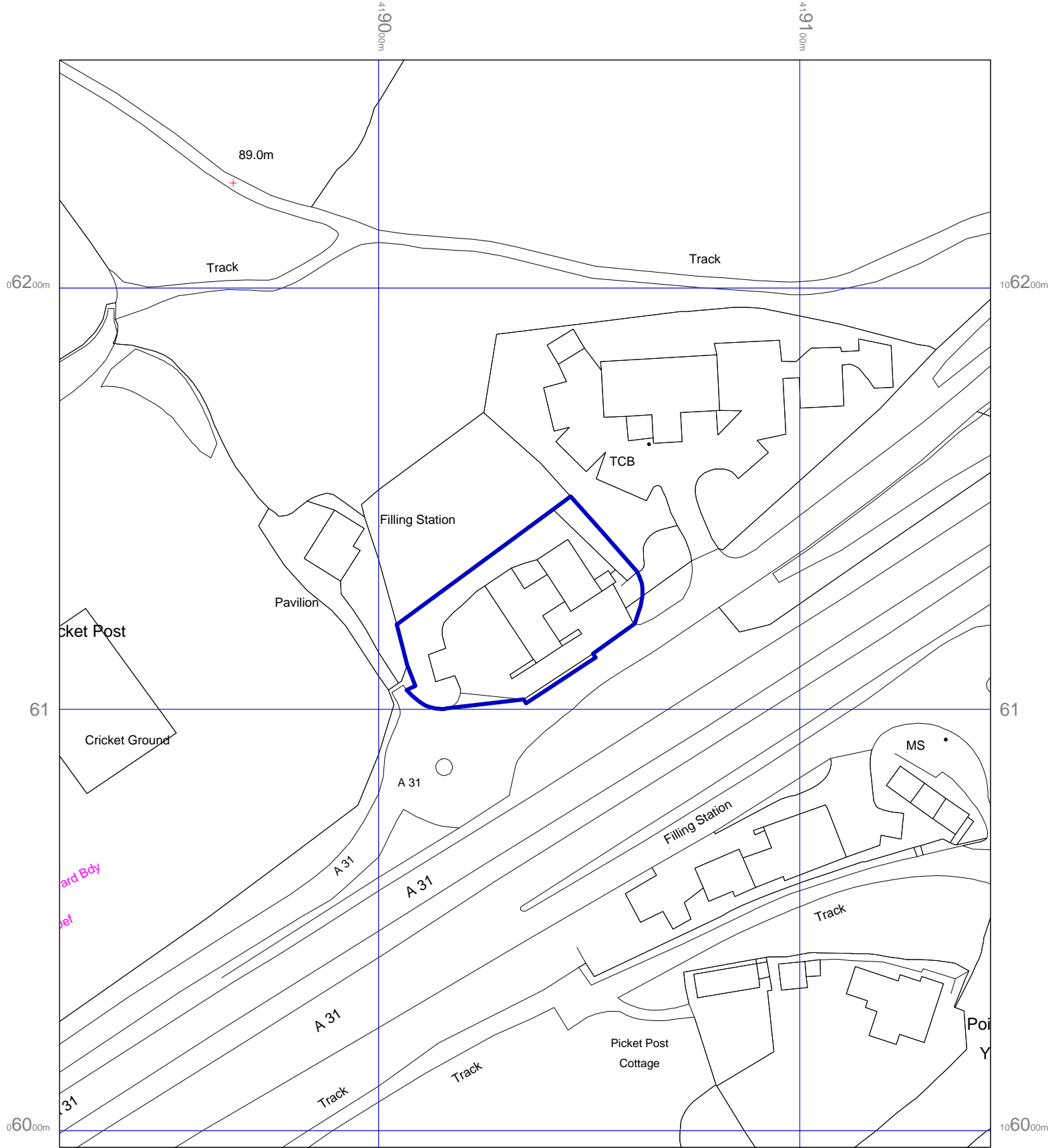
Grant Subject to Conditions

Condition(s)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, and road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Informative(s)

1. Please be aware that this decision relates to amended plans received on 21 September 2009.



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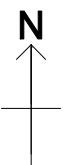
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Item: 10
Ref: 09/94357/ADV

SCALE: 1:1250



Application No: 09/94360/FULL Full Application

Site: Hill House School, Rope Hill, Boldre, Lymington, SO41 8NE

Proposal: Two and three storey buildings to provide 12 bed residential unit and classrooms (To replace existing dwelling and classroom structure)

Applicant: Cambian Heritage II Ltd

Case Officer: Mark Funnell

Parish: BOLDRE

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

Listed Building
Conservation Area

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)
DW-E8 Trees (page 60)
DW-E23 New development in Conservation Areas (page 70)
DW-T8 Access, safety and traffic management requirements (page 100)
DW-T9 New car parking provision on development sites and elsewhere (page 102)
NF-E4 Landscape character of the New Forest (page 139)
NF-E5 Design of new development in the New Forest (page 140)
NF-P2 Schools outside the defined New Forest villages (page 173)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Boldre Parish Council: Strongly supports the proposal. Supports the work of this exceptional group of schools and appreciates that by the very nature of the problems of the students, nowhere in the country could this be a 'local' school. However the staff are committed to as much integration in the Parish as possible (e.g. litter picking activities). The proposed buildings are very much needed to help the students and modernisation could mean

fewer extra staff for the small proposed increase in student numbers.

7. CONSULTTEES

- 7.1 Tree Officer: Recommends refusal. The proposal is for a 'campus' style development to take the place of a modest two storeys domestic dwelling and prefabricated single storey classroom which intrudes into woodland comprising mixed species of broadleaf and conifer trees. The proposals would result in the erosion of woodland through the loss of trees and new planting opportunities to the detriment of the amenity provided by trees in this area.
- 7.2 Landscape Officer: Raises concerns that although the footprint of one of the buildings appears to be smaller compared to the previous scheme, the buildings would be tucked in very tightly within the existing trees. The area would be dark due to tree cover and the aspect on the north elevations. The proposed hard and soft landscaping around the site (retaining walls, paving, planting etc) are considered to be acceptable, although more detail would be required by condition if the development were permitted.
- 7.3 Environmental Design - Design: While elements of the proposed scheme would enhance the workings of the school and the character of the listed building's curtilage, the overall scale of development is unresolved in relation to the building's very limited site and impacts on trees, landscape and servicing.
- 7.4 Ecologist: No comments received.
- 7.5 Highway Authority (HCC): No highway objection. The application makes reference to an increase in staff from 147 to 153 full time staff. The proposals do not include any details of cycle parking provision, and although not a reason for refusal the applicant should be encouraged to include provision for long stay undercover cycle parking facilities to promote alternative modes of transport other than the motor car.
- 7.6 Engineering and Land Drainage (NFDC): -The applicant should provide full details of the sustainable drainage system including calculations and give details of the flood route when any installed system surcharges, prior to the commencement of development. Details of the design of any soakaways should also be provided. If surface water from impermeable areas is to be passed to any existing watercourse or ditch, it would need to be balanced so that the flow from the site does not exceed that existing prior to the development, and full details provided.

8. REPRESENTATIONS

- 8.1 Letter from agent: Regarding the potential for an overall intensification on this site, confirms that if all the permitted and

proposed developments were constructed, there would be a net increase of 6 bedrooms (from 22 to 28), 6 car parking spaces (from 58 to 64) and 820 sq metres of building footprint (Gross External Ground Floor Area). A separate application (ref. 94418) proposes 25 new parking spaces to the rear of the site, to replace those that would be lost due to the developments proposed through application ref. 94361 (admin. building) and the current application.

- 8.2 New Forest Access for All: All entrances, doors, lifts and turning spaces (for wheelchairs and scooters) need to be designed to cater for the needs of persons with disabilities and special needs.

9. RELEVANT HISTORY:

- 9.1 One and two storey administrative building (to replace existing temporary structure) (94361) registered 14 August 2009 and under consideration
- 9.2 Provision of 25 car parking spaces (94418) registered 9 September 2009 and under consideration
- 9.3 Four temporary classrooms; toilet blocks; repositioning of temporary building (94419) registered 9 September 2009 and under consideration
- 9.4 One and two storey buildings for classroom and office use (to replace existing classroom structures) (94067) granted 3 July 2009
- 9.5 Two storey assembly building to replace existing structure (93437) granted 3 July 2009
- 9.6 Two storey extension to main building to provide residential and office accommodation (93431) granted 24 November 2008
- 9.7 One and two storey administrative building (to replace existing temporary building) (93433) refused 20 November 2008
- 9.8 Two and three storey buildings to provide 16 bed residential unit and classrooms (To replace existing dwelling and classroom structure) (93436) refused 20 November 2008

10. ASSESSMENT

- 10.1 The application site features a main Grade 2 Listed Building (Hill House) with an extension, a separate residential building (The Beeches), and a number of temporary classrooms and other buildings. The buildings are set within well wooded grounds in the countryside of Boldre Parish and within the Forest South East Conservation Area. The site has two vehicular accesses off Rope Hill, the main access to the west, and the access to the rear car

parking area to the east.

- 10.2 Consent is sought in this application for two and three storey buildings to the north of the main listed building. They would provide 12 student bedrooms in groups of four (with each group having a kitchen, dining room and living room), three classrooms and laundry and sensory rooms, to cater for post-16 students. The application is a 'major' application, involving around 1200 sq metres of new internal floorspace. The buildings would be split level due to the slope of the site and would result in the loss of several parking spaces at the top of the rear car parking area. The buildings would replace 'the Beeches', a two storey dwelling (4 residential bedrooms) and 'the Beeches College', a temporary timber framed building, which between them provide 307 sq metres of residential and teaching space. Conservation Area Consent for demolition has previously been granted (ref. 93473) which accepts the principle of their removal.
- 10.3 Hill House School, founded in 1992, is a residential special needs school for 11-19 year olds with autistic spectrum disorders. The school was purchased in 2005 by Cambian Education Services, which runs six specialist schools in Hampshire and Dorset including the nearby Southlands School (recently the subject of planning consent for new buildings), and other off-site accommodation for post-16 students.
- 10.4 The application states that the academic facilities fall short of the required standards, which was flagged up in a 2006 Ofsted report, and the applicant has made several planning applications to improve and expand facilities. Of these, permission has been recently granted for a two storey extension to the main listed house (ref. 93431), replacement classrooms / offices (ref. 94067), and a two storey assembly building (ref. 93437). Those permissions followed informal pre-application advice on the constraints of the site and the merits of new development.
- 10.5 Of most relevance to the current application is the refusal in November 2008 of an application for a 16 bed residential unit and classrooms (ref. 93436). It was refused due to:
- (1) The significant scale of the proposals compared to existing buildings, which would add to the levels of built development and activity in the countryside, and would be inappropriate in terms of design and appearance and its Listed Building / Conservation Area setting.
 - (2) The unacceptable impact it would have on individual trees and the site's wooded landscape setting.
 - (3) Adequate parking provision had not been demonstrated. The current application is a revised version of this refused application.

10.6 The key issues for consideration are:

- Local Plan policy NF-P2, which requires that extensions to existing schools must either serve the needs of the local community within their catchment area, or must not lead to an intensification of the use of the site or materially increase the impact on the New Forest.
- the siting, scale, design and appearance of the buildings.
- the implications for existing trees and the landscape character of the site.
- the impacts on the setting of the Listed Building and the character of the Conservation Area.
- any ecological implications.
- access and parking.
- any impacts on the residential amenities of neighbours.

10.7 Policy NF-P2

In applying policy NF-P2, it is noted that Hill House School is a special school with a catchment wider than the National Park boundary. However, it is an established institution with the support of the Parish Council, and the principle of improving facilities has been accepted in recent planning applications and three notable permissions for new buildings.

10.8 The key issue is therefore whether the proposal would lead to an intensification of the use of the site or materially increase its impact on the New Forest. The proposal involves an increase from 4 to 12 student bedrooms and facilities for the post-16 age group. Overall, taking account of the reduction of rooms in the main building by 2 following the consented extension (as rooms would be en suite with more facilities), Hill House School would increase its accommodation from 22 to 28 students (27% increase). In addition, the applicant confirms that staff numbers would increase by 6, from 147 to 153. It is considered that the increase in students and staff would intensify the use of the site, although this is unlikely to lead to a material increase in traffic generation. However, with respect to the issue of a material increase in impact on the New Forest, there are concerns about the physical impacts of the development.

10.9 Siting, scale, design and appearance

In physical terms, previous discussions with the Authority's Building Design Officer, Landscape Officer and Senior Tree Officer have led to the conclusion by officers that Hill House is not a Listed Building surrounded with development potential, but rather is a Listed Building with relatively modest country-house type grounds where any pockets of development would need to be sensitively integrated. The previous scheme was considered inappropriate, particularly by virtue of its scale, in this context. The scale of the new built development continues to be a

concern, and would give rise to a 'campus' style arrangement to the site, thereby reducing the status of the listed building, and causing harm to the character of this part of the Conservation Area.

10.10 Trees / landscape

With the current scheme, the three internal consultees referred to above also raise concerns. The proposal would be on a relatively constrained and sloping site, and involve the loss of a small number of trees. Although the applicant's arboricultural report indicates that these are all 'low category' trees, the development would nonetheless eat into the woodland cover that forms an integral part of the character of the site, and is likely to result in pressure for further erosion of tree cover in the future.

10.11 Impact on setting of listed building and conservation area

It should be noted that although policy DW-E20 (setting of Listed Buildings) is no longer a saved policy, guidance in 'PPG15: Planning and the Historic Environment' states that the setting of a Listed Building is often an essential part of the building's character, and attaches importance to the quality and historic interest of the such land, which in this case has traditionally had much more low key levels of development and activity. It is therefore concluded that the previous reasons for refusal relating to the physical impacts of the development have not been addressed through this second application.

10.12 Ecological implications

With respect to the ecological implications of the development, the application has been accompanied by a scoping survey and bat report. The Authority's Ecologist raised no objection to the previous (larger) application, subject to a suitable condition, and any comments received on the current application will be reported at the committee meeting.

10.13 Access and parking

Moving on to highway related considerations, the third reason for refusal of the last application was that sufficient car and cycle parking had not been demonstrated. The proposed development would involve the loss of 11 of the existing 58 car parking spaces, although a new application has been submitted for 25 new spaces near the rear access to the site (under consideration). For the current scheme, with its reduction from 16 to 12 bedrooms, the highway authority has reviewed the submitted information and has raised no objections, although recommends further cycle parking provision is made. No highway safety problems are anticipated with respect to the use of the existing access points.

10.14 Residential amenities

No material impacts on the residential amenities of near neighbours (the nearest of which is Talbots House) are anticipated, due to the distance involved, some tree screening that is currently in place, and the fact that existing residential accommodation already exists. No objections have been received from neighbours or the Parish Council.

10.15 Conclusion

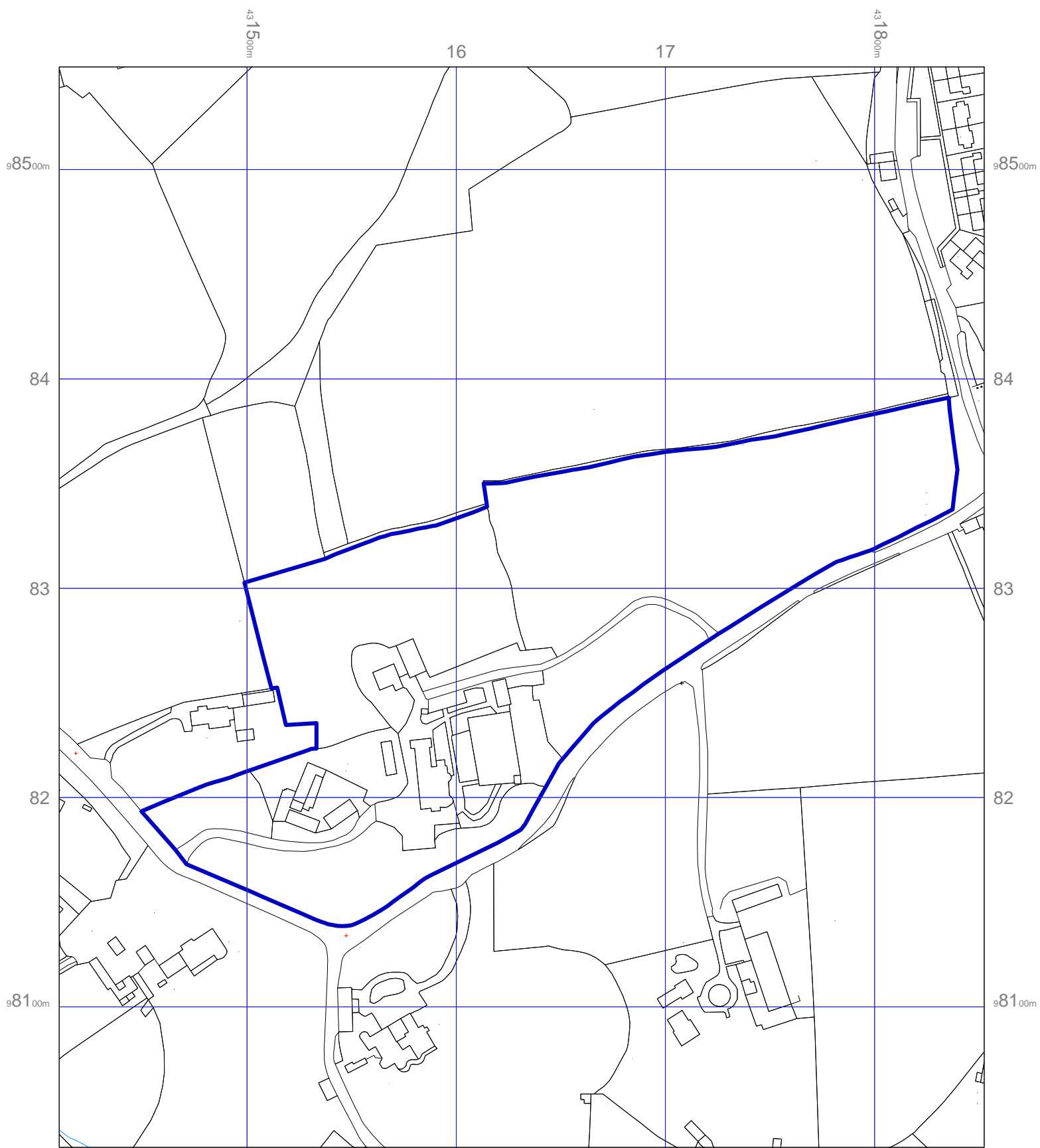
In conclusion, whilst the Parish Council is supportive of the role of this school, there are continued concerns about the scale of built developments proposed at this site, which is constrained by its well wooded setting, and the need to protect and enhance the character of the Conservation Area and the setting of the Listed Building.

11. RECOMMENDATION

Refuse

Reason(s)

1. The proposed development would be significant in its scale compared to the buildings that it would replace, and by virtue of its siting, scale, bulk and form would have an unacceptable impact on the character and appearance of the Hill House site. The proposal would not preserve or enhance the setting of the Listed Building or the character of the Forest South East Conservation Area. It would also lead to an intensification of use of the site and would materially increase the physical impact of built development in the countryside of the National Park. The development would be contrary to policies DW-E1, DW-E23, NF-E1 and NF-P2 of the New Forest District Local Plan First Alteration and guidance within PPG15: Planning and the Historic Environment.
2. The proposed development, by virtue of its siting, footprint and bulk, would have an unacceptable impact on both individual trees and the wooded landscape setting of the site, contrary to policies DW-E1, DW-E8 and NF-E4 of the New Forest District Local Plan First Alteration.



431500m

16

17

431800m

8500m

8500m

84

84

83

83

82

82

8100m

8100m

431500m

16

17

431800m



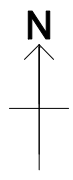
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Item: 11
Ref: 09/94360/FULL

SCALE: 1:2500



Application No: 09/94389/FULL Full Application

Site: Talbot Farm, Main Road, Dibden, Southampton, SO45 5TB

Proposal: Single storey extension; Demolition of part of Outbuilding

Applicant: Mr B Renyard

Case Officer: Liz Young

Parish: HYTHE AND DIBDEN

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)

NF-H3 Extensions to dwellings in the New Forest (page 144)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Hythe and Dibden Parish Council: Recommend refusal; overdevelopment; the building would preclude access to stables; proposal would restrict commoning activities at Talbot Farm.

7. CONSULTEES

7.1 Archaeologist: No archaeological requirements.

8. REPRESENTATIONS

8.1 None received.

9. RELEVANT HISTORY:

9.1 None.

10. ASSESSMENT

10.1 Talbot Farm is a fairly substantial two storey dwelling characterised by gabled roofs, dormer windows and fairly traditionally proportioned fenestration. The property has been subject to some degree of extension (prior to 1982) including a shallow pitched lean-to conservatory on the front (south west) elevation and an integral garage to the rear. The property is adjoined by a large "L" shaped stable block and a detached garage which form part of a yard to the rear. The side (south east) boundary is adjoined by Talbot Cottage and a cluster of agricultural buildings to the rear. The north east and north west boundaries back onto open fields and the surrounding area is essentially rural.

10.2 Consent is now sought to add a single storey extension to the rear of the dwelling in order to form an annexe for the applicant's parents (necessitating the removal of an existing detached outbuilding and part of the stable building). The extension would accommodate a lounge, two bedrooms and a sun room incorporating a roof with roof lights, and has been designed to appear as distinct subservient elements. Brick work, joinery and clay tiles would match those of the existing dwelling. The sun room has been described by the applicant as a conservatory with the intention of ensuring this aspect of the development is not included as part of the 30% increase.

10.3 The key issues for consideration are:

- the extent of floorspace increase
- impact upon the amenity of neighbouring residents / design and scale.

10.4 Floorspace increase

Although the Parish Council raise concerns relating to overdevelopment and the potential for the proposed extension to preclude commoning activities, the property is not subject to an agricultural occupancy condition. Policy NF-H3 permits the extension of all dwellings which are not subject to such restrictions by up to 30%.

10.5 The existing dwelling (which has not been extended after 1982) has a gross internal floorspace of 194 square metres. The proposed extension would increase the floorspace by 78 square metres. The proposed conservatory or sun room could not be considered as a reasonable exception to Policy NF-H3 on account of the fact that it would be partially recessed within primary living areas and also the very restricted extent of glazing on its external walls and roof. However, the existing conservatory on the front elevation does not exceed 20 square metres and does not form part of the primary living accommodation of the dwelling. If this is

excluded from the total resulting floorspace (and subsequently restricted in terms of future alterations) the development would effectively result in a floorspace increase of 30%, thereby satisfying the requirements of Policy NF-H3.

10.6 Impact upon the amenity of neighbouring residents / design and scale

The proposed development would not encroach towards or impact upon the amenity of any neighbouring properties. The development would not be clearly visible from the highway and would reflect the scale, form and materials of the existing dwelling. The proposed development would therefore satisfy the requirements of Policies DW-E1 and NF- H3 of the adopted New Forest District Local Plan First Alteration.

10.7 It is considered that the potential for the proposed extension to obstruct access to an existing stable block would not justify refusal (this would not conflict with planning policy). Furthermore it is evident that the buildings to the rear could still be accessed in a similar manner to the current arrangements (the stables also back onto open fields).

11. 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 existing conservatory on the front (south west) elevation shall only be maintained to the design and materials shown on the approved plans. No alteration shall subsequently be made to the external walls and roof of the building, notwithstanding the provisions of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995.

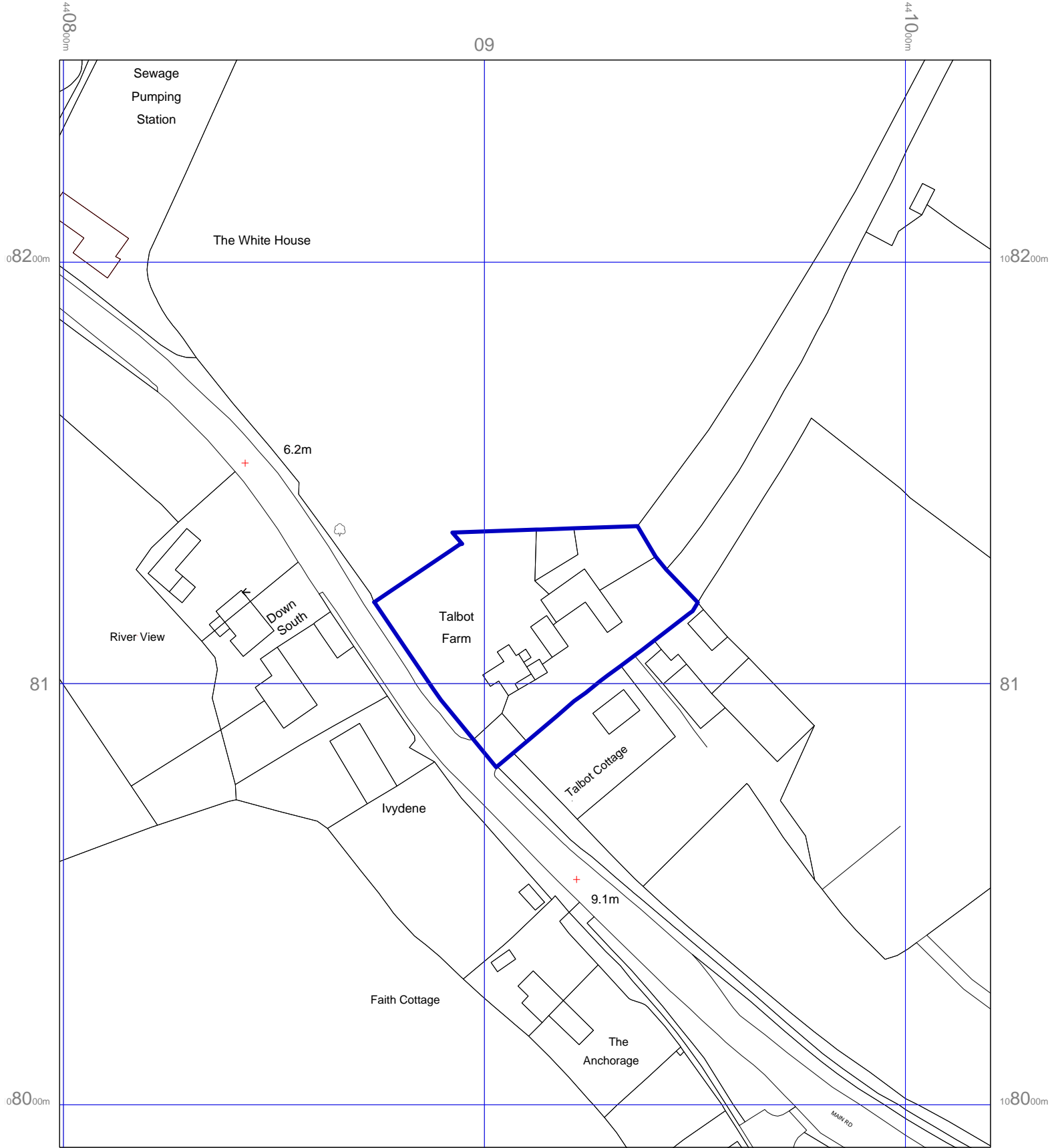
Reason:

Permission would not normally have been granted for an addition to this property as this would have been contrary to policy NF-H3 of the adopted New Forest District Local Plan First Alteration. The New Forest National Park Authority considers that an exception could reasonably be made for a conservatory of the size and type proposed as this would only serve as secondary accommodation

- rather than as part of the living space of the dwelling.
3. Before development commences the 8 square metre section of stable building to be removed (as indicated by the dashed line on Drawing 106) shall be demolished and all resultant materials removed from the site.

Reason;

To ensure the dwelling remains of an acceptable size in accordance with Policy NF-H3 of the adopted New Forest District Local Plan, First Alteration.



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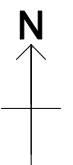
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Item: 12
Ref: 09/94389/FULL

SCALE: 1:1250



Application No: 09/94391/FULL Full Application

Site: Gracelands Farm, Tilebarn Lane, Brockenhurst, SO42 7UE

Proposal: Rear conservatory

Applicant: Mr R Byford

Case Officer: Liz Young

Parish: BROCKENHURST

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

DW-E1 General development criteria (page 57)
NF-H3 Extensions to dwellings in the New Forest (page 144)
NF-H6 Dwellings for agricultural or forestry workers in the New Forest
(page 146)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal; visual intrusion from internal illumination and UPVC; would exceed floorspace limits.

7. CONSULTEES

No consultations required

8. REPRESENTATIONS

8.1 None received

9. RELEVANT HISTORY:

Commoners dwelling with car port, tack room and stable block (77180) approved on 2 October 2003

10. ASSESSMENT

10.1 Gracelands Farm is a recent commoners dwelling (subject to an agricultural occupancy condition) which gained planning consent in 2003 (planning permission 77180). The property is set back from the front boundary with Tile Barn Lane by approximately 20 metres and comprises two storeys. The house has a simplistic and traditional character comprising the principal building with a subservient element to the rear, forming a "T" shape. The site is not directly adjoined by residential properties and is surrounded by its own land. The setting is essentially rural and open, although a number of deciduous trees line Tile Barn Lane offering a certain amount of screening.

10.2 Consent is now sought to construct a conservatory on the rear (southern) corner of the dwelling, infilling the corner between the rear wing and the main house. The conservatory would also project slightly from the rear building line and would have an internal footprint of just under 17 square metres. The roof would be fairly shallow in pitch and would be fully hipped on the rear elevation. The brick work plinth and UPVC frames would match those of the existing dwelling.

10.3 The key issue for consideration is:

- should the maximum habitable floorspace limit be applied?

10.4 Policy NF-H6 states that dwellings for commoners, agricultural or forestry workers should not have a gross internal floorspace of more than 120 square metres. The existing dwelling has a gross internal floorspace of 119 square metres. However Policy NF-H3 does not specifically exclude commoners dwellings from the discretionary allowance for conservatories of no more than 20 square metres (paragraph D3.10). Taking account of this, along with the size and design of the proposed conservatory, it is considered that the proposed development would satisfy the requirements of Policy NF-H3.

10.5 Although the Parish Council raises strong concerns relating to the potential for light pollution from internal illumination, it is considered that the proposal would not significantly increase the visual impact of the dwelling as it currently exists. Several windows already exist on the rear and side elevations and the impact of the conservatory would be mitigated to some degree by its positioning within a corner of the existing dwelling, the inclusion of a plinth wall, its modest height in relation to the dwelling and its relatively modest footprint. Furthermore the proposed

development would not impact upon views from neighbouring residential properties or public viewpoints and would match the materials of the existing dwelling. The proposal would also be screened from the road by trees and hedgerows. The proposal would therefore satisfy the requirements of Policies DW-E1 and NF-E4 of the adopted New Forest District Local Plan, First Alteration.

11. 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.

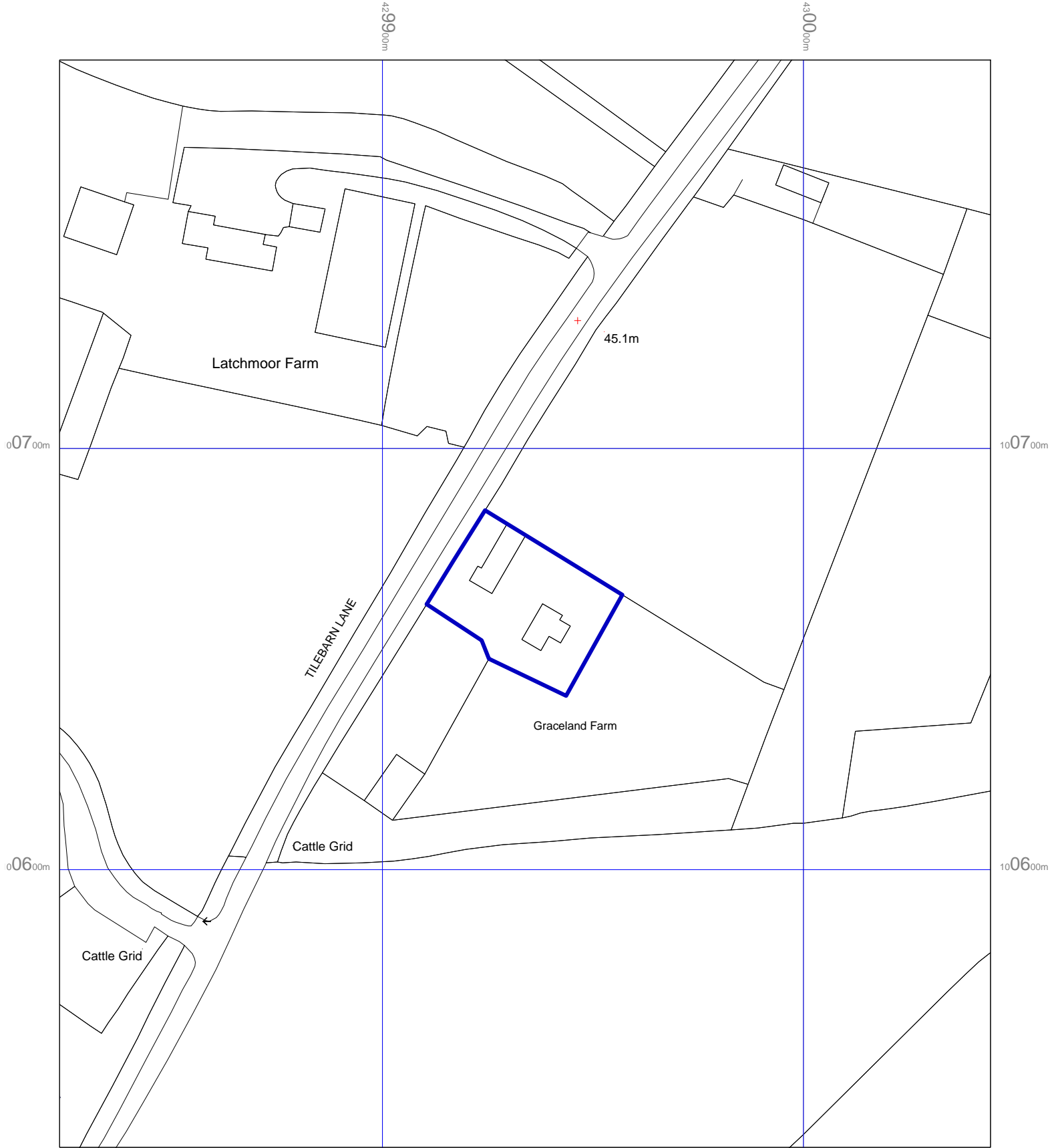
Reason:

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 conservatory shall only be constructed to the design and materials shown on the approved plans. No alteration shall subsequently be made to the external walls and roof of the building, notwithstanding the provisions of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995.

Reason:

Permission would not normally have been granted for an addition to this property as this would exceed the limitations set out in Policies NF-H3 and NF-H6 of the adopted New Forest District Local Plan First Alteration. The New Forest National Park Authority considers that an exception could reasonably be made for a conservatory of the size and type proposed.



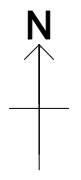
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Item: 13
Ref: 09/94391/FULL

SCALE: 1:1250



Application No: 09/94422/FULL Full Application

Site: Lyndhurst Nurseries, Deerleap Farm Foxlease Park, Chapel Lane, Lyndhurst, SO43 7FG

Proposal: Retention of Polytunnel

Applicant: Mr K Smith

Case Officer: Paul Hocking

Parish: LYNDHURST

1. DISTRICT/BOROUGH: New Forest District Council

2. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

3. DEVELOPMENT PLAN DESIGNATION

No specific designation

4. PRINCIPAL DEVELOPMENT PLAN POLICIES

NF-B1 Agricultural development in the New Forest (page 152)

NF-E1 Control of development (in the New Forest) (page 135)

5. MEMBER COMMENTS

None received

6. PARISH COUNCIL COMMENTS

Lyndhurst Parish Council: Recommend refusal: The access is poor at a very dangerous corner; the previous permission was temporary; question whether the land should be used solely for agriculture and not horticulture; the development is out of character with the local area.

7. CONSULTEES

No consultations required

8. REPRESENTATIONS

8.1 One representation received in support of the proposal: The site is totally surrounded by trees; the applicant works on his land every day; support the applicant's endeavours to run his business.

- 8.2 One representation received objecting to the proposal: The applicant's visits to the site tend to be brief; Companies House website describes the accounts of the business as 'dormant'; hazardous junction; out of keeping; concern about future change of use and access track; concern about future levels of activity and loss of privacy and security.

9. RELEVANT HISTORY:

- 9.1 Erect polytunnel (75375) granted 3 year temporary permission on 11 September 2002.
- 9.2 Retention of polytunnel (86406) allowed on appeal for a 3 year temporary period on 7 November 2006.
- 9.3 Extension to outbuilding (91014) allowed on appeal on 17 December 2007

10. ASSESSMENT

- 10.1 The application site consists of an agricultural small-holding measuring one hectare in size, which trades under the name of "Lyndhurst Nurseries Ltd". The site lies within a rural part of the National Park about 0.5km to the west of Lyndhurst. It is surrounded by level open fields set against a backdrop of distant trees and has a peaceful and unspoilt character.
- 10.2 The proposal relates to the retention of a polytunnel which was erected on the site in 2002 and has been the subject of two temporary permissions. The applicant now seeks consent for its permanent retention. The polytunnel is 12 metres in length, 6.9 metres in width with a height of 2.7 metres.
- 10.3 The key issues for consideration are:
- to ensure the development is reasonably required for the purposes of agriculture.
 - impact on the landscape / neighbouring amenities / highway safety
- 10.4 Is the development reasonably required for the purposes of agriculture?

The applicant has submitted supporting information to justify the retention of the polytunnel and outlines a business plan for the continuing operation of the holding. The polytunnel is used to grow vegetables. Although aspects of the submission could be contested (and it is noted that reference is made to a future income stream that would not constitute an agricultural activity (which would not take place from the polytunnel)) the fact remains that an earlier appeal considered the site suitable for a polytunnel

for agricultural purposes, and little has changed in this respect. Indeed, the enterprise has continued. A site visit confirms that the polytunnel is being used to grow vegetables, although again the long term viability of the enterprise, albeit based on a not unreasonable premise, could be questioned. For this reason, as well as to protect the National Park from a proliferation of structures, it is recommended that a permanent permission is granted subject to a condition stipulating the polytunnel only be used for agricultural purposes and the structure be removed should this use cease. Such a condition complies with the aims of the Local Plan, allows the Authority to retain effective planning control over the site, and would not impinge upon the applicant's ability to use the polytunnel for agricultural purposes in perpetuity.

10.5 Impact on the landscape / neighbouring amenities / highway safety

The site is well enclosed and therefore the polytunnel has an extremely limited impact within the wider landscape. A polytunnel for agricultural purposes is not considered unreasonable within this context. The retention of the polytunnel would not be considered to either continue or introduce levels of activity that would be harmful to neighbouring amenities.

10.6 Irrespective of the continued siting of the polytunnel there will still be a requirement to access the site. It would therefore not be sustainable to refuse the continued siting of the polytunnel on the grounds of highway safety, particularly as the site is served by a long-standing access onto Chapel Lane.

11. RECOMMENDATION

Grant Subject to Conditions

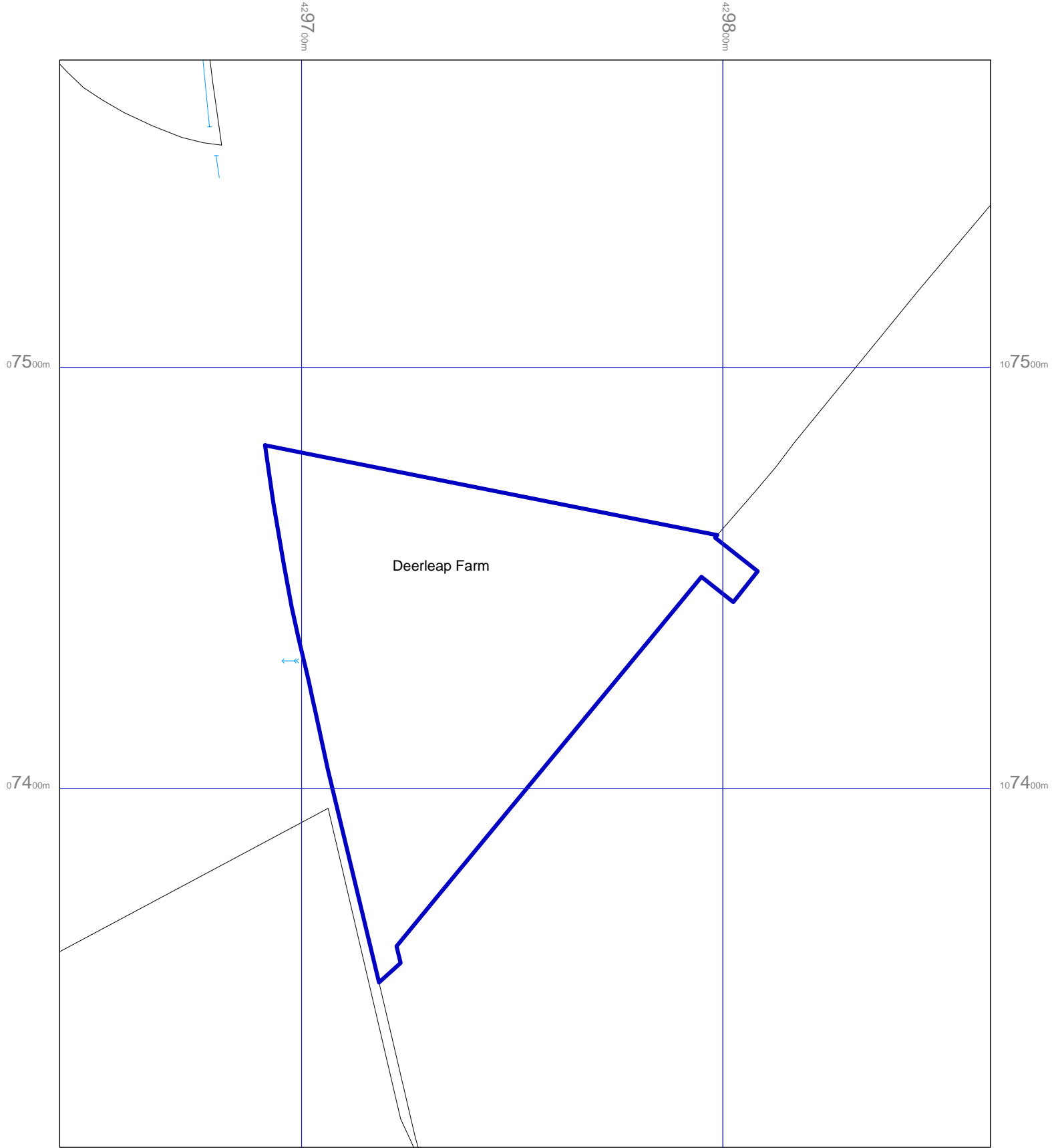
Condition(s)

1. The polytunnel the subject of this permission shall only be used for agricultural purposes and for no other commercial, business or storage purposes whatsoever.

When the agricultural use hereby permitted ceases, the polytunnel and all subsequent materials shall be removed from the site and the site shall be restored in a manner to be first agreed in writing by the National Park Authority.

Reason:

The polytunnel is only justified on the basis that it is reasonably required for the purposes of agriculture and in accordance with policies NF-B1 and NF-E1 of the adopted New Forest District Local Plan First Alteration.



Deerleap Farm



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Item: 14
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SCALE: 1:1250

