

NOTICE OF MEETING

Meeting: PLANNING DEVELOPMENT CONTROL COMMITTEE

Date and Time: WEDNESDAY, 8 MARCH 2017, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Jan Debnam
E-mail jan.debnam@nfdc.gov.uk

PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 02380 285345 or E-mail: DCAdministration@nfdc.gov.uk

Bob Jackson
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 February 2017 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land at Crow Arch Lane and Crow Lane, Crow, Ringwood (Application 13/11450) (Pages 1 - 6)**

Proposed amendments to the Section 106 Agreement to facilitate a phased approach to the site's development, to delete references to the Code for Sustainable Homes and to offer scope to provide 'Starter Homes' within the scheme in addition to the affordable tenures already included.

Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 and B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1 /A2 /A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul and surface water infrastructure (Outline Application with details only of access)

RECOMMENDED:

That the Section 106 Agreement be varied in accordance with the details set out in the report.

(b) **Land at Crow Arch Lane and Crow Lane, Crow, Ringwood (Application 16/11520) (Pages 7 - 28)**

Phase 1: development of 62 dwellings comprised: 15 houses; 9 pairs of semi-detached houses; 3 terrace of 3 houses; 3 terrace of 4 houses; 8 flats; garages; public open space; SANG; ancillary infrastructure; allotment land (Details of appearance, landscaping, layout and scale development granted by Outline Permission 13/11450)

RECOMMENDED:

Planning consent subject to conditions

(c) **Unit 2C (N), North Road, Marchwood Industrial Park, Marchwood (Application 16/11407) (Pages 29 - 44)**

Biodiesel fuelled Flexible Generation Facility (Facility A); associated infrastructure and alterations

RECOMMENDED:

Planning consent subject to conditions

(d) **Unit 2C (N), North Road, Marchwood Industrial Park, Marchwood (Application 16/11408) (Pages 45 - 60)**

Biodiesel fuelled Flexible Generation Facility (Facility B); associated infrastructure and alterations

RECOMMENDED:

Planning consent subject to conditions

- (e) **Land adjacent to Autumn Lodge, North Road, Dibden Purlieu, Hythe (Application 16/11569) (Pages 61 - 72)**
Two houses; access; parking; landscaping
RECOMMENDED:
Planning consent subject to conditions
- (f) **18 Fairfield Road, Barton-on-Sea, New Milton (Application 16/11649) (Pages 73 - 78)**
Two-storey side extension; porch
RECOMMENDED:
Planning consent subject to conditions
- (g) **4 Tucks Close, Bransgore (Application 16/11665) (Pages 79 - 86)**
Single-storey front, side and rear extensions; use of garage as living accommodation
RECOMMENDED:
Planning consent subject to conditions
- (h) **16 Eldon Avenue, Barton-on-Sea, New Milton (Application 16/11698) (Pages 87 - 94)**
Roof alterations in association with new first floor; dormer; rooflights; side and rear extension; porch
RECOMMENDED:
Planning consent subject to conditions
- (i) **The Wilderness, West Road, Milford-on-Sea (Application 16/11722) (Pages 95 - 102)**
Two-storey house with balcony; demolition of existing; detached garage with workshop; access alterations
RECOMMENDED:
Refuse
- (j) **3 Filton Road, Lymington (Application 16/11737) (Pages 103 - 108)**
Two-storey side extension; single-storey front extension; one and two-storey rear extension; one front and two rear rooflights in association with new second floor
RECOMMENDED:
Refuse

(k) **9 Hurst Road, Milford-on-Sea (Application 16/11748) (Pages 109 - 118)**

Variation of Condition 2 of Planning Permission 16/10621 to allow amended plans 1049.100;101;102a;103a;104a;105a;106a;107a to allow privacy screens to all balconies; single-storey extension to rear of all dwellings

RECOMMENDED:

That the Service Manager Planning and Building Control be authorised to grant the variation of condition subject to no further substantive comments being received by 9 March 2017 and the conditions as set out in the report.

(l) **Kings Farm, Kings Farm Lane, Hordle (Application 17/10110) (Pages 119 - 126)**

21m high lattice tower; 3 antennas; 2 microwave dishes; 2 equipment cabinets; ancillary development (Prior Notification to carry out Telecommunications Development)

RECOMMENDED:

Details not required to be approved.

4. EXCLUSION OF THE PUBLIC AND THE PRESS

At the conclusion of this part of the Agenda, the Chairman of the Committee will move the following resolution:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public and the Press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part I of Schedule 12A of the Act and the public interest in maintaining the exception outweighs the public interest in disclosing it."

Part II - Private Session

Members are reminded that reports and information relating to this session are not for publication and should be treated as **strictly confidential**.

5. PLANNING APPEAL - LAND AT LOPERWOOD LANE, CALMORE, TOTTON (APPLICATION 15/11797)

To consider the course of action to be taken in respect of the planning appeal following the decision to refuse permission for the erection of up to 80 dwellings at Loperwood Lane, Calmore, Totton.

6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors:

Councillors:

Mrs D E Andrews (Chairman)
P J Armstrong
Mrs S M Bennison
Mrs F Carpenter
A H G Davis
R L Frampton
L E Harris

J M Olliff-Cooper
A K Penson
W S Rippon-Swaine
Mrs A M Rostand
Miss A Sevier
M H Thierry
R A Wappet

D Harrison
Mrs A J Hoare
Mrs M D Holding

Mrs C V Ward (Vice-Chairman)
M L White
Mrs P A Wyeth

STATUTORY TESTS

Introduction

In making a decision to approve or refuse planning applications, or applications for listed building consent, conservation area consent and other types of consent, the decision maker is required by law to have regard to certain matters.

The most commonly used statutory tests are set out below. The list is not exhaustive. In reaching its decisions on the applications in this agenda, the Committee is obliged to take account of the relevant statutory tests.

The Development Plan

The Development Plan Section 38

The Development Plan comprises the local development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If regard is to be had to the Development Plan for the purpose of any determination to be made the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Listed Buildings

Section 66 General duty as respects listed buildings in exercise of planning functions. Planning (Listed Buildings and Conservation Areas) Act 1990

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

Conservation Areas

Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

Areas of Outstanding Natural Beauty (AONB's)

Section 85. General duty as respects AONB's in exercise of any function Countryside and Rights of Way Act 2000

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Trees

Section 197. Trees Town and Country Planning Act 1990

It shall be the duty of the local planning authority (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

Biodiversity

Section 40. Duty to conserve biodiversity Natural Environment and Rural Communities Act 2006

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

Any development involving the creation of new residential units within the District will have such an impact because of the resulting cumulative recreational pressure on these sensitive sites. Under Policy DM3 of the adopted Local Plan Part 2, the Council's general approach is to recognise that the impact is adequately mitigated through the payment of contributions for the provision of alternative recreational facilities, management measures and monitoring.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial Considerations in Planning

Section 70 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 requires all reports dealing with the determination of planning applications to set out how "local financial considerations" where they are material to the decision have been dealt with. These are by definition only Community Infrastructure Levy (CIL) payments and government grant in the form of the New Homes Bonus.

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1152 per dwelling or £6,912 over six years.

Application Number: 13/11450 Modification or Discharge of Planning Obligation

Site: Land At Crow Arch Lane & Crow Lane, Crow, Ringwood BH24 3DZ

Development: **Proposed amendments to the Section 106 Agreement to facilitate a phased approach to the site's development, to delete references to the Code for Sustainable Homes and to offer scope to provide 'Starter Homes' within the scheme in addition to the affordable tenures already included.**

Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)

Applicant: Linden Homes South

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Service Manager Planning and Building Control

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Green Belt
Site Special Policies Apply
Cycleway Improvement
Archaeological Site

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS15: Affordable housing contribution requirements from developments
CS25: Developers contributions
CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS4: Energy and resource use
CS6: Flood risk
CS7: Open spaces, sport and recreation
CS9: Settlement hierarchy
CS10: The spatial strategy
CS11: New housing land allocations
CS15: Affordable housing contribution requirements from developments
CS18: New provision for industrial and office development and related uses
CS23: Transport proposals
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane
DM3: Mitigation of impacts on European nature conservation sites

Supplementary Planning Guidance

Hampshire County Council's Transport Contributions Policy (Oct 2007)
Parking Standards SPD (Oct 2012)
Ringwood Local Distinctiveness SPD
HCC's Developer Contributions Policy towards Education Facilities (December 2013)
Council's Draft Habitats Mitigation Strategy for European Sites SPD

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

5 RELEVANT PLANNING HISTORY

- 5.1 16/11520 - Phase 1: development of 62 dwellings comprised: 15 houses; 9 pairs of semi-detached houses; 3 terrace of 3 houses; 3 terrace of 4 houses; 8 flats; garages; public open space; SANG; ancillary infrastructure; allotment land (Details of appearance, landscaping, layout & scale development granted by Outline Permission 13/11450) - Item 3b on this Agenda
- 5.2 13/11450 - Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail /professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access) - approved October 2014

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council:

7 COUNCILLOR COMMENTS

None

8 REPRESENTATIONS

None

9 ASSESSMENT

9.1 Introduction

- 9.1.1 This is an application only to modify a Section 106 Agreement, and not a planning application.
- 9.1.2 The applicant, Linden Homes South have applied to modify the Section 106 Agreement completed in respect of outline planning approval 13/11450 regarding the type of affordable housing provision, phasing, allotment provision and Code Level 4 requirements.

- 9.1.3 Outline planning permission was granted on the 10th October 2014, under reference 13/11450, for a mixed development of up to 175 dwellings; up to 1.5 hectares of small employment; nursing home; child nursery; hotel / pub / restaurant ; fitness centre; retail /professional services / restaurant; open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure. The application was made in outline, with all matters reserved except access.
- 9.1.4 An integral part of the outline planning permission was an Agreement under Section 106 of the Town and County Planning Act 1990, which was completed on the 31st July 2014. The Agreement secured the requisite level of affordable housing on site, off-site transport mitigation measures and works, the provision of a range of open space arrangements, allotments and a contribution towards primary education in Ringwood.
- 9.1.5 A subsequent Reserved Matters Application is currently being considered, under planning reference 16/11520, for Phase 1 of the development consisting of 62 dwellings, garages; public open space; SANGS; ancillary infrastructure and allotment land (Item 3b on this Agenda).
- 9.1.6 In relation to the affordable housing, the Section 106 Agreement requires three types of affordable dwelling to be provided on site:
- Social rented housing - owned by local authorities or other registered providers, for which guideline rents are determined through the national rent regime;
 - Affordable rented housing - let by local authorities or other registered providers to households who are eligible for social rented housing at no more than 80% of the local market rent;
 - Intermediate housing - housing for sale and rent provided at a cost above social rent but below market levels, including shared equity homes.

9.2 The proposal

- 9.2.1 The applicant proposes that certain provisions of the Planning Agreement are varied to facilitate a phased approach to the site's development, to delete references to the Code for Sustainable Homes, alter the timing of the provision of the allotments, to offer scope to provide 'Starter Homes' within the scheme as part of the mix of Affordable Housing and to alter the terms and costs of the transfer of affordable housing land to NFDC and Registered Provider.
- 9.2.2 Other than the mix of affordable housing provision, transfer of affordable housing land, phasing, removal of any reference to Code 4 for sustainable homes, amendments to the allotment provision and highway works trigger points, all other obligations and financial contributions within the S106 agreement including the provision and future maintenance of on-site open space and a SANGS, provision of transport infrastructure and education contributions would remain unchanged.
- 9.2.3 The proposed variations to the Agreement would provide for the Affordable Housing as follows:
50% of the Dwellings provided on Site would comprise Affordable Housing Dwellings of a type as defined below.
- a) Social rented housing
 - b) Affordable rented housing

- c) Intermediate housing
- d) Starter Homes

9.3 Assessment

- 9.3.1 Firstly, in relation to the removal of any references to Level 4 of the Code for Sustainable Homes, this would be acceptable. While this is technically contrary to adopted planning policy CS4, this has now been superseded by change to government policy in which Code Levels are dealt with by Building Regulations. The reference to the Code for Sustainable Homes may therefore be deleted from clause 6.11.5 of the Agreement.
- 9.3.2 The existing Agreement does allow for phasing of this development. The proposed amendments merely clarify the phasing position which is already provided for in the original Agreement which are acceptable.
- 9.3.3 With regard to the removal of the reference to 'public highway' the applicant points out that the S106 requires a right of access into the allotment land from the public highway. It is currently not clear whether HCC have absorbed ownership of the road which provides access to the allotment land or not. Despite the applicant's best endeavours they do not know for sure whether the access road is "public highway" or in the process of being attributed as such. That forms the basis for the request to remove the reference to "public highway". The S106 also requires that the allotment land is offered for transfer to NFDC or Ringwood Town Council prior to the occupation of 50% of the open market dwellings. The deed of variation seeks to change this to 60% of the open market dwellings to give additional time to find out what status this road has and without impacting too much on the build programme, as it is likely that access will be needed to this to undertake the works.
- 9.3.4 In relation to the modification to the affordable housing provision, in determining outline application 13/11450, the proposed development was required to make an affordable housing contribution of 50% of the total number of units in accordance with Core Strategy Policy CS15 and Policy RING3 of the Local Plan Part 2, which included social rented housing, affordable rented housing and intermediate housing.
- 9.3.5 The main reason for the change of approach in this revised Section 106 agreement is to accommodate the Government's direction of travel to promote the provision of Starter Homes. The Government see Starter Homes as a means to provide low cost homes for qualifying first time buyers. The recently published Housing White Paper 'Fixing Our Broken Housing Market' (Feb 2017), states that the Government has decided not to implement a compulsory starter homes requirement at this point in time. However, the Government does place a general duty on Councils to promote the supply of starter homes and will bring forward regulations to finalise the starter homes definition and monitoring provisions. This would support the development of starter homes as a mainstream home ownership product. Starter Homes may therefore be viewed as a form of Affordable Housing, and will be offered for sale to qualifying first time buyers.
- 9.3.6 While the Government's current definition of affordable housing does not include Starter Homes. It is the intention that Starter Homes will fall within the definition of affordable housing and will therefore count 'as' or 'towards' the overall affordable housing provision. Moreover, there is a general duty for Councils to promote the supply of Starter Homes. Accordingly, the Government's stance on Starter Homes should be given significant weight.

- 9.3.7 For this reason it is considered that New Forest District Council should support the provision of Starter Homes on this site. While technically this does not accord with our adopted Core Strategy policy CS15, which does not include Starter Homes. A proportion of social rented housing, affordable rented housing and intermediate housing is still retained under this new approach.
- 9.3.8 The new legal agreement would make provision for a proportion of the affordable dwellings throughout the outline site to be marketed as Starter Homes to qualifying first time buyers. If a Starter Home cannot be sold as a Starter Home to a qualifying first time buyer within 9 months of being completed, it would be sold as a shared ownership property to a Registered Provider and so would remain within the definition of affordable housing. Starter Homes must be occupied by the first time buyer as their sole home and cannot be rented out. If the first time buyer sells the Starter Home within 5 years then some or all of the discount must be repaid.

9.4 Conclusion

- 9.4.1 In summary, while the proposal to modify the S106 Agreement is not strictly in accordance with current local plan policy on Starter Homes, Officers consider that the revised Affordable Housing mix would accord with the Government objectives to provide Starter Homes. The alterations to the S106 to remove the reference to the Code for Sustainable Homes and to allow phasing are acceptable. In respect of the terms and costs of the transfer of affordable housing land and in relation to the allotment transfer and access, these matters need to be the subject of further negotiation between the Council and applicant.
- 9.4.2 In balancing out the issues, and reflecting the Government's intention with regard to Starter Home provision, it is recommended that Members agree to officers negotiating a Deed of Variation to the S106 agreement to planning permission 13/11450 in respect of the changes outlined above.

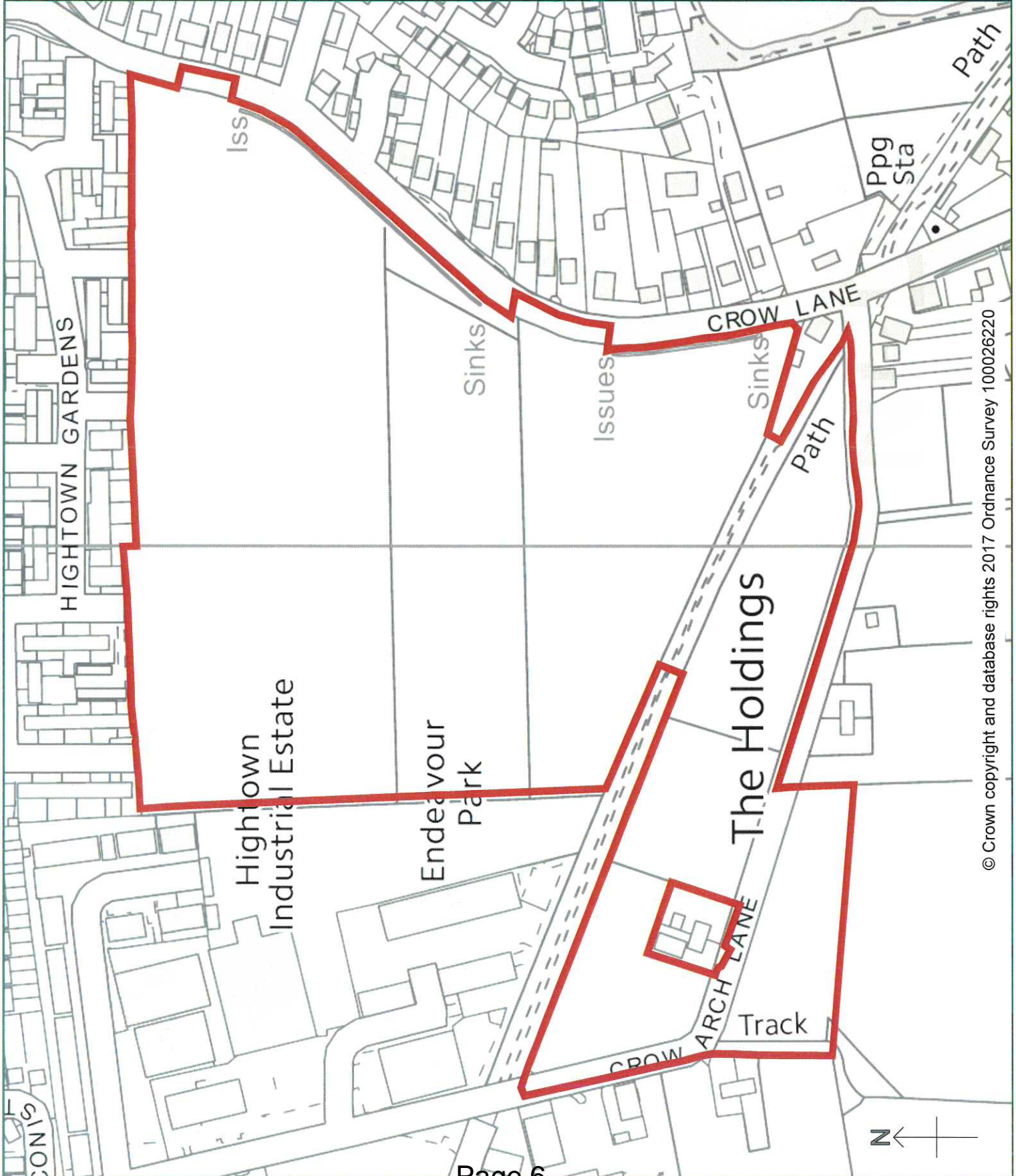
10 **RECOMMENDATION**

That the Section 106 agreement be varied in accordance with the details set out in the preceding paragraphs and subject to further negotiation between Council Officers and applicant.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option1)



Application Number: 16/11520 Reserved Matters

Site: LAND AT CROW ARCH LANE AND CROW LANE, CROW,
RINGWOOD BH24 3DZ

Development: Phase 1: development of 62 dwellings comprised: 15 houses; 9 pairs of semi-detached houses; 3 terrace of 3 houses; 3 terrace of 4 houses; 8 flats; garages; public open space; SANG; ancillary infrastructure; allotment land (Details of appearance, landscaping, layout & scale development granted by Outline Permission 13/11450)

Applicant: Linden Homes South

Target Date: 13/02/2017

Extension Date: 24/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

Green Belt

Cycleway Improvement

Archaeological Site

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy 2009

CS1: Sustainable development principles

CS2: Design quality

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

CS4: Energy and resource use

CS6: Flood risk CS7: Open spaces, sport and recreation

CS9: Settlement hierarchy

CS10: The spatial strategy

CS11: New housing land allocations

CS15: Affordable housing contribution requirements from developments

CS23: Transport proposals

CS24: Transport considerations

CS25: Developers contributions

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

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPD - Ringwood Local Distinctiveness
SPD - Housing Design, Density and Character
Parking Standards Supplementary Planning Document SPD
Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

6 RELEVANT PLANNING HISTORY

- 6.1 Following approval of the outline application (13/114500, the applicant has worked with Council Officers to evolve the layout, appearance and scale of Phase 1 of the proposed development to the stage now submitted. That process has carried through to the application process where the applicant has worked with the Council seeking to address the concerns raised by consultees and notified parties.
- 6.2 An application has been made to modify the legal agreement associated with the outline approval (13/11450), which seeks to delete references to the Code for Sustainable Homes and to offer scope to provide 'Starter Homes' within the scheme - decision pending
- 6.3 13/11450 - Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access) - approved October 2014.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: recommend refusal on the following grounds:

- The cramped nature of dwelling plots will compromise landscaping arrangements.
- Sight lines at the vehicle access will be impinged by the existing hedge and trees.
- Arrangements must be put in place for the long-term maintenance of the green infrastructure, including the existing hedge on the eastern boundary.

- Although the Parking Standards appear to be adhered to, the Town Council is concerned that parking should not occur on Crow Lane and it may be necessary to have formal parking restrictions to prevent this.
- The path adjoining Crow Lane is shown as a cycleway/footpath and should be designated as a bridleway to ensure the safety of horses and their riders.
- The cycleway/footpath through the pocket park at the north east of the site leads directly on to Crow Lane. There is no crossing proposed at this location.
- Concern raised about the level of traffic generated by the development.
- Disappointment is expressed that an alternative access through Endeavour Business Park to the employment land has not been pursued. This should be investigated as a route for heavy vehicles.
- The S106 Agreement stipulates that access roads to the industrial area should be constructed at the same time as those for the residential areas. Satisfying this condition for this first phase of development may assist in ensuring construction vehicles do not add to congestion in Crow Lane.
- The Town Council wishes to be consulted on a Construction Management Plan for Phase 1.
- 20% of the affordable homes should be designated as Starter Homes
- All affordable homes should be allocated to local people on the Housing Register who have established family and employment connections in Ringwood
- The concerns raised by Hampshire County Council's Flood Water Management team and Wessex Water need to be addressed.
- The Section 106 Agreement allocates up to £50,000 of the transport contribution to alleviate flooding on surrounding roads. These funds should be directed towards a project to reinstate an inoperative highway drainage system in Moortown Lane.
- Natural England's concerns should be addressed.
- The Town Council requests involvement in the detailed design of the allotments.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Housing Strategy Section: the current proposals would meet the policy requirements of Policies CS15 (b) and RING3, which require 50% of all dwellings to be affordable housing of which 35% should be social rented and 15% intermediate and at least 50% of the affordable homes to be family housing. However discussions on the tenure types and mix proposed need to be clarified. The affordable dwellings are subject to a Section 106 agreement that determines the delivery of the dwellings to the Local Authority and/or to a Registered Provider. There is amendment requested in the S106 to include Starter Homes in future phases. If the

Council take into consideration the direction of travel with regards to Government legislation, then the current proposals could be interpreted as providing 31 dwellings for affordable housing. The applicant would need to mention how the Starter Homes will be administered or managed in the future and consider reverting to intermediate (shared ownership) if they are not successful in selling the Starter Homes within a set period of time.

- 9.2 Environmental Design (Urban Design and Landscape): the functionality of certain aspects of open space, the footpath link from the pocket park and SANG profiling/contours need to be addressed, but these can be resolved by condition. In terms of local distinctiveness, the opportunities to draw on local context have been explored and the layout offers the opportunity for this to be a very attractive place. The scheme is quite intense but creates a character of its own within attractive streets and courtyards and the delivery of a substantial area of open space as mitigation land (SANGS). This land doubles as a sustainable solution to drainage, allowing good landscape design and ecological management to support the resolution of flooding issues as part of the layout. Clarification on matters to do with the planting strategy in light of service locations, species selection, drainage detention spaces, tree sizes, details to do with the dog exercise area, footpath finishes, location of children's play space and existing and proposed levels across the site generally is requested.
- 9.3 Environmental Design (Open Space): the proposed mix and functions of the different open spaces across the overall site, the general approach to the SANGS Strategy and the site wide planting strategy are appropriate. Details of each of the spaces, including detailed planting plans are still required for all these spaces. The SANGS area will need a detailed plan and accompanying Management Plan for approval by this Council. Due to the phased nature of the development and its submission over several planning applications it is difficult to confirm that overall POS areas are sufficient. The scale of POS appears to be sufficient but we do not yet have full details of overall bedroom numbers across the site as a whole. The drainage apparatus including infiltration crates and inspection covers should not be sited in the POS areas. The Pocket Park in NE corner of site needs to connect to the existing footways on Crow Lane. If the wider path is intended for use as a cycleway, care will be needed with the planting at its junction with the new development access road to ensure adequate visibility for cyclists crossing at this point. Also the textured rumble strip type treatment across the new road is shown as being at an angle to the desire line for crossing between the Pocket Park and the eastern boundary pathway through the site.
- 9.4 Environmental Health Contaminated Land: no objection subject to imposition of standard contamination conditions 14a-14e.
- 9.5 Natural England: object on grounds that further details of how the SANG will be secured are required and that a SANG Management Plan should be provided at this stage.
- 9.6 Ecologist: no objections, but recommend some of the grassland within the SANG and open space is managed for the benefit of reptiles and that garden boundaries are treated sensitively to give permeability to wildlife.
- 9.7 New Forest National Park Authority: no objections, provided the development adequately mitigates its impact upon protected habitats.

- 9.8 Tree Officer: there are no significant amenity trees that are directly affected by the proposal. The loss of small sections of hedgerow can easily be mitigated with suitable new landscape planting. The Middlemarch Environmental report (ref: RT-MME-122140-01 Rev C, dated September 2016) recommends an Arboricultural Method Statement should be developed for each Phase which should be conditioned.
- 9.9 Hampshire County Council Highway Engineer: the current application seeks to utilise the access onto Crow Arch Lane to the north of the site which was previously considered acceptable to the Highway Authority under the outline consent. The Planning Statement states that 100 car parking spaces would be provided for the residential development although the plans indicate parking provision in excess of this figure. To avoid the possibility of vehicles parking within the carriageway and in areas required for the turning of larger vehicles, off road parking should be provided for all the proposed development at the site at least to the level recommended within the Parking Standards Supplementary SPD. Should all the parking to be provided be allocated then this would result in a parking requirement of 149 spaces, but there would be a lesser requirement for shared spaces. The extent and allocation of any shared parking provision is not clear from the information provided and a full assessment of the proposed parking provision at the site cannot be made. In many instances the parking layout relies on tandem parking which would be located in close proximity to the back of the proposed footways, the applicant should therefore fully dimension the available length of such parking spaces including the distance from the back of the footway to any garages to be provided to avoid the possibility of any parked cars overhanging the adjacent footway. A Highways Technical Note includes swept path analyses to demonstrate that refuse and emergency vehicles might enter and leave the site in a forward gear. The submission also includes a Stage 1 Road Safety Audit for the proposed site layout which has raised a number of potential safety issues. Should the applicant wish to put forward the main lengths of the internal estate roads for adoption under a Section 38 Agreement then these issues might be addressed at this time. All roads and footways should be designed to an appropriate standard. There is local concern over the impact construction works would have on the local highway network, but it is acknowledged that Condition 14 of the extant outline planning permission requires provision of a Construction Management Plan to be agreed in writing with the Highway Authority before any works commence on site for Stage 1 of the development. Should the Local planning Authority be minded to grant permission conditions should be applied to address details of highway construction, to ensure appropriate off-street parking is provided, appropriate turning provision is made and that cycle storage facilities are provided.
- 9.10 Hampshire County Council Public Rights of Way: no objections, but draw attention to the proposal's impact upon the Castleman Trail and other nearby rights of way. The proposal is likely to enhance the setting of the Castleman Trail through the site, but surface details need to be clarified and agreed with the County. Give informatives.
- 9.11 Hampshire County Council Drainage Authority: initial correspondence raised a number of queries relating to drainage of the proposal site, which have been addressed by the applicant. Only two points are still to be addressed:

- Sufficient information on the correct number of treatment stages in the surface water management train, for further information see the Ciria SuDS Manual (C753)
- Confirmation of who will undertake the maintenance of the different drainage features.

9.12 Wessex Water: a strategy for foul water disposal has yet to be agreed and it is suggested the developer makes contact so this can be progressed. The Reserved Matters application includes a Drainage Strategy but this does not reference possible offsite works. The drainage connection identified will be subject to technical agreement including details of flow rates.

9.13 Southern Gas Networks: give informatives on proximity of site to their apparatus.

10 REPRESENTATIONS RECEIVED

10.1 Eighteen letters of representation have been received to the proposal raising concerns over the following:

- Use of Hightown Hill, Nouale Lane, Eastfield Road and Hightown Road for heavy construction traffic is opposed.
- The proposal will result in additional vehicle movements and compromise highway safety. Improvements to the road system serving Ringwood must be carried out before any construction begins on the development.
- On street parking problems will be experienced.
- New pedestrian/cycle routes into Town could avoid car use.
- The local road infrastructure cannot support this development and it is requested that the submissions from A Better Ringwood group are revisited on this topic.
- The loss of rural feel and ecological impacts posed by street lighting on Crow Lane
- The employment site should be accessed via Endeavour Business Park or Hightown Industrial Estate
- A suitably surfaced bridle way should be provided along the site's frontage of Crow Lane on the site side of the existing hedge.
- The local junior school cannot accommodate the new development.
- Development will cause noise and disturbance
- The proposal will result in increased flood risk without adequate drainage the new development must add to the solution and not cause another set of problems.
- Inclusion of a hotel use in this location is queried.
- The Ringwood Society request production of a comprehensive zoning diagram to give certainty on the level of development sought by the wider outline approval, fearing the site is not capable of accommodating the level of development sought.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £75,888 in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has no CIL liability as the outline application was approved prior to the CIL regime being adopted by this Authority. This being the case, this reserved matters application is not subject to CIL.

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, following approval of the outline application (13/11450), the applicant has worked steadily with Council Officers to evolve the layout, appearance and scale of Phase 1 of the proposed development. That process

carried through to the application process where the applicant worked with the Council seeking to address the concerns raised by consultees and notified parties to this reserved matters submission. The applicant was requested to amend their submission, in order to address habitat mitigation concerns, drainage queries, highway matters and to enhance the appearance and layout of the development. Appropriately amended plans were received, which satisfied the concerns of officers.

14 ASSESSMENT

14.1 The Site

14.1.1 The site is currently in agricultural use to the south of Ringwood, west of Crow Lane and north of Crow Arch Lane. To the north it is bound by existing residential development (Hightown Gardens). To the east it is bound by the line of Crow Lane, with residential development beyond. To the south it is bound by the line of Crow Arch Lane, with sporadic residential development present. To the west it is bound predominantly by existing employment sites known as Endeavour Business Park, Hightown Industrial Estate and Crow Arch Lane Industrial Estate. The site is allocated by Policy RING3 of the Local Plan Part 2 for up to 150 dwellings, up to 5 hectares of employment land and a minimum of 3.4 hectares of public open space.

14.2 The Proposal

14.2.1 The application is made for the reserved matters (appearance, landscape, layout and scale) in relation to Phase 1 development associated with an outline application approved in 2014 under ref. 13/11450. The outline approval proposed a mixed development of up to 175 dwellings, small scale employment uses; nursing home; child nursery; hotel/pub/restaurant; fitness centre; retail/professional services/restaurant; open space areas; allotments; estate roads; footpaths; cycle ways; foul & surface water infrastructure.

14.2.2 This reserved matters submission relates to Phase 1 only, which includes 62 dwellings, garages, public open space, SANGS, ancillary infrastructure and allotment land. The Phase 1 residential area would be accessed from an approved point of access from Crow Lane. Areas of public open space are indicated in the Phase 1 site and would include children's equipped playspace. Informal open space and SANGS (Suitable Alternative Natural Green Space) are included in the submission to the west and south of the site linking into the Castleman Trail. Allotments, access and parking would be provided to the extreme south west of the site, on the south side of Crow Arch Lane. Detailed layout, floorplan, elevations and sectional plans are submitted seeking to demonstrate that the scale of development proposed could satisfactorily be achieved within the confines of the site. Justification for the proposal is provided by other documents including: a Planning and Design Statement, Highways Technical Note, Landscape and Visual Impact Assessment, Drainage Strategy, Arboricultural Survey and Statement of Community Involvement.

14.2.3 Policy RING3 of the Local Plan Part 2 specifically allocates this site for a mixed use development of around 150 dwellings, employment development and open space. The plans submitted with the

application seek to demonstrate that 62 dwellings could be accommodated on the Phase 1 site, the merits of which are assessed below, against requirements such as provision of adequate levels of car parking, access, design, landscaping, open space, private open space, retention of existing site features and the general impact upon the setting of the area.

14.3 Character Impacts

- 14.3.1 The Ringwood Local Distinctiveness Document and Policy CS2 of the Core Strategy stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside.
- 14.3.2 The submitted plans show a variety of 1, 2, 3 and 4 bedroom houses and apartments, all on two stories. To the north of the site, dwellings have been sited to respect the building lines of Hightown Gardens. To the east dwellings are set well back from the line of Crow Lane, with the existing hedgerow retained, except where access is required. To the west and south, the plans indicate how the development may relate to housing to be considered under further reserved matters proposals, which appear to be generally acceptable. The street scene elevations show a variety of well spaced house types, with varied roof styles, articulated well by single storey garages, subservient roof forms, gables and use of chimneys in key locations. Landscaping is provided, with low hedges and trees fronting the main routes through Phase 1 and linking in with a pocket park at the site access and a central park further to the west. The materials schedule indicates use of a varied palette of walling materials throughout the development including red brick, red/orange brick, painted brick and red/orange hung tiles. Orange/brown tiles and grey slate will be used on roofs throughout the development
- 14.3.3 The Urban Design Team consider that in terms of local distinctiveness, the opportunities to draw on local context have been explored and the layout offers the opportunity for this to be a very attractive place. The scheme is quite intense but creates a character of its own within attractive streets and courtyards and the delivery of a substantial area of open space as mitigation land (SANGS). However, this is dependent upon resolving key issues to do with commitment to the planting strategy in light of service locations, species selection, drainage detention spaces, tree sizes, details to do with the dog exercise area, footpath finishes and existing and proposed levels across the site generally. The applicant has been requested to clarify these matters and Members will be updated. Subject to clarification of these issues, the character impacts of the proposal are considered to be acceptable.

14.4 Highway Impacts

- 14.4.1 The site benefits from an extant outline planning permission, 13/11450, which fixed the point of access onto the highway at Crow Arch Lane for Phase 1. This application seeks to utilise the approved point of access onto Crow Arch Lane to the north of the site which is considered to be acceptable to the Highway Authority.

- 14.4.2 The Highway Authority has raised concerns over the level of off-street parking provision. To avoid the possibility of vehicles being parked within the carriageway and in particular areas required for the turning of large refuse and emergency vehicles it is the Highway Authority's view that off road parking should be provided for all the proposed development at the site. The Planning Statement states that 100 car parking spaces would be provided for the residential development, which is incorrect, as the plans show provision of 140 off-street spaces. This is 9 spaces short of the level recommended by the adopted Parking Standards Document, should all the parking be allocated. However, there would be a lesser requirement for shared spaces and the applicant has clarified that 40 spaces would be shared, so it would appear that the proposal meets the requirements of the adopted Parking Standards. The Highway Authority has been requested to comment on the proposed ratio of shared/allocated parking.
- 14.4.3 The Highway Authority also notes that in many instances the parking layout relies on tandem parking which would be located in close proximity to the back of the proposed footways, the applicant should therefore measure the available length of such parking spaces including the distance from the back of the footway to any garages to be provided to avoid the possibility of any parked cars overhanging the adjacent footway. The applicant has been requested to provide this information for submission to the Highway Authority.
- 14.4.4 Concern is raised by the Town Council and notified parties with regard to the routing of construction traffic to the development site. The outline approval was granted subject to condition no. 14, which requires a Construction Management Plan to be agreed in writing by the Council in consultation with the Highway Authority before any works commence on site. This information has yet to be submitted for consideration, but the developer is aware that work cannot commence to implement the development until details for management of construction traffic have been agreed by the Council.
- 14.4.5 The Town Council and notified parties suggest the employment element of the wider scheme should be accessed via Endeavour Business Park or Hightown Industrial Estate. The Council is aware that negotiations took place some years ago with regard to this option, which were unresolved. Consequently the outline application was considered and approved with access to the employment area via Crow Lane, which remains in the current submission. The option of access via the Endeavour/Hightown route is therefore not a matter for consideration under this reserved matters submission.
- 14.4.6 With regard to the Town Council's observation that it will be necessary to remove a large part of the Crow Lane hedge, and possibly a tree to achieve the required sight lines, the Highway Authority is satisfied with the proposed access arrangements. Moving the proposed point of access is not open to consideration by this reserved matters submission.
- 14.4.7 The proposal provides adequate access, parking and turning arrangements and subject to conditions to ensure details of highway construction, appropriate off-street parking, appropriate turning provision and cycle storage facilities are provided, and clarification of

the communal parking availability and tandem parking arrangements, the Highway Engineer raises no objection to the proposal.

14.5 Impacts upon adjoining amenity and amenity of future occupiers

- 14.5.1 The impact of the proposal upon the amenity of neighbouring residential properties needs to be assessed under the provisions of Policy CS2.
- 14.5.2 While the proposal would result in additional vehicle movements and other activity on the site, the likely intensity of use would not be such to cause any significant loss of amenity in terms of noise nuisance or disturbance. The impact of construction traffic will be a matter for consideration in discharging the Construction Management Plan condition (no.14) associated with the outline planning approval. It is an unfortunate consequence of most proposals for new development that some nuisance will be caused to existing residents through noise and disturbance, however, the impact of construction activity cannot be introduced as a reason for refusal.
- 14.5.3 The proposal does not significantly impact upon adjoining residential amenity in terms of overbearing impact, loss of outlook or loss of privacy as the dwellings are appropriately sited, orientated and separated from adjoining properties, with appropriate boundary treatments. Plots within the scheme accommodate good sized gardens, with depths of 10m or more and the dwellings are reasonably well spaced and orientated to each other. Consequently, the scheme would create a standard of accommodation which would be acceptable in relation to the amenity of future occupiers of the development. The proposal complies with the amenity related provisions of Policy CS2.

14.6 Open Space and Habitat Mitigation

- 14.6.1 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that the proposed development is likely to have significant adverse effects on the New Forest European sites without appropriate mitigation projects being secured.
- 14.6.2 Policy DM3 of the Local Plan Part 2 requires a development of over 50 dwellings to provide Suitable Alternative Natural Green Space (SANGS) on or close to this site. The application demonstrates that the required level of SANGS, based on 175 dwellings, could be provided on site. Natural England have raised concerns regarding delivery of the SANGS, but this has been secured by the S106 Agreement prepared for the outline approval. However, to meet the requirements of the Habitats Regulations and in line with the S106, it is a requirement that an Initial SANGS be provided prior to the first dwelling being occupied. The applicant has submitted an Interim SANGS Management Plan and has indicated the Initial SANGS Land to be provided in order to mitigate harm upon first occupation of any dwelling within Phase 1. The applicant has also indicated a path network to be provided upon first occupation to link the Initial SANGS with the Phase 1 development. Natural England have been forwarded the additional SANGS information for comment, in view of their

outstanding objection on the matter, although they have verbally intimated their satisfaction with the proposed arrangements. Natural England's formal response will be reported to Committee.

- 14.6.3 It is intended that part of the SANG to the north of the Castleman Trail will also have a role for site drainage, but only in extreme events. The deepest dry basin of the SANG is shown at 1m below existing levels, indicating that ground water levels are still at least 1m below proposed ground levels. Therefore, aside from storm events or prolonged periods of rainfall, the deepest basins will be dry. The Environmental Design Team confirm that SANG sections indicate a 1:3 slope into the basin area, which is suitable for mowing. However, it would be worth agreeing finished gradients on site to avoid overly engineered slopes, details of which may be secured by condition.

14.7 Drainage and Sewerage

- 14.7.1 The County Drainage Authority raised a number of queries relating to drainage of the proposal site, which have been addressed by the applicant during the course of the processing of the application. Two points are still to be addressed regarding information on the correct number of treatment stages in the surface water management system and who will undertake the maintenance of the different drainage features. The applicant has submitted additional information on treatment stages in the surface water management, which has been forwarded to the Drainage Authority for comment. In respect of who will undertake maintenance of all drainage features, condition no. 6 of the outline planning permission requires submission of this information to this Council before commencement of development. This information should be provided then rather than at the reserved matters stage, which the Drainage Authority has been made aware of. The comments of the Drainage Authority on these matters will be reported to members.
- 14.7.2 With regard to Wessex Water's comment that a strategy for foul water disposal has yet to be agreed, the applicant has advised that a Section 106 application (under the Water Industry Act 1991) has been made to Wessex Water for a connection to the existing sewer network. Linden Homes South (through its drainage engineers) is in discussions with Wessex Water regarding this issue. While there is no planning requirement to produce a drainage strategy at this stage, the matter is in hand.
- 14.7.3 The Environmental Design Team has raised some queries in respect of soakaways on public open spaces and back gardens. It is difficult in that it encumbers the space with limitation as to use and future potential for tree growth and planting. However, this may be a matter of understanding the nature of the encumbrance and likely details of the design of drainage, which may be secured by condition.

14.8 Affordable Housing

- 14.8.1 The current proposal would deliver 31 affordable houses within Phase 1, seventeen of which would be handed to the Council as social rented units, in addition to a further fourteen affordable rented and intermediate units. This would meet the policy requirements of Policies CS15 (b) and RING3, which require 50% of all dwellings to be

affordable housing of which 35% should be social rented and 15% intermediate and at least 50% of the affordable homes to be family housing. This mix of affordable dwellings is subject to an existing Section 106 agreement that determines the delivery of the dwellings either to the Local Authority or to a Registered Provider. However, the applicant has requested an amendment to the S106 to include Starter Homes in future phases, which is yet to be determined. This is consistent with the Town Council's view that some of the affordable homes should be designated as Starter Homes. It is also consistent with the Government's direction of travel to promote the provision of Starter Homes. The Government see Starter Homes as a means to provide low cost homes for qualifying first time buyers. The recently published Housing White Paper 'Fixing Our Broken Housing Market' (February 2017), states that the Government has decided not to implement a compulsory starter homes requirement at this point in time. However, the Government does place a general duty on Councils to promote the supply of starter homes and will bring forward regulations to finalise the starter homes definition and monitoring provisions. This will support the development of starter homes as a mainstream home ownership product. Starter Homes may therefore be viewed as a form of Affordable Housing, and would be offered for sale to qualifying first time buyers. The Housing White Paper encourages councils to work with developers to agree the mix of starter homes, rent to buy, shared ownership and other products.

14.8.2 It is not clear whether Phase 1 would deliver Starter Homes, as the definition has not yet been clarified by the Government, however, the applicant is seeking modification of the S106 to facilitate Starter Home provision in later phases. (see Agenda Item 3a).

14.9 Other Matters

14.9.1 With regard to the comments of notified parties and consultees not addressed above, there is no requirement to impose contaminated land conditions on this proposal, as these conditions were applied to the outline approval.

14.9.2 With regard to improving the allotment layout, the submitted layout is indicative, to demonstrate that the requisite number of plots can be provided on the allotment site and in accordance with the terms of the S106 Agreement. The Urban Design Section have suggested an enhanced layout, which may be adopted at a later stage, in consultation with the Town Council, as the layout of the allotments is a matter for conclusion under the S106 Agreement.

14.9.3 With regard to the Ringwood Society's request for a comprehensive zoning diagram, this is a reserved matters application for Phase 1 and it would not be reasonable to request comprehensive plans for the remainder of the site to be produced at this stage. Comprehensive plans for the remainder of the site will be produced at later reserved matters stages, and will be considered on their own merits.

14.9.4 The submitted plan shows the provision of a 3m wide pedestrian/cycleway along the site's frontage of Crow Lane on the site side of the existing hedge. The surface of this route has yet to be formally agreed, but its width (3m) would mean it would be capable of being adopted as a bridleway, which would be a matter for the County Council's Rights of Way Section to consider. Discussions have been held with Rights of Way and Countryside team regarding the

specification of the Castleman Trail improvements. As the preferred surface will now be tarmac, it will be offered to Highways for adoption once completed instead of the Rights of Way and Countryside Team.

- 14.9.5 In light of concerns regarding the connectivity of the site, specifically the safety of residents/public crossing Crow Lane and entering the pocket park to the north east of phase 1, it is the applicant's intention to provide a pedestrian crossing to address these concerns as part of the Section 278 process with the County Council. The details of what is proposed are contained within the 'Section 278 General Arrangements Drawing' submitted by the applicant for information.
- 14.9.6 The impact of the development on local schools was considered at the outline stage. No objections were received from the County Education Authority on the matter, but a sum of £379,275 was secured by the S106 Legal Agreement. A figure of £126,425 will be payable to the County Education Authority prior to the occupation of the first dwelling on the site and the remainder will be phased in accordance with dwelling completions on the wider site.
- 14.9.7 The submitted plans do not include any proposals for street lighting. This is a matter for the County Highway Authority to consider in respect of the expenditure of the £583,000 secured by the S106 for transport improvements. The S106 requires 50% of the transport contribution to be paid on first occupation.
- 14.9.8 The inclusion of a hotel use in this location is queried by one representee. This is a potential land use included in the outline approval, but reserved for consideration until a later stage.

14.10 Conclusion

- 14.10.1 In light of the amended form of development proposed and subject to clarification on points to do with parking, SANGS arrangements, drainage, levels and landscaping and subject to conditions, the proposal is considered to be in accordance with policies of the development plan. Accordingly it is recommended for approval.
- 14.10.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Reserved matters of layout, scale, appearance and landscaping specified in condition 1 of outline permission reference number 14/11450 dated 15th December 2014.

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

PP1180/100-00 P2; PP1180/101-01 P2; PP1180/101-00 P3;
PP1180/110-00 P1; PP1180/110-01 P2; PP1180/110-02 P1;
PP1180/111-00 P1; PP1180/112-00 P1; PP1180/112-01 P1;
PP1180/113-00 P1; PP1180/113-01 P1; PP1180/114-00 P2;
PP1180/114-01 P1; PP1180/115-00 P2; PP1180/115-01 P2;
PP1180/116-00 P1; PP1180/117-00 P1; PP1180/118-00 P1;
PP1180/119-00 P2; PP1180/120-00 P3; PP1180/120-01 P3;
PP1180/120-02 P3; PP1180/120-03 P2; PP1180/121-00 P2;
PP1180/122-00 P1; PP1180/122-01 P1; PP1180/123-00 P1;
PP1180/124-00 P1
PP1180/124-01 P1; PP1180/124-02 P2; PP1180/125-00 P1;
PP1180/125-01 P1; PP1180/126-00 P1; PP1180/126-01 P1;
PP1180/127-00 P2; PP1180/127-00 P2; PP1180/128-00 P1;
PP1180/128-01 P2; PP1180/130-00 P1; PP1180/131-00 P2;
PP1180/132-00 P1; PP1180/132-01 P1
PP1180/140-00 P1; PP1180/140-02 P1; PP1180/140-03 P1;
PP1180/140-04 P1; PP1180/140-04 P2; PP1180/140-04A P1;
PP1180/140-05 P1; PP1180/140-06 P1; PP1180/140-07 P2;
PP1180/140-08 P1; PP1180/140-09 P1; PP1180/140-10 P1; A130-SE01 -
Illustrative Section through SANGS Land; A130-LA01D - Landscape
Framework for SANGS Land and Open Space Connections; A130-LA02C -
Phase 1 Open Space and Landscape Strategy; A130-LA04B - Planting
Strategy; 16-086/115 Rev A

Reason: To ensure satisfactory provision of the development.

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

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

3. Details of the width, alignment, gradient and type of construction proposed for the adoptable footway/cycleway shall be submitted to and approved in writing by the Local planning Authority before commencement of development.

Reason: To ensure the roads and footways are constructed to a standard which will enable them to be taken over as highway maintainable at the public expense in accordance with Policy CS24 (of the Core Strategy for the New Forest District outside the National Park).

4. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development in accordance with Policy CS24 (of the Core Strategy for the New Forest District outside the National Park).

5. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

6. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter in accordance with Policy CS24 (of the Core Strategy for the New Forest District outside the National Park).

Reason: In the interests of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

7. Before development commences a scheme of landscaping for Phase 1, including the Pocket Park, the Central Park, the Village Green, the SANG and all other landscaped areas shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) full details of the location, extent and type of soakaways to be included within public open spaces and garden areas, to demonstrate their relationship to new planting and that services (tanks, crates, drain covers) will not encumber the value and useability of green spaces;
- (d) any changes to the hard and soft landscaping for the site, including areas for hard surfacing, pathways and the materials to be used;
- (e) other means of enclosure, including any alterations to the type and size of gates and to internal boundary treatments;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure the achievement and long term retention of an appropriate quality of landscaping, in accordance with Policy CS3 (of the Core Strategy for the New Forest District outside the National Park).

8. All external works (hard and soft landscape) for Phase 1 shall be carried out in accordance with the approved plans and details within one year of commencement of development or in accordance with an agreed timetable and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

9. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the recommendations as set out in BS5837:2012 and in accordance with an Arboricultural Method Statement for Phase 1, which shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of work on site.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

10. Notwithstanding the proposed layout, the applicant must demonstrate that there is a safe destination for the pedestrian route from the pocket park area in the north east of the site before the design of this open space and its details can be approved. Details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works and thereafter development shall only take place in accordance with those details which have been approved.

Reason: To ensure that safe and well designed pedestrian routes are provided to the development in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

11. Before development commences, the proposed slab levels of all dwellings within Phase 1 in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the Ringwood Local Distinctiveness Document.

11. Notwithstanding the existing and proposed ground levels of the SANG area as shown on the submitted plans, before development commences the final slopes and contours of the SANG area shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: So that the final slope profiles do not create an alien feature in the landscape, in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

In this case, following approval of the outline application (13/11450), the applicant has worked steadily with Council Officers to evolve the layout, appearance and scale of Phase 1 of the proposed development. That process carried through to the application process where the applicant worked with the Council seeking to address the concerns raised by consultees and notified parties to this reserved matters submission. The applicant was requested to amend their submission, in order to address habitat mitigation concerns, drainage queries, highway matters and to enhance the appearance and layout of the development. Appropriately amended plans were received, which satisfied the concerns of officers.

2. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

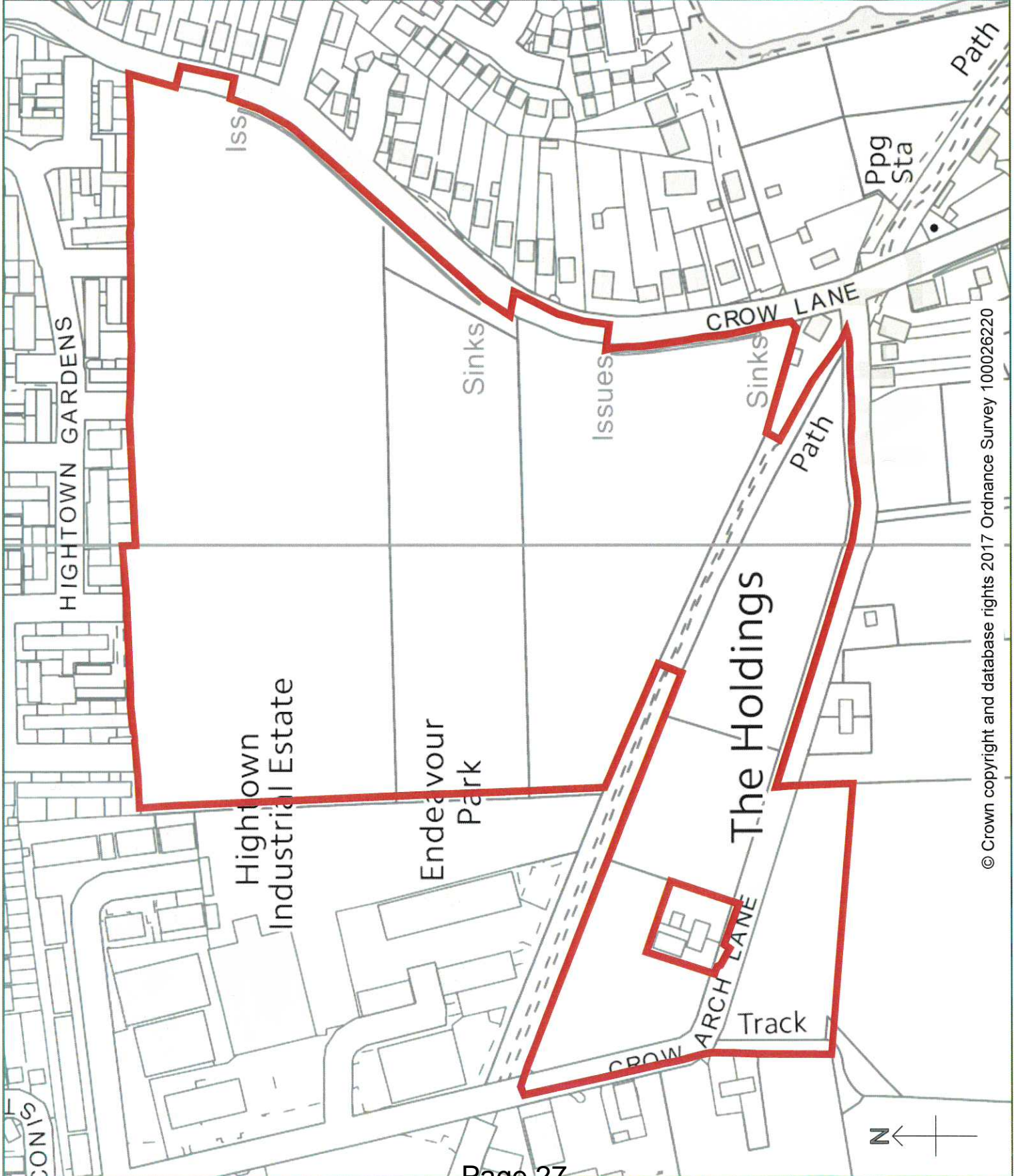
3. The County Rights of Way Authority request that the applicant is made aware of the following requirements:
 1. **There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority.** For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.
 2. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.
 3. No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.
 4. If there is likely to be an effect on the footpath in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and if there is deemed to be a risk to users of the footpath, the applicant should contact the County Council directly to discuss the Temporary Closure of the footpath for the duration of the works. Temporary Closure Orders should be applied for at least 6 weeks prior to the commencement of works and details of how to apply can be found at <http://www3.hants.gov.uk/row/making-changes/temp-closures.htm>
4. The Council's Ecologist advises that the original outline consent was subject to a condition to secure details of biodiversity compensation and enhancement. The original ecological survey of the site highlighted the requirement for compensation or reptile habitat within the SANG and open space areas. It is likely that the longer grass/meadow habitats proposed in the open spaces in the current application would be required to meet this need and would need appropriate future management which would be secured in the further details. With regard to the treatment of boundaries between dwellings and gardens, it would be desirable to ensure that these retain an element of permeability to wildlife, either by being comprised hedgerows, or if fencing is to be used, providing appropriate gaps – for example details and justification please see <http://www.hedgehogstreet.org/pages/link-your-garden.html>

5. Ringwood Town Council request that some of the £50,000 allocated by the Section 106 Agreement transport contribution to alleviate flooding on surrounding roads should be directed towards a project to reinstate an inoperative highway drainage system in Moortown Lane.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11407 Full Planning Permission

Site: UNIT 2C (N), NORTH ROAD, MARCHWOOD INDUSTRIAL
PARK, MARCHWOOD SO40 4BL

Development: Biodiesel fuelled Flexible Generation Facility(Facility A);
associated infrastructure & alterations

Applicant: Plutus Energy Limited

Target Date: 19/12/2016

Extension Date: 10/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS6: Flood risk
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM4: Renewable and low carbon energy generation
- MAR5: Marchwood Industrial Park

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 Lawful Development Certificate for proposed Class B8 use - (10/96036) - granted by County 5/1/11
- 6.2 5 metre high acoustic fence; portable cabin (11/97030) - granted by County 15/6/11
- 6.3 Bio-Diesel flexible generation plant (Screening Opinion) - EIA not required 29/9/16
- 6.4 Biodiesel fuelled Flexible Generation Facility (Facility B); associated infrastructure 16/11408 (Item, 3d on this Agenda)

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: recommend refusal - application is totally inappropriate for the proposed location. The proposal is within 40 metres of dwellings that are Grade II Listed and within a Conservation Area. There are concerns over air quality, noise and low frequency vibration; vibration could damage nearby Listed Building; proposal would have an adverse visual impact and will harm the setting of Listed Buildings; There are many unanswered questions.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection
- 9.2 Environment Agency: no objection subject to condition; advise that an Environmental Permit would be required and advise that there would be benefits in parallel tracking the planning and environmental permit applications.
- 9.3 Natural England: no objection
- 9.4 Southern Gas Networks: advise of site's proximity to gas main
- 9.5 Southern Water: no objection - requests informative
- 9.6 Environmental Health (contaminated land): no objection - requests informative
- 9.7 Environmental Health (noise): no objection subject to conditions

- 9.8 Environmental Health (air quality): no objection subject to conditions
- 9.9 Southampton City Council: objects on air quality grounds - proposal will make it more difficult for the city to reach nitrogen dioxide air quality standards; if the application were to be approved would want there to be conditions controlling operating hours and to secure the installation of SCR emission reduction technology.
- 9.10 Conservation Officer: no objection subject to appropriate mitigation which could be secured through conditions

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection:- concern at amount of development taking place in Marchwood

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, there has been regular communication with the applicant's agent throughout the application process, and additional information has been requested to address a number of detailed issues. This has enabled a positive recommendation to be made.

14 ASSESSMENT

The Site and The Proposal

- 14.1 The submitted application relates to the northern two-thirds of a large industrial building on the western edge of the Marchwood Industrial Estate, as well as an associated yard area to the north side of the building. This application is one of 2 related applications that seek to provide a biodiesel fuelled Flexible Generation Facility within the building. Specifically, this application seeks to create an energy generation facility within the ground floor of the building, known as Facility A. The other related application seeks to create a first floor energy generation facility, known as Facility B. Each application proposes to install 48 generators and 12 transformers within the building (resulting in 96 generators and 24 transformers in total). Both applications propose the same set of physical alterations to the building, comprising the addition of louvre ventilating panels and steel extract flues to the building's east elevation. Both applications also propose to provide structures within the external yard to the north side of the building, with each application proposing 2 fuel stores and a switch room (4 fuel stores and 2 switch rooms in total), and with both applications proposing the same transformer and switchgear that would be protected by a blast wall on its northern and western sides. The applicant's agent advises that the 2 proposals have been split to provide greater commercial and operational flexibility.
- 14.2 The southern third of the building to which this application relates is occupied by a separate business use. More generally, the application site is surrounded by other employment and business uses on its northern, southern and eastern sides. By contrast, to its west side, the site is bounded by a tidal creek, beyond which are areas of residential development and land occupied by the Marchwood Yacht Club. This land to the west is of heritage interest, with the creek and the land to its west side forming part of the Marchwood RNAD Conservation Area, and there also being a number of nearby Listed Buildings, the most noticeable of which is the Grade II Listed Building that is now known as Frobisher Court.
- 14.3 The applicant is a company that provides back-up power and balancing services to the National Grid. The proposal is for a Flexible Generation facility that, in essence, aims to provide backup and support to the main energy generation network, thereby ensuring that there is a consistent supply of electricity to the network. The National Grid and Ofgem have predicted that the need for Flexible Generation facilities will double over the next 8 years. This increased requirement to provide Flexible Generation facilities is a result of 3 main factors. Firstly, it is needed to cover an increased reliance on renewable energy projects. Secondly, there will be a need to cover the next generation of nuclear power plants. Thirdly, there will be a need to cover the closure of aging power plants before the full benefits of renewable energy have time to be developed. The 2 facilities that are proposed would have a combined installed generation capability of 40MW. The applicant estimates that the facilities

would operate for between 200 and 300 hours per annum, and that this would principally be during the hours of peak demand, which is during the winter months between 7am and 9am, and then again between 4pm and 7pm. The applicant advises that the generators would generally only operate for a maximum of 1-2 hours at any one time, with an average running time estimated at 55 minutes.

- 14.4 The proposed Flexible Generation Facility is intended to be powered by biodiesel. The applicant company has a commercial arrangement with Green Biofuels to purchase its Green D+ Diesel product, which is a Hydrogenated Vegetable Oil manufactured from 100% renewable products at several locations around the world. The biodiesel would be delivered to the site by HGV, with the peak movement estimated to be 2 movements a week during the winter months. The bio-diesel would be stored in 4 tanks that would have a combined capacity of 100,000 litres. The applicant company indicates that they would want to use conventional diesel as a back-up fuel, so that the facility could continue to function if they are not able to access biodiesel for any reason.

Policy Context

- 14.5 The provision of Flexible Generation Facilities has broad policy support at the national level. The National Planning Policy Statement for Energy identifies that *"It is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy. To manage the risks to achieving security of supply we need sufficient electricity capacity ... to meet demand at all times. Electricity cannot be stored so demand for it must be simultaneously and continuously met by its supply. This requires a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand."*
- 14.6 The Council's own policies are supportive of development that contributes towards energy supply from renewable and low-carbon technologies where there is no over-riding adverse local impact. The development proposed is not a renewable means of energy generation, but it would support the national transition to a low carbon power generation economy. Therefore, in principle, it is felt that the proposal would be consistent with the Council's own policy objectives relating to climate change and environmental sustainability.
- 14.7 Policy MAR5 of the Local Plan Part 2 encourages the development, redevelopment and intensification of employment uses at Marchwood Industrial Park. Although 2 full time employees would be employed at the site when it is fully operational, the proposed Flexible Generation Facility would not be an employment use in the strictest sense. Notwithstanding this, a Flexible Generation Facility is, by its very nature, of an industrial character and it is therefore, in principle, considered to be a suitable use to provide on Marchwood Industrial Park, noting the park's heavily industrial character, and the other significant power station use nearby.

Heritage Considerations

- 14.8 The existing building on the application site is already quite a notable presence from the adjacent Conservation Area, although it is softened to a degree by vegetation growing alongside the eastern edge of the creek. Because the proposed physical alterations to the building would be on its

east side, facing away from the Conservation Area and Listed Buildings, it not considered that this particular part of the proposed development would have any adverse impact on adjacent heritage assets. The switch room and fuel stores that this application proposes are relatively low structures that are set a reasonable distance away from the Conservation Area boundary. Their impact on the adjacent heritage assets would be limited and would be acceptable. It should also be noted that there is no evidence that adjacent heritage assets would be harmed by low frequency vibration arising from the proposed use.

- 14.9 The part of the development that would impact most significantly on adjacent heritage assets are the transformer and switchgear and the associated blast wall, which the plans indicate would be 5.23 metres in height. This part of the development would be appreciated from the adjacent Conservation Area, and because of its height and appearance, it would to a very small degree harm the setting of the Listed Buildings and the character and appearance of the Conservation Area. However, this harm would be very modest in view of the much greater impact of existing adjacent buildings, and would be minimised by existing creekside vegetation. This harm could be further minimised by the use of a sympathetic finish to the wall and additional landscape planting to strengthen the site's western boundary.
- 14.10 The National Planning Policy Framework advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, there would be significant public benefits associated with a need to meet the nation's energy requirements that would materially outweigh a very slight adverse impact on adjacent heritage assets that could be largely mitigated through conditions. As such, it is not considered that permitting this proposal would conflict with local and national planning policies that seek to safeguard the historic environment.
- 14.11 It should be noted that the applicant has not provided full illustrative details for the transformer and switchgear, but has merely specified their maximum dimensions. Further detail on these features therefore needs to be secured by condition to ensure an acceptable visual relationship to adjacent heritage assets.

Flood Risk Considerations

- 14.12 Although the majority of the application site is outside a defined Area at Risk of Flooding, a small section of land adjacent to the site's western boundary is at risk of flooding. The application is accompanied by a detailed Flood Risk Assessment (FRA). The Environment Agency are satisfied that the development will not be at undue risk of flooding or increase flood risk elsewhere provided the mitigation measures contained within the FRA are adhered to.

Air Quality and Pollution considerations

- 14.13 The proposed development has the potential to have a significant impact on air quality. Two pollutants are of particular concern, namely Nitrogen Dioxide (NO_x) and Particulate Matter (PM₁₀). The applicants have submitted a detailed air quality assessment with their application which

considers impacts on air quality based on a worst case scenario. Accordingly, if the 2 facilities were to operate continuously, then European Union Air Quality objectives would be exceeded by a significant margin, irrespective of whether conventional diesel or the proposed biodiesel were to be used. However, the applicant's air quality assessment concludes that if the facilities are only operated for 300 hours per year (on either diesel or biodiesel), then EU Air Quality Objectives would not be exceeded and, as a consequence the impact on local air quality would not be significant.

- 14.14 The Council's environmental health officer has given detailed consideration to the applicant's Air Quality Assessment and has a number of concerns. Specifically, there is a concern that there could be a concentration of pollutant exceedances at certain times of the year (i.e. the winter months). Furthermore, there is a concern that the Air Quality Assessment does not consider the impact of emissions on air quality in general and EU limit values. It is important to note that the proposed biodiesel would be materially less polluting than conventional diesel (generating 31% less NO_x emissions). If the more polluting conventional diesel was used, then the Council's environmental health officer is concerned that there could be significant pollution affecting other places of work on the Marchwood Industrial Park and on public areas at Magazine Lane, in breach of EU air quality limit values. Even with the less polluting biodiesel, the proposed facilities would still emit substantial volumes of nitrogen oxides when operational, which would have an adverse impact on air quality.
- 14.15 The impact on air quality needs to be considered in the light of a policy context where there is currently no specific air quality guidance relating to the impact of processes which are only operational for a limited period of the year, but which are highly polluting for the periods when they are operational. This situation may change if and when the Medium Combustion Plan Directive becomes law, but for now the current lack of guidance makes it difficult to assess what level of air pollution would be acceptable in this instance. The Environment Agency have advised that it will be necessary for the applicant to obtain an Environmental Permit through which pollution risks can be assessed and controlled. However, the fact that an Environmental Permit may be required does not negate the Local Planning Authority's need to consider whether the impact on air quality is acceptable. Notwithstanding the current lack of guidance, the proposal ought to be considered in the light of a context where the government is actively working to reduce nitrogen oxides across the UK to ensure compliance with EU limit values (which the UK is currently exceeding). It is of significance that the government recognises that unabated diesel generators are highly polluting, which could lead to 'avoidable increases in national NO_x emissions'. It is also of note that Southampton City Council and other neighbouring authorities (but not New Forest District Council) have been asked to implement further measures to reduce nitrogen dioxide and nitrogen oxide emissions to include the implementation of a Clean Air Zone in Southampton. The proposed development would, due to prevailing wind directions, result in an increase in NO_x emissions that would be carried towards Southampton and the Clean Air Zone that they are required to create. This is an important factor when considering what level of impact on air quality would be acceptable.

- 14.16 Ultimately, any Flexible Generation Facility would cause some pollution that would have some local adverse impact on air quality. However, given the government's broad support for Flexible Generation facilities to ensure the nation has an adequate energy supply at all times, some air pollution would be justified. What is important is that the levels of air pollution are reasonably minimised, having regard to all relevant EU and national guidance, and taking into account local circumstances. Absolutely critical, would be a requirement to restrict hours of operation, both within the calendar year and for a single period of operation. It is also felt that the type of fuel to be used should be restricted to the proposed biodiesel (or equivalent) because the use of more polluting conventional diesel would have unreasonably harmful effects on the air quality of nearby areas. Moreover, the technology does exist to reduce NOx emissions by 50% if specific pollution abatement measures (such as Selective Catalytic Reduction) are applied. The applicant has indicated that they do not intend to apply any such abatement techniques unless required to do so by future legislation (as could potentially happen through the implementation of the Medium Combustion Plant Directive). Notwithstanding the applicant's reluctance to introduce such measures, it is felt that they should be required to apply abatement technology in order to reasonably minimise NOx emissions and thereby minimise impact on local air quality. There is also considered a need to ensure that NOx emissions are carefully monitored. If all of these mitigation measures are applied, it is felt that the development's impact on air quality would be acceptable.

Noise considerations

- 14.17 The proposed development would generate some noise while operational. The applicants have submitted a detailed noise assessment which looks at potential noise impacts at a number of different nearby locations. This information has been considered and assessed by the Council's environmental health officer, who is satisfied that the proposal would have no adverse noise impact on nearby residential properties as the Noise Rating would not exceed the Background Noise Level (LA90) at these noise sensitive residential properties. The effects of noise have been minimised by siting all flues on the building's elevation that faces away from residential properties.
- 14.18 The effects of noise would be much more apparent at a number of other nearby commercial properties on the Marchwood Industrial Estate. However, in the case of Unit 2e (opposite the site), the Council's environmental health officer is satisfied that noise levels, while being noticeable, would be acceptable for a commercial office / industrial environment.
- 14.19 The premises that is likely to be most affected by noise is the immediately adjacent unit that occupies the southern third of the building affected by this application. This unit is currently occupied by the company Pfeifier Rope & Tackle Ltd. Without any mitigation, the Council's environmental health officer has concluded that the proposal would increase break-out noise inside this premises to a level that would be 15dB(A) above the existing ambient noise level of 42bD(A) within the premises. Such an increase in noise levels would cause unacceptable harm to the amenities of the people working inside this premises. With appropriate internal acoustic insulation however, it would be possible to reduce noise levels to an acceptable level. This is a matter that could be reasonably agreed through a condition of planning permission.

14.20 Overall, it is considered that there would be no significant adverse noise impact arising from the generators, flues and transformers, and while there would be some adverse noise impact from the flues, this would affect less sensitive commercial premises rather than residential properties. The overall noise impacts of this development would be acceptable subject to appropriate conditions, setting noise limits, and requiring mitigation where appropriate. A condition should also be imposed to ensure that there is no adverse impact on the occupants of nearby premises arising from structural borne vibration.

Other considerations

- 14.21 Having regard to Natural England's comments, it is not considered the proposal would have any adverse impact on the ecological integrity of nearby designated sites. Furthermore, the proposal would not be expected to have a material impact on ecological interests, more generally.
- 14.22 The proposal would generate limited traffic movements. Therefore, taking into account the advice of the Highway Authority, it is not considered the proposal would have any material adverse implications for highway safety.
- 14.23 A concern has been raised that the proposed fuel to be used would be from environmentally unsustainable sources. However, the applicant advises all biofuel would derive from recycled vegetable oil and that no palm oil would be used. Therefore, there is no evidence that the proposed development would contribute to environmentally unsustainable practices in other parts of the world.
- 14.24 The Environment Agency's suggestion that the application be considered in parallel to any environmental permit application is noted and appreciated. However, there is not considered to be a sound planning reason to delay determination of this planning application. Ultimately, should the developer need to adjust their proposals in the light of an Environmental permit application for consent, they may then need to submit a further application to planning which would need to be considered on its individual merits.
- 14.25 The site is within a Hazard Consultation Zone for a pipeline. However, the use is not a sensitive use in terms of this particular issue.

Summary & Conclusions

14.26 Overall, it is felt that the proposed development would be an appropriate new development that would be consistent with local and national planning policies. It is felt the development would be acceptable, both in isolation and in combination with the very closely related planning application 16/11408. The development would meet a clear and justified need to provide back-up energy to help meet the nation's energy needs. The development would, of course, have some environmental impacts, with noise, air quality and heritage impacts being the 3 key impacts. However, with appropriate mitigation measures that could be reasonably secured through conditions, it is felt that the development would not have an unacceptable impact on the amenities of nearby properties, air quality, or the adjacent Conservation Area and Listed Buildings. As such, it is felt that this application can be reasonably recommended for permission.

14.27 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: PLSK15A rev D, PLSK14A rev E, PLSK13A rev C, PLSK12A rev B, PLSK7A rev B, PLSK8A rev B, PLSK11A rev A, PLSK10A rev A, PLSK9A rev A, PLSK16A rev A, PLSK5A rev B, PLSK2A rev A, PLSK4A rev A, PLSK3A rev A, PLSK1A rev A.

Reason: To ensure satisfactory provision of the development.

3. The Facility hereby approved (Facility A) and the facility approved under planning permission 16/11408 shall operate for no more than 300 hours per calendar year, which, for the avoidance of doubt, means the same 300 hours in a calendar year for both facilities.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

4. The Facility hereby approved (Facility A) and the facility approved under planning permission 16/11408 shall, together, not operate for more than 5 hours continuously.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

5. The operator of the development hereby approved shall keep a written record of the hours of operation and make it available to the Local Planning Authority within 14 days of any such request to see the actual hours of operation.

Reason: To allow use of the facility and its impact on air quality to be properly monitored in compliance with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

6. The facility hereby approved shall only operate on biodiesel (Green B+) or an alternative fuel with equivalent or reduced pollutant emissions, the precise emission details of which shall be sent to the Local Planning Authority 14 days in advance of the alternative fuel first being used.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

7. Prior to works commencing on the site, the operator shall submit to the Local Planning Authority for its written approval a scheme for the mitigation of nitrogen oxide (NOx) emissions, using available technology so as to obtain a reduction in emissions of at least 50% compared to the unabated NOx emissions when using biodiesel (Green B+ or equivalent) as a fuel type. Development shall not take place until the mitigation scheme has been approved by the Local Planning Authority, and the facility shall only start to operate once the approved mitigation measures have been provided. These approved mitigation measures shall thereafter be permanently retained throughout the operational lifetime of the development.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

8. Prior to works commencing on the site, a scheme for the monitoring of nitrogen oxide (NOx) emissions from both the facility hereby approved and the facility approved under planning permission 16/11408, shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be approved shall include an agreed limit value based on the mitigated nitrogen oxide (NOx) emissions, measures to be undertaken if the emission limit is exceeded, and a monitoring schedule which shall include, as a minimum, monitoring on commissioning of the Facilities and every 3 years thereafter during the operation of the Facilities.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

9. The combined Noise Rating Level from all plant and equipment on the site (including Facility B), shall not exceed the Background Noise Level (LA90) at the boundary of any noise sensitive premises in accordance with BS4142:2014. The Background Noise Level (LA90) for the daytime period (07:00 to 23:00 hours) is stated as 41dB LA90 15 mins and the Background Noise Level (LA90) for the night-time period (23:00 to 07:00 hours) is stated as 39 dB (LA90) 15 mins.

Reason: To ensure that the proposed development does not generate a level of noise that would be detrimental to the amenities of nearby residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

10. Prior to the approved development first commencing, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that the main application building is acoustically insulated, so that any internally generated noise from the approved development site (comprising both Facility A and the separate Facility B) does not exceed a Noise Rating Curve level of NR35 within the adjoining premises. The approved scheme shall be installed prior to the development's first operational use and shall thereafter be permanently retained and maintained.

Reason: To safeguard the reasonable amenities of the adjacent business use from potential adverse noise impacts and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

11. Prior to the approved development first commencing, a scheme shall be submitted to and approved by the Local Planning Authority that shall demonstrate how the plant and equipment used on the site will be mounted so as to minimise transmission of structure borne sound and vibration. The approved scheme shall be installed prior to the development's first operational use and shall thereafter be retained and maintained.

Reason: To ensure that the proposed development does not generate noise and vibration that would be detrimental to the amenities of nearby properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 16/12/17 and the following mitigation measures detailed within the FRA:

1. Finished floor levels shall be no lower than 600mm above the Q100 flood level including climate change (3.623mAOD).
2. The site owner shall sign up to the Environment Agency early warning system.
3. A safe route or routes shall be identified and provided into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

Reason: To ensure the structural integrity of proposed flood defences thereby reducing the risk of flooding; to ensure safe access and egress from and to the site; to reduce the risk of flooding to the proposed development and future occupants and to comply with Policy CS6 of the Core Strategy for New Forest District outside of the National Park.

13. The transformer and switchgear that are to be provided within the external yard shall not be provided until precise elevational details of these features, which shall not exceed the dimensions shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of this part of the development is acceptable and to safeguard the setting of adjacent heritage assets in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

14. Before the transformer and switchgear in the external yard area is first provided, details of the precise external finish of the associated blast wall, including, as appropriate, samples of materials, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that the appearance of this part of the development is acceptable and to safeguard the setting of adjacent heritage assets in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

15. Before development commences a scheme of landscaping for the site's western boundary shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the appearance of this part of the development is acceptable and to safeguard the setting of adjacent heritage assets in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

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

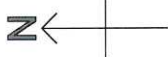
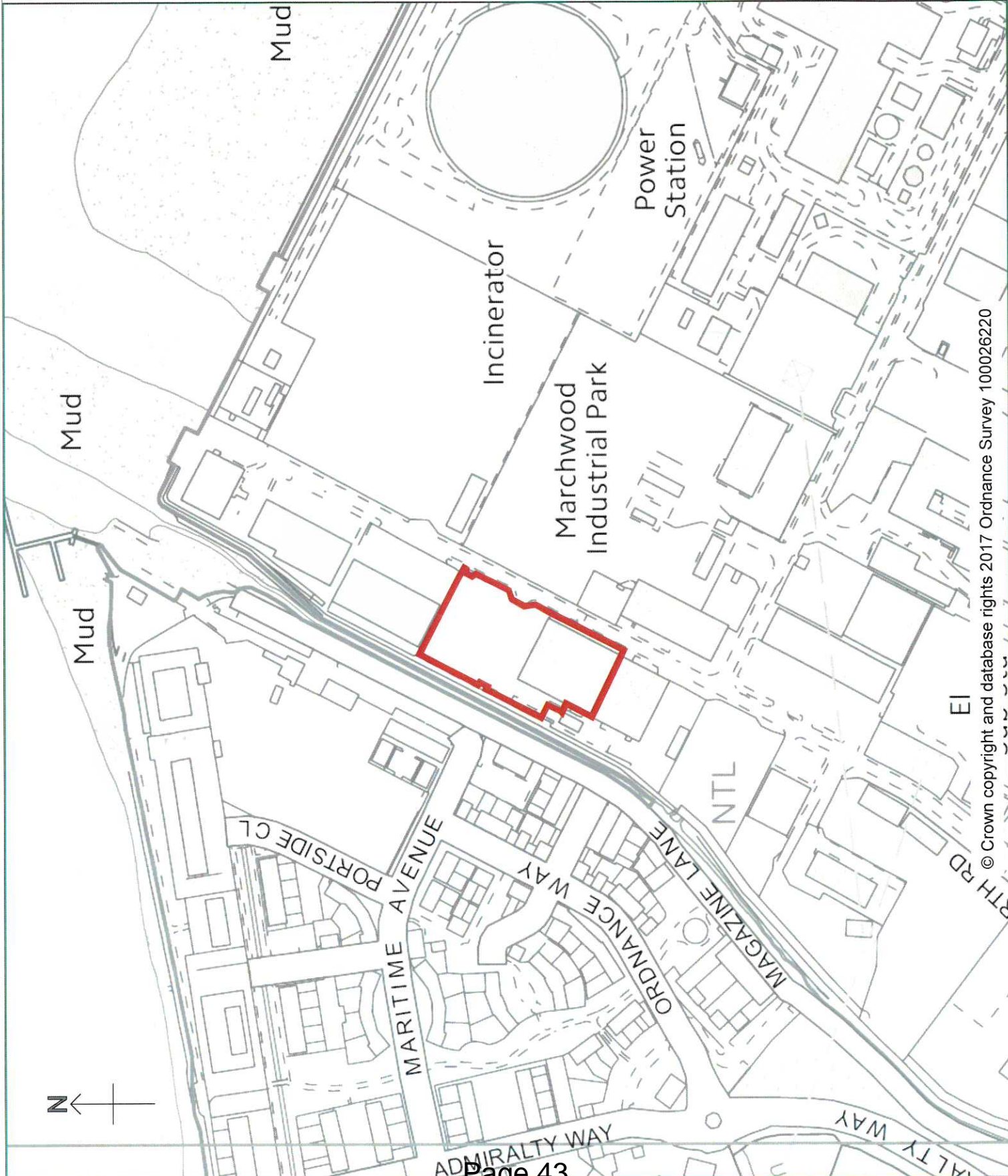
In this case, there has been regular communication with the applicant's agent throughout the application process, and additional information has been requested to address a number of detailed issues. This has enabled a positive recommendation to be made.

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

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11408 Full Planning Permission

Site: UNIT 2C (N), NORTH ROAD, MARCHWOOD INDUSTRIAL PARK, MARCHWOOD SO40 4BL

Development: Biodiesel fuelled Flexible Generation Facility (Facility B); associated infrastructure & alterations

Applicant: Plutus Energy Limited

Target Date: 19/12/2016

Extension Date: 10/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS6: Flood risk
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM4: Renewable and low carbon energy generation????
- MAR5: Marchwood Industrial Park

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 Lawful Development Certificate for proposed Class B8 use - (10/96036) - granted by County 5/1/11
- 6.2 5 metre high acoustic fence; portable cabin (11/97030) - granted by County 15/6/11
- 6.3 Biodiesel flexible generation plant (Screening Opinion) - EIA not required 29/9/16
- 6.4 Biodiesel fuelled Flexible Generation Facility (Facility A) associated infrastructure 16/11407. Item 3c on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council:- Recommend refusal - application is totally inappropriate for the proposed location. The proposal is within 40 metres of dwellings that are Grade II Listed and within a Conservation Area. There are concerns over air quality, noise and low frequency vibration; vibration could damage nearby Listed Building; proposal would have an adverse visual impact and will harm the setting of Listed Buildings; There are many unanswered questions.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection
- 9.2 Environment Agency: no objection subject to condition; advise that an Environmental Permit would be required and advise that there would be benefits in parallel tracking the planning and environmental permit applications.
- 9.3 Natural England: no objection
- 9.4 Southern Gas Networks: advise of site's proximity to gas main
- 9.5 Southern Water: no objection - requests informative
- 9.6 Environmental Health (contaminated land): no objection - requests informative
- 9.7 Environmental Health (noise): no objection subject to conditions

- 9.8 Environmental Health (air quality): no objection subject to conditions
- 9.9 Southampton City Council: objects on air quality grounds - proposal will make it more difficult for the city to reach nitrogen dioxide air quality standards; if the application were to be approved would want there to be conditions controlling operating hours and to secure the installation of SCR emission reduction technology.
- 9.10 Conservation Officer: no objection subject to appropriate mitigation which could be secured through conditions

10 REPRESENTATIONS RECEIVED

- 10.1 2 letters of objection from nearby residents:- concerns that proposal could have adverse noise and odour impacts and adverse impact on air quality; concern at amount of development taking place in Marchwood.
- 10.2 1 letter of objection from representee of Clean Air Southampton:- proposal will have an adverse impact on air quality and will adversely affect the Clean Air Zone which the government requires Southampton to create; the use of biodiesel is unsustainable as it will drive up rates of deforestation and loss of habitat; concerns that proposal will be used more than suggested which would cause noise and air pollution to nearby residents; proposal would be expensive; the site is too close to adjacent domestic properties.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.

- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, there has been regular communication with the applicant's agent throughout the application process, and additional information has been requested to address a number of detailed issues. This has enabled a positive recommendation to be made.

14 ASSESSMENT

The Site and The Proposal

- 14.1 The submitted application relates to the northern two-thirds of a large industrial building on the western edge of the Marchwood Industrial Estate, as well as an associated yard area to the north side of the building. This application is one of 2 related applications that seek to provide a biodiesel fuelled Flexible Generation Facility within the building. Specifically, this application seeks to create an energy generation facility at first floor level within building, known as Facility B. The other related application proposes a ground floor energy generation facility, known as Facility A. Each application proposes to install 48 generators and 12 transformers within the building (resulting in 96 generators and 24 transformers in total). Both applications propose the same set of physical alterations to the building, comprising the addition of louvre ventilating panels and steel extract flues to the building's east elevation. Both applications also propose to provide structures within the external yard to the north side of the building, with each application proposing 2 fuel stores and a switch room (4 fuel stores and 2 switch rooms in total), and with both applications proposing the same transformer and switchgear that would be protected by a blast wall on its northern and western sides. The applicant's agent advises that the 2 proposals have been split to provide greater commercial and operational flexibility.
- 14.2 The southern third of the building to which this application relates is occupied by a separate business use. More generally, the application site is surrounded by other employment and business uses on its northern, southern and eastern sides. By contrast, to its west side, the site is bounded by a tidal creek, beyond which are areas of residential development and land occupied by the Marchwood Yacht Club. This land to the west is of heritage interest, with the creek and the land to its west side forming part of the Marchwood RNAD Conservation Area, and there also being a number of nearby Listed Buildings, the most noticeable of which is the Grade II Listed Building that is now known as Frobisher Court.

- 14.3 The applicant is a company that provides back-up power and balancing services to the National Grid. The proposal is for a Flexible Generation facility that, in essence, aims to provide backup and support to the main energy generation network, thereby ensuring that there is a consistent supply of electricity to the network. The National Grid and Ofgem have predicted that the need for Flexible Generation facilities will double over the next 8 years. This increased requirement to provide Flexible Generation facilities is a result of 3 main factors. Firstly, it is needed to cover an increased reliance on renewable energy projects. Secondly, there will be a need to cover the next generation of nuclear power plants. Thirdly, there will be a need to cover the closure of aging power plants before the full benefits of renewable energy have time to be developed. The 2 facilities that are proposed would have a combined installed generation capacity of 40MW. The applicant estimates that the facilities would operate for between 200 and 300 hours per annum, and that this would principally be during the hours of peak demand, which is during the winter months between 7am and 9am, and then again between 4pm and 7pm. The applicant advises that the generators would generally only operate for a maximum of 1-2 hours at any one time, with an average running time estimated at 55 minutes.
- 14.4 The proposed Flexible Generation Facility is intended to be powered by biodiesel. The applicant company has a commercial arrangement with Green Biofuels to purchase its Green D+ Diesel product, which is a Hydrogenated Vegetable Oil manufactured from 100% renewable products at several locations around the world. The biodiesel would be delivered to the site by HGV, with the peak movement estimated to be 2 movements a week during the winter months. The bio-diesel would be stored in 4 tanks that would have a combined capacity of 100,000 litres. The applicant company indicates that they would want to use conventional diesel as a back-up fuel, so that the facility could continue to function if they are not able to access biodiesel for any reason.

Policy Context

- 14.5 The provision of Flexible Generation Facilities has broad policy support at the national level. The National Planning Policy Statement for Energy identifies that *"It is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy. To manage the risks to achieving security of supply we need sufficient electricity capacity ... to meet demand at all times. Electricity cannot be stored so demand for it must be simultaneously and continuously met by its supply. This requires a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand."*
- 14.6 The Council's own policies are supportive of development that contributes towards energy supply from renewable and low-carbon technologies where there is no over-riding adverse local impact. The development proposed is not a renewable means of energy generation, but it would support the national transition to a low carbon power generation economy. Therefore, in principle, it is felt that the proposal would be consistent with the Council's own policy objectives relating to climate change and environmental sustainability.
- 14.7 Policy MAR5 of the Local Plan Part 2 encourages the development, redevelopment and intensification of employment uses at Marchwood Industrial Park. Although 2 full time employees would be employed at

the site when it is fully operational, the proposed Flexible Generation Facility would not be an employment use in the strictest sense. Notwithstanding this, a Flexible Generation Facility is, by its very nature, of an industrial character and it is therefore, in principle, considered to be a suitable use to provide on Marchwood Industrial Park, noting the park's heavily industrial character, and the other significant power station use nearby.

Heritage Considerations

- 14.8 The existing building on the application site is already quite a notable presence from the adjacent Conservation Area, although it is softened to a degree by vegetation growing alongside the eastern edge of the creek. Because the proposed physical alterations to the building would be on its east side, facing away from the Conservation Area and Listed Buildings, it is not considered that this particular part of the proposed development would have any adverse impact on adjacent heritage assets. The switch room and fuel stores that this application proposes are relatively low structures that would be set fairly close to the Conservation Area boundary. Nonetheless, their impact on the adjacent heritage assets would be limited and would be acceptable. It should also be noted that there is no evidence that adjacent heritage assets would be harmed by low frequency vibration arising from the proposed use.
- 14.9 The part of the development that would impact most significantly on adjacent heritage assets are the transformer and switchgear and the associated blast wall, which the plans indicate would be 5.23 metres in height. This part of the development would be appreciated from the adjacent Conservation Area, and because of its height and appearance, it would to a very small degree harm the setting of the Listed Buildings and the character and appearance of the Conservation Area. However, this harm would be very modest in view of the much greater impact of existing adjacent buildings, and would be minimised by existing creekside vegetation. This harm could be further minimised by the use of a sympathetic finish to the wall and additional landscape planting to strengthen the site's western boundary.
- 14.10 The National Planning Policy Framework advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, there would be significant public benefits associated with a need to meet the nation's energy requirements that would materially outweigh a very slight adverse impact on adjacent heritage assets that could be largely mitigated through conditions. As such, it is not considered that permitting this proposal would conflict with local and national planning policies that seek to safeguard the historic environment.
- 14.11 It should be noted that the applicant has not provided full illustrative details for the transformer and switchgear, but has merely specified their maximum dimensions. Further detail on these features therefore needs to be secured by condition to ensure an acceptable visual relationship to adjacent heritage assets.

Flood Risk Considerations

- 14.12 Although the majority of the application site is outside a defined Area at Risk of Flooding, a small section of land adjacent to the site's western boundary is at risk of flooding. The application is accompanied by a detailed Flood Risk Assessment (FRA). The Environment Agency are satisfied that the development will not be at undue risk of flooding or increase flood risk elsewhere provided the mitigation measures contained within the FRA are adhered to.

Air Quality and Pollution considerations

- 14.13 The proposed development has the potential to have a significant impact on air quality. Two pollutants are of particular concern, namely Nitrogen Dioxide (NO_x) and Particulate Matter (PM₁₀). The applicants have submitted a detailed air quality assessment with their application which considers impacts on air quality based on a worst case scenario. Accordingly, if the 2 facilities were to operate continuously, then European Union Air Quality objectives would be exceeded by a significant margin, irrespective of whether conventional diesel or the proposed biodiesel were to be used. However, the applicant's air quality assessment concludes that if the facilities are only operated for 300 hours per year (on either diesel or biodiesel), then EU Air Quality Objectives would not be exceeded and, as a consequence the impact on local air quality would not be significant.
- 14.14 The Council's environmental health officer has given detailed consideration to the applicant's Air Quality Assessment and has a number of concerns. Specifically, there is a concern that there could be a concentration of pollutant exceedances at certain times of the year (i.e. the winter months). Furthermore, there is a concern that the Air Quality Assessment does not consider the impact of emissions on air quality in general and EU limit values. It is important to note that the proposed biodiesel would be materially less polluting than conventional diesel (generating 31% less NO_x emissions). If the more polluting conventional diesel was used, then the Council's environmental health officer is concerned that there could be significant pollution offering other places of work on the Marchwood Industrial Park and on public areas at Magazine Lane in breach of EU air quality limit values. Even with the less polluting biodiesel, the proposed facilities would still emit substantial volumes of nitrogen oxides when operational, which would have an adverse impact on air quality.
- 14.15 The impact on air quality needs to be considered in the light of a policy context where there is currently no specific air quality guidance relating to the impact of processes which are only operational for a limited period of the year, but which are highly polluting for the periods when they are operational. This situation may change if and when the Medium Combustion Plan Directive becomes law, but for now the current lack of guidance makes it difficult to assess what level of air pollution would be acceptable in this instance. The Environment Agency have advised that it will be necessary for the applicant to obtain an Environmental Permit through which pollution risks can be assessed and controlled. However, the fact that an Environmental Permit may be required does not negate the Local Planning Authority's need to consider whether the impact on air quality is acceptable. Notwithstanding the current lack of guidance, the proposal ought to be considered in the light of a context where the

government is actively working to reduce nitrogen oxides across the UK to ensure compliance with EU limit values (which the UK is currently exceeding). It is of significance that the government recognises that unabated diesel generators are highly polluting, which could lead to 'avoidable increases in national NOx emissions'. It is also of note that Southampton City Council and other neighbouring authorities (but not New Forest District Council) have been asked to implement further measures to reduce nitrogen dioxide and nitrogen oxide emissions to include the implementation of a Clean Air Zone in Southampton. The proposed development would, due to prevailing wind directions, result in an increase in NOx emissions that would be carried towards Southampton and the Clean Air Zone that they are required to create. This is an important factor when considering what level of impact on air quality would be acceptable.

- 14.16 Ultimately, any Flexible Generation Facility would cause some pollution that would have some local adverse impact on air quality. However, given the government's broad support for Flexible Generation facilities to ensure the nation has an adequate energy supply at all times, some air pollution would be justified. What is important is that the levels of air pollution are reasonably minimised, having regard to all relevant EU and national guidance, and taking into account local circumstances. Absolutely critical, will be a requirement to restrict hours of operation, both within the calendar year and for a single period of operation. It is also felt that the type of fuel to be used should be restricted to the proposed biodiesel (or equivalent) because the use of more polluting conventional diesel would have unreasonably harmful effects on the air quality of nearby areas. Moreover, the technology does exist to reduce NOx emissions by 50% if specific pollution abatement measures (such as Selective Catalytic Reduction) are applied. The applicant has indicated that they do not intend to apply any such abatement techniques unless required to do so by future legislation (as could potentially happen through the implementation of the Medium Combustion Plant Directive). Notwithstanding the applicant's reluctance to introduce such measures, it is felt that they should be required to apply abatement technology in order to reasonably minimise NOx emissions and thereby minimise impact on local air quality. There is also considered a need to ensure that NOx emissions are carefully monitored. If all of these mitigation measures are applied, it is felt that the development's impact on air quality would be acceptable.

Noise considerations

- 14.17 The proposed development would generate some noise while operational. The applicants have submitted a detailed noise assessment which looks at potential noise impacts at a number of different nearby locations. This information has been considered and assessed by the Council's environmental health officer, who is satisfied that the proposal would have no adverse noise impact on nearby residential properties as the Noise Rating would not exceed the Background Noise Level (LA90) at these noise sensitive residential properties. The effects of noise have been minimised by siting all flues on the building's elevation that faces away from residential properties.
- 14.18 The effects of noise would be much more apparent at a number of other nearby commercial properties on the Marchwood Industrial Estate. However, in the case of Unit 2e (opposite the site), the Council's

environmental health officer is satisfied that noise levels, while being noticeable, would be acceptable for a commercial office / industrial environment.

- 14.19 The premises that is likely to be most affected by noise is the immediately adjacent unit that occupies the southern third of the building affected by this application. This unit is currently occupied by the company Pfeifier Rope & Tackle Ltd. Without any mitigation, the Council's environmental health officer has concluded that the proposal would increase break-out noise inside this premises to a level that would be 15dB(A) above the existing ambient noise level of 42bD(A) within the premises. Such an increase in noise levels would cause unacceptable harm to the amenities of the people working inside this premises. With appropriate internal acoustic insulation however, it would be possible to reduce noise levels to an acceptable level. This is a matter that could be reasonably agreed through a condition of planning permission.
- 14.20 Overall, it is considered that there would be no significant adverse noise impact arising from the generators, flues and transformers, and while there would be some adverse noise impact from the flues, this would affect less sensitive commercial premises rather than residential properties. The overall noise impacts of this development would be acceptable subject to appropriate conditions, setting noise limits, and requiring mitigation where appropriate. A condition should also be imposed to ensure that there is no adverse impact on the occupants of nearby premises arising from structural borne vibration.

Other considerations

- 14.21 Having regard to Natural England's comments, it is not considered the proposal would have any adverse impact on the ecological integrity of nearby designated sites. Furthermore, the proposal would not be expected to have a material impact on ecological interests, more generally.
- 14.22 The proposal would generate limited traffic movements. Therefore, taking into account the advice of the Highway Authority, it is not considered the proposal would have any material adverse implications for highway safety.
- 14.23 A concern has been raised that the proposed fuel to be used would be from environmentally unsustainable sources. However, the applicant advises all biofuel would derive from recycled vegetable oil and that no palm oil would be used. Therefore, there is no evidence that the proposed development would contribute to environmentally unsustainable practices in other parts of the world.
- 14.24 The Environment Agency's suggestion that the application be considered in parallel to any environmental permit application is noted and appreciated. However, there is not considered to be a sound planning reason to delay determination of this planning application. Ultimately, should the developer need to adjust their proposals in the light of an Environmental permit application, they may need to submit a further application for planning consent, which would need to be considered on its individual merits.

- 14.25 The site is within a Hazard Consultation Zone for a pipeline. However, the use is not a sensitive use in terms of this particular issue.

Summary & Conclusions

- 14.26 Overall, it is felt that the proposed development would be an appropriate new development that would be consistent with local and national planning policies. It is felt the development would be acceptable, both in isolation and in combination with the very closely related planning application 16/11407. The development would meet a clear and justified need to provide back-up energy to help meet the nation's energy needs. The development would, of course, have some environmental impacts, with noise, air quality and heritage impacts being the 3 key impacts. However, with appropriate mitigation measures that could be reasonably secured through conditions, it is felt that the development would not have an unacceptable impact on the amenities of nearby properties, air quality, or the adjacent Conservation Area and Listed Buildings. As such, it is felt that this application can be reasonably recommended for permission.
- 14.27 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: PLSK1B rev A, PLSK15B rev D, PLSK14B rev E, PLSK13B rev C, PLSK8B rev B, PLSK12B rev B, PLSK7B rev B, PLSK11B rev A, PLSK10B rev A, PLSK9B rev A, PLSK16B rev A, PLSK6B rev B, PLSK5B rev C, PLSK3B rev B, PLSK2B rev A, PLSK4B rev A.

Reason: To ensure satisfactory provision of the development.

3. The Facility hereby approved (Facility B) and the facility approved under planning permission 16/11407 shall operate for no more than 300 hours per calendar year, which, for the avoidance of doubt, means the same 300 hours in a calendar year for both facilities.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

4. The Facility hereby approved (Facility B) and the facility approved under planning permission 16/11407 shall, together, not operate for more than 5 hours continuously.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

5. The operator of the development hereby approved shall keep a written record of the hours of operation and make it available to the Local Planning Authority within 14 days of any such request to see the actual hours of operation.

Reason: To allow use of the facility and its impact on air quality to be properly monitored in compliance with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

6. The facility hereby approved shall only operate on biodiesel (Green B+) or an alternative fuel with equivalent or reduced pollutant emissions, the precise emission details of which shall be sent to the Local Planning Authority 14 days in advance of the alternative fuel first being used.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

7. Prior to works commencing on the site, the operator shall submit to the Local Planning Authority for its written approval a scheme for the mitigation of nitrogen oxide (NOx) emissions, using available technology so as to obtain a reduction in emissions of at least 50% compared to the unabated NOx emissions when using biodiesel (Green B+ or equivalent) as a fuel type. Development shall not take place until the mitigation scheme has been approved by the Local Planning Authority, and the facility shall only start to operate once the approved mitigation measures have been provided. These approved mitigation measures shall thereafter be permanently retained throughout the operational lifetime of the development.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

8. Prior to works commencing on the site, a scheme for the monitoring of nitrogen oxide (NOx) emissions from both the facility hereby approved and the facility approved under planning permission 16/11407, shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be approved shall include an agreed limit value based on the mitigated nitrogen oxide (NOx) emissions, measures to be undertaken if the emission limit is exceeded, and a monitoring schedule which shall include, as a minimum, monitoring on commissioning of the Facilities and every 3 years thereafter during the operation of the Facilities.

Reason: To ensure that the proposal does not have an adverse impact on air quality and to comply with policies CS2 and CS5 of the Core Strategy for New Forest District outside of the National Park.

9. The combined Noise Rating Level from all plant and equipment on the site (including Facility A), shall not exceed the Background Noise Level (LA90) at the boundary of any noise sensitive premises in accordance with BS4142:2014. The Background Noise Level (LA90) for the daytime period (07:00 to 23:00 hours) is stated as 41dB LA90 15 mins and the Background Noise Level (LA90) for the night-time period (23:00 to 07:00 hours) is stated as 39 dB (LA90) 15 mins.

Reason: To ensure that the proposed development does not generate a level of noise that would be detrimental to the amenities of nearby residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

10. Prior to the approved development first commencing, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that the main application building is acoustically insulated, so that any internally generated noise from the approved development site (comprising both Facility B and the separate Facility A) does not exceed a Noise Rating Curve level of NR35 within the adjoining premises. The approved scheme shall be installed prior to the development's first operational use and shall thereafter be permanently retained and maintained.

Reason: To safeguard the reasonable amenities of the adjacent business use from potential adverse noise impacts and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

11. Prior to the approved development first commencing, a scheme shall be submitted to and approved by the Local Planning Authority that shall demonstrate how the plant and equipment used on the site will be mounted so as to minimise transmission of structure borne sound and vibration. The approved scheme shall be installed prior to the development's first operational use and shall thereafter be retained and maintained.

Reason: To ensure that the proposed development does not generate noise and vibration that would be detrimental to the amenities of nearby properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 16/12/17 and the following mitigation measures detailed within the FRA:

1. Finished floor levels shall be no lower than 600mm above the Q100 flood level including climate change (3.623mAOD).
2. The site owner shall sign up to the Environment Agency early warning system.
3. A safe route or routes shall be identified and provided into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the structural integrity of proposed flood defences thereby reducing the risk of flooding; to ensure safe access and egress from and to the site; to reduce the risk of flooding to the proposed development and future occupants and to comply with Policy CS6 of the Core Strategy for New Forest District outside of the National Park.

13. The transformer and switchgear that are to be provided within the external yard shall not be provided until precise elevational details of these features, which shall not exceed the dimensions shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of this part of the development is acceptable and to safeguard the setting of adjacent heritage assets in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

14. Before the transformer and switchgear in the external yard area is first provided, details of the precise external finish of the associated blast wall, including, as appropriate, samples of materials, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that the appearance of this part of the development is acceptable and to safeguard the setting of adjacent heritage assets in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

15. Before development commences a scheme of landscaping for the site's western boundary shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the appearance of this part of the development is acceptable and to safeguard the setting of adjacent heritage assets in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

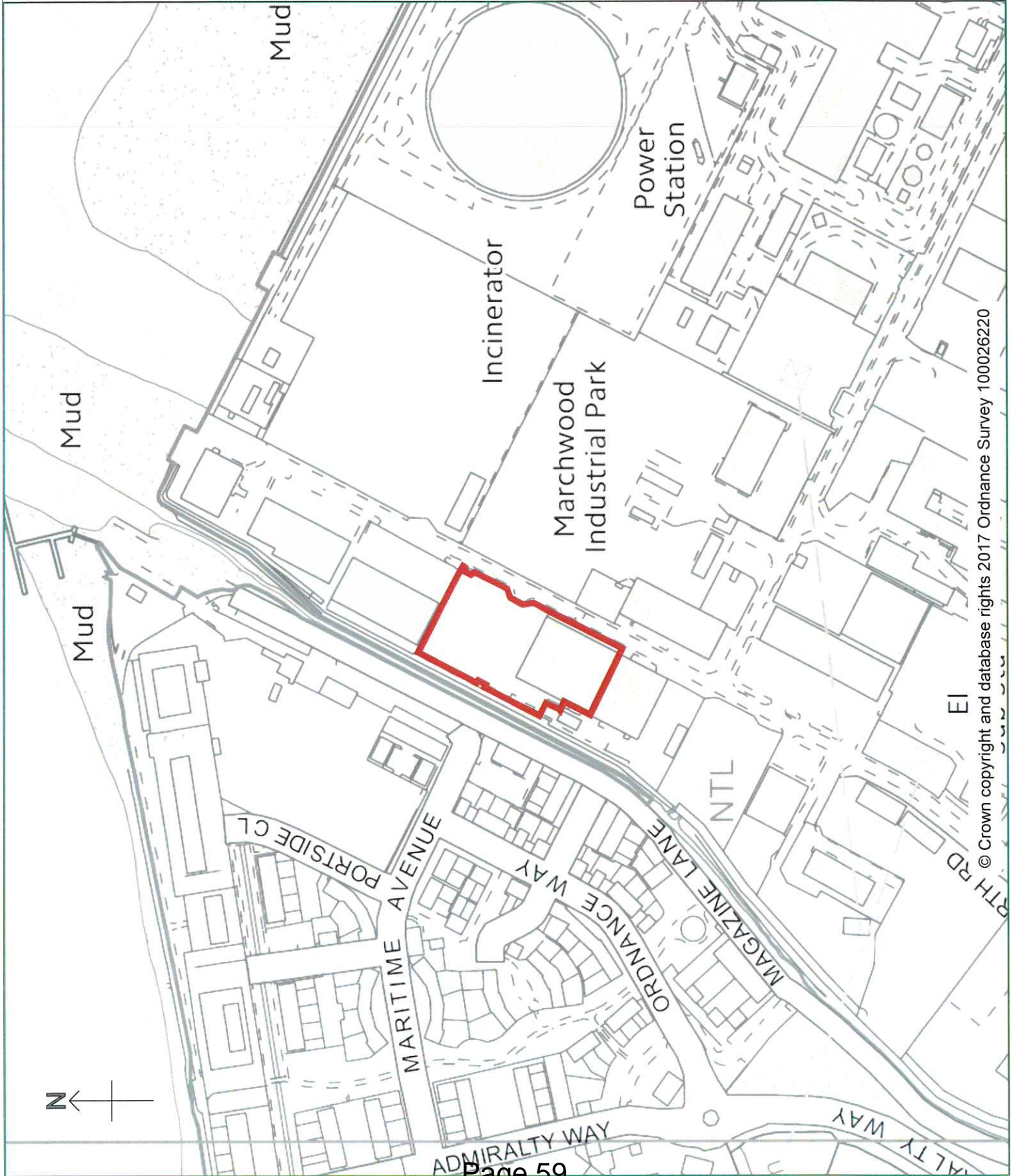
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, there has been regular communication with the applicant's agent throughout the application process, and additional information has been requested to address a number of detailed conditions. This has enabled a positive recommendation to be made.

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

Further information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11569 Full Planning Permission

Site: Land adjacent to AUTUMN LODGE, NORTH ROAD, DIBDEN
PURLIEU, HYTHE SO45 4RW

Development: Two houses; access; parking; landscaping

Applicant: Broadsword Group

Target Date: 20/01/2017

Extension Date: 10/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 2 houses with access (79563o/l) - granted 10/12/03
- 6.2 2 houses; detached double garage; access (13/10417) - withdrawn 17/5/13
- 6.3 2 houses; access; parking (13/11179) - withdrawn 21/10/13
- 6.4 2 detached houses; access; parking (13/11381) - refused 13/2/14 - appeal dismissed
- 6.5 2 detached houses; access; parking (15/11735) - granted 10/2/16

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal - overdevelopment of the site because of the dwellings' revised size; concerns about development's significant height; parking for plot 1 appears to be insufficient which could lead to inappropriate parking on the road; dwellings would be out of keeping with the surrounding area and the neighbouring dwelling Rudbeckia; concerns about pedestrian safety; concerns about noise from gravel driveway; if permission were to be granted would want construction vehicles to be contained on the site.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection to amended plans subject to conditions on parking and turning
- 9.2 Southern Gas: advise of site's proximity to gas main
- 9.3 Tree Officer: no objection subject to tree protection condition
- 9.4 Ecologist: no objection subject to biodiversity mitigation / enhancement condition

10 REPRESENTATIONS RECEIVED

- 10.1 One letter of objection raising concerns that the development is not in keeping with the local area and is an overdevelopment of this plot.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive the New Homes Bonus, amounting to £2448 in each of the following four years, subject to the following conditions being met:

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

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £34,686.33.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case, additional information and amendments have been sought since the application was first registered in order to address initial concerns and this has enabled a positive recommendation to be made.

14 ASSESSMENT

14.1 The application site is an undeveloped parcel of land that lies to the south-east side of the residential property 'Autumn Lodge'. The plot is also bounded on its north-western side by 24 Cleveland Drive, which is 2-storeys high. The application site fronts onto a narrow, tree-lined section of North Road, just to the north-west of the main entrance to Noadswood School. This part of North Road terminates as a vehicular route just beyond Autumn Lodge, but it does carry on as a well used pedestrian through route that provides an important pedestrian link

between the school and residential areas to the north. There is a small copse opposite the frontage of the site, while to the south-east side of the site is a 2-storey dwelling known as "Rudbeckia". A small section of the site's south-eastern boundary abuts the rear garden of 4 Nash Road, while to the rear of the site is 15 Blenheim Gardens, which is another 2-storey dwelling. Rough vegetation currently covers most of the site. A large mature oak tree that is protected by a Tree Preservation Order (TPO) is a key feature on the site's south-eastern side boundary. Further trees on the front boundary of the neighbouring property 'Rudbeckia', comprising two oaks and a yew, are also a material planning consideration.

- 14.2 An application for 2 detached dwellings was refused by the Local Planning Authority in February 2014. The development's layout and design was felt to be harmful to the long-term future of important trees including a mature oak tree protected by a Tree Preservation Order. A subsequent appeal was dismissed, with the appeal inspector agreeing that the development would cause unjustified harm to both the protected oak tree and the yew tree growing close to the frontage of the site. Following on from this, a further application was submitted for 2 detached dwellings, which satisfactorily addressed the main objection to the earlier scheme. Accordingly, the scheme was approved in February 2016. This permission has not been implemented, but remains extant.
- 14.3 The application that has now been submitted is a further application for 2 detached dwellings, with access, parking, and landscaping. The position of the proposed dwellings would be broadly similar to the position of the dwellings that were approved last year. However, the dwellings would have slightly bigger footprints and would be larger buildings of a materially different design.
- 14.4 It is considered that the proposed dwellings would still have an appropriate spatial setting. There would be an acceptable distance between the 2 dwellings, as well as appropriate gaps to adjacent properties which would be typical of this area. The front dwelling would be quite large, but not unacceptably so. The ridge height of the proposed dwelling would be no higher than that of other adjacent dwellings, and the mass of the building would be adequately articulated. The scale of the rear dwelling, which would be smaller than the front dwelling, would be in keeping with the scale of other adjacent dwellings. It is not felt this rear dwelling would be unacceptably dominant in its setting. The dwellings would have a modern appearance, which would not be inappropriate in this context, noting that there is no particular uniformity in the appearance of nearby dwellings. The proposed dwellings would be well proportioned buildings, and with the good quality materials and detailing this is suggested, it is felt that they would be a sympathetic addition to the built environment. The detailed landscape proposals that accompany the proposed application would also ensure that the dwellings would have an acceptable landscape setting. Overall, it is considered the proposed development would be well designed and sympathetic to the character and appearance of the area.
- 14.5 The application is accompanied by an Arboricultural Assessment, Method Statement and Tree Protection Plan which details how the protected oak tree and other significant trees would be protected during building operations. The Council's tree officer is satisfied that the development can be provided without compromising the long term future of these trees.

- 14.6 The proposed front dwelling would project about 8 metres forward of the adjacent property Autumn Lodge, and so there would be some impact on the light and outlook of this neighbouring property. However, the front dwelling would also be set at least 4 metres away from the boundary with Autumn Lodge. Given this degree of separation, it is not felt the impact on the outlook of Autumn Lodge would be unreasonable, noting as well that the immediately adjacent ground floor element of Autumn Lodge is a garage rather than primary living accommodation. The proposed front dwelling would have a similar setback to the adjacent property Rudbeckia, and so would have only limited impact on that property's light and outlook. Provided first floor bathroom and en-suite windows on either side of the front dwelling were glazed with obscure glass the front dwelling would have no adverse impact on the privacy of the neighbouring properties on either side. It is also to be noted that the plans have been amended since the application was registered to address overlooking concerns relating to a rear roof terrace. That roof terrace has now been removed and replaced with a more appropriate Juliet style balcony that would not result in undue overlooking of neighbouring dwellings.
- 14.7 The proposed rear dwelling would have some impact on the light and outlook of the adjacent property at 24 Cleveland Drive as it would project to the rear of that dwelling which has a staggered rear elevation. However, having regard to the setback of the dwelling from the site's side boundary, and the lower height of a proposed rear projection (albeit with a higher chimney feature), it is felt, on balance, that the development's impact on the light and outlook of 24 Cleveland Drive would be acceptable. Furthermore, upper floor windows in the north-east side elevation of the proposed rear dwelling could be reasonably be revised to be glazed with obscure glass so as to maintain the privacy of this neighbouring dwelling at 24 Cleveland Drive. Upper floor windows on other elevations of the rear dwelling would give views towards 15 Blenheim Gardens and the rear garden of 4 Nash Road. However, the views towards Blenheim Gardens would not involve any particularly sensitive relationships, while the impact on 4 Nash Road would not be harmful, given the significant length of that property's rear garden.
- 14.8 It is not considered the proposal would give rise to any undue noise impact. The driveway is proposed to have a block paving finish rather than gravel. Overall, therefore, it is considered that the development would have an acceptable impact on the amenities of neighbouring properties.
- 14.9 Following the submission of additional details, it is considered that the development would have acceptable access and on-site parking arrangements. The Highway Authority have no objection to the proposal. The Highway Authority do not require construction vehicles to be contained on the site, and nor was such a condition imposed on the extant planning permission. Therefore, such a condition is not considered necessary.
- 14.10 The previously approved scheme secured a contribution to affordable housing. However, in the light of recent changes to national planning policy, it is now considered inappropriate to secure a contribution towards affordable housing in respect of 10 residential units or fewer. In essence, national planning policies would now outweigh the Council's own policies on this particular issue.

- 14.11 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.12 Overall, the proposed development would be consistent with policy. Although the proposed dwellings would be of a materially different character and appearance to those that were previously approved, it is considered, nonetheless, that the development would be well designed and sympathetic to its context. The development could be implemented without materially harming neighbouring properties, trees, highway safety, or other environmental interests. As such, the application is recommended for permission.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings		0	
Financial Contribution		0	
Habitats Mitigation			
Financial Contribution	£10,700		

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	415.98	0	415.98	415.98	£80/sqm	£34,686.33 *

Subtotal:	£34,686.33
Relief:	£0.00
Total Payable:	£34,686.33

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

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

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 160-P-01, 160-P-04, 160-P-08, 160-P-05, 160-P-06, 160-SK-09, 160-P-07 - Amended version received 23/1/17, 160-P-02 - Amended version received 23/1/17, 160-P-03 - Amended version received 23/1/17, 020.0091.100 rev P4, 559-LA-02 rev D, 559-LA-01 rev E, 14035-BT4.

Reason: To ensure satisfactory provision of the development.

3. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

4. 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 CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

5. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. The trees/hedges on or overhanging the site which are shown as being retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement reference 14035-AA4-CA dated 19th January 2017 and Tree Protection Plan ref 10435-BT4.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).
7. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
8. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
9. Prior to development commencing, details of biodiversity mitigation and compensation measures shall be submitted to and approved by the Local Planning Authority. These measures shall include a reptile hibernacula feature and ecological supervision of site clearance, provision of bat roosting opportunities, and measures to assist the permeability of the site to wildlife. The approved measures shall thereafter be implemented and maintained in accordance with agreed details.

Reason: To safeguard biodiversity interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.
10. The development hereby permitted shall not be occupied until the approved spaces/ areas for the parking and turning of motor vehicles have been provided. These spaces / areas shall be retained and kept available for the parking and turning of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

11. Before the commencement of development, details of the provision that is to be made for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided before the development is first occupied and shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking provision is made and to comply with Policies CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

12. The following windows shall at all times be glazed with obscure glass:
- a) the first floor bathroom and en-suite windows on the north-west side elevation of the approved dwelling on Plot 1.
 - b) the second floor en-suite window on the north-west side elevation of the approved dwelling on Plot 1.
 - c) the first floor en-suite window on the south-east side elevation of the approved dwelling on Plot 1.
 - d) the first floor bathroom and stairwell windows on the north-west side elevation of the approved dwelling on Plot 2.
 - e) the second floor stairwell window on the north-west side elevation of the approved dwelling on Plot 2.
 - f) the second floor en-suite window on the south-east side elevation of the approved dwelling on Plot 2.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension otherwise approved by Class A, B or C of Part 1 of Schedule 2 the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or hardstanding otherwise approved by Class F of Part 1 of Schedule 2 to the Order shall be erected, formed or carried out without express planning permission first having been granted.

Reason: In view of significant trees on and adjacent to the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the health of these trees, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy). Furthermore, the scheme's design integrity would be harmfully undermined by unsympathetic roof alterations that could otherwise be carried out under permitted development rights.

Notes for inclusion on certificate:

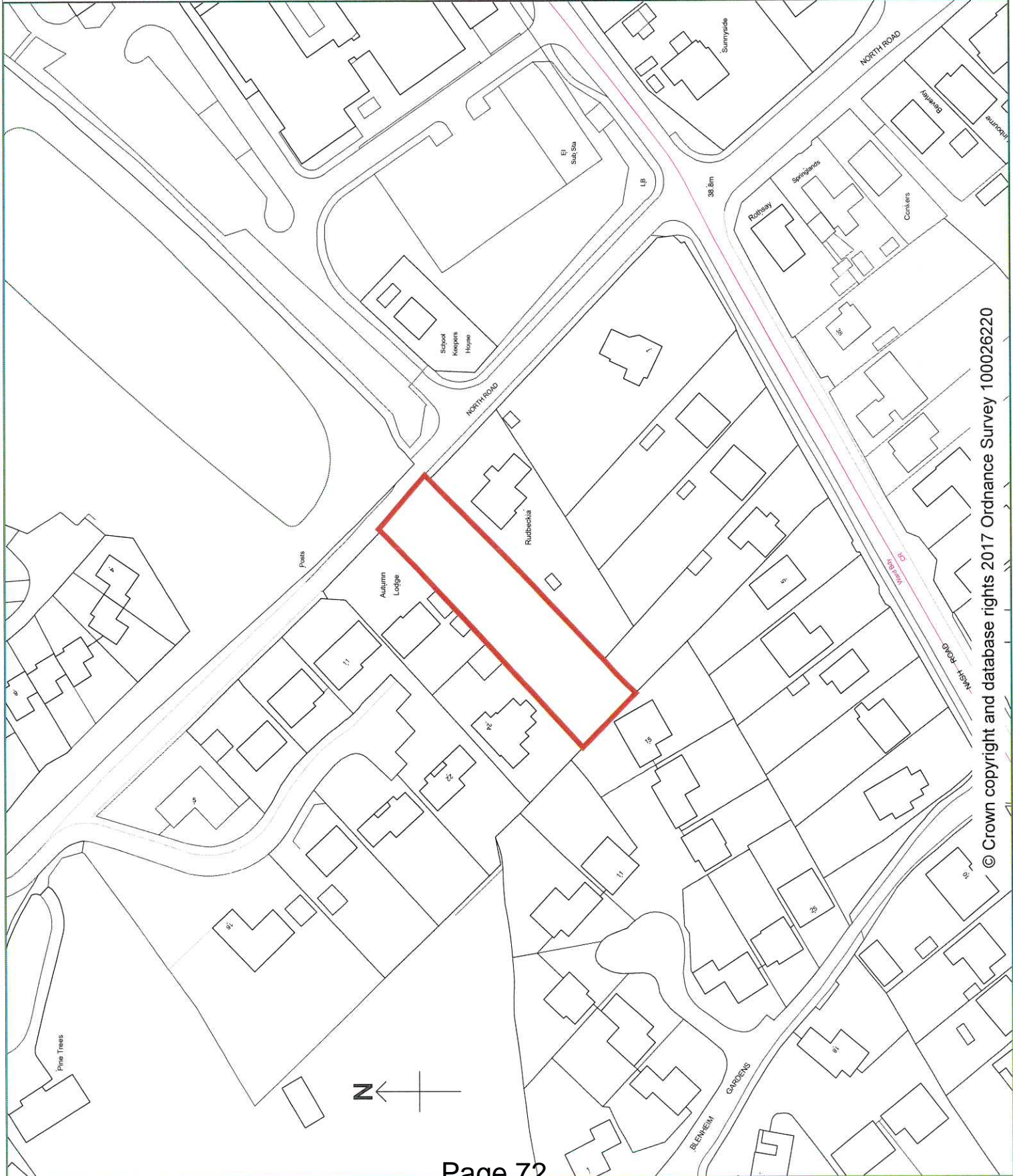
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case, additional information and amendments have been sought since the application was first registered in order to address initial concerns and this has enabled a positive recommendation to be made.

2. In discharging condition No. 3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11649 Full Planning Permission

Site: 18 FAIRFIELD ROAD, BARTON-ON-SEA,
NEW MILTON BH25 7NL

Development: Two-storey side extension; porch

Applicant: Mr Sgambaro

Target Date: 09/02/2017

Extension Date: 10/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

None relevant

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object due to over development

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 1

Comment(s): 0 In Favour: 0 Against: 1

Objection from neighbour at 20 Fairfield Road

- over intensive development taking into account previous extensions at property since it was built in 1927
- loss of light to study/hobbies room and contravenes right to light
- overlooking from additional windows
- other extensions within the road have not created similar issues

Representation from applicant

- reference to previous garage on site adjacent to neighbour would have had same impact as current proposed extension
- reference to other similar and larger extensions within road
- reasons for requiring extension

Comments in full are available on website.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The proposed two storey side extension would reduce the gap with the neighbouring bungalow, No20 Fairfield Road, but taking into account the varied form of development within the road, this would not be harmful to the street scene.
- 12.2 The 2 storey extension would be appropriate in scale and design to the existing dwelling. The first floor would be set back slightly retaining, to a degree, the definition of the existing dwelling. The proposed porch would respect the existing design and therefore would be appropriate.
- 12.3 The existing dwelling is situated in a reasonable sized plot, which could accommodate the increased footprint of the dwelling and would be comparable to other dwellings within the road.
- 12.4 The 2 storey side extension would introduce built form closer to the neighbouring property, no 20 Fairfield Road which is a bungalow with front and rear dormers to serve rooms within its roofspace. This property is located to the north west of the application site. There is an existing ground floor window on the side elevation of no 20 which faces the application site. This window currently looks out onto the existing boundary fence between the two properties and is described as serving a study/hobbies room. It would appear from the floor plans submitted with the application for No.20 (00/68926 approved in 2000) that this side window is a secondary window, as this room is also served by a larger window on the front elevation. Furthermore, it would appear that previously there was a single storey garage within the curtilage of the application site that would have compromised this window.
- 12.5 The introduction of a two storey extension within 2m of the neighbouring bungalow would have an impact on it. However, taking into account that this side window has a secondary function and was previously compromised to a degree by a garage on this application site should not create an unacceptable level of harm to the amenities of this neighbour that would justify a refusal on loss of light to this room. Furthermore no additional impacts in this respect are likely to result to the rear bedroom window of No.20.
- 12.6 There is a first floor side window on the existing dwelling. The proposed extension would have two first floor windows positioned further forward on the side elevation. There is some potential for overlooking of the rear garden of no 20 from the rear most sited window, but as this would only be serving a staircase and is quite narrow this should not significantly impact on their amenities. Nevertheless, as it could lead to a perception

of being overlooked, it would therefore be reasonable to condition this window to be obscure glazed with fan light opening only. The rooflights would be at a high level in relation to the rooms they are serving, and therefore would not create an issue in relation to neighbour amenity.

- 12.7 There are already first floor windows on the existing rear elevation, so the proposed additional window would not create any issues over the existing situation. Furthermore, oblique views only would be achievable over neighbouring rear gardens, so as not to create an unacceptable level of overlooking in this built up urban area.
- 12.8 Due to the orientation of the dwellings, the proposed extension would not create issues of overshadowing to no 20 Fairfield Road. There are no other neighbour amenity issues in this case.
- 12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: tdb-69 1-7

Reason: To ensure satisfactory provision of the development.

3. The rearmost first floor window on the west elevation of the approved building serving the stairs shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11665 Full Planning Permission

Site: 4 TUCKS CLOSE, BRANSGORE BH23 8ND

Development: Single-storey front, side & rear extensions;
use of garage as living accommodation

Applicant: Mr & Mrs M Pursey

Target Date: 06/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary member view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Planning Agreement
Aerodrome Safeguarding Zone
Plan Area

Tree Preservation Order: 86/99

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality
CS6: Flood risk
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Parking Standards

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10956 Single-storey front, side and rear extensions; detached garage/store; use of existing garage as living accommodation	13/10/2016	Refused	Decided	
13/11339 Single-storey front and rear extensions; porch canopy; roof link to garage	30/12/2013	Granted	Decided	
10/96496 Single-storey front & rear extensions	17/02/2011	Granted Subject to Conditions	Decided	
10/96124 Single-storey front & rear extensions	13/12/2010	Withdrawn by Applicant	Withdrawn	
10/95543 One and two-storey extension	29/06/2010	Refused	Decided	
XX/RFR/15318 193 dwellings and garages.	03/10/1972	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Councillor Frampton: concern regarding drainage and the change of use of the garage as it is a semi-detached building and residential occupation so much closer to the neighbour may be detrimental to their amenities.

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: approval. The impact on surrounding properties would be minimal.

7 CONSULTEE COMMENTS

Tree Officer: no objection, subject to condition requiring the submission of an arboricultural report, method statement and engineering drawings for the foundation design before development commences.

Hampshire County Council Highways: no objection, subject to condition requiring the retention of the parking area to accommodate at least 3 vehicles.

Land Drainage: recommends approval subject to condition regarding submission of details for the means of surface water disposal.

Comments in full are available on website.

8 REPRESENTATIONS RECEIVED

3 objections have been received on the grounds of objection;

- Impacts on the character of the area - extensions would see an excessive increase in the size of the property, out of keeping with surrounding properties.

- Potential damage to trees and hedgerows
- Drainage and sewerage issues
- Reference to the property's foundation design
- Garages should remain separate from personal living area as per the original design/plans
- Party Wall Act

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

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

In this case the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The site is located within the built up area. It is an attached bungalow which has been previously extended at the front, side and rear under PA 13/11339. It forms part of a development dating from the latter half of the C20 which comprises of cul-de-sac developments and detached bungalow and two storey development of related design. Key features of the development include open plan frontages and groups of retained trees and hedgerows, remnants of former field boundaries and wooded areas which provide a green backdrop and pleasant vistas within the development.
- 12.2 This application follows a previous application which was refused due to concerns over a proposed detached garage at the front of the site. This garage has now been omitted with the extensions still as proposed under the former application.
- 12.3 Although seeing further enlargement of the property the proposed extensions would remain of sympathetic design and a form which would be in keeping within this residential area. The resulting site coverage would maintain adequate amenity space such that this would not represent overdevelopment of the site. The detailed design of the extensions would respond to the property's existing built form and maintain the staggered relationship with adjacent development. The proposed conversion of the garage would see limited external change to

the building, which as a result of its recessive position would have limited wider impacts on the appearance of the street scene. As such it is considered that the impacts on visual amenity would be acceptable.

- 12.4 The proposed extensions would maintain an acceptable degree of separation from neighbouring premises such that would not result in any harmful impacts on the living conditions of neighbouring occupiers. The flat roofed infill would see the modest enlargement of the existing extension which given the separation from neighbouring premises, would not lead to any overbearing visual intrusion on their outlook.
- 12.5 There are no conditions on the original or subsequent permission that requires the retention of the garage or parking on site. The use of the garage as living accommodation would not result in a level of activity generation that would be inconsistent with the established residential character. As such it is considered the impacts on the living conditions of neighbouring occupiers would be acceptable.
- 12.6 There are a number of trees along the boundary of the site which are covered by preservation orders and the proposed development would in part, encroach into the root protection area of these trees. There is no arboricultural report to address impacts on these trees. However the Tree Officer has been consulted and considers that the development could be accommodated without causing harm to them, subject to agreement of works and foundation design, which can be addressed through condition.
- 12.7 In respect of highway safety the proposal would provide space for parking levels in accordance with the Council's adopted SPD. This would however be subject to the retention of the parking and turning areas as currently on site and detailed in the submitted plans, which can be addressed by condition.
- 12.8 Concerns have been raised regarding drainage. However the Council's land drainage team consider this can be addressed by condition, which would ensure control over the final details of surface water disposal.
- 12.9 In relation to other issues raised through representation, existing hedgerows are detailed on the submitted plans as being retained. Consideration of the sewerage arrangements and foundation design would fall within the separate remit of building regulations. Issues relating to Party Wall Agreements are a separate civil matter. Although the original design of the development provided the existing garage, this does not preclude its conversion where the material impacts are considered acceptable.
- 12.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; 6130/4; 6130/1; 6130/2

Reason: To ensure satisfactory provision of the development.

3. No development, demolition or site clearance shall take place until an arboricultural report, arboricultural method statement and engineering drawings for the foundation design of the approved development shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be undertaken in accordance with the provisions and details approved.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. On commencement of works for the conversion of the existing garage the existing parking arrangements on site as detailed on the approved plans, shall be retained and kept available for the parking of motor vehicles and remain as such thereafter.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

5. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning 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 Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

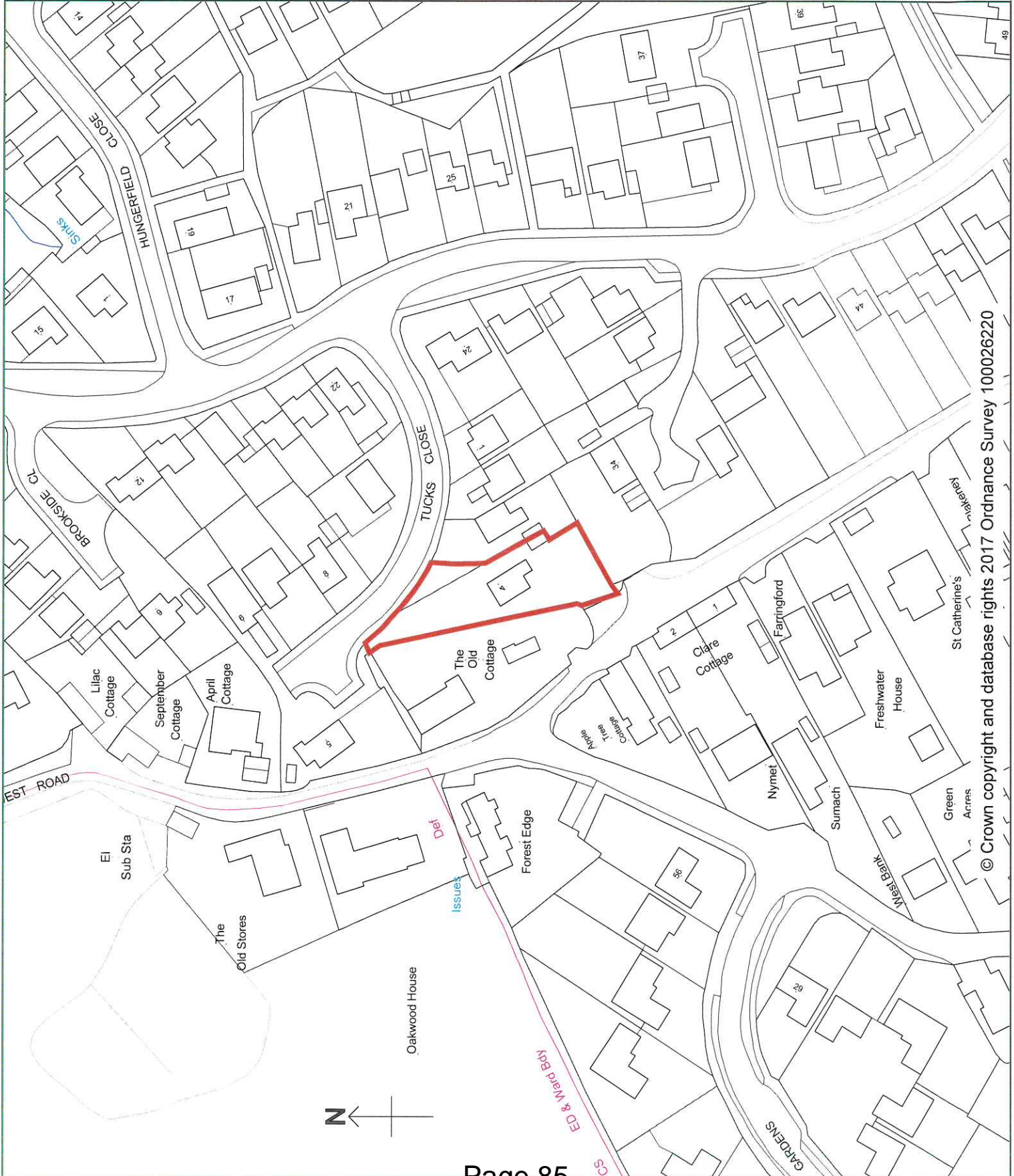
Notes for inclusion on certificate:

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

In this case the application was acceptable as submitted no specific further actions were required.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11698 Full Planning Permission

Site: 16 ELDON AVENUE, BARTON-ON-SEA,
NEW MILTON BH25 7LL

Development: Roof alterations in association with new first floor; dormer;
rooflights; side and rear extension; porch

Applicant: Mr & Mrs Selby

Target Date: 14/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Town Council

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness
SPD - Parking Standards

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10728 Side and rear extension; front infill extension; raise roof height, dormer and rooflights in association with new first floor; porch	08/08/2016	Refused	Appeal Decided	Appeal Dismissed
15/11743 Two-storey dwelling; demolition of existing	11/05/2016	Refused	Decided	
15/10559 House; demolition of existing	26/06/2015	Refused	Decided	
10/95238 Roof alterations in association with new first floor; dormer; rooflight	15/04/2010	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council : object (non-delegated)

- (1) Out of character due to the triangular front dormer.
- (2) Bulk and scale, particularly to the south side.
- (3) Detrimental effect to neighbours at numbers 14 and 18.

7 CONSULTEE COMMENTS

Drainage - no objection subject to condition

8 REPRESENTATIONS RECEIVED

Two letters or representation have been received raising objection to the proposal for the following reasons;

- Design; has not changed throughout; the increase in size and footprint would be excessive and see loss of detached spaciousness; second storey would see the loss of the perceived gap between No.18 and No 14; front dormer design detrimental to the street scene.
- Loss of light; to conservatory of No.18; from side extension to kitchen and rear extension to conservatory of No.14.
- Loss of privacy
- Loss of car parking
- Potential conflict with building regulations in relation to second storey head room
- Surface water flooding
- Set precedent for future development.

Comments in full are available on website.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

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

In this case further to amendments to the submitted plans and clarification the application was acceptable.

12 ASSESSMENT

- 12.1 This is a detached bungalow located with the built up area of Barton-on-Sea. It sits among a group of detached bungalows on this side of the road which in their regular design and spatial arrangement provide a strong rhythm and form which contributes to the local distinctiveness of the street scene.
- 12.2 This application follows a previous scheme (16/10728) for the replacement and extension of the property. An appeal against this refusal was dismissed by the Planning Inspectorate. The Inspector concluded that the development would be visually intrusive and detrimental to the established character and appearance of the area. This drew particular attention to the proposed increase in the scale of the property through its widening and increase in height, and aspects of the detailed design and materials.
- 12.3 The current submission seeks to address these concerns by reducing the scale of the proposal and altering aspects of the detailed design. Of note, the original width and height of the property and hipped front roof form would be retained, the size of the front dormer reduced. There would be additional ground floor accommodation at the side of the property accommodated under a single storey element. The materials proposed would also match those existing.
- 12.4 With reference to the key elements which define the character of development in this area the Council's adopted Local Distinctiveness Document (Page 74) refers to the *Consistency of street rhythms, building lines, gaps between buildings, eaves heights and roof forms in bungalow areas – predominantly uninterrupted hipped simple roofs and simple building forms*. As a result of its design, the proposal would maintain the original form of the property relative to the street scene in the span, height and roof design.

- 12.5 The proposed side extension would reduce the existing gap which exists to the side of the property from 3m to 0.5m. However this would be of a subservient scale and, as in the case of the extension to No 18, such that would not erode the rhythm created by the principle roof form of the properties in this row. The proposal would incorporate a full gable roof form at the rear of the property, however in its limited extent of projection and relationship to wider street scene views, this would not appear visually conspicuous.
- 12.6 It is recognised the currently uninterrupted roof would be punctuated by a dormer however, in its scale and amended cladding to match the existing roof, this would not detract from the dominant character of the roof form. The presence of other dormer additions of varying styles in the vicinity of the site is also noted, such that this feature would not appear alien or visually intrusive. Considering the cumulative scale of the additions it is considered these would represent proportionate additions to the property that would not represent an overdevelopment of the site.
- 12.7 On this basis it is considered the proposals would maintain the key design elements of the property's form which contribute to the local distinctiveness of the street scene. As such the impacts on visual amenity would be acceptable.
- 12.8 Representations have been received from both adjacent neighbouring occupiers raising a number of concerns over the impacts of the proposals on their light, outlook and privacy. In respect of the relationship with No.14, the side extension would increase proximity, however, given the single storey scale of this element, separation and the relative orientation, this would not lead to any harmful degree of overshadowing or loss of outlook. Although the rear extension would see some potential increase in overshadowing given the presence of an existing extension along the southern boundary of No.18 this would provide such separation that would not see any harm as a result to loss of light or outlook.
- 12.9 New first floor side rooflight windows could enable views towards neighbouring sites, however restricted glazing could be used to mitigate any potentially harmful loss of privacy. Front and rear first floor window openings would enable distant and / or restricted oblique views towards neighbouring premises. It is not considered that these would enable such extent of views that would result in demonstrable harm through loss of privacy in this residential setting.
- 12.10 The proposal would provide three on-site parking spaces, which meet with the Councils recommended average provision for, dwellings of four or more bedrooms. In respect of drainage, the Councils drainage team have raised no objection to the proposals, subject to a condition on further details of surface water drainage being submitted. In any case, drainage from the site would be covered separately under building regulations. With regard to head height, this would also be covered separately under building regulations and any proposal to increase the height of the property would need to be considered under a separate planning application. This would also be the case for any future development in the area would be the subject of a further planning application and would need to also meet the relevant policy requirements at that time.

12.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 101Rev B; 101a; 102 Rev B; 103 Rev B; 104 Rev B.

Reason: To ensure satisfactory provision of the development.

3. The first floor roof light windows on the side elevations of the approved development shall at all times be glazed with obscure glass and fixed shut unless the parts that can be opened are more than 1.7m above the floor level in the room being served.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning 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 Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

Notes for inclusion on certificate:

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

In this case further to amendments to the submitted plans and clarification the application was acceptable.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 13/02/2017

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11722 Full Planning Permission

Site: THE WILDERNESS, WEST ROAD,
MILFORD-ON-SEA SO41 0NZ

Development: Two-storey house with balcony; demolition of existing; detached garage with workshop; access alterations

Applicant: Dr H Artis & Dr J Waller

Target Date: 02/03/2017

Extension Date: 09/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

The site lies within the countryside beyond the Milford settlement boundary, which is also designated as Green Belt.

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

SPG - Milford-on-Sea Village Design Statement
SPG - Residential Design Guide for Rural Areas

Policies

Local Plan Part 1 (Core Strategy DPD) 2009

CS2: Design quality
CS10: The spatial strategy

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

DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Residential Design Guide for Rural Areas of the New Forest District
Supplementary Planning Guidance (NFDC.1999)

Milford Design Guide-Village Design Statement SPG (NFDC 2002)

6 RELEVANT PLANNING HISTORY

There is no planning history for this site which is of particular relevance to this proposal.

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council: recommend permission. The Parish Council considered the design and size of the house appropriate for such a unique location in the village.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

10.1 3 letters of support. The design, size and overall appearance of the proposed development would be acceptable and will be an improvement on the existing building.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Based on the information provided at the time of this report this development has a CIL liability of £3,344.00.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

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

The proposals subject to this current application are very similar to the most recent plans submitted as part of a pre application enquiry. On the basis that the current proposals have not addressed the concerns previously raised, it would not be appropriate for officers to provide any further advice for changes to be made and a decision should be reached on the current proposal.

14 ASSESSMENT

- 14.1 "The Wilderness" is a fairly modest detached bungalow which forms part of a group with three other detached properties on the outskirts of Milford. The property is accessed via a private lane which joins West Road to the south. There is a detached single garage and a wooden shed within the grounds of the property. The dwelling is enclosed by hedgerows and vegetation to its front, side and rear boundaries. Views of the bungalow can be gained from Cliff Road across the open field, with the run of three dwellings just beyond.
- 14.2 For the purposes of policy, the site lies within the countryside and Green Belt. Just to the south of the site is the edge of the built up area boundary, and the land to the north is occupied by various holiday homes and caravan parks. It should be noted that the holiday and caravan parks lie within land designated as countryside and Green Belt. The three immediate neighbouring dwellings comprise two chalet style bungalows which appear to have recently been modified and a larger detached two storey dwelling.
- 14.3 The proposal is to replace the existing dwelling with a two storey detached house and outbuilding. The proposed dwelling utilises the footprint of the bungalow, the outbuilding being the only element of the proposal that extends the footprint of the existing bungalow. A new access would be created along the western boundary, with car parking spaces provided in front of the proposed garage.
- 14.4 The principle planning issues arising from the proposal concern the compatibility of the scale of the proposal within the constraints of this rural, Green Belt location and the suitability of the design of the house within its context.

- 14.5 Starting with the policy position, Local Plan Part 2 Policy DM20 relates to residential development in the countryside and the policy permits replacement dwellings but this is subject to certain criteria. The policy states that development should be of appropriate design, scale and appearance with the rural character of the area and should be designed to respect the character and scale of the existing dwelling and not significantly alter the impact of built development on the site within its setting. The policy also states that replacement dwellings should not normally provide for an increase in floor space of more than 30% of how the property existed on the 1st July 1982.
- 14.6 Paragraph 89 of the National Planning Policy Framework relates to the Green Belt and states that a Local Planning Authority should regard the construction of new buildings as inappropriate development. Exceptions to this are the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
- 14.7 The existing property is a modest detached bungalow with a floor space of approximately 137 square metres, which would allow a floor space of 178 square metres. The proposed dwelling would have a floor space approximately 6 square metres over the floor space limitation. Moreover, if the floor space beneath the balconies was being counted as floor space, this would result in the proposed floor space well above that permissible by policy.
- 14.8 However, in assessing the proposed floor space limitation, given the minimal increase in floor space of only 6 square metres, it is not considered a reason of such significance to justify refusing the application. Moreover, in this particular case, it would be unreasonable to treat the space beneath the balconies as floor space given that these are designed features on the building and the applicant is seeking to take advantage of the views of the landscape. Accordingly, it would be more important to focus on whether the proposed dwelling and outbuilding are appropriate in this setting and their impact on the character of the countryside and Green belt.
- 14.9 Visually the existing bungalow is a modest, low profile, building incorporating a fully hipped concrete tiled roof with concrete blockwork for its cladding. It sits comfortably in its setting, with views of its roof visible from Cliff Road. Although the existing bungalow is of no architectural merit, because of its low scale and shallow profile, it has minimal impact on the landscape. Accordingly, while there is an opportunity to replace the existing bungalow with a new building, careful consideration should be given to the design, size and scale of any replacement to ensure that any development would be appropriate for the site context and accords with the Green Belt test.
- 14.10 The proposed dwelling has been designed as a modern dwelling constructed from timber cladding and rough cast blocks under a pitched zinc roof with generous external areas (terrace/balconies) to take advantage of the sites context and open views across the landscape. Its orientation differs from the immediate neighbouring dwellings in that its front elevation faces north, whereas the other dwellings face south. The supporting statement highlights that the design approach is to create a new dwelling that is conceived as a matching bookend to that at 'Killydush' at the end of this row of four properties.

- 14.11 Rising to over 9 metres in height with its large roof form spanning 11 metres in length with deep side gables, the proposed dwelling would be significantly larger in scale, mass and form than the existing low profile bungalow. Accordingly, while the footprint is similar in size, it is clear that the proposed full two storey dwelling would be much taller and would appear materially more imposing in its setting than the existing property.
- 14.12 The proposed dwelling would be a bold architectural statement incorporating a number of design features including the second floor roof terrace which 'cuts' into the roof, the 'curved' balcony, a palette of materials, and its fenestration. While not wishing to criticise what appears to be a reasonably well executed piece of modern architecture, the proposed dwelling would appear very different to this established rural character and it is not considered that it will be an appropriate design given the sites location. It would be visible from the south and west across the open fields from Cliff Road and, simply, it is the wrong building for the site.
- 14.13 Accordingly, because of the combination of the unsympathetic design, scale, form and mass, the proposed dwelling would appear dominant and contextually inappropriate in its setting that would also amount to a disproportionate addition over the size of the original dwelling house, and would constitute inappropriate development in the Green Belt. No very special circumstances have been advanced to show why planning permission should be granted.
- 14.14 With regard to other matters, the proposed dwelling would not have any adverse impact on the living conditions of the neighbouring properties. The proposed dwelling would be sited just under 7 metres from the side elevation of 'The Hurst' and the proposed outbuilding would be sited more than 4 metres away from the side boundary. Because of its low roof height, the proposed outbuilding would not appear visually imposing in its relationship to this neighbour. Moreover, being sited to the west, the proposed dwelling would not unacceptably restrict light onto the solar panels of the roof slope of this neighbour. In terms of overlooking, the first floor window proposed on the side (east) elevation serves a bathroom and a condition could be imposed for this to be fitted with obscure glazing to mitigate against overlooking. The proposed balconies would largely have views to the south and west, and any views directly to the rear garden of the neighbouring property would be oblique.
- 14.15 In conclusion while the existing bungalow is of no architectural merit, it is a very modest building which sits comfortably in its setting and has little impact on the character of the area. The principle of replacing the bungalow with a new dwelling would be acceptable, however, any replacement dwelling needs to be sympathetic to the sites context, and appropriate to its setting which lies within the countryside and Green Belt. The proposed dwelling is not contextually appropriate and the design and scale would appear unacceptably dominant in its setting, which would be harmful to the character and appearance of the countryside and have an unacceptably greater impact on the openness of the Green Belt than that existing.
- 14.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is

recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	175	137	38	38	£80/sqm	£3,344.00 *
Subtotal:	£3,344.00					
Relief:	£0.00					
Total Payable:	£3,344.00					

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its scale, form, mass and unsympathetic design, the proposed replacement dwelling would be out of keeping, dominant and far more imposing and visually intrusive than the existing property on the site, to the detriment of the character and appearance of this rural countryside setting and thereby also resulting in a visual reduction in the openness of this part of the Green Belt. As such, the proposed replacement dwelling house would constitute inappropriate development in the Green Belt, which is, by

definition harmful to the Green Belt. It has not been demonstrated that very special circumstances exist that would outweigh the harm by reason of the inappropriateness of the dwelling and any other harm of such a proposal. For this reason, the development would be contrary to Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park, Policy DM20 of the Local Plan Part 2 and paragraph 89 of the National Planning Policy Framework and adopted Supplementary Planning Guidance 'Residential Design Guide for Rural Areas' .

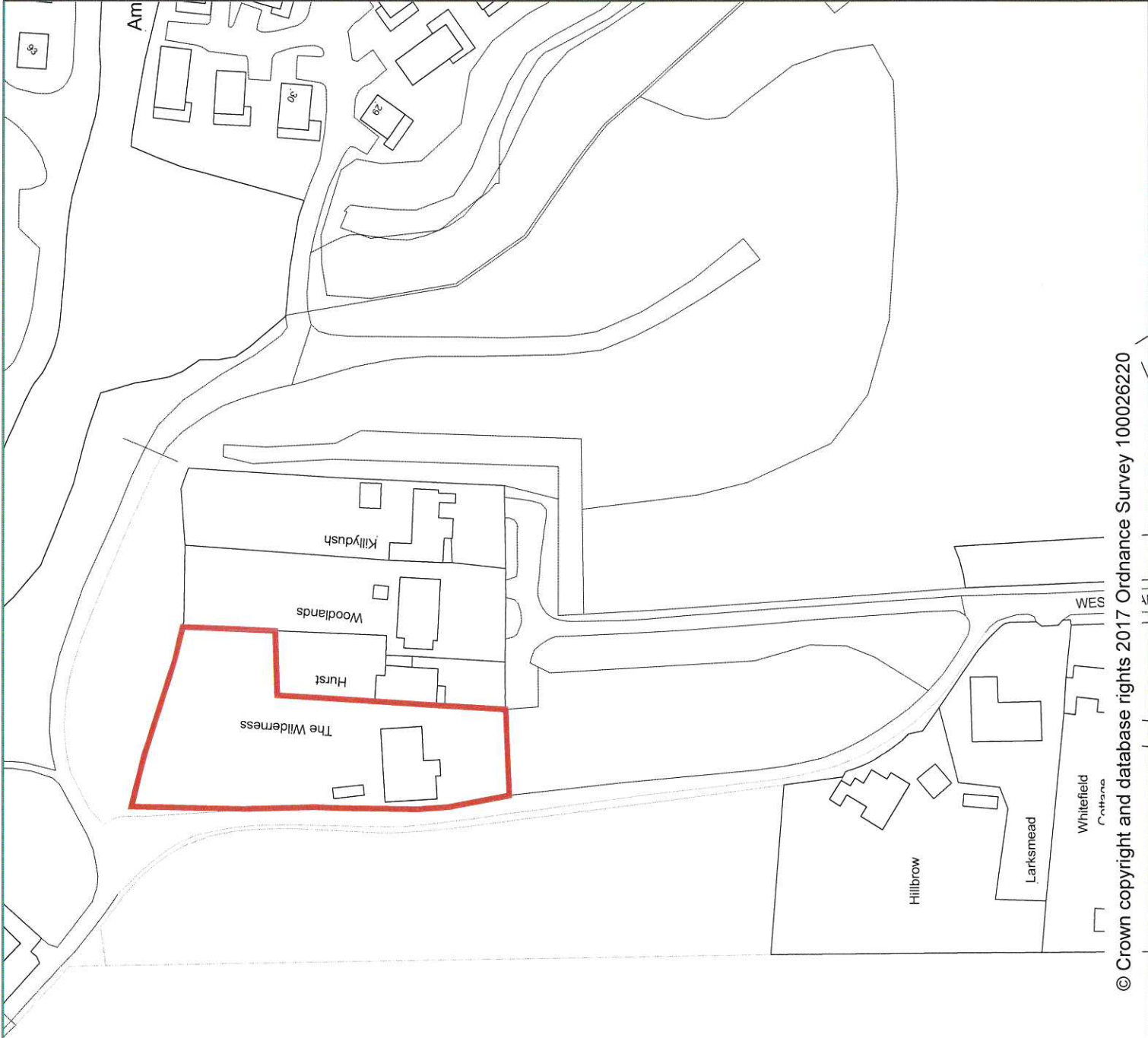
Notes for inclusion on certificate:

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

The proposals subject to this current application are very similar to the most recent plans submitted as part of a pre application enquiry. On this basis the current proposals have not addressed the concerns previously raised. It would not be appropriate for officers to provide any further advice for changes to be made and a decision should be reached on the current proposal

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



Application Number: 16/11737 Full Planning Permission

Site: 3 FILTON ROAD, LYMINGTON SO41 9GU

Development: Two-storey side extension; single-storey front extension; one and two-storey rear extension; one front and two rear rooflights in association with new second floor

Applicant: Mr Kelbie

Target Date: 28/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Town Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10943 Two-storey side and rear extension; single-storey rear extension; front porch; roof lights	13/10/2016	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

1 objection:

- previous approved scheme impact on character
- scale of development, visual impact
- impact on light and overlooking
- comments on garden building
- precedent

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

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

In this case no pre-application advice was sought on the plans put forward in this application; however the concerns raised have been made available in the case officer's initial briefing.

12 ASSESSMENT

12.1 The property is located within an established residential area of Lymington. It comprises one half of a pair, part of a small group of semi-detached properties in this cul-de-sac.

- 12.2 This application follows a previous application for extensions at the front, sides and rear of the property which was approved under PA 16/10943. It seeks adjustment to the two storey side and rear extensions design. The comparative changes see the roof over the side extension accommodated as a flush continuation of the existing ridgelines on its rear projection, a reduction in the width of the new gable and consequential reduction in its height. Some adjustment is proposed to the design of the front single storey extension and roof light arrangement, however that on the rear remains unchanged from the previous approval.
- 12.3 The related design and arrangement of these pairs of semi-detached properties creates a defined appearance and rhythm to the street scene, to which the dominant roof forms make an important contribution. In the case of the previous approval it is noted that although the spatial gap with No.5 would be reduced, as a result of its boundary set back, recessive height and roof form this was considered acceptable. The proposal maintained the primacy of the dwelling's semi-detached form.
- 12.4 In the case of this revised proposal, although the side extensions would see recession in the position of its front wall, it would result in the loss of definition of the existing roof form. The continuation of the ridge would erode the original symmetry of this pair, a feature of development which is fundamental to the character and rhythm of the street scene. The result would be an overly dominant extension which would not contribute positively to local distinctiveness and as such be harmful to the appearance of the street scene. Although there are concerns over the roof design of the two storey side extension it is noted that other aspects of the proposals would represent proportionate and appropriately designed additions which would be acceptable in this context.
- 12.5 The proposed extensions would maintain separation and a favourable orientation from the premises to the south (No.5) such that they would not lead to any harmful impacts through loss of light or outlook. The impacts on the attached premises to the north would be more pronounced as a result of the proximity and relative orientation. However it is noted that the two storey element would maintain a recessive position relative to this attached neighbour that would reduce the degree of potential overshadowing. Furthermore the single storey element adjacent to the boundary, as a result of its scale and roof design, would again limit the additional overshadowing impacts. Although the proposals would impact on the light and outlook to the rear of this neighbouring premises, as a result of their scale and relative position it is not considered this would be to such extent that it would result in harm to the living conditions of this neighbouring occupier.
- 12.6 New first floor windows and attic roof light openings would enable views towards neighbouring premises. However such views would enable only distant or restricted aspect views towards neighbouring sites that would not lead to any harmful loss of privacy. There is sufficient separation distance (in excess of 26m) between the proposed development and those to the rear on Park Road so adverse overlooking or other amenity would not result. A proposed side first floor window would enable direct views towards No.5. However, any potential loss of privacy could be mitigated through restricting the glazing and opening of this window. As such these proposals would not result in any harmful impacts to the living conditions of neighbouring occupiers through loss of privacy.

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

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The roof design of the two storey side extension would result in the loss of definition of the existing roof form, eroding the original symmetry of the frontage of this pair of semi-detached dwellings, which is fundamental to the character and rhythm of the street scene. This would result in an overly dominant extension which would not contribute positively to local distinctiveness and as such be harmful to the character appearance of the street scene contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Lymington Local Distinctiveness Supplementary Planning Document.

Notes for inclusion on certificate:

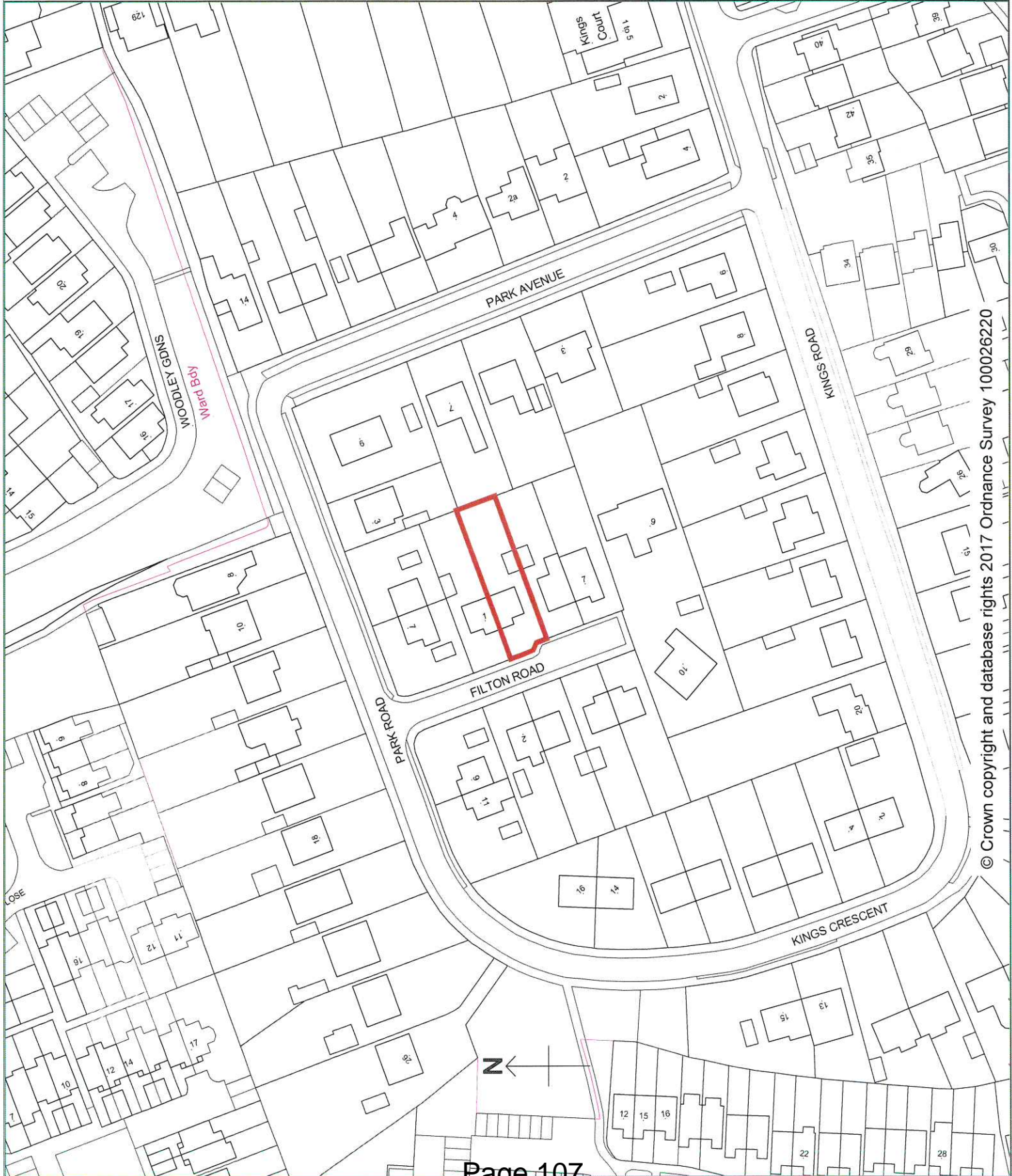
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In this case no pre-application advice was sought on the plans put forward in this application; however concerns raised have been made available in the case officer's initial briefing.

2. This decision relates to amended plans received by the Local Planning Authority on 01/02/2017

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 16/11748 Variation / Removal of Condition

Site: 9 HURST ROAD, MILFORD-ON-SEA SO41 0PY

Development: Variation of Condition 2 of Planning Permission 16/10621 to allow amended plans 1049.100;101;102a;103a;104a;105a;106a;107a to allow privacy screens to all balconies; single-storey extension to rear of all dwellings

Applicant: OPM (Bournemouth) Ltd

Target Date: 15/02/2017

Extension Date: 09/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 This site is the subject of a significant planning history culminating in the planning permission referred to below
- 6.2 16/10621 - 2 pairs of semi-detached houses, parking, access, demolition of existing. Granted 11.8.16

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend refusal and would not accept a delegated approval. Concerned about loss of amenity through overlooking, bulk and over development.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

- 10.1 5 objections have been received regarding:
- flat roof is of poor design and would add more bulk
 - patio doors would lessen privacy for future occupants
 - garden boundary to plot 4 doesn't follow previously agreed building line
 - balconies overhang agreed building line

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the dwellings are completed and the overall number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District, the Council will, in general terms, receive New Homes Bonus £3,672 in each of the following four years.

Based on the information provided at the time of this report this development has a CIL liability of £59,676.32.

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

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

14.1 The site lies within the built up area of Milford on Sea in a residential area close to the beach. It currently contains a detached two storey dwelling which appears to be vacant following the original grant of permission for its redevelopment last year. The proposal entails the variation of the plan numbers condition and, in doing so, the following changes are proposed to the approved scheme:

- deletion of a WC window to the front elevation
- replacement of the rear 'lean-to' projection to the centre of each pair with a flat roofed structure across the full width of each pair (increasing the footprint of the dwellings by 3m²) and providing French Windows instead of windows to all ground floor openings to the rear
- provision of an additional first floor side window to plot 2
- deletion of the first floor stair window to plots 3 and 4
- provision of curved privacy screens to the sides of each balcony

- 14.2 Concern has been expressed locally that the properties would be much bulkier than the extant scheme as the balconies now project beyond the main roof form which previously overhung the balconies giving a ridge length of 12.3m. This is not the case as the ridge length has been reduced in size (to 10.9m) thus exposing the balconies rather than the houses being extended out. While the small amount of additional floor space would result in additional bulk, it is not considered that this addition would result in excessive bulk over and above the extant scheme. Being at ground floor level and to the rear of the dwellings, its impact would be minimal from most public viewpoints and landscaping would help screen it from Sea Road.
- 14.3 With regard to residential amenity, the number of rear facing first floor windows has been reduced on plots 3 and 4 leaving a WC and a kitchen window in the northern elevation. An additional first floor side window is proposed on plot 2, although given the angles, it is not considered that this window would adversely affect residential amenity. The change to the ground floor windows (now proposed to be French Windows) in the north elevation has caused some concern locally although the proposal itself would not cause overlooking as a result of this particular change. The provision of privacy screens to the front balconies would ensure a higher level of privacy for future occupiers.
- 14.4 The south east corner of plot 4 and indicated garden boundary is the same distance from both Sea Road and Hurst Road as in the extant scheme, contrary to the view expressed above.
- 14.5 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.6 In light of recent changes to national planning policy it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.7 Overall, the changes are such that the proposal would have a limited impact on both residential and visual amenity having regard to the extant scheme. The small additional increase in ground floor bulk would be offset by the reduction in the length of the main ridge by almost 1.5m and this would have the effect of reducing the apparent size of the dwellings. Subject to the other previous conditions, approval is recommended. Further neighbour notification has been carried out which means that a decision cannot be issued until after 9th March 2017.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of

possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
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Dwelling houses	678.14		678.14	678.14	£80/sqm	£59,676.32 *
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Subtotal:	£59,676.32
Relief:	£0.00
Total Payable:	£59,676.32

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

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

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

R = the levy rate as set in the Charging Schedule

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

15. RECOMMENDATION

That the Service Manager Planning and Building Control be **AUTHORISED TO GRANT the VARIATION OF CONDITION** subject to no further substantive comments being received by 9th March 2017 and the following conditions:

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Planning, Design and Access Statement, 1049.101, 1049.100, 1049.104a, 1049.102a, 1049.103a, 1049.107a, 1049.105a, 1049.106a.

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. Prior to the occupation of the first dwelling, plans and particulars showing details of the provisions of cycle storage within the site shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. Before first occupation of the development hereby approved the applicant shall have set up a detailed scheme for the future maintenance of the sustainable drainage system, including arrangements of the responsible parties for the maintenance of the sustainable drainage system. The system shall thereafter be retained and maintained in accordance with the scheme.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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

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

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

9. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. The first and second floor windows on the north elevation of the approved buildings shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No. 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



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Application Number: 17/10110 Telecommunications

Site: KINGS FARM, KINGS FARM LANE, HORDLE SO41 0HD

Development: 20m high lattice tower; 3 antennae; 2 microwave dishes; 2 equipment cabinets; ancillary development (Prior Notification to carry out Telecommunications Development)

Applicant: Vodafone Limited

Target Date: 22/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Service Manager Planning and Building Control

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS17: Employment and economic development

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework - Paragraphs 42 and Chapter 9

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Hordle Village Design Statement

6 RELEVANT PLANNING HISTORY

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Tree Officer: no objection

9.2 NATS safeguarding: no objection

9.3 Southampton International Airport: not required to comment

10 REPRESENTATIONS RECEIVED

10.1 1 letter concerned that there is an existing private airfield within the adjacent field. The proposed mast will be unsightly in this greenfield location adjacent to buildings some 4 metres high.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

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

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.

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

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 This Prior Approval Application relates to the erection of a lattice telecommunications mast of 20m in height, with 3 no. antennae, 2 no. microwave dishes, 2 no. equipment cabins and ancillary works. The top of the proposed mast measures 17 metres high and the proposed antennae to be installed on the top of the mast would result in the structure reaching 20 metres in height. The proposed cabinets would be less than 2.5 cubic metres and would be located adjacent to the proposed mast. The proposed mast would be sited on a concrete base enclosed by 1.8 metre high weld mesh fencing. The site is on the periphery of Hordle, set in the countryside and Green Belt to the north of Kings Farm industrial estate. The proposed mast and its associated equipment would be sited on existing farmland, although the extent of agricultural land to be lost would be minimal.
- 14.1.2 The site also adjoins important, albeit unprotected trees to the west. There is a footpath (FP739 Hordle) some 240m to the north of the site from which the mast would be visible. The local primary school is some 460m away from the site to the west. The immediate area of the site is characterised by industrial buildings to the south and farmland to the north, east and west. The site is backdropped by mature oak trees to the west, and trees bounding fields further away. To the east of the site, running through the field is a series of telegraph poles.
- 14.1.3 The proposal essentially seeks to provide a base station for two companies (Vodafone and Telfonica commonly known as O2) to jointly manage and operate a single network and to provide the telecommunication operators the opportunity to improve their 2G, 3G and 4G technology coverage to the Hordle locality. The height of the mast has been proposed so as to not compromise the centre line of the antennae and to allow for good coverage to the target area. As with any telecommunications prior notification application, it needs to be determined whether the siting and appearance of the proposed development is acceptable.

14.2 Policy

14.2.1 Policy CS8 of the Core Strategy states that new Forest District Council will work with service providers with the aim of ensuring the delivery of adequate services, to serve existing and proposed development in the plan area and support the local economy, ensuring that any adverse impacts arising are minimised. Policy CS2 of the Core Strategy relates to design quality and among other things, seeks to ensure that development does not impact adversely on the character of the area. Paragraph 42 of the National Planning Policy Framework relates to telecommunications and sets out the need to support high quality communications infrastructure.

14.2.2 Green Belt Test : Is the development appropriate in the Green Belt by definition? What would the effect of the development be on the openness of the Green Belt?

The application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. Policy CS10 of the Local Plan Part 1 (Core Strategy) seeks to retain and support the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. The development of a mast is defined as a building and does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. In such cases the applicants are required to demonstrate the very special circumstances to outweigh the harm caused to the openness and purposes of the Green Belt.

14.2.3 The applicant has submitted a series of considerations and needs in the Planning Statement, outlining the case as to why very special circumstances exist in this case. These are referred to later in this report.

14.2.4 The proposed development would undoubtedly change the appearance of this land with the provision of a 20 metre high mast, and its associated equipment, which would impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from Everton Road with a substantial tree belt on the west and south boundaries. The impact of the proposal upon the landscape and visual receptors is examined in detail below, but due to the site's lack of prominence, the proposal would not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal.

14.2.5 Would there be any other non-Green Belt harm?

Rising to some 20 metres high the proposed mast would slightly project above the majority of the trees to the west. The most apparent views would be from the Public Right of Way to the north of the site, however, the users of the footpath would have similar views of the series of electricity lines running through the field, which are around 12-15 metres high. The proposed mast would not be positioned adjacent to or close to the main public roads and would be sited around 300 metres away from Everton Road.

- 14.2.6 There are private views of the site from the business users at Kings Farm and from several houses along Everton Road to the south and properties at Arnewood House which lies to the east. The distance of the proposed mast to the nearest residential property measures more than 270 metres away, which is significant. Essentially the site is visually well contained, due to the surrounding mature trees and vegetation, the extent of existing buildings and the series of electricity lines running across the field to the east. Accordingly, while a structure of this size is likely to have an impact, the proposed position is considered to be sympathetic.
- 14.2.7 Accordingly, while it is considered that the proposed mast would have some impact on the landscape, taken into consideration the electricity lines running through the field, the degree of screening from the tree belt and its siting a considerable distance back from Everton Road, the proposed mast would not result in an acceptable impact on this rural character of this area.
- 14.2.8 In terms of tree matters, there is an important group of trees to the west of the site, which would assist with screening the proposal, although the mast would protrude above the canopy of these trees. It is not anticipated that the mast and ancillary features would impact upon the continued good health of the trees closest to the site.
- 14.2.9 With regard to residential amenity, the siting, scale, massing and design of the proposal would not have any significant adverse impact upon residential amenity, in terms of privacy, outlook or overbearing presence. Comments have been made that there is a private airfield adjacent to the site and it is claimed that the applicant has not carried out the appropriate consultations with the Aviation Authorities and other bodies. In response, there are no planning records which have approved an airfield or runway and a small private airfield would not be classed as an aerodrome.
- 14.2.10 It is noted that the Local Plan Review 2016-2036 proposes a potential allocation for 200 homes on land to the North East of Hordle (Site J), which directly adjoins the application site. It is not known whether the site will come forward yet or where the housing would be in relation to the proposal, and on this basis, only a limited amount of weight can be given to this matter. Nevertheless the belt of trees to the west would help restrict views of the mast from the potential housing allocation.
- 14.2.11 The government has determined that where a mobile phone base station is compliant with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) then it should not be necessary for planning authorities to consider further the health aspects of the proposed development or concerns about them. The applicants have confirmed that the proposal has been certified as meeting the ICNIRP guidelines.
- 14.2.12 Are there any considerations which weigh in favour of the development?
- The applicant has provided details of 8 other sites that have been looked at within the local area in which the locations have been ruled out because of poor coverage, sites not available, limited land available, poor visual amenity and that the site is one which is a possible allocated site in the Local Plan Review.

- 14.2.13 The applicant considers that there is a coverage requirement for Vodafone and Telfonica in Hordle, and the application meets a justifiable need to provide improved telecommunication coverage in the Hordle area and is in line with government policies that encourage mast sharing
- 14.2.14 In response to the alternative sites referred to by the applicant, and on the basis that all the land outside the settlement boundary of Hordle is Green Belt, it is considered that the applicants case is acceptable in that the proposal would have less visual impact than potentially available alternatives and that there are no alternative sites that meet the requirements of the development outside of the Green Belt.
- 14.2.15 A further matter for consideration is the community benefits arising from the development and it is clear that telecommunications provide an important role in mobile connectivity for residents and local economies. It is considered that the proposal would be of benefit to the community, which weighs in favour of the proposal. Accordingly, the matters which weigh in favour of the development clearly outweigh the harm to the Green Belt and all other harm identified above.
- 14.2.16 Are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

In light of the above, it is concluded that 'very special circumstances' do exist, in the form of need, lack of alternative sites and benefits to the local community to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

14.3 Conclusion

- 14.3.1 The proposed development is inappropriate development within the Green Belt, although the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy. While it is considered that a 20 metre high structure would have some impact on the wider character and landscape, there are a number of overriding benefits that would arise and there are no alternative locations in a less sensitive area. Accordingly, the application is recommended for approval.
- 14.3.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Details not required to be approved

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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