

## NOTICE OF MEETING

**Meeting:** PLANNING DEVELOPMENT CONTROL COMMITTEE

**Date and Time:** WEDNESDAY, 9 AUGUST 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  
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**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](mailto:DCAdministration@nfdc.gov.uk)

**Bob Jackson**  
Chief Executive

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

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## AGENDA

### Apologies

**1. MINUTES**

To confirm the minutes of the meeting held on 12 July 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) **Unit 2C (N), North Road, Marchwood Industrial Park, Marchwood (Application 16/11407) (Pages 1 - 18)**

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

**RECOMMENDED:**

Grant permission subject to conditions

- (b) **Unit 2C (N), North Road, Marchwood Industrial Park, Marchwood (Application 16/11408) (Pages 19 - 36)**

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

**RECOMMENDED:**

Grant permission subject to conditions

- (c) **Land in Whitsbury Road, Fordingbridge (Application 17/10150) (Pages 37 - 66)**

Development of 145 dwellings comprised: 39 detached houses; 31 pairs of semi-detached houses; 1 block of 8 flats; 1 block of 7 flats with terrace of 3 houses; 1 block of 7 flats; 1 terrace of 6 houses; 2 terraces of 5 houses; 1 terrace of 3 houses; garages; parking; SANG; public open space; access onto Whitsbury Road; associated infrastructure; associated development works; landscaping

**RECOMMENDED:**

That the Service Manager Planning and Building Control be authorised to grant permission subject to conditions

- (d) **Downton Manor Farm, Christchurch Road, Downton, Milford-on-Sea (Application 17/10394) (Pages 67 - 76)**

Use of barn as 3 dwellings; associated alterations; cycle/bin store; parking; landscaping

**RECOMMENDED:**

Grant permission subject to conditions

- (e) **Crown Inn, Ringwood Road, Bransgore (Application 17/10398) (Pages 77 - 82)**

Display 2 externally illuminated fascia signs and 1 illuminated post mounted sign; (Application for Advertisement Consent)

**RECOMMENDED:**

Grant advertisement consent

- (f) **Arden Cottage, Poplar Lane, Bransgore (Application 17/10689) (Pages 83 - 88)**

Raise ridge height, side dormers in association with new first floor

**RECOMMENDED:**

Refuse

- (g) **Island House, 43 High Street, Fordingbridge (Application 17/10704) (Pages 89 - 98)**

Use as 2 dwellings

**RECOMMENDED:**

Grant permission subject to conditions

- (h) **DSI, The Square, Fawley (Application 17/10735) (Pages 99 - 106)**

Use of ground floor as 2 flats; remove shopfront; single-storey front extension; fenestration alterations; parking; bin and cycle stores

**RECOMMENDED:**

Grant permission subject to conditions

- (i) **14 White Knights, Barton-on-Sea, New Milton (Application 17/10812) (Pages 107 - 112)**

Single storey rear extension

**RECOMMENDED:**

Grant permission subject to conditions

**4. DATES OF MEETINGS**

That the following dates of meetings be approved, each to start at 9.00 a.m. and be held in the Council Chamber at Appletree Court, Lyndhurst:

Wednesday, 13 June 2018  
Wednesday, 11 July 2018  
Wednesday, 8 August 2018  
Wednesday, 12 September 2018  
Wednesday, 10 October 2018  
Wednesday, 14 November 2018  
Wednesday, 12 December 2018  
Wednesday, 9 January 2019  
Wednesday, 13 February 2019  
Wednesday, 13 March 2019  
Wednesday, 10 April 2019  
Wednesday, 8 May 2019

**5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**To:**

**Councillors:**

Mrs D E Andrews (Chairman)  
L E Harris (Vice-Chairman)  
P J Armstrong  
Mrs S M Bennison  
Mrs F Carpenter  
Ms K V Crisell  
A H G Davis  
A T Glass  
D Harrison  
Mrs A J Hoare

**Councillors:**

Mrs M D Holding  
J M Olliff-Cooper  
A K Penson  
W S Rippon-Swaine  
Mrs A M Rostand  
Miss A Sevier  
M H Thierry  
R A Wappet  
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 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 £1,224 per dwelling or £7,344 over six years.

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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:** 11/08/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Ian Rayner
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## 1 REASON FOR COMMITTEE CONSIDERATION

Deferred by Committee in March 2017 to allow for the submission of more information regarding the impact on nearby properties in terms of noise and vibration and air quality.

## 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 3 xx 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. Following the submission of additional information still strongly object and query whether monitoring for acid rain could be included; request that TRL Real Time Monitoring Facility which has been offered be installed.

#### **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:- concern at amount of development taking place in Marchwood; adverse environmental impact due to noise, vibration and adverse impact on air quality.

## **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

### Introduction

14.1 Members will recall that this application was initially considered at their meeting in March 2017. The Committee report is set out in the following paragraphs 14.2.1 to 14.2.26. An update covering the noise and vibration and air quality issues that had led to the deferral is set out at paragraph 14.3

### 14.2 March Committee Report

#### The Site and The Proposal

14.2.1 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.

14.2.2 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.

- 14.2.3 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.
- 14.2.4 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

- 14.2.5 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."*
- 14.2.6 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.

- 14.2.7 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

- 14.2.8 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 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.
- 14.2.9 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.
- 14.2.10 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.
- 14.2.11 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

- 14.2.12 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

- 14.2.13 The proposed development has the potential to have a significant impact on air quality. Two pollutants are of particular concern, namely Nitrogen Dioxide (NO<sub>x</sub>) and Particulate Matter (PM<sub>10</sub>). 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.
- 14.2.14 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<sub>x</sub> 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.
- 14.2.15 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.

- 14.2.16 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

- 14.2.17 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.



- 14.2.18 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.
- 14.2.19 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 Pfeifler 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 42dB(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.
- 14.2.20 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

- 14.2.21 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.
- 14.2.22 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.
- 14.2.23 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.
- 14.2.24 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.

- 14.2.25 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

- 14.2.26 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.

### Post March Committee Update

- 14.3 At your previous meeting, members decided to defer consideration of the application to allow further negotiations to take place and to enable the applicants to submit additional information. Specifically, the Committee concluded that the proposal was not supported by sufficient information to demonstrate that the proposed power generation plant could be operated without resulting in noise and vibration that would constitute a nuisance to nearby residents and businesses. Members also felt that there was insufficient information to demonstrate that the proposal would not result in a deterioration in air quality, particularly with respect to nitrogen dioxide and particulate concentrations in the air. Members concerns were informed by the development's close proximity to residential properties, and by the prevailing winds which would take emissions across Southampton Water and into the area where proposals are under development for the declaration of a Clean Air Zone, specifically to address nitrogen dioxide and particulate levels. The Committee noted that technology is available to significantly reduce the emissions of nitrogen dioxide, but the applicant had not chosen to include such measures. The Committee also noted that the Government is currently consulting on Guidance to control emissions from stand-by generation plants of this type, as the current air quality standards, which are based on longer term operations, are not adequate.
- 14.4 Subsequently your Officers have been back to the applicant in order to seek additional information. Specifically, the applicant has submitted additional information to address 4 of the conditions (7,8, 10 and 11) that had been recommended in the previous Committee recommendation and report.

- 14.5 To address noise concerns (that were to be addressed through the previous conditions 10 and 11), the applicants have submitted a detailed noise assessment. This noise assessment considers the impact of noise on the neighbouring industrial unit. It also considers how plant and equipment will be mounted so as to minimise the transmission of structure borne sound and vibration. The Council's environmental health officer believes that the applicant's noise assessment adequately demonstrates that the acoustic measures (partition) within the building and the anti-vibration mounts will be effective and will ensure that a suitable acoustic environment will be achieved. Accordingly, subject to conditions to ensure that the measures set out in the Noise Assessment are installed and adhered to, the development is one that can be provided and operated without resulting in noise or vibrations that would be detrimental to the amenities of nearby residential or commercial properties.
- 14.6 To address air quality concerns (that were to be addressed through the previous conditions 7 & 8), the applicants have submitted a detailed Air Quality Mitigation Strategy and a separate detailed Air Quality Monitoring Strategy. To address the Council's requirement to see NOx emissions reduced to an acceptable level, the applicant's Mitigation Strategy calculates that NOx emissions will need to be no more than 0.7g/s per vent, which is agreed. To achieve this emission level, the applicants are proposing a series of actions, each of which will need to be tested before the development is commercially operational. These measures firstly entail the use of an enhanced Green D+ fuel, which is a fairly new fuel that is understood to generate fewer emissions than the previously proposed Green B+ fuel. If, by itself, this does not reduce emissions to the required level, the applicant would then look to test a system that involves the addition of water to the Green D+ fuel. If this also fails to reduce emissions to the required level, then Selective Catalytic Reduction (SCR) technology and other physical measures would be applied to the engines to guarantee the required reduction in NOx levels. Only once tests have shown that the implemented mitigation measures are effective in reducing NOx levels to the required level, would the development start to be commercially operational. The Council's environmental health officer is satisfied that the mitigation measures and staged approach put forward by the applicant would ensure that NOx emissions are reduced to an acceptable level.
- 14.7 The applicant's Air Quality Monitoring Strategy details an initial continuous vent emission monitoring system for NOx to ensure the required NOx emissions at the vents are obtained. This would be followed by a 3 yearly monitoring programme to assess 25% of the vents. Monitoring in the neighbouring residential area would also be undertaken using real time and passive monitoring for NOx and particulate matter. A weather station would also be installed to determine wind speed and direction in the locality. The monitoring would be undertaken by an independent air quality company, with results being made available to New Forest District Council and interested stakeholders. Trigger levels for pollutants being monitored would be agreed with the Council and actions would be agreed should the triggers be exceeded. The Council's environmental health officer is satisfied that the applicant's proposed air quality monitoring scheme would ensure that pollutants would be appropriately monitored, allowing appropriate actions to be taken in the future if necessary,

thereby ensuring the approved development continues to operate without causing harmful levels of pollution.

14.8 Overall, it is considered that the applicants have submitted adequate additional information to demonstrate that the proposed development (both singly and in combination with the other related application proposal) could operate without generating harmful noise and vibrations and without causing a level of pollution that would be unacceptably harmful to air quality. As such, it is felt that planning permission can be reasonably granted for this proposed development provided new conditions 7, 8, 10 and 11 are imposed to ensure adherence to the applicant's proposed mitigation measures.

14.9 The applicant's additional information necessitates a revision to a couple of the other conditions that were previously proposed. The previously proposed Condition 3 needs amending as the applicant has now clarified that they want the flexibility to operate the 2 facilities at different hours, meaning that Facility A could operate a different 300 hours per calendar year to Facility B. The Council's environmental health officer has indicated that this would not be a problem from an air quality perspective. Condition 6 should also be amended to reflect the applicant's proposed change to Green D+ biodiesel.

14.10 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.

## 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) shall operate for no more than 300 hours per calendar year.

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 D+) 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. The air quality mitigation Implementation Programme as specified in the submitted document Air Quality Mitigation Strategy (dated 23 June 2017) shall be carried out as specified before the first commercially operational use of the approved development, and following this, the mitigation measures set out in the Implementation Programme shall be permanently adhered to and maintained throughout the operational lifetime of the development so as to ensure NO<sub>x</sub> emissions from the Facility hereby approved do not exceed the emission rate of 0.7g/s per vent (with each vent emitting NO<sub>x</sub> emissions from 4 generators).

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. The air quality monitoring scheme as specified in the submitted Air Quality Monitoring Strategy (dated 23 June 2017) shall be implemented fully in accordance with the details, measures and timescales set out in this Strategy for the duration of the operational lifetime of the development hereby approved.
- 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's first operational use, the noise mitigation scheme specified in the submitted Noise Assessment (Reference A099702; Dated: 19 May 2017 – First Issue) shall be installed and thereafter permanently retained and maintained to ensure that the 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 as measured within the adjoining premises.
- 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's first operational use, the anti-vibration mounts specified in the submitted Noise Assessment (Reference A099702; Dated: 19 May 2017 – First Issue) shall be installed and thereafter permanently retained and maintained.
- Reason: To ensure that structure borne noise and vibration transmitted from plant and equipment used on the site is minimised, thereby ensuring 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. 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.

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.

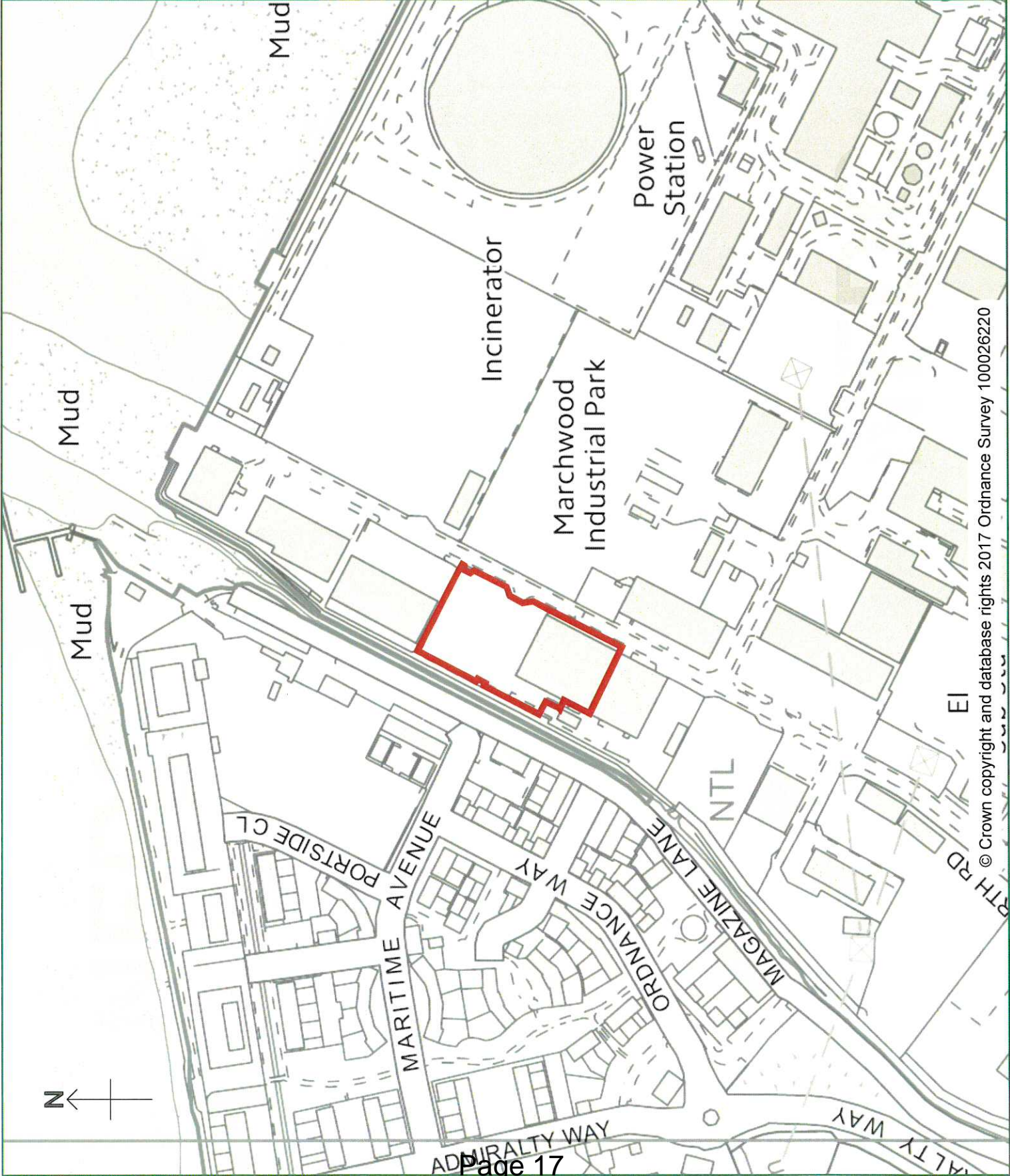
In this case, there has been regular communication with the applicant's agent throughout the application process, and additional information has been requested to address a number of detailed issues. This enabled a positive recommendation to be made.

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:**

Ian Rayner  
Telephone: 023 8028 5588





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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:** 11/08/2017

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Ian Rayner

## 1 REASON FOR COMMITTEE CONSIDERATION

Deferred by Committee in March 2017 to allow for the submission of more information regarding the impact on nearby properties in terms of noise and vibration and air quality.

## 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 3 XX 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. Following the submission of additional information still strongly object and query whether monitoring for acid rain could be included; request that TRL Real Time Monitoring Facility which has been offered be installed.

#### **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

### Introduction

14.1 Members will recall that this application was initially considered at their meeting in March 2017. The Committee report is set out in the following paragraphs 14.2.1 to 14.2.26. An update covering the noise and vibration and air quality issues that had led to the deferral is set out at paragraph 14.3.

### 14.2 March Committee Report

#### The Site and The Proposal

14.2.1 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.

- 14.2.2 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.
- 14.2.3 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.
- 14.2.4 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

- 14.2.5 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."*

- 14.2.6 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.
- 14.2.7 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

- 14.2.8 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.
- 14.2.9 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.
- 14.2.10 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.

- 14.2.11 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

- 14.2.12 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

- 14.2.13 The proposed development has the potential to have a significant impact on air quality. Two pollutants are of particular concern, namely Nitrogen Dioxide (NO<sub>x</sub>) and Particulate Matter (PM<sub>10</sub>). 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.
- 14.2.14 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<sub>x</sub> 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.

- 14.2.15 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<sub>x</sub> 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<sub>x</sub> 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.
- 14.2.16 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 NO<sub>x</sub> 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 NO<sub>x</sub> emissions and thereby minimise impact on local air quality. There is also considered a need to ensure that NO<sub>x</sub> 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

- 14.2.17 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.
- 14.2.18 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.
- 14.2.19 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.
- 14.2.20 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

- 14.2.21 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.
- 14.2.22 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.

- 14.2.23 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.
- 14.2.24 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.
- 14.2.25 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

- 14.2.26 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.

#### Post March Committee Update

- 14.3 At your previous meeting, members decided to defer consideration of the application to allow further negotiations to take place and to enable the applicants to submit additional information. Specifically, the Committee concluded that the proposal was not supported by sufficient information to demonstrate that the proposed power generation plant could be operated without resulting in noise and vibration that would constitute a nuisance to nearby residents and businesses. Members also felt that there was insufficient information to demonstrate that the proposal would not result in a deterioration in air quality, particularly with respect to nitrogen dioxide and particulate concentrations in the air. Members concerns were informed by the development's close proximity to residential properties, and by the prevailing winds which would take emissions across Southampton Water and into the area where proposals are under development for the declaration of a Clean Air Zone, specifically to address nitrogen dioxide and particulate levels. The Committee noted that technology is available to significantly reduce the emissions of nitrogen dioxide, but the applicant had not chosen to include such measures. The

Committee also noted that the Government is currently consulting on Guidance to control emissions from stand-by generation plants of this type, as the current air quality standards, which are based on longer term operations, are not adequate.

- 14.4 Subsequently your Officers have been back to the applicant in order to seek additional information. Specifically, the applicant has submitted additional information to address 4 of the conditions (7, 8, 10 and 11) that had been recommended in the previous Committee recommendation and report.
- 14.5 To address noise concerns (that were to be addressed through the previous conditions 10 and 11), the applicants have submitted a detailed noise assessment. This noise assessment considers the impact of noise on the neighbouring industrial unit. It also considers how plant and equipment will be mounted so as to minimise the transmission of structure borne sound and vibration. The Council's environmental health officer believes that the applicant's noise assessment adequately demonstrates that the acoustic measures (partition) within the building and the anti-vibration mounts will be effective and will ensure that a suitable acoustic environment will be achieved. Accordingly, subject to conditions to ensure that the measures set out in the Noise Assessment are installed and adhered to, the development is one that can be provided and operated without resulting in noise or vibrations that would be detrimental to the amenities of nearby residential or commercial properties.
- 14.6 To address air quality concerns (that were to be addressed through the previous conditions 7 & 8), the applicants have submitted a detailed Air Quality Mitigation Strategy and a separate detailed Air Quality Monitoring Strategy. To address the Council's requirement to see NO<sub>x</sub> emissions reduced to an acceptable level, the applicant's Mitigation Strategy calculates that NO<sub>x</sub> emissions will need to be no more than 0.7g/s per vent, which is agreed. To achieve this emission level, the applicants are proposing a series of actions, each of which will need to be tested before the development is commercially operational. These measures firstly entail the use of an enhanced Green D+ fuel, which is a fairly new fuel that is understood to generate fewer emissions than the previously proposed Green B+ fuel. If, by itself, this does not reduce emissions to the required level, the applicant would then look to test a system that involves the addition of water to the Green D+ fuel. If this also fails to reduce emissions to the required level, then Selective Catalytic Reduction (SCR) technology and other physical measures would be applied to the engines to guarantee the required reduction in NO<sub>x</sub> levels. Only once tests have shown that the implemented mitigation measures are effective in reducing NO<sub>x</sub> levels to the required level, would the development start to be commercially operational. The Council's environmental health officer is satisfied that the mitigation measures and staged approach put forward by the applicant would ensure that NO<sub>x</sub> emissions are reduced to an acceptable level.
- 14.7 The applicant's Air Quality Monitoring Strategy details an initial continuous vent emission monitoring system for NO<sub>x</sub> to ensure the required NO<sub>x</sub> emissions at the vents are obtained. This would be followed by a 3 yearly monitoring programme to assess 25% of the vents. Monitoring in the neighbouring residential area would also be undertaken using real time and passive monitoring for NO<sub>x</sub> and

particulate matter. A weather station would also be installed to determine wind speed and direction in the locality. The monitoring would be undertaken by an independent air quality company, with results being made available to New Forest District Council and interested stakeholders. Trigger levels for pollutants being monitored would be agreed with the Council and actions would be agreed should the triggers be exceeded. The Council's environmental health officer is satisfied that the applicant's proposed air quality monitoring scheme would ensure that pollutants would be appropriately monitored, allowing appropriate actions to be taken in the future if necessary, thereby ensuring the approved development continues to operate without causing harmful levels of pollution.

- 14.8 Overall, it is considered that the applicants have submitted adequate additional information to demonstrate that the proposed development (both singly and in combination with the other related application proposal) could operate without generating harmful noise and vibrations and without causing a level of pollution that would be unacceptably harmful to air quality. As such, it is felt that planning permission can be reasonably granted for this proposed development provided new conditions 7, 8, 10 and 11 are imposed to ensure adherence to the applicant's proposed mitigation measures.
- 14.9 The applicant's additional information necessitates a revision to a couple of the other conditions that were previously proposed. The previously proposed Condition 3 needs amending as the applicant has now clarified that they want the flexibility to operate the 2 facilities at different hours, meaning that Facility A could operate a different 300 hours per calendar year to Facility B. The Council's environmental health officer has indicated that this would not be a problem from an air quality perspective. Condition 6 should also be amended to reflect the applicant's proposed change to Green D+ biodiesel.
- 14.10 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.

## 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) shall operate for no more than 300 hours per calendar year.

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 D+) 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. The air quality mitigation Implementation Programme as specified in the submitted document Air Quality Mitigation Strategy (dated 23 June 2017) shall be carried out as specified before the first commercially operational use of the approved development, and following this, the mitigation measures set out in the Implementation Programme shall be permanently adhered to and maintained throughout the operational lifetime of the

development so as to ensure NOx emissions from the Facility hereby approved do not exceed the emission rate of 0.7g/s per vent (with each vent emitting NOx emissions from 4 generators).

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. The air quality monitoring scheme as specified in the submitted Air Quality Monitoring Strategy (dated 23 June 2017) shall be implemented fully in accordance with the details, measures and timescales set out in this Strategy for the duration of the operational lifetime of the development hereby approved.

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's first operational use, the noise mitigation scheme specified in the submitted Noise Assessment (Reference A099702; Dated: 19 May 2017 – First Issue) shall be installed and thereafter permanently retained and maintained to ensure that the 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 as measured within the adjoining premises.

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's first operational use, the anti-vibration mounts specified in the submitted Noise Assessment (Reference A099702; Dated: 19 May 2017 – First Issue) shall be installed and thereafter permanently retained and maintained.



Reason: To ensure that structure borne noise and vibration transmitted from plant and equipment used on the site is minimised, thereby ensuring 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. 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.

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:**

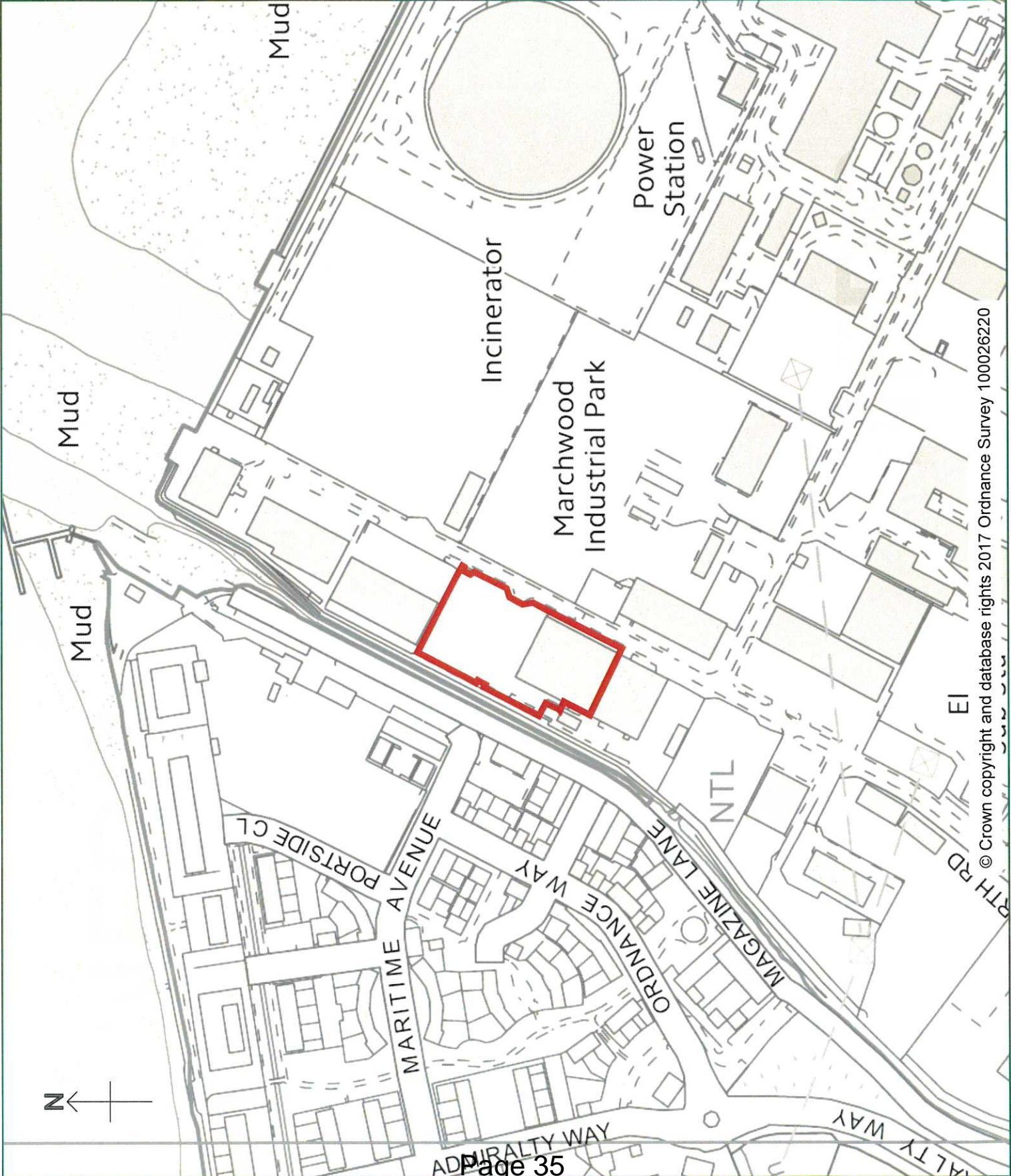
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising 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 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:**

Ian Rayner  
Telephone: 023 8028 5588



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**Application Number:** 17/10150 Full Planning Permission

**Site:** LAND in WHITSBURY ROAD, FORDINGBRIDGE SP6 1NQ

**Development:** Development of 145 dwellings comprised: 39 detached houses; 31 pairs of semi-detached houses; 1 block of 8 flats; 1 block of 7 flats with terrace of 3 houses; 1 block of 7 flats; 1 terrace of 6 houses; 2 terraces of 5 houses; 1 terrace of 3 houses; garages; parking; SANG; public open space; access onto Whitsbury Road; associated infrastructure; associated development works; landscaping

**Applicant:** Pennyfarthing Homes and The Highwood Group Limited

**Target Date:** 16/05/2017

**Extension Date:** 11/08/2017

<b>RECOMMENDATION:</b> Service Man P & BC Grant
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<b>Case Officer:</b> Ian Rayner
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Part Built-up Area and Part Countryside

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need

CS15: Affordable housing contribution requirements from developments  
CS24: Transport considerations  
CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
FORD1: Land east of Whitsbury Road, Fordingbridge  
FORD2: Transport schemes

Hampshire Minerals & Waste Plan  
Policy 15 - Safeguarding Mineral Resources

**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**

Housing Development (Screening Opinion) (17/10149) - EIA not required

**7 PARISH / TOWN COUNCIL COMMENTS**

7.1 Fordingbridge Town Council:- Recommend refusal:- The application does not adequately or accurately assess the development's impact on the local highway network; have concerns with traffic generated, increased congestion and harm to highway / pedestrian safety; are concerned with flooding; concerned that SUDS may not provide adequate attenuation and could be a danger to children; concerns about increased pressures on education infrastructure and medical provision; concerns that SANGS site will impact on wildlife and conservation interests; Loss of green space; design is too high a density and feels cramped and urban; the low percentage of affordable housing provision is not acceptable; road layout and parking provision is unsuitable; concerns about school drop-off zone conflicting with residential parking; queries whether spine road has been designed to become a future access road linking to the A338. The Cumulative impact with other housing allocations and particularly the issues of access to the A338 cannot be ignored.

7.2 Whitsbury Parish Council:- Objects - proposed access onto Whitsbury Road and the significant additional traffic generated will have an adverse impact on vehicles going to and from Whitsbury village.

**8 COUNCILLOR COMMENTS**

None

## 9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: final views awaited; Holding Objection raised in respect of earlier proposals pending resolution of concerns relating to internal layout.
- 9.2 Environment Agency:- No objection in principle; requests a condition requiring the agreement of a working method statement to cover all works associated with the development of the SANG in order to ensure the proposal does not increase flood risk.
- 9.3 Natural England:- No objection - considers that the proposed development will not have significant adverse impacts on designated sites.
- 9.4 Environmental Health (contaminated land):- No objection subject to standard contaminated land conditions
- 9.5 Environmental Health (pollution):- No adverse comment.
- 9.6 Southern Gas Networks:- Advise of site's proximity to gas main
- 9.7 Hampshire County Council (Surface Water Drainage):- the proposals for surface water drainage meet the current standards / best practice in relation to surface water drainage; maintenance details will need to be agreed.
- 9.8 Hampshire County Council (Education):- no objection subject to the applicant providing an education mitigation contribution of £725,120.
- 9.9 Hampshire County Council (Minerals & Waste):- applicant should carry out further investigations to determine the viability of extracting minerals from the site; if prior extraction is deemed to be unviable would like a condition imposed to record recovered minerals and to ensure that any minerals recovered can be put to beneficial use; in the absence of any further investigation of the site's mineral potential would consider the proposal to be contrary to Policy 15 of the adopted Minerals Plan.
- 9.10 Hampshire County Council (Rights of Way):- no objection; requests a number of informatives to ensure appropriate account is taken of adjacent public rights of Way.
- 9.11 Archaeologist:- no objection subject to archeological conditions, noting that the work undertaken to date has proved inconclusive.
- 9.12 Tree Officer: objects - the proposed scheme threatens the retention of important mature trees protected by a Tree Preservation Order; have particular concerns with the impact of Unit 1 on a birch tree adjacent to Whitsbury Road and also the impact of a proposed footpath on a mature oak tree adjacent to Whitsbury Road; impact on trees on the west side of Whitsbury Road needs to be clarified.
- 9.13 Ecologist:- no objection subject to conditions to secure appropriate management and mitigation measures; With respect to the SANG provision on land that is a SINC, the Council need to be satisfied that the benefits of public ownership and better management outweigh disturbance arising from public access.

- 9.14 Wessex Water:- no objection subject to a condition requiring the approval of a scheme for the disposal of foul water.
- 9.15 Urban Design Officer:- objection to initial proposals - whilst the broad elements work, the character of the development is undermined by poor street design; further views on amended plans awaited.
- 9.16 Landscape Officer:- final Views awaited; holding objection raised to earlier proposals pending adjustments to layout and submission of additional details.
- 9.17 Public Open Space Officer:- advice given on levels of contribution necessary to meet policy requirements; full and detailed proposals will be required for the design of the SANGS and Public Open Space.
- 9.18 Housing Development & Strategy Officer:- does not support as the proposal does not meet the requirements of Core Strategy Policy CS15
- 9.19 District Valuer:- for the proposal to be viable, the applicant will need to be willing to reduce their profit expectations or build costs (or both). Understands that the developer may be willing to accept a lower profit, on which basis the applicant's proposed affordable housing mix would be a reasonable way forward.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 36 letters of objection / concern from local residents:- Unsuitable access onto Whitsbury Road; Access should be onto A338 instead or as part of a through route; Proposal would result in a significant increase in traffic onto unsuitable local roads resulting in congestion and additional highway dangers; proposal will increase potholes; overdevelopment of the site; development would be too high a density; open space on western side of Whitsbury Road is not supported by policy; proposal would result in increased pressures on local schools, medical facilities and infrastructure that will be unable to cope; pressures on local sewerage system; proposal will result in increased risk of flooding; insufficient affordable housing; such a large expansion of the town will harm its semi-rural / New Forest character; development would be too urban in character; lack of need; increased noise pollution; flats would be out of character; concerns about the precedent this could set for future development's in the area; adverse impact on Slow Worms, Water Voles, bats and other wildlife; adverse impact on ecology of Sweattfords Water; dwellings would lack amenity; design of affordable dwellings would be poor relative to the design of the private dwellings; concerns about access on SANG land given its ecological interest; concerns that SANG land will not be available due to potential flooding of this area; insufficient parking provision for school drop off facility; concerns about the lack of a blue line plan showing other land controlled by applicant; concerns about applicant's intentions for adjacent land; development needs to be considered holistically in conjunction with other potential future development sites.
- 10.2 1 letter from the governors of Burgate School, raising no objection subject to the applicant entering into a Section 106 legal agreement to secure a contribution of £1,199,880 towards expansion projects at Burgate School in order to mitigate impact of the development on educational infrastructure.



## **11 CRIME & DISORDER IMPLICATIONS**

See Assessment Report Below

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive the New Homes Bonus amounting to £177,480 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 a CIL liability of £1,064,888.00.

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.

In this case, the application proposals have been the subject of lengthy and detailed negotiations both before the application was submitted and during the application process. Amended plans and additional information have been submitted during the application process to address specific concerns, and this has enabled a positive recommendation to be made.

## 14 ASSESSMENT

### The application site and its surroundings

- 14.1 This application relates to a large parcel of undeveloped land to the north side of Fordingbridge, spanning both sides of Whitsbury Road. The site extends to 9.2 hectares in total. The greater part of this area (7.3 hectares in total) is set to the east side of Whitsbury Road and is known as the eastern parcel. This area is relatively flat and open, and consists of 2 fields of pasture, one of which is much larger than the other. The 2 fields are separated by a field hedgerow. There are also hedgerows and groups of taller trees around the other field edges. Just beyond the site, there are public footpath routes that run immediately adjacent to the eastern parcel's northern and eastern boundaries. Meanwhile, to the south-east side of the eastern parcel is the line of an old railway. This line is now somewhat overgrown, there being no existing public access along this route. This former railway line provides a buffer between the application site and residential development to the south. Also situated in close proximity to the east and south-east side of the site are the grounds of Burgate School. The land immediately to the west side of the eastern parcel is essentially rural in character, but includes individual dwellings separated from the application site either by small fields or dense screening.
- 14.2 The smaller part of the application site on the western side of Whitsbury Road extends to 1.9 hectares. This area is known as the western parcel, and has a different landscape character to the eastern parcel. This area, which wraps around the Arch Farm Industrial site, is a small scale pastoral landscape that slopes down towards Sweatfords Water, which is an attractive tree lined watercourse that meanders through the site. This western parcel lies immediately to the north of an area of public open space that includes a children's play area.

### The submitted proposal

- 14.3 The submitted application is a proposal for 145 dwellings, all of which would be sited within the eastern parcel. The proposal would be comprised specifically of 39 detached houses, 31 pairs of semi-detached houses, 1 terrace of 6 houses, 2 terraces of 5 houses, 1 terrace of 3 houses, 1 block of 8 flats, 1 block of 7 flats, 1 block of 7 flats attached to a terrace of 3 houses, garages and parking. All of the dwellings would be served by a new vehicular access onto Whitsbury Road. The application also proposes areas of Public Open Space and Suitable Alternative Natural Green Space (SANGS). The proposed SANGS area would extend across both sides of Whitsbury Road, with all of the western parcel being SANGS land.

### Policy Framework

- 14.4 The eastern parcel is an allocated housing site that is allocated under Policy FORD 1 of the Local Plan specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. These 2 Core Strategy policies seek to provide up to around 100 dwellings at Fordingbridge, of which at least 70% should be for affordable housing, made up of at least 40% social rented housing and at least 30% intermediate affordable housing. The policies indicate that the remainder of the site to be developed pursuant to these policies

should be developed for low-cost market housing, which could include starter homes. At least 50% of the affordable housing provided is expected to be family housing.

- 14.5 Policy FORD1 reiterates the requirement that 70% of dwellings provided on this allocated site should be for affordable housing. The policy requires development of this site to meet a number of specific criteria. These criteria are that vehicular access should be from Whitsbury Road; pedestrian and cycle routes should be provided through the site linking to the footpath and cycleway network; a safe pick-up and drop-off facility should be provided within the site to serve adjoining schools; on-site public open space should be provided to include provision of natural playspace for children and recreational space for young people; SANGS should be provided on or close to the site; important trees and hedgerows should be retained; a landscape buffer should be provided along the Whitsbury Road frontage and the south-eastern boundary of the site; and a minimum of 10 full size allotment plots should be provided within the site. The supporting text to policy FORD1 suggests that if the SANGS is provided on site, the development could accommodate about 100 new homes having regard to the character of the area as one of transition between town and countryside.
- 14.6 The western parcel does not form part of the allocated housing site. It is outside of the built-up area and is subject to general countryside policies. Part of the western parcel forms part of a designated Site of Interest for Nature Conservation (SINC). Part of the western parcel also forms part of an Area at Risk of Flooding (both flood zones 2 and 3).

#### The principle of development

- 14.7 Given the site is an allocated housing site, albeit one that should be developed primarily for affordable housing, the principle of developing the eastern parcel for residential purposes is considered to be acceptable.
- 14.8 The 145 dwellings that are proposed would be a greater number of dwellings than is sought through Core Strategy Policy CS12. It is also more than the 100 dwellings that Policy FORD1 suggests could be built on the site. However, the suggestion that 100 dwellings could be built on the site is only advisory and is based on an assumption that all SANGS would be on site. There is actually no policy requirement for all of the SANGS to be provided on the FORD1 site, and therefore if part of the SANGS is being provided on adjacent land, as is actually the case, then this should, in theory, increase the capacity of the site to provide more than 100 dwellings. Ultimately, it is not felt there would be any in-principle objection to providing 145 dwellings on the site. What is important is that the development is well designed and sympathetic in spatial terms to its rural edge context. This is a matter that is considered later in this report.
- 14.9 SANGS linked to an adjacent residential development is considered an appropriate use to provide in the countryside. There would, therefore, be no in-principle objection to the provision of SANGS on the unallocated western parcel.

## Affordable Housing Provision

- 14.10 The application is proposing that 86 dwellings (59.4%) be for private housing, 35 dwellings (24.1%) be Starter Homes, and 24 dwellings (16.5%) be for Affordable Rent. Evidently, this would not meet the policy expectation for 70% of the dwellings to be affordable. The applicants have submitted a detailed viability appraisal, which argues that meeting the Local Planning Authority's policy requirement would make their development unviable. Furthermore, their viability case argues that a greater level of affordable housing than what is actually being offered would result in an unviable scheme.
- 14.11 The applicant's viability appraisal has been considered by the District Valuer (DV). The District Valuer considers that even the applicant's proposed scheme would not be viable unless the applicants are willing to reduce their profit expectations below normally accepted profit expectations (the 'norm' being 20%), or reduce their construction costs, or potentially both. If, however, the applicants were willing to reduce their profit expectations to circa 18.25%, then the applicant's proposed mix of housing would be viable.
- 14.12 Based on the applicant's viability appraisal, and the conclusions of the the District Valuer, it is clear that the Council's policy expectation of securing 70% affordable housing on this site is unrealistic and unachievable if the scheme is to be viable. Accordingly, it is considered reasonable to accept a level of affordable housing that falls significantly below the Council's policy expectation.
- 14.13 The applicant's affordable housing offer is not the only possible mix that would be viable (if an 18.25% profit is accepted), but it is felt to be the best and most appropriate offer in this case. If the proportion of affordable rented accommodation was to be increased so as to be equal to the proportion of starter homes, this would necessitate an increase in the number and proportion of private dwellings in order to achieve a similar level of profit. Consequently, the combined proportion of affordable rented dwellings and starter homes under a more balanced affordable / starter home mix would only be 38%, as opposed to 40.6% under the scheme that is actually proposed. While, ideally, officers would have wanted to see a scheme with a greater proportion of affordable rented dwellings (including more affordable family accommodation), it is felt, ultimately, that the applicant's scheme provides an appropriate balance between maximising the affordable offer and securing an appropriate affordable / starter home mix, taking into account viability constraints.
- 14.14 It should be noted that Starter Homes do not meet the definition of affordable housing based on the Council's own policies. However, the Council has on other recent large-scale housing schemes accepted Starter Homes as an alternative to intermediate affordable housing (i.e. shared ownership and shared equity housing), having regard to statements from central government that were in favour of starter homes as an affordable tenure option, particularly in relation to stalled brownfield sites. A government's Housing White Paper has since been published, which has changed the criteria for Starter Homes, meaning that Starter Homes are no longer, in most circumstances, going to be an appropriate alternative to affordable housing. However, in the case of this particular application, because the Local Planning Authority has

accepted Starter Homes as an alternative to affordable housing on other developments being built pursuant to Core Strategy Policies CS12 and CS15, it is felt that it would not be reasonable to reject Starter Homes as an alternative to affordable housing on this scheme, given it would be developed pursuant to the same policies.

- 14.15 The applicant's affordable housing offer of 35 Starter Homes and 24 homes for affordable rent will need to be secured within a Section 106 legal agreement. Providing the affordable housing is secured in this way, it is considered the quantum and mix of affordable housing, while not meeting policy expectations, would nonetheless be acceptable for the reasons set out above. It should be noted that if the Starter Homes are unable to be sold as Starter Homes within an initial 9 month period, they would then through the Section 106 legal agreement be safeguarded for other forms of Intermediate Housing.

### SANGS

- 14.16 Based on the requirements of the Council's own policies, the development should secure 3.236 hectares of SANGS either on or adjacent to the site. This required quantum of SANGS would be achieved through the provision of a long area of SANGS running alongside the eastern parcel's eastern boundary, and through the provision of SANGS on the western parcel.
- 14.17 The SANGS area proposed, which would include pedestrian links to adjacent public footpaths, would provide attractive open areas for people to walk (with their dogs). In terms of its size and location, it is felt that the SANGS would meet the requirements of Policies DM3 and FORD1. In terms of its design, the SANGS within the eastern parcel would be an attractive green corridor, typically between 25 and 40 metres wide. It would include a combined footpath and cycle path running through it. The SANGS within the western parcel would include a network of footpaths, including boardwalks and footbridges over Sweatfords Water. It has the potential to be an attractive space, although precise details of some of the features within the SANGS will need to be agreed through condition. It should be noted that some of the western SANGS will occasionally flood, meaning that these areas are unlikely to be useable when in flood. However, it would only be a very small proportion of time (primarily in winter and not during the bird breeding season) when the SANGS may not be usable, and in these circumstances, it is not felt the SANGS would be so compromised as to fail in its key function, which is to ensure that the impact of the development on designated European sites is adequately mitigated. Overall, through the provision of the SANGS on the development, it is considered that significant effects on the New Forest European sites can be ruled out. Therefore, the proposal would meet the requirements of the Habitats Regulations. It is of note that Natural England have raised no objection to the layout and design of the proposed SANGS.
- 14.18 Adjacent to the SANGS, the applicants are proposing to safeguard areas of land for future road improvements and access (that would be needed if further land in the vicinity were to be developed for residential purposes in future). These future road improvement / access areas do not form part of the SANGS, but they would function as SANGS until such time as the land is needed for future road improvements or access, thereby ensuring that the SANGS, as proposed, is not compromised by

artificial severance. Any future planning application for residential development that necessitates access works across the safeguarded areas would need to ensure the SANGS proposed through this application remains fit for purpose.

- 14.19 Aside from providing SANGS on the site, the development will need to secure an appropriate contribution towards the future maintenance of the SANGS. In this instance, a maintenance contribution of £362,432 is deemed necessary, taking into account the specific nature and design of the SANGS area. The on-site SANGS areas, the specified maintenance contribution, and a separate monitoring contribution of £7250 will all need to be secured within the S106 legal agreement.

#### Public Open Space

- 14.20 Based on the Council's Core Strategy Policy CS7, the development should secure 0.829 hectares on Informal Public Open Space and 809 square metres of designed playspace. The Council's policies allow for a degree of overlap between informal public open space and SANGS, given that areas of SANGS close to dwellings can function equally as an area of informal public open space. However, informal public open space serves many different needs and functions, and so not all public open space will be suitable as SANGS, and vice versa. In this case, the applicants are proposing distinct areas of Public Open Space that are not SANGS, which would include a central green square, a separate landscaped green, wide landscaped margins to the primary highway route serving the development, and landscaped strips adjacent to the main site's western boundary. These, in combination with areas of SANGS closest to the dwellings, would ensure that the development's need for appropriate areas of public open space are met.
- 14.21 The applicants are proposing to provide an equipped children's play area (LEAP) as an island within the SANGS on the eastern boundary of the site. This, together with the opportunity to provide more informal play opportunities within the SANGS, would ensure that the requirement to secure appropriate playspace in accordance with policies CS7 and DM3 is met.
- 14.22 The on-site public open space and children's playspace will need to be secured through the S106 legal agreement. This will include a need to secure a public open space maintenance contribution of £92,870 (which has been calculated to take into account the public open space size and design) and a separate Children's Play Area maintenance contribution of £113,260.

#### Allotments

- 14.23 The application proposes 10 full size allotments within the north-west corner of the main site (eastern parcel), which would include 10 car parking spaces to be used in association with the proposed allotments. The allotments would be in an appropriate location and of an appropriate size, and would meet the requirement of Policy FORD1 to secure at least 10 full size allotments. The allotments would need to be secured through the Section 106 legal agreement.

### School Drop-off Facility

- 14.24 The application proposes 25 unallocated car parking spaces on the eastern boundary of the site, which are designed to meet the requirement of Policy FORD 1 to provide a safe pick-up and drop-off facility within the site to serve adjoining schools. The layout includes a pedestrian link between these car parking spaces and an adjacent public footpath that abuts the school grounds. It is felt that the number of car parking spaces being provided in association with the school drop-off facility and its location within the development would meet the specific requirement of Policy FORD1.

### Transportation Considerations

- 14.25 Vehicular access to the development would be from Whitsbury Road via a simple priority junction. The arrangement proposed has been the subject of a Road Safety Audit and design checks. The access would have appropriate visibility and the Highway Authority are satisfied that this access would be a safe and acceptable means of access to serve the development.
- 14.26 Concerns have been expressed by local people that an access should be provided onto the A338 as part of a through route. However, this is not required under policy and nor is it necessary to make this proposal acceptable from a transportation perspective.
- 14.27 The application proposes to provide 349 car parking spaces (including garages) to serve the needs of the residential development. There would also be a small amount of visitor parking adjacent to main roads within the development. The level of car parking being provided would be fractionally in excess of the level of car parking recommended in the Council's Parking Standards Supplementary Planning Document (SPD). As such, the Highway Authority have confirmed that the level of parking being provided in association with the development would be acceptable from a highway safety perspective. The application also makes appropriate provision for cycle parking within garages (that would be large enough to accommodate cycles) and within sheds and communal stores.
- 14.28 The majority of the internal highway arrangements are intended to be offered to Hampshire County Council for adoption. From the Highway Authority's advice to date, it is understood that there are no fundamental concerns with the internal layout from a highway safety perspective, but there are some minor layout issues which has resulted in a holding objection. The applicant has amended their proposals and provided additional information to address the Highway Authority's concerns, and the further comments of the Highway Authority are awaited. It should be noted that the concerns raised by the Highway Authority are all capable of satisfactory resolution.
- 14.29 The submitted application is accompanied by a detailed Transport Assessment, which, among other things, considers the trip generation rates that would be expected for the development, the likely growth in traffic, and the likely increase in traffic on specific routes and using specific junctions. From the information within this Transport Assessment, the Highway Authority are satisfied that the additional traffic using a number of nearby roads and junctions will be within

operational capacity and will not therefore pose a danger or inconvenience.

- 14.30 In terms of the wider highway network, the greatest impact is forecast to be seen at the junction of Salisbury Road and Green Lane, where traffic flow increases of 6.7% to 8.7% are expected. This level of increased traffic is unlikely to result in any physical impact (queuing) at this junction, however, due to the specific junction arrangement, there being no opposing flow at this junction. The next greatest impact on the wider network would be at the A338 on-slip, the A338 off-slip, and A338/Salisbury Road. However, the identified percentage impacts at these junctions would be within the recorded daily variation of traffic flow and would therefore be unlikely to materially impact on highway safety and movements at these junctions.
- 14.31 Overall, therefore, the Highway Authority is satisfied that the proposal will not generate levels of traffic that would cause unacceptable congestion or be harmful to the local highway network. However, the Highway Authority do consider that there is a need to ensure that the development's overall transportation impact is mitigated by ensuring that contributions are made towards a number of specific schemes designed to improve pedestrian and cycle links between the site and Fordingbridge Town Centre / nearby bus stops, and also to improve a Public Right of Way between the site and Penny's Lane. The Highway Authority has sought a transportation contribution of £173,745 towards these planned improvements, which is considered a reasonable contribution. While this contribution could potentially be secured through a Section 106 legal agreement, it is felt in this instance that it would be better to secure this contribution through CIL in order not to further compromise the applicant's affordable housing offer. Ensuring that CIL money is put towards the transportation improvements that are deemed necessary will need to be agreed separately from the determination of this application, but in principle, there is no reason why £173,745 of the applicant's significant CIL payment could not be put towards transportation improvements, thereby ensuring the development's transportation impact is appropriately mitigated.
- 14.32 The applicants have submitted a Framework Travel Plan, as required by policy, in order to encourage future occupants of the development to travel by modes other than single occupancy car use. Having regard to the advice of Hampshire County Council, the principles set out in the Framework Travel Plan are considered to be acceptable, but for the application to be fully in accordance with policy, there will be a need to agree a Full Travel Plan. This requirement should be secured within the Section 106 legal agreement, which will also need to secure a bond at 100% of the cost of the measures; an initial evaluation fee of £1500; and a Monitoring Fee of £3000 per year for a minimum of 5 years.

#### Design Considerations

- 14.33 The application layout takes the form of a main spine road running through the site from north to south, with a number of subordinate, secondary roads coming off that main route. Those coming off to the east would form part of a connected circuit, whilst those coming off the west would typically be cul-de-sacs. The layout would have a strong perimeter block character, with houses actively addressing the road(s) that they would front onto. Front gardens would typically be modest in



size, but to the rear, generous garden groups would be created with enough depth to allow for larger trees and mature vegetation to develop over time. While in places the new streets would have quite a tight and intensive form, this would be mitigated by the generous open spaces running through the development. The SANGS / Public Open Space (with SUDS feature) would be a significant feature at the main entrance to the development, and would give this main entrance a very green and open character. Within the development, the creation of a central square to include a landscaped greenspace (public open space) would be a key feature, while a smaller green further to the north would also be an important feature. Together these significant public open areas, in combination with the generous sized rear garden groups, would ensure the development does not feel too urban or intensive a development on the town's rural edge.

- 14.34 The development would be overwhelmingly 2-storey in scale. Indeed, no dwelling would be more than 2-storeys high, although a few on the site's northern edge would be slightly lower 1.5 storey dwellings. It is felt this scale of development would be entirely appropriate to the site's context. A significant proportion of the dwellings would be detached or semi-detached. While, there would be some larger building groups, these would be well articulated buildings with variations in rooflines, which would help to ensure the buildings are not too dominant in their setting. The largest and most intensive building groups within the development would be Units 12-18 and 63-77, which have been designed as barn style courtyard blocks. - Units 12-18 would be particularly visible from Whitsbury Road. It is felt that this building through its form, materials and detailing would adequately respond to the site's rural context. Units 63-77 (2 adjacent buildings) would also be well designed, and while the rear courtyard would not be the greenest of spaces, it is felt that with appropriate hard and soft landscaping the setting of these 2 units would be adequate. More generally, it is felt the proposed dwellings would be of an acceptable appearance. - Many of the dwellings would be of a fairly conventional design. However, the development has been designed to include key buildings and key groups of buildings running through the site, particularly along the main spine road, and along the eastern edge where an appropriate degree of richness has been added to the architecture. As a whole, it is considered that the dwellings would be of an appearance that would adequately respect the site's rural edge context, and with a reasonable consistency running through the design this would help to create a strong sense of place.
- 14.35 The design is not without some concern. The Council's Urban Design Officer has raised particular concerns with the street design, particularly in respect of the central square, which he feels lacks a strong character, and which he feels has been designed with too much emphasis given to vehicular movement through the space rather than creating a well designed, pedestrian friendly area that helps the legibility of the whole development. The views of the Council's Urban Design Officer are understood. However, Hampshire County Council (as Highway Authority) has set guidance as to what it will accept if it is to adopt a highway, and, in this case it is that guidance which has to a large extent dictated the street design. Ultimately, the applicants do need to put forward a design that the Highway Authority will be prepared to adopt. Following detailed discussions between the various parties, the applicants have submitted an amended plan that seeks to strike a balance between the wishes of

the Council's Urban Design Officer and the Highway Authority. While not going as far as the Council's Urban Design Officer would like, it is felt the central square, as amended, would through its detailed design measures (entrance features and changes in surfacing) have sufficient character and quality, both visually and functionally.

- 14.36 There would be good natural surveillance of the key public areas within the eastern parcel of the proposed development. The design is considered to be one where opportunities for anti-social and criminal behaviour are reasonably minimised.
- 14.37 Overall, it is considered the proposed development would be well designed and sympathetic to local distinctiveness and the site's rural edge context. The development would therefore have an acceptable impact on the character and appearance of the area.

#### Amenity considerations

- 14.38 The proposed development would not have a significant impact on the amenities of nearby residential properties given that existing dwellings are typically set well away from the development site. Newton House, which does have a common boundary with the site, is separated from the site by dense and mature screening, and whilst some additional noise and activity is to be expected, it is not considered that the proposal would give rise to levels of noise that would be harmful.
- 14.39 The future occupants of the dwellings within the development would enjoy satisfactory levels of amenity, noting the reasonable garden sizes for most dwellings and the network of open spaces through the development.

#### Landscape & Arboricultural Considerations

- 14.40 The proposal would result in the loss of the hedgerow that separates the 2 fields that comprise the eastern parcel. The loss of this hedgerow (mainly comprised of hawthorn) is unfortunate. However, it is a relatively recent hedgerow rather than an ancient hedgerow. Its loss may not fully meet the aspirations of Policy FORD1, but ultimately, it is not felt to be of such landscape or indeed ecological importance as to justify retention.
- 14.41 The applicant has carried out a Landscape and Visual Impact Assessment (LVIA). From this, it is evident that the development, when viewed from Castle Hill (to the east) will be seen to extend Fordingbridge further north into the rural landscape. To a large extent, this is an inevitable consequence of the site's allocation, but it is an impact that could and should be mitigated as far as reasonably possible through new hedge and tree planting. The application is accompanied by a detailed planting strategy. While detailed landscaping proposals would need to be agreed as a condition of planning permission, it is considered the planting strategy provides an acceptable landscape framework that will ensure the development is not too intrusive within its wider landscape setting.
- 14.42 The Council's tree officer has objected to the application, in part, because the proposal would be likely to have an adverse impact on a birch tree adjacent to Whitsbury Road that is protected by a Tree Preservation Order. The tree is set close to Plot 1 and because of this

proximity the development is likely to have an adverse impact on the future of this tree, both through direct impact, and through potential future pressures. The conclusions of the Council's tree officer in respect of the likely future impact on this tree are accepted. However, it is not felt the tree offers such significant amenity value as to justify a refusal of planning permission, when balanced against the scheme's significant economic, social and environmental benefits.

- 14.43 The Council's tree officer also raised an initial concern relating to a mature oak tree, given that a footpath would extend within the root protection area of this tree. However, the applicant has since confirmed that this footpath would be laid on a cellular confinement system, which would ensure impact on this tree would be adequately mitigated.
- 14.44 There may be a need for limited tree removal within the SANGS to facilitate the use and future management of that area. This would not be unreasonable, although precise details would need to be agreed through condition. Otherwise, the development would have appropriate regard to the important trees and hedges on the site.

#### Ecological Considerations

- 14.45 The submitted impact is accompanied by an Ecological Impact Assessment that considers the impact of the development on the ecological interest of the site, which has included a survey of water voles. The most ecologically rich part of the application site is the western parcel, which as noted previously includes land designated as a SINC. This SINC includes riparian habitat which could be suitable habitat for water voles. However, the applicant's survey has found no field signs of water voles at the current time, meaning that it is reasonable to conclude that their resident presence is unlikely. Notwithstanding this, while the proposal would appear to have no direct impact on water vole populations, the Council's ecologist advises that it is important the site continues to provide the opportunity for water vole movement and colonisation, which therefore demands sensitive management of this area.
- 14.46 The proposed use of the western parcel as a SANGS means that there will be increased recreational activity across this area, which could result in disturbance that could potentially be harmful to some wildlife features. The Council's ecologist indicates that to offset this potential harm arising from additional disturbance, there will be a need to incorporate significant ecological measures into the landscaping. The Council's ecologist also notes that there could be some management benefits in bringing this land into public ownership. As such, while use of a sensitive ecological environment as a SANGS does give rise to legitimate ecological concerns, it is felt that a combination of sensitive landscaping and sensitive public management of the area should ensure that an appropriate balance is struck between improving public access and safeguarding ecological interests. These are matters that could be reasonably resolved through condition and the S106 requirements.
- 14.47 On the wider site, the development would have some impact on a local population of reptiles (Slow Worms), which will need to be the subject of a translocation scheme. There is some potential to relocate Slow Worms within the site itself (onto the SANGS land and the site's landscaped corridors), which would have good connectivity to adjacent habitats.

Ultimately, it is felt that the development could take place without causing unacceptable harm to Slow Worm populations, although further mitigation measures will need to be agreed through condition.

- 14.48 There is also evidence of bats foraging along some of the site's landscaped edges (including 1 rarer species). The application would maintain suitable landscaped edges, and subject to an appropriate scheme of lighting being agreed, it is not considered the proposal should cause undue harm to foraging bats.
- 14.49 Overall, it is felt that subject to suitable conditions to include the agreement of a suitable biodiversity mitigation and enhancement scheme, the development is one that could take place without causing undue harm to ecological interests.

#### Flood Risk & Drainage Considerations

- 14.50 The submitted application is accompanied by a Flood Risk Assessment (FRA). All of the dwellings would be within Flood Zone 1 and would not be at risk of flooding. The SANGS on the western parcel would extend into Flood Zones 2 and 3, but it would not be a sensitive use in flood risk terms and would therefore, in principle, be compliant with flood risk policies. The Environment Agency have confirmed that the proposed SANGS use would be appropriate in Flood Zones 2 and 3, but require works within the SANGS to be agreed through condition to ensure those works do not increase flood risk elsewhere.
- 14.51 The applicant's FRA proposes a drainage system based on Sustainable Drainage Systems (SUDS) in accordance with best practice to ensure flood risks from pluvial and overland flow flood sources is appropriately mitigated. The Drainage Strategy proposes to maintain the current drainage principles of the site by discharging to ground. Attenuation features on the eastern parcel include permeable paving systems, swales and a pond. The surface water drainage team at Hampshire County Council confirm that the applicant's drainage proposals accord with best practice and are therefore acceptable, although additional details would need to be agreed through condition. It should be noted that the pond is expected to be fairly gently shelving. Any risk to safety should therefore be adequately minimised through the pond's design.

#### Education

- 14.52 The Local Education Authority at Hampshire County Council have sought a contribution of £725,120 towards improving primary education facilities in Fordingbridge, noting that the development would be likely to generate a total of 40 additional primary age children, meaning that the existing schools will need to be expanded. While securing an education contribution is a reasonable principle, it does need to be adequately justified in relation to the relevant tests. In this case, the County Council have been unable to identify specific schemes to which the education contribution would be put. Without clearly justifying how the contribution would be spent and how such works would be reasonably related to the development, it is considered that the education contribution sought by Hampshire County Council is not justified. The request from Burgate School for an education contribution of £1,199,880 is considered to have even less justification, and it is not therefore a contribution that the applicant should be required to make.

## Minerals and Waste

14.53 The application site does form part of a Minerals Safeguarding Area that is safeguarded under Policy 15 of the 2013 Minerals and Waste Plan (that is supported by a later Supplementary Planning Document). The submitted application was accompanied by a Minerals Resource Assessment, which indicates that there is an estimated potential volume of 216,000 cubic metres of sand and gravel lying across the site which is potentially economically viable. There are therefore opportunities for mineral extraction, but also constraints. The applicant's Minerals Resource Assessment is supported by the recommendation that a more detailed Phase 2 assessment be carried out to allow for appropriate engagement with mineral operators and to ensure that a thorough exploration is undertaken to consider the potential for mineral extraction at the site. This recommendation seems to be appropriate, and therefore to ensure compliance with the aforementioned policy, it is recommended that a further Phase 2 assessment should be secured as a condition of planning permission, and this will then inform whether prior extraction of minerals is viable or appropriate.

## Other Considerations

- 14.54 Concerns relating to archaeology and contamination can reasonably be addressed through condition.
- 14.55 Concerns about increased pressure on other local infrastructure are noted, but would not be so significant as to justify withholding granting planning permission.
- 14.56 Concern has been raised about the applicant's intentions for adjacent land. Ultimately, this is a stand alone scheme that must be judged on its individual merits (noting that adjacent land is not currently allocated for residential development). Even though the applicant has made allowance in their design for possible links through to adjacent land (thereby ensuring the potential of that land is not compromised), it is felt that the scheme is an appropriate development as a stand alone scheme.

## Summary & Conclusions

14.57 Overall, the application constitutes a significant residential development on the edge of Fordingbridge that would be broadly consistent with policy requirements. Although the level of affordable housing being provided would be materially less than sought by policy, it is felt this would be justified in the light of viability considerations. The development would be of an appropriate density and a good quality design that would be sympathetic to its rural edge context. The development would be provided with appropriate areas of public open space and SANGS, and impact on ecology, trees and other environmental assets could all be adequately mitigated. The development's impact on the local highway network would be acceptable, and there would be minimal impact on the amenities of nearby properties. As such, the application is recommended for permission subject to detailed conditions and subject to the prior completion of the required Section 106 legal agreement that is necessary to ensure policy compliance on a number of key issues.

14.58 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	102	24 + 35 starter homes	- 43
Financial Contribution	0	0	
<b>Habitats Mitigation</b>			
Financial Contribution	3.23ha	3.23ha	

### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	12101		12101	12101	£80/sqm	£1,064,888.00 *

Subtotal:	£1,064,888.00
Relief:	£0.00
Total Payable:	£1,064,888.00

\* 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:

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

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 PERMISSION** subject to:

- i. the imposition of the conditions set out below.
- ii. the prior completion of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:-
  - a) on-site SANGS, as proposed, together with appropriate contributions towards its future maintenance, and also a SANGS Monitoring Contribution;
  - b) on-site Public Open Space and children's playspace, as proposed, together with appropriate contributions towards their future maintenance;
  - c) on-site allotments as proposed;
  - d) on-site Affordable Housing / Starter Homes in line with the proposed numbers and mix;
  - e) a Green Travel Plan, and associated evaluation and monitoring costs;
  - f) the temporary use of the safeguarded access land as if it were SANGS land.

### 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: P124-128.e rev B, P124-128.p rev B, P46-50.e rev B, P46-50.p rev B, P9-18.e rev B, P9-18.p rev B, P9-18.p1 rev B, P71-77.e rev B, P71-77.p rev B, P108-111.e rev B, P.91-96.e rev B, P.91-96.p rev B, HT.403.e1 rev A, HT.403-A.e rev A, HT.403-A.p rev A, HT.403-H-A.e rev A, HT.403-H-A.p rev A, HT.404.e rev A, HT.404.p rev A, HT.404-A.e1 rev A, HT.404-A.e2 rev A, HT.404-A.p rev A, HT.AND-A.p rev A, HT.AND-H.e1 rev A, HT.AND-H-A.p rev A, HT.DEN.p rev A, HT.DEN-H.p rev A, HT-FLET.e1 rev A, HT-FLET.p rev A, HT-FLET-H.p rev A, HT.NORTH.e rev A, HT.NORTH.p rev A, HT.NORTH-H.p rev A, P136-137.p rev A, D-GAR.01.pe rev A, T-GAR.03.pe rev A, T-GAR.02.pe rev A, T-GAR.01.pe rev A, SUB.01 rev A, P108-111.p rev A, LP.01 rev A, HT.SET-S.e3 rev A, HT.SET-S.p rev B, HT.SET-S.p2 rev A, HT.SET-S.e1 rev B, HT.STOCK-3.e rev A, HT.STOCK-3.p rev A, P98.e rev A, P98.p rev A, HT.403.e2 rev C, HT.403.p rev C, HT.403-B.p rev A, HT.403-B.e rev A, HT.403-B.H.e rev A, HT.403-B.H.p rev A, HT.403-H.e rev B, HT.403-H.p rev B, HT.AND-A.e rev B, HT.AND-H.e2 rev B, HT.DEN.e rev B, HT.DEN-D.e1 rev A, HT.DEN-D.e2 rev B, HT.DEN-D.p rev A, HT.DEN-H.e rev B, HT.DEN-H-D.e rev A, HT.DEN-H-D.p rev A, HT.FLET.e2 rev B, HT.FLET-H.e rev B, HT.NORTH-H.e rev B, HT.OVER.e1 rev B, HT.OVER.e2 rev B, HT.OVER.p rev B, HT.SET-S.e2 rev B, P.44-45.e rev A, P.44-45.p rev A, P63-70.e1 rev B, P63-70.e2 rev B, P63-70.p2 rev B, P63-70.p1 rev B, P136-137.e1 rev B, P136-137.e2 rev B, CS01.pe rev A, S-GAR.01.pe rev B, S-GAR.02.pe rev B, HT.A3S-1.e rev B, HT.A3S-1.p rev B, P33-35.p rev B, P33-35.e rev B, HT.STOCK-2.p rev B, HT.STOCK-2.e rev B, HT.STOCK-1.p rev C, HT-STOCK-1.e rev C, DD137L01 rev C, DD137L02 rev B, DD137L03 rev B, DD137L04 rev B, DD137L05 rev A, 34WR001A, CSE.01 rev B, SE.01 rev B, DBML.01 rev D, SL.01 rev G (coloured site layout), SL.02 rev G (wider site layout).

Reason: To ensure satisfactory provision of the development.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 4 to 6 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 7 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - i) a survey of the extent, scale and nature of contamination;
  - ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).



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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording;
  - b) The programme for post investigation assessment;
  - c) Provision to be made for analysis of the site investigation and recording;
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation;
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

9. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. No development shall take place until a working method statement to cover all works associated with the SANG development on the west side of Whitsbury Road has been submitted to and agreed in writing by the Local Planning Authority. This working statement shall provide details of all works to be carried out in Flood Zones 2 and 3. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not increase flood risk either on or off site, in accordance with Policy CS6 of the Core Strategy for New Forest District outside of the National Park and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

11. The development hereby permitted shall not be commenced until such time as a scheme for the disposal of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved, to the agreed timescales.

Reason: To ensure no increased risk of sewer flooding to downstream property and in the interests of public health and water quality, and to comply with Policy CS6 of the Core Strategy for New Forest District outside of the National Park.

12. Before development commences, a detailed scheme for the disposal of surface water shall be submitted to and approved by the Local Planning Authority. The detailed scheme shall accord with the principles and details set out in the submitted Surface Water Drainage Strategy that forms part of the WSP Parsons Brinckerhoff Flood Risk Assessment (Project 70026857) dated January 2017. 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.

13. Before the development is first occupied details of the means of the future maintenance of the approved surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The drainage arrangements shall thereafter be maintained 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.

14. Before development commences a detailed 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) the treatment of the boundaries of the site and other means of enclosure;

- e) a detailed specification for all soft and hard landscape works and features to be carried out / provided within the SANGS land;
- f) a detailed design for the children's play area;
- g) 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).

15. 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).

16. Before the commencement of development (including site clearance works) a detailed reptile mitigation and enhancement scheme based on up-to-date population estimates 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 safeguard reptiles (particularly Slow Worms), which are protected species, and to comply with policy CS3 of the Core Strategy for New Forest District outside of the National Park and policy DM2 of the Local Plan Part 2: Sites and Development Management.

17. Before the commencement of development, a detailed scheme of lighting, setting out how lighting designs and locations will take account of ecological objectives, 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 safeguard the habitat of foraging bats, which are protected species, and to comply with policy CS3 of the Core Strategy for New Forest District outside of the National Park and policy DM2 of the Local Plan Part 2: Sites and Development Management.

18. Before the commencement of development, a detailed scheme of ecological mitigation and enhancement measures that are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) a substantive scheme of built environment biodiversity improvements including bat, swift, and other bird nesting / roosting opportunities;
- b) details of how the retained hedgerow corridors are to be enhanced and maintained;
- c) a detailed ecological enhancement plan for those parts of the site defined as a Site of Interest for Nature Conservation (SINC) to include an ecological management plan for this area.

Development shall only proceed in accordance with the approved details.

Reason: To safeguard ecological interests and to comply with policy CS3 of the Core Strategy for New Forest District outside of the National Park and policy DM2 of the Local Plan Part 2: Sites and Development Management.

19. Before development commences, samples and 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.

20. Before the commencement of development, the precise window design details to include details of window heads, cills and reveals 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 the scheme is of an appropriately high design quality and sympathetic to its rural edge context, in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

21. 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).

22. The development hereby permitted shall not be occupied until the approved spaces for the parking and garaging of motor vehicles and cycles have been provided. These spaces shall thereafter be retained for their intended purposes at all times.

Reason: To ensure adequate parking provision is made for both cars and cycles, in the interest of highway safety, and to comply with Policies CS1, CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

23. The 25 unallocated car parking spaces on the eastern edge of the site that are designed to provide a school drop-off and pick-up facility shall be kept permanently available for the parking of vehicles, and at no point shall any of these spaces be allocated for the specific use of any dwelling on the development hereby approved.

Reason: To ensure this area remains available as a school drop-off and pick-up facility, and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

24. Before the commencement of development a Phase 2 detailed Minerals Safeguarding Assessment to include any measures that are to be taken to recover minerals from the site shall be submitted to and approved in writing by the Local Planning Authority. The Phase 2 Assessment shall be based on the recommendations set out in Section 4.2.1 of the submitted RSK Phase 1: Preliminary Minerals Resource Assessment dated January 2017. Development shall only proceed in accordance with the approved measures and recommendations set out in the Phase 2 assessment.

Reason: To ensure that the site's potential mineral resources are adequately assessed and not compromised, and to ensure compliance with Policy 15 of the Hampshire Minerals and Waste Plan.

25. The development / works hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Assessment and Method Statement reference 16229-AA3-DC dated 27th January 2017 or as may otherwise be agreed in writing with the Local Planning Authority.

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).

26. All footpaths through the Root Protection Area of trees protected by a Tree Preservation Order shall be laid on a cellular confinement system with an angular stone infill unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard protected trees in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

27. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of the on site provision for contractor's parking, construction traffic access, the turning of delivery vehicles, lorry routing, provisions for removing mud from vehicles, and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

28. Before the commencement of development, a Phasing Plan shall be submitted which shall set out the detailed phasing of the construction of the development. Development shall thereafter be implemented fully in accordance with the Phasing Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that development takes place in an appropriate way, and to ensure that the full benefits of the approved development are delivered in accordance with Policies CS1 and CS2 of the Core Strategy for New Forest District outside of the National Park.

29. Any other condition deemed necessary in the light of outstanding consultation responses.

**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 proposals have been the subject of lengthy and detailed negotiations both before the application was submitted and during the application process. Amended Plans and additional information was submitted during the application process to address specific concerns, and this enabled a positive recommendation to be made.
2. With respect to Condition 10, please note that the Environment Agency have requested the method statement adhere to the following requirements:-
  - No ground raising, obstructions to flow, excessive planting, fencing, walls, structures to be located within Flood Zones 3 or 2;
  - No attenuation features (associated with the surface management scheme for the development within Parcel 1) within Flood Zones 3 or 2;
  - Any proposed pathways should be finished at grade with the existing ground level if they are to be located in Flood Zones 3 and 2;
  - All fencing should be open post and rail/wire style.
3. Please note that the development hereby approved lies adjacent to Public Rights of Way. There must be no surface alterations to these rights of way, nor any works carried out which affect their 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 the Rights of Way department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and you are therefore encouraged to contact Hampshire County Council as soon as possible to discuss any works of this nature.

Nothing connected with the development or its future use should have an adverse effect on the rights of way, which must remain available for public use at all times.

No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the public footpaths so as to obstruct, hinder or provide a hazard to walkers.

If there is likely to be an effect on the footpaths in terms of dust, noise or other obstruction during the period of the works, it is suggested 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>.

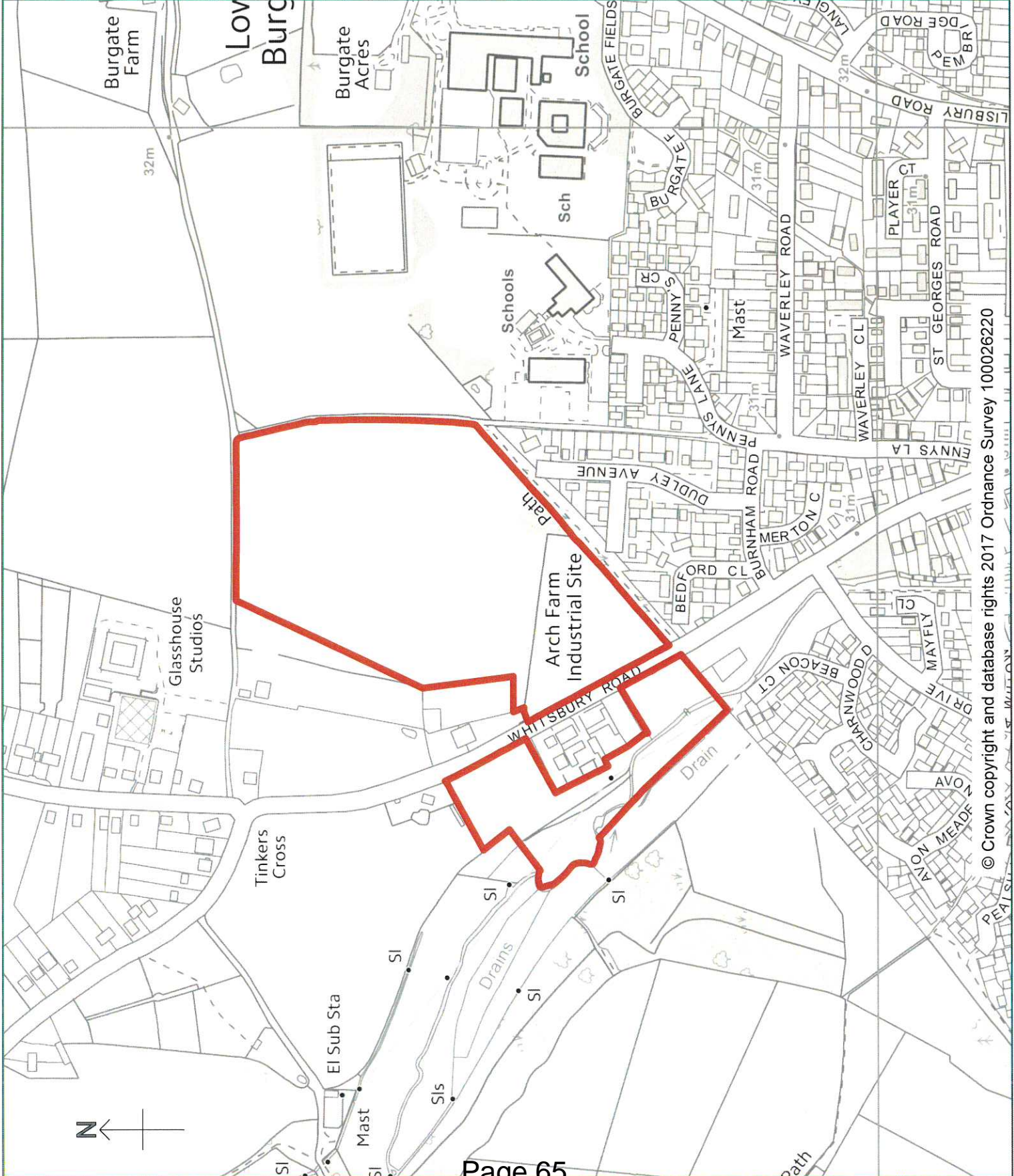
4. Please note that, notwithstanding the details shown on the submitted plans, the Local Planning Authority are likely to want to see some alteration to elements of the SANGS design through the conditions of this planning permission / the Section 106 legal agreement requirements, to ensure the detailed features within these areas are sympathetically designed and can be effectively managed in the long term.

**Further Information:**

Ian Rayner

Telephone: 023 8028 5588





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**Application Number:** 17/10394 Full Planning Permission

**Site:** DOWNTON MANOR FARM, CHRISTCHURCH ROAD,  
DOWNTON, MILFORD ON SEA SO41 0LA

**Development:** Use of barn as 3 dwellings; associated alterations; cycle/bin store;  
parking; landscaping

**Applicant:** HH & DE Drew Ltd

**Target Date:** 22/05/2017

**Extension Date:** 12/08/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Vivienne Baxter
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view in part

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- 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
- 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  
Achieving Sustainable Development  
NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 9 - Protecting Green Belt land

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Landscape Character Assessment  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 16/11370 - (prior approval) use of barn as 3 residential units, associated works. Prior approval refused 30.11.16. Appeal pending.
- 6.2 16/10826 - (prior approval) use of barn as 3 residential units, associated works. Prior approval refused 11.8.16

#### **7 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council - recommend refusal and would not accept a delegated approval. Concerned about establishing a tarmac road in the Green Belt.

#### **8 COUNCILLOR COMMENTS**

None received

#### **9 CONSULTEE COMMENTS**

- 9.1 Southern Gas Networks - no mains in area
- 9.2 Ecologist - support subject to condition
- 9.3 Hampshire County Council Highway Engineer - no objection subject to conditions

#### **10 REPRESENTATIONS RECEIVED**

None

#### **11 CRIME & DISORDER IMPLICATIONS**

None

#### **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £3,372 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 a CIL liability of £0.00.

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.

In order to address concerns raised with regard to the ecological and visual impact of the development, amendments were received which enables a positive recommendation to be made.

## **14 ASSESSMENT**

14.1 The site lies within the Green Belt and close to the hamlet of Downton. It is part of a wider planning unit which includes agricultural and extraction uses. Although the site is set back from the main road, there are residential properties opposite and a site with an extant permission for a replacement farmhouse on adjacent land in the same ownership. The proposal entails the conversion of an agricultural building into three dwellings. A further building would be converted into a shared bin and

bike store and other structures attached to the large agricultural building adjacent to the site would be demolished. The courtyard between the converted building and adjacent barn would be landscaped to provide parking and access for the residents and their visitors. Turning for larger vehicles would be provided outside the courtyard.

- 14.2 The application follows the refusal of two prior notification applications for the conversion of the building into three dwellings. These applications were refused for technical reasons, firstly that the proposed floor space (which included buildings other than that to be converted into the dwellings) was greater than that permitted and for highway safety reasons. The second application addressed these concerns but the overall site area included amenity space in excess of the permitted allowance. At the time of writing, the latter application is under appeal.
- 14.3 Within the Green Belt, new residential development is considered to be inappropriate development where it involves the construction of new buildings. The reuse of buildings is considered to be not appropriate under para 90 of the National Planning Policy Framework and on this basis, it is considered that the proposal is acceptable in principle in addition to this, having regard to the permitted development rights for buildings of this nature, it is clear that the main building on site could be converted with a smaller amenity space and this should be taken into consideration in the determination of this application. Further, the proposal would result in less built form on site and would not increase the height or foot print of buildings to be retained. It is therefore considered that the proposal, in terms of its physical capacity, would have no greater impact on the Green Belt than the existing group of buildings.
- 14.4 With regard to residential amenity, the site is far enough away from existing residential properties and the extant scheme on the adjoining site not to adversely affect existing privacy. Similarly, the proposed dwellings would not impact on the amenity of each other. It is noted that there is gravel extraction which occurs in the immediate vicinity although these works are bound by bunding which should minimise disruption to future occupiers.
- 14.5 The Highway Authority has advised that the necessary visibility splays (2.4m x 120m) at the junction of the existing access track with Christchurch Road are entirely contained within highway land and are achievable. The site contains adequate space for all vehicles to turn safely as well as parking facilities for future occupants and visitors. While the scheme incorporates parking provision in excess of the recommended amount, it would be considered inappropriate and unsustainable to object to the scheme for this reason. The area between the building to be converted and existing barn is currently an area of hard surfacing and could accommodate many more vehicles although this would be inappropriate and harmful to the setting of the buildings.
- 14.6 In visual terms, the proposed dwellings have been designed with regard to their rural setting and the conversion makes the most of existing openings to the building. It is accepted that there are some large proposed openings to the rear of the building, although these are shown to have sliding screens to minimise light intrusion. As stated above, the existing courtyard is currently hard surfaced, including under the lean-to proposed to be removed. While this part of the site would remain hard

surfaced in order to accommodate the parking area, the eastern end of the site would be un-mown grass, as some of it is at present, thus retaining a rural edge to the site. Each dwelling would however, be provided with a small amount of amenity space to the front of the building, comparable to the general minimum guidance within the Local Distinctiveness Supplementary Planning Documents.

- 14.7 Outside of the courtyard area would be the turning area for emergency and refuse vehicles. There is a concrete track here at present and beyond the site, there is extensive hard surfacing in association with the adjoining use. It is not considered that the proposed landscaping of the site would be harmful to the character of the area. The comments made by the Parish Council have been noted although the application does not state that the access road would be laid to tarmac (this would be dealt with by condition No.4 (c) )
- 14.8 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.
- 14.9 The proposal would make good use of an attractive farm building and remove less attractive additions to a large agricultural building. The minimal works to the courtyard to provide small amenity spaces and adequate parking provision for future occupiers would have a limited impact on the openness of the Green Belt. It is therefore considered appropriate to recommend approval.
- 14.10 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.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0

Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£10,350		

### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	374	647	-273	-273	£80/sqm	-£22,764.00 *
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Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

\* 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

### 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: Planning Statement, Biodiversity Checklist, Ecological Appraisal, 00 Rev P2, 01 Rev P2, 02 Rev P2, 03 Rev P2, 04 Rev P3, 07 Rev P2, 05 Rev P3, 06 Rev P3, 08 Rev P3, 09 Rev P1.

Reason: To ensure satisfactory provision of the development.



3. Before development commences, exact details of the facing and roofing materials and windows/doors 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 the occupation of the first dwelling, 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 (including any changes to the access drive) 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 occupation shall occur 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 to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy)

5. The development hereby permitted shall be carried out in accordance with all the measures outlined in the Ecological Appraisal dated June 2017 by Phil Smith Consultants unless otherwise previously agreed by the Local Planning Authority. Development shall only proceed in accordance with the approved details and shall be implemented prior to the occupation of any dwelling.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. No windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

Reason: To safeguard the rural setting of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. 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.

**Notes for inclusion on certificate:**

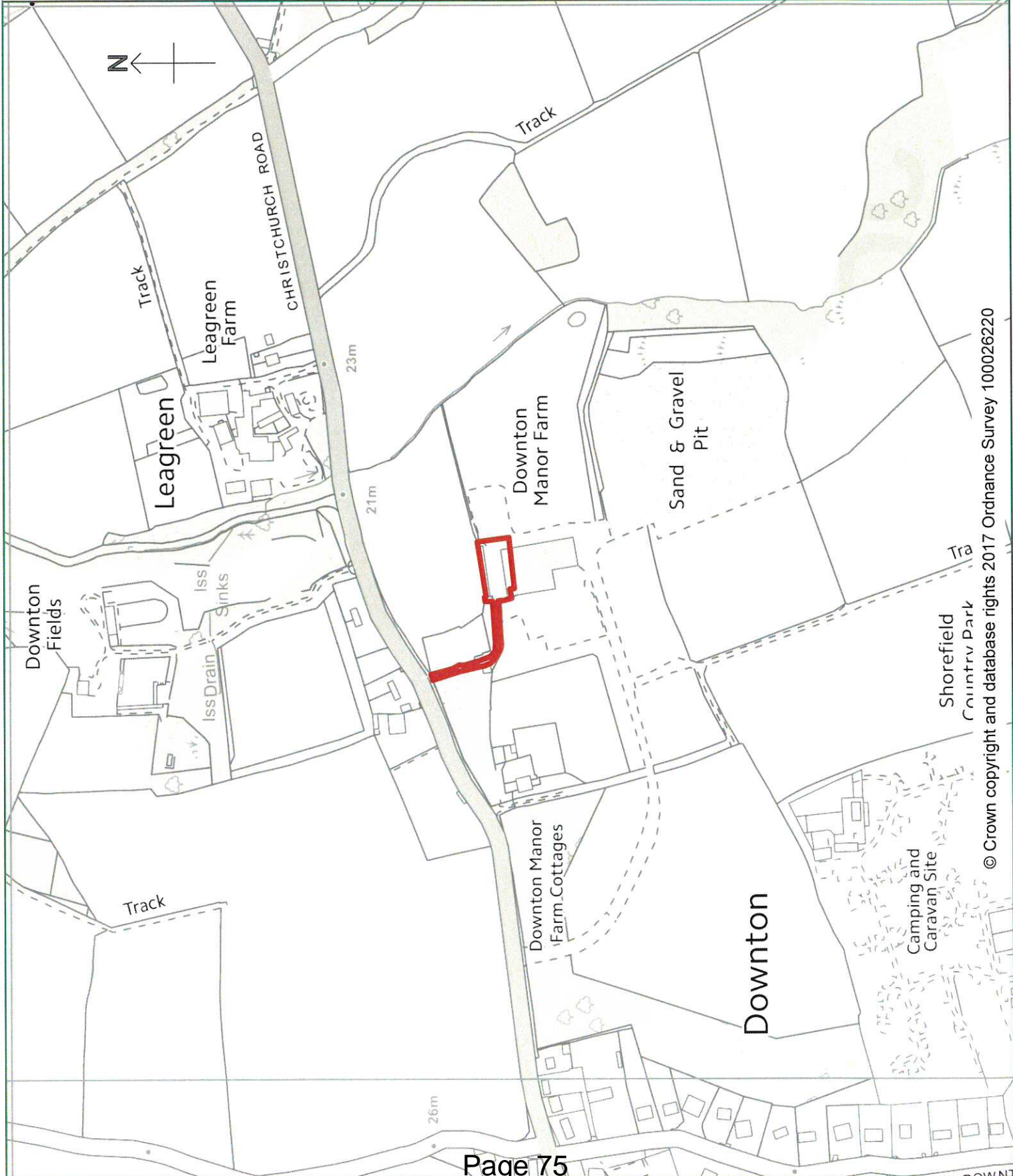
1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising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

In order to address concerns raised with regard to the ecological and visual impact of the development, amendments were received satisfying these issues.

2. Whilst no post-construction monitoring is likely to be required by the Natural England species licensing, you are advised that confirmation from the applicant/consultant that works have been delivered successfully, would be helpful. This could comprise the Council simply being copied into the licence return to Natural England.
3. In discharging condition No. 7 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/>
4. You are advised that under condition 4, and changes to the existing access drive should not involve the use of tarmac other than where necessary adjacent to the highway,

**Further Information:**

Vivienne Baxter  
Telephone: 023 8028 5588



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**Application Number:** 17/10398 Advertisement Consent

**Site:** CROWN INN, RINGWOOD ROAD, BRANSGORE BH23 8AA

**Development:** Display 2 externally illuminated fascia signs and 1 illuminated post mounted sign; (Application for Advertisement Consent)

**Applicant:** Michells & Butlers

**Target Date:** 23/05/2017

**Extension Date:** 11/08/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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17/10398

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council view.

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS2: Design quality

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

**Local Plan Part 2 Sites and Development Management Development Plan Document**

None

**National Planning Policy Framework (NPPF)**

Chapter 7 - Requiring Good Design - Paragraph 67

Conservation Area: N :

Tree Preservation Order: N TPO No: TPO/0055/06/T1

Built-up Area

**3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

#### **4 RELEVANT SITE HISTORY**

- 4.1 12/99300 Low level lighting bollards; 2 x 1 metre to front of site; 9 x 1.5 metre to perimeter of car park - 05/03/2013 Granted park
- 4.2 07/90753 Display externally illuminated double sided post sign - 08/10/2007 Granted
- 4.3 07/89667 Display illuminated post mounted sign; 3 illuminated wall signs - 15/06/2007 Granted

#### **5 COUNCILLOR COMMENTS**

No Comments Received

#### **6 PARISH / TOWN COUNCIL COMMENTS**

Bransgore Parish Council - Refusal The increased number of illuminated signs is considered to be intrusive and out of keeping with the rural location and could distract drivers negotiating the nearby crossroads.

#### **7 CONSULTEE COMMENTS**

- 7.1 Hampshire County Council Highway Engineer: the Highway Authority have no in principle objections to any of the new signage proposed within the application. However the location of the new post sign (sign 1) is not clear from the plans provided, therefore subject to confirmation that no part of the sign would be within 450 mm from the edge of the adjoining carriageway in Ringwood Road then the Highway Authority would make raise no objections.
- 7.2 New Forest National Park: no comments received

#### **8 REPRESENTATIONS RECEIVED**

No Comments Received

#### **9 CRIME & DISORDER IMPLICATIONS**

None Relevant

#### **10 LOCAL FINANCE CONSIDERATIONS**

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

#### **11 WORKING WITH THE APPLICANT/AGENT**

Following the Parish Council's objection to the level of illumination shown in the original submission, the applicant was requested to provide amended plans showing a reduced level of illumination. That request was complied with, following submission of a scheme with just 3 no. illuminated signs, which officers considered to be acceptable.

## 12 ASSESSMENT

- 12.1 The site comprises the Crown Inn Public House, which is sited in a prominent location adjacent to the crossroads of Ringwood Road and Burley Road in Bransgore. The existing building is a traditional Public house with its slate roof and painted masonry. The site is open to view from all adjoining highways and nearby residential dwellings. To the rear of the site is the pub car park from which access is gained into the building. The site lies within the built up area boundary of Bransgore, adjoining the countryside. The New Forest National Park boundary lies to the south of Burley Road, however the proposals would have no greater impact upon it's character or setting than the existing signs.
- 12.2 The application originally sought advertisement consent to display 4 no. externally illuminated fascia signs, 1 no. illuminated post mounted sign and 1 no. illuminated double sided post sign, replacing existing signage on the site. Following the Parish Council's objection to the level of illumination shown in the original submission, the applicant was requested to provide amended plans showing a reduced level of illumination. Amended plans were submitted proposing a scheme with just 3 no. illuminated signs; one each on the southern and northern gables of the public house and 1 no. post mounted sign within the car park.
- 12.3 There have been several previous applications at this site for advertisement consent, all granted, although the revised proposal would see a reduction in the number of illuminated signs on the building from 3 to 2. However, there would be one additional non illuminated sign on the front elevation. The proposal also includes the replacement of the existing illuminated pole mounted sign in the car park.
- 12.4 As this application is for advertisement consent the only issues that can be taken into consideration is the impact upon the visual amenities of the area and public safety. As there is no net increase in the level of illuminated signs proposed at the site, officers do not consider the proposal adversely impacts upon the visual amenities of the locality. The Highway Authority do not raise any concerns over the proposed level of illumination and have been reconsulted on the amended form of the proposal, which deletes the post sign over which a query was raised by the Highway Engineer. Any further comments will be reported in this regard.
- 12.5 In light of the above, officers do not consider a reason for refusal can be substantiated on the basis of loss of visual amenities or public safety. The proposal complies with the design and amenity related provisions of Policy CS2 of the Core Strategy and accordingly it is recommended for approval.
- 12.6 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 ADVERTISEMENT CONSENT

#### Standard Conditions

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

#### Proposed Conditions:

1. The advertisements permitted shall be carried out in accordance with the following approved plans received by the Local Planning Authority on 22nd June 2017: Drawing Nos. 123954 Rev A - 1:1250 Location Plan, 123954 Rev A - 1:500 Block Plan, 123954 Rev A - Photomontage, 123954 Rev A - Sign 1 and 2 and 123954 Rev A - Signs 4, 5 and 6

Reason: To ensure satisfactory provision of the development.

2. The signage hereby approved shall only be implemented in it's entirety as a full replacement for and shall not be supplementary to the existing signage, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area 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.

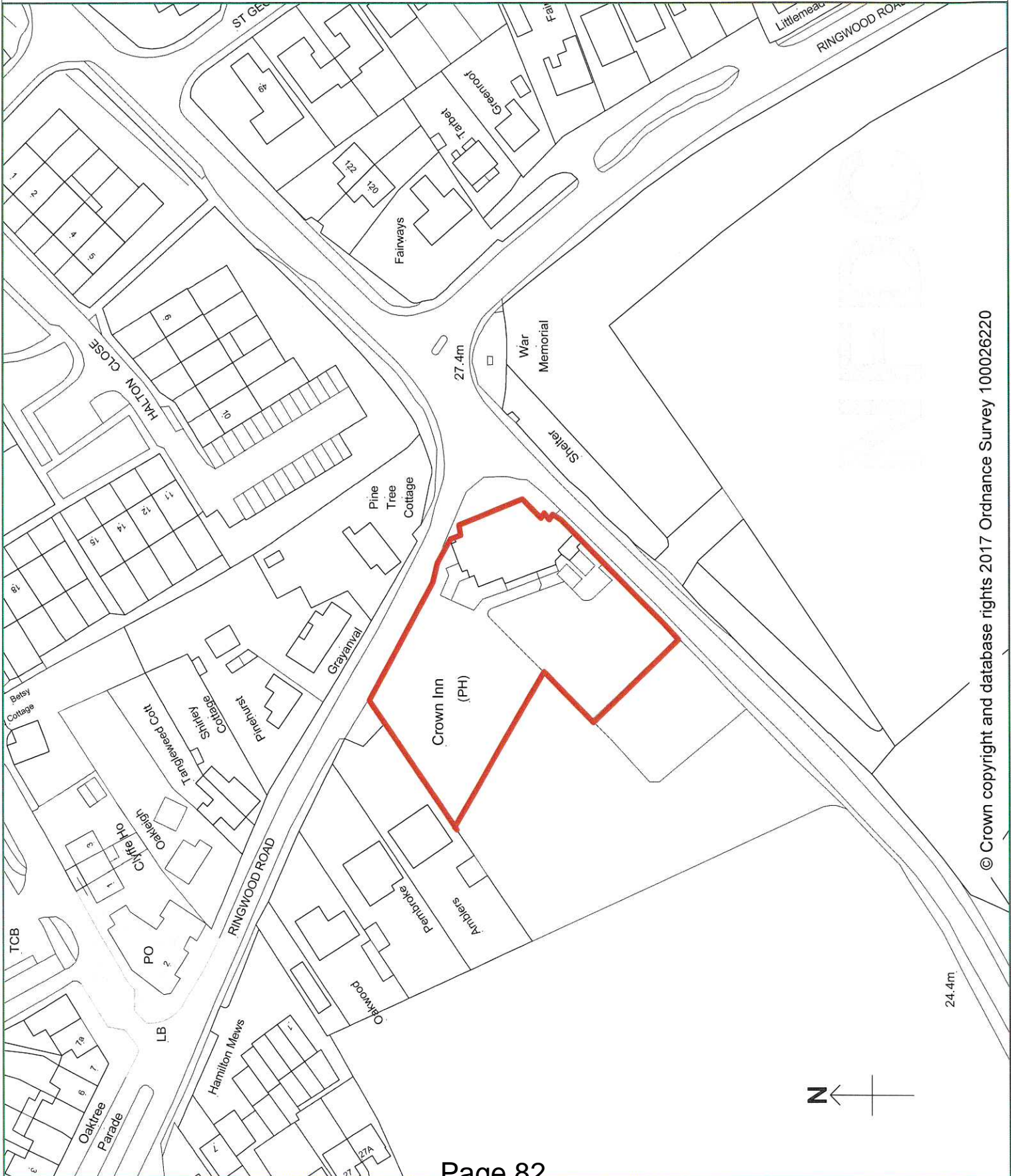


Following the Parish Council's objection to the level of illumination shown in the original submission, the applicant was requested to provide amended plans showing a reduced level of illumination. That request was complied with, following submission of a scheme with just 3 no. illuminated signs, which officers considered to be acceptable.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5588



**Application Number:** 17/10689 Full Planning Permission

**Site:** ARDEN COTTAGE, POPLAR LANE, BRANSGORE BH23 8JE

**Development:** Raise ridge height, side dormers in association with new first floor

**Applicant:** Mr & Mrs Marlow

**Target Date:** 09/08/2017

**RECOMMENDATION:** Refuse

**Case Officer:** Vivienne Baxter

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council comment.

## 2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Constraints

Plan Area  
Aerodrome Safeguarding Zone

### 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

### Supplementary Planning Guidance And Documents

## 3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch. 7 - Requiring good design

#### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/RFR/05618 Bungalow and garage.	15/06/1959	Granted	Decided	

#### 5 COUNCILLOR COMMENTS

No Comments Received

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Bransgore Parish Council:** Permission: The Parish Council considers the proposal to be acceptable.

#### 7 CONSULTEE COMMENTS

No Comments Received

#### 8 REPRESENTATIONS RECEIVED

Two representations of objection received from adjacent properties: Due to increase in height and large dormers the proposals would be out of keeping in the street scene, set an undesirable precedent, have an overbearing and overly dominant impact and result in overlooking, loss of privacy and loss of light to the detriment of the amenities of adjoining neighbours.

#### 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.

The application was submitted without the prior benefit of pre-application advice and whilst the provision of a front door is welcomed, the increase in the bulk of the roof form and the associated appearance would require amendments not able to be fully considered within the 8 week process.

## 12 ASSESSMENT

- 12.1 The site lies within the built up area of Bransgore in a residential area. It is one of a row of bungalows of varying designs, many of which have been altered in the past. The other bungalows have hipped roof forms or side gables unlike the bungalow subject of this application which has a front gable. The proposal entails the provision of three bedrooms and two bathrooms at first floor level through the provision of raised eaves and a large dormer either side of the roof. Elevational alterations are also proposed to the front in order to provide a front door.
- 12.2 The row of properties within which the site sits is on land which slopes down to the west and north. This means that rear gardens are generally lower than the dwelling and the single storey property to the north has a lower slab level whilst that to the south is marginally higher. In view of these changes in level, it is possible to look over the boundary fence when using the existing side 'front' door. In visual terms, the eaves levels of the existing dwelling and its immediate neighbours are lower towards the north.
- 12.3 The provision of increased height to the eaves would be out of context in this locality in view of the predominance of bungalows and chalets with single storey eaves levels. The property would neither appear as a bungalow or a full two storey house. The large side dormers would add considerable bulk to the roof form as they would accommodate additional floor space rather than provision for head height or a window. This is exacerbated through the combining of two pitched dormers which would extend almost to the eaves resulting in a poor form of development at odds with the more discreet dormers on other properties nearby. It is considered that the proposal would have an unsympathetic relationship with the adjoining properties which would adversely affect the street scene.
- 12.4 There are no concerns with the front elevation alterations at ground floor level which would offer a benefit to the property.
- 12.5 With regard to residential amenity, the proposed front and rear facing bedrooms would not impact on neighbouring amenity. However, the increased ridge height and provision of side windows cumulatively, would have a more significant impact. The proposed bedroom window to the south would have oblique views towards the neighbouring garden and direct views into the existing kitchen window resulting in a loss of privacy to St Ives. To the north, it is noted that the adjacent property, Acorns, has a large window (towards the front) and door (towards the rear) in its side elevation together with patio doors facing the site albeit screened from the existing dwelling with a covered way linking an outbuilding to the bungalow. The increase in roof and eaves height would decrease the sunlight received by the adjacent property and the dormers would give the perception of overlooking. The additional bulk of the property would also be overbearing to Acorns.
- 12.6 In view of the concerns raised with regard to both residential and visual amenity, it is considered that permission should be refused for the alterations which would adversely affect both the character of the area and amenity levels currently enjoyed by the adjoining properties. 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. By reason of the proposed increase in eaves and ridge level and provision of large side dormers, the proposal would result in an overly bulky and dominant development, unsympathetic to its setting in terms of scale, appearance and its relationship to adjoining buildings. For this reason it would be harmful to the street scene and character of the area, contrary to policy CS2 of the New Forest District Council Core Strategy.
2. The proposal would unacceptably impact on residential amenity resulting in visual intrusion, due to the increased height and bulk of the proposal, to both immediate neighbours and a loss of privacy, due to the proposed bedroom window, to St Ives. The proposal is therefore considered to be contrary to policy CS2 of the New Forest District Council 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.

The application was submitted without the prior benefit of pre-application advice and whilst the provision of a front door is welcomed, the increase in the bulk of the roof form and the associated appearance would require amendments not able to be fully considered within the 8 week process.

#### **Further Information:**

Vivienne Baxter  
Telephone: 023 8028 5588



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**Application Number:** 17/10704 Full Planning Permission

**Site:** ISLAND HOUSE, 43 HIGH STREET, FORDINGBRIDGE SP6 1AS

**Development:** Use as 2 dwellings

**Applicant:** Mr & Mrs Dixon

**Target Date:** 15/08/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Richard Natt
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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Adjacent to listed building  
Landscape Feature  
Town Centre Boundary  
Conservation Area  
Built-up Area  
Flood Zone 2 and 3

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

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

#### Policies

#### Adopted Local Plan First Alteration

Saved Policy DW-E12: Protection of Landscape Features

#### Core Strategy

- CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS6: Flood risk  
CS10: The spatial strategy  
CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS20: Town, district, village and local centres  
CS24: Transport considerations

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

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**

SPG - Fordingbridge - A Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

### **6 RELEVANT PLANNING HISTORY**

6.1 Removal of planning condition 2 of planning permission 27859 to allow two storey office accommodation to be used separately from main building at 41 High Street (10/96280) Granted with conditions on the 23rd December 2010

6.2 Two storey office building(1984/27859) Granted with conditions on the 1st April 1985

### **7 PARISH / TOWN COUNCIL COMMENTS**

Fordingbridge Town Council: Recommend permission as the proposal will return the building to its original use.

### **8 COUNCILLOR COMMENTS**

None

### **9 CONSULTEE COMMENTS**

9.1 Environmental Health (historic land use): No concern with the building's change of use from offices to residential, however the area which is proposed for garden space is currently a tarmac covered car park and it should be ensured that the tarmac is removed appropriately to avoid any contamination of the soil, and clean topsoil to a depth of 450mm which is suitable for a residential garden is recommended to be imported to site

9.2 Conservation Officer: No objection subject to condition

9.3 Natural England: No objection subject to condition

9.4 Environment Agency: No objection subject to an informative note

9.5 Southern Gas: advise of a low/medium/intermediate pressure gas main near the site

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £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.

Based on the information provided at the time of this report this development has a CIL liability of £16,009.85.

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 application site is a detached 2-storey office building set to the rear of the Fordingbridge High Street frontage buildings, known as Nos 41 and 43. The frontage building is a Grade 11 listed building currently used as a solicitors and office. The building subject to this application lies within the curtilage of the listed building and is modern, built in the mid to late 1980's. The building is accessed by a vehicular access to the south-west side of 41 and 43 High Street and leads to a large car parking area to the side and rear. Beyond the rear of the site is the River Avon. For the purposes of policy, the site lies within the Conservation Area and town centre. A small part at the rear of the building and existing rear parking area lies outside the settlement boundary and within a designated landscape feature. Part of the site also lies within Flood Zone 3.
- 14.2 This planning application proposes the change of use of the existing detached building from offices to 2 three bedroom residential units. The land surrounding the offices is mostly used for car parking and it is proposed to create a car parking area to serve the dwellings and a small garden between the offices and the eastern boundary. No external changes are proposed to the building. A number of parking spaces would be retained to serve the frontage building.
- 14.3 In assessing this proposal, the starting position would be local and national policy. For the purposes of local planning policy, although the majority of the site lies within the boundaries of the built up area, a small part of the existing building and eastern parking area lies within the countryside and land designated as a landscape feature. This does appear rather unusual because the site comprises buildings and hardstanding and not open countryside. The land which would normally be associated with countryside is immediately on the eastern boundary which is characterised by dense trees leading towards the River Avon.
- 14.4 Core Strategy Policy CS20 relates to town, district and local centres and the policy seeks to protect the primary retailing role, within the context of maintaining a broader mix of uses, including service, office, entertainment and leisure uses. Core Strategy Policy CS10 is applicable and supports new residential development within town centres. Core Strategy Policy CS17 is applicable and relates to employment and economic development and the strategy is to provide for new employment in order to provide a diverse local economy. The policy seeks to keep all existing employment sites and allocations for employment use, except for the few small sites identified for release in the Employment Land Review. In assessing the proposal against these policies, while residential uses are supported in town centres, policies seek to protect and retain existing employment uses and accordingly the proposal conflicts with policy CS17.
- 14.5 Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is either a limited extension to an existing dwelling; or the replacement of an

existing dwelling, or affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or an agricultural workers or forestry workers dwelling in accordance with Policy DM21. In assessing this policy, there is nothing which especially relates to the conversion of existing buildings into residential uses. Policy DM20 does not include the conversion of buildings to residential uses and on this basis, there are no supportive local plan policies for the conversion of existing buildings to residential uses in the countryside other than for affordable housing and agricultural workers dwellings.

- 14.6 In relation to the impact on the landscape feature, Saved Policy DW-E12 of the Local Plan ( First Alteration) relates to the protection of landscape features and states that development will not be permitted which would cause the loss of, or irreparable damage to, open areas or other landscape features, which contribute to the character or setting of a defined built-up area and/ or screen development which would otherwise have an unacceptable visual impact. In this case, the proposal will not result in any loss of trees or landscaping. The dense woodland which lies along the eastern boundary will not be affected by the proposal.
- 14.7 In assessing the proposal against policy, it is considered that the proposed change of use does not comply with Core Strategy Policies CS17 or CS20, although it does comply with other policies in the plan such as providing residential uses in town centres. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.8 In terms of central government guidance, it is clear that there is a general steer and emphasis towards creating new residential development. This is highlighted in government legislation as set out in the Town and County Planning (General Permitted Development) Order, which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the building lies within the curtilage of a listed building. However, this does highlight the government's intention to permit this type of change of use.
- 14.9 In terms of the impact on the setting of the listed building and character and appearance of the conservation area, the Conservation Officer raises no objections. There are no external changes to the building and the extent of hardstanding will actually be reduced because of the provision of new gardens along the eastern boundary. Moreover, the proposal will not have any adverse impact on the countryside. The proposed change of use would not impact on residential amenity given that the level of activity would be less than the existing use and no external alterations are proposed.
- 14.10 In terms of flooding matters, the application site partially lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations. While there is no requirement for the Sequential Test to be undertaken for a Change Of Use, there is still a need to consider flood risk. The Environment Agency does not raise any objection in and

considers that the 'Site-specific flood risk assessment' is acceptable and, subject to the details contained within the FRA being carried out, have no objection to the Change of Use application to form two dwellings.

- 14.11 The Parking Standards Supplementary Planning Document provides a recommended average provision of 2.5 spaces for a three bedroom dwelling and accordingly, the proposal would result in an on site car parking requirement of 5 spaces. The SPD also recommends provision of 1 space for each 30 square metres of B1 office use, which would result in a requirement of 7 on site parking spaces (based on the existing floorspace of 192 square metres) for the existing use at the site. It is therefore considered that the existing lawful use of the site would be likely to result in a greater demand for parking compared with that which might occur as a result of the proposed use. Moreover, the site is sustain ably located within the town centre of Fordingbridge with good access to shops, services and employment opportunities and public transport.
- 14.12 In assessing both local and national planning policies, and in balancing out the issues, it is clear that local plan policies are less supportive of residential uses in the countryside in comparison to national policies. While the proposal would result in the loss of an employment use, it is not felt the loss of this small building would have a materially harmful impact on the economic and commercial vitality of the town centre and accordingly there is no reasonable case to resist the principle of a residential conversion. Indeed the provision of additional dwellings within this sustainable location would outweigh any limited harm that would be caused through the loss of the employment use.
- 14.13 In the 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 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.14 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.
- 14.15 In conclusion, in assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside than national policies and policies seek to retain employment uses. However, given the need for additional residential uses, there is support from the Conservation Officer and that a residential use is not likely to have any significant effect on the wider character of the area as no significant external changes are required, an exception to local plan policy should be made in this case.

- 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 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution			

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	192		192	192	£80/sqm	£16,009.85 *
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Subtotal:	£16,009.85
Relief:	£0.00
Total Payable:	£16,009.85

\* 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

**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, Block plan, MBN DT/2, MBN DT/1, 6594.

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. The development hereby permitted shall not be occupied until the spaces shown on plan 1:500 block plan for the parking of motor vehicles have been provided. The spaces shown on the 1:500 block plan for the parking of motor vehicles shall be retained and kept available for the parking 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).



5. 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).

**Notes for inclusion on certificate:**

1. 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/>
2. 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.

3. For further protection against flood risk, it is recommend that the refurbishment work includes flood resilience/resistance measures up to 300mm above finished floor level. A link to guidance on making developments safe and flood resistance/resilience measures is available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7730/flood\\_performance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf)

**Further Information:**

Richard Natt  
Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

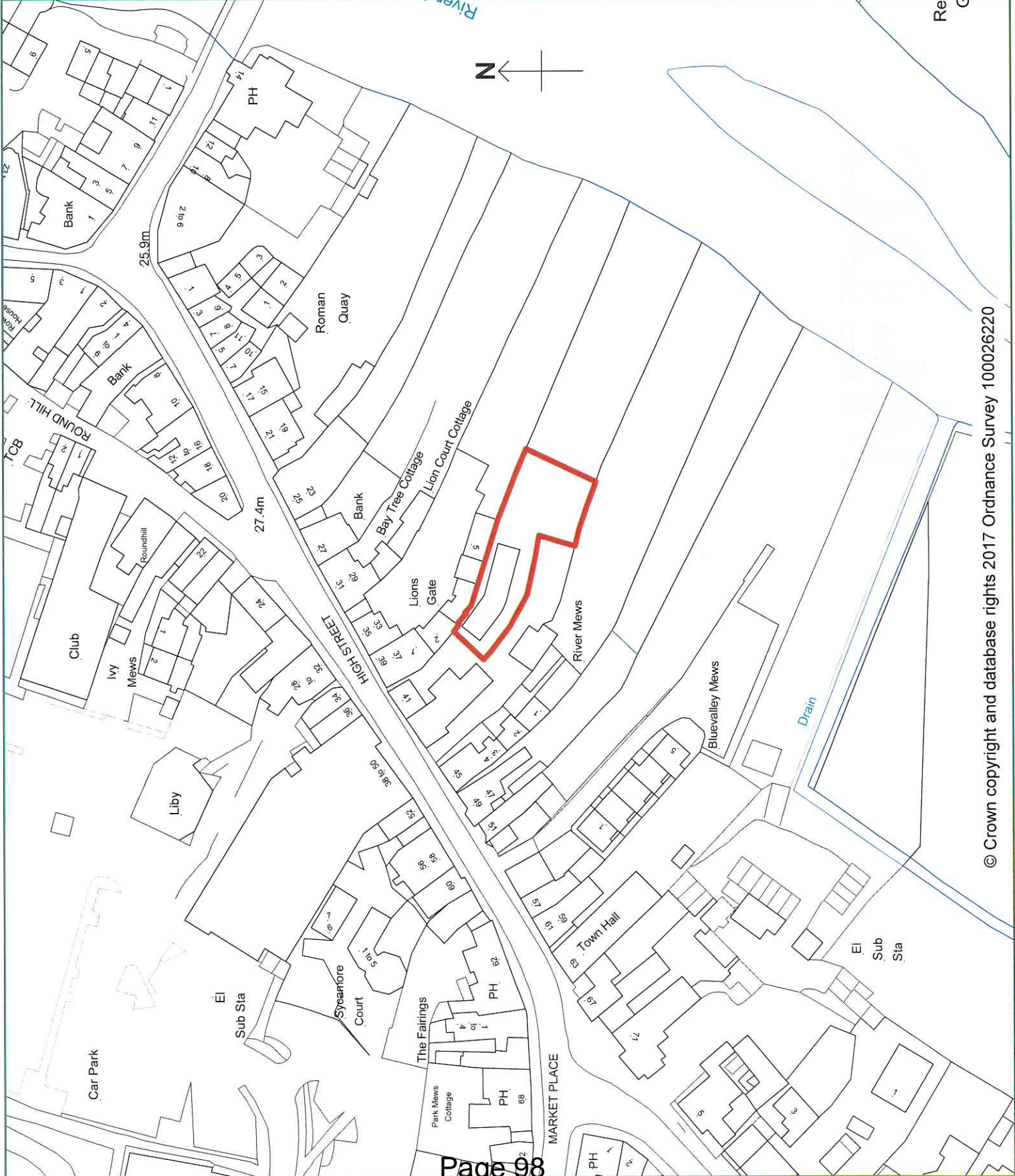
Tel: 023 8028 5000  
www.newforest.gov.uk

David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
August 2017**

**Item No: 3g**  
Island House  
43 High Street  
Fordingbridge  
17/10704  
SU1414

Scale 1:1250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



**Application Number:** 17/10735 Full Planning Permission

**Site:** DSI, THE SQUARE, FAWLEY SO45 1DD

**Development:** Use of ground floor as 2 flats; remove shopfront; single-storey front extension; fenestration alterations; parking; bin and cycle stores

**Applicant:** DSI Group

**Target Date:** 18/07/2017

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Ian Rayner

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 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
- CS5: Safe and healthy communities
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- 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
- DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

## 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 - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

6.1 Use as end terrace house (08/92328) - granted 3/7/08

6.2 Use as mid terrace house (08/92327) - granted 3/7/98

6.3 Use of Ground Floor as 2 flats; remove shopfront; single-storey front extension; fenestration alterations (16/11469) - withdrawn 20/12/16

6.4 Use as 3 houses (Use Class C3) (LDCP) - was lawful 10/5/17

## **7 PARISH / TOWN COUNCIL COMMENTS**

Fawley Parish Council:- Recommend permission

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Southern Gas Networks:- Advise on site's proximity to gas main

9.2 Health & Safety Executive:- Do not advise against the granting of permission.

## **10 REPRESENTATIONS RECEIVED**

None

## **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.

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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.

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 This application relates to a ground floor commercial unit that forms part of an existing 3-storey building within the Fawley Local Shopping Frontage. The submitted application seeks to change the use of this ground floor unit from its current use as an office to 2 flats. The application also seeks to remove an existing projecting shopfront and replace this with a small projecting lean-to with new front doors and windows to the street. New full length windows are also proposed within an existing lean-to at the rear of the property. The surrounding area is a mix of commercial and residential uses, with the 2 upper floors above the application site being in residential use.

14.2 Because the site is within the Fawley Local Shopping Frontage, Policy DM18 of the Local Plan Part 2 is relevant. This policy states that residential development will not be permitted at ground floor level in premises within the defined frontage. The submitted application is therefore contrary to this policy. As such, the proposal should not be approved unless there are material considerations that would justify a departure from this policy.

- 14.3 The applicant has not sought to justify their proposal. Notwithstanding this, the site's recent planning history is of some relevance. In 2008, planning permission was granted (through 3 separate planning permissions) to convert the building which the application site forms a part of (which includes 7 The Square) to a terrace of 3 houses. As such, in 2008, (when there was a different policy framework) the loss of the existing ground floor commercial units was considered acceptable. Subsequently, in 2011, the applicant made changes to the first floor windows at the front of the building in line with the physical alterations shown on the 2008 planning permissions. In so doing, they have kept the 2008 planning permissions to convert the building to 3 terraced dwellings alive. A Lawful Development Certificate confirming that the 2008 planning permissions can still be lawfully implemented was granted earlier this year.
- 14.4 Given that there is a legitimate fallback position whereby the existing ground floor office units can be lawfully converted to residential use pursuant to the 2008 planning permissions, it is felt that there is a sound basis to permit the residential conversion that this application now proposes, even though this would be contrary to Local Plan policy. It is also relevant to note that the existing office use, which is sited towards the edge of the Local Shopping Frontage, makes only a limited contribution to the vitality of the Fawley Local Shopping Frontage. There are other vacant premises within the shopping frontage, and a number of other former commercial units have recently been granted planning permission to be converted to residential use, which is indicative of a shopping frontage that has struggled in recent years. Given this context, it is not felt the proposed residential conversion would be materially harmful to the vitality of the Shopping Frontage, which adds further weight to the conclusion that the proposed residential conversion would be acceptable.
- 14.5 The proposed residential conversion, resulting in 2 additional ground floor flats, would be a more intensive residential conversion than the conversion that was permitted in 2008. Given the site's village centre context, it is not felt the intensity of residential use would be materially harmful. The proposed flats would be provided with an appropriate area of rear garden amenity space, and they would also be served by an adequate parking area to the rear. The proposed residential conversion would not have any material impact on the amenities of adjacent residential and commercial properties.
- 14.6 The proposed physical alterations to the building would be broadly in line with the physical alterations that were approved pursuant to the 2008 planning permissions. The simple lean-to that is proposed to the front of the building would give the building a more domestic character and would be of an appropriate appearance.
- 14.7 The application site is situated within the Fawley Major Hazard (middle) Consultation Zone. The Health and Safety Executive have previously raised no objection to an identical proposal (submitted last year). Consequently, there would be no conflict with Policy CS5.
- 14.8 It is not felt that a contribution to affordable housing would be justified in the light of national planning policies.

- 14.9 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. The full mitigation contribution required in this case is £4100.
- 14.10 Overall, the proposed development would not accord with Local Plan Policy DM18. However, it is felt that there would be a compelling justification to permit this proposal contrary to policy, having regard to the site's planning history, the existence of extant planning permissions to convert the ground floor commercial units to residential use, and the specific limited contribution the premises makes to the vitality of the existing shopping frontage. The development could be provided without detriment to the character and appearance of the area and without harming the amenities of neighbouring properties. As such, the application is recommended for permission.
- 14.11 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.

#### CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	98	107	-9	-9	£80/sqm	-£750.46 *
Subtotal:	£0.00					
Relief:	£0.00					
Total Payable:	£0.00					

\* 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:

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

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**

### **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: 163.02, 163.03, 163.04, 163.05 rev A.

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. The external facing and roofing materials (brick and tile) shall match those used on the existing building.

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

5. The use hereby permitted building shall not be first occupied until
  - (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
  - (b) these means of enclosure have been implemented in accordance with the details thus 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)

6. The development hereby permitted shall not be occupied until the spaces / areas shown on the approved plans for the parking of motor vehicles and cycles have been provided. The spaces / areas shall thereafter be retained and kept available for their intended purposes 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).

**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, as the application was acceptable as submitted no specific further actions were required.

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:**

Ian Rayner

Telephone: 023 8028 5588



**Application Number:** 17/10812 Full Planning Permission

**Site:** 14 WHITE KNIGHTS, BARTON-ON-SEA, NEW MILTON BH25 7HA

**Development:** Single storey rear extension

**Applicant:** Mr & Mrs Bishop

**Target Date:** 31/07/2017

**Extension Date:** 09/08/2017

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Julie Parry
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## 1 REASON FOR COMMITTEE CONSIDERATION

Applicant is an employee of New Forest District Council.

## 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

No applicable documents

### 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

**5 COUNCILLOR COMMENTS**

No Comments Received

**6 PARISH / TOWN COUNCIL COMMENTS**

**New Milton Town Council:** Acceptable (delegated)

**7 CONSULTEE COMMENTS**

No Comments Received

**8 REPRESENTATIONS RECEIVED**

No Comments Received

**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 property is a semi-detached two storey dwelling in an cul de sac of similar properties. The rear garden is enclosed with high fences.

12.2 The main consideration when assessing this application was the impact on the adjoining neighbour.

- 12.3 The neighbour at number 16 is positioned to the south of the proposed addition which would be slightly set away from the shared boundary. There is a high fence on this shared boundary and along with the low eaves and a roof which would be pitched away the proposed extension would have limited impact on this neighbour's amenity.
- 12.4 The proposed addition would be sympathetic to the existing property and being to the rear of the property the proposed addition would not impact on the local area.
- 12.5 Overall, the proposed development would be consistent with Core Strategy policies and objectives and as such, the application is recommended for permission.
- 12.6 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: 570/PL/02 & 570/PL/02 Rev A  
  
Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

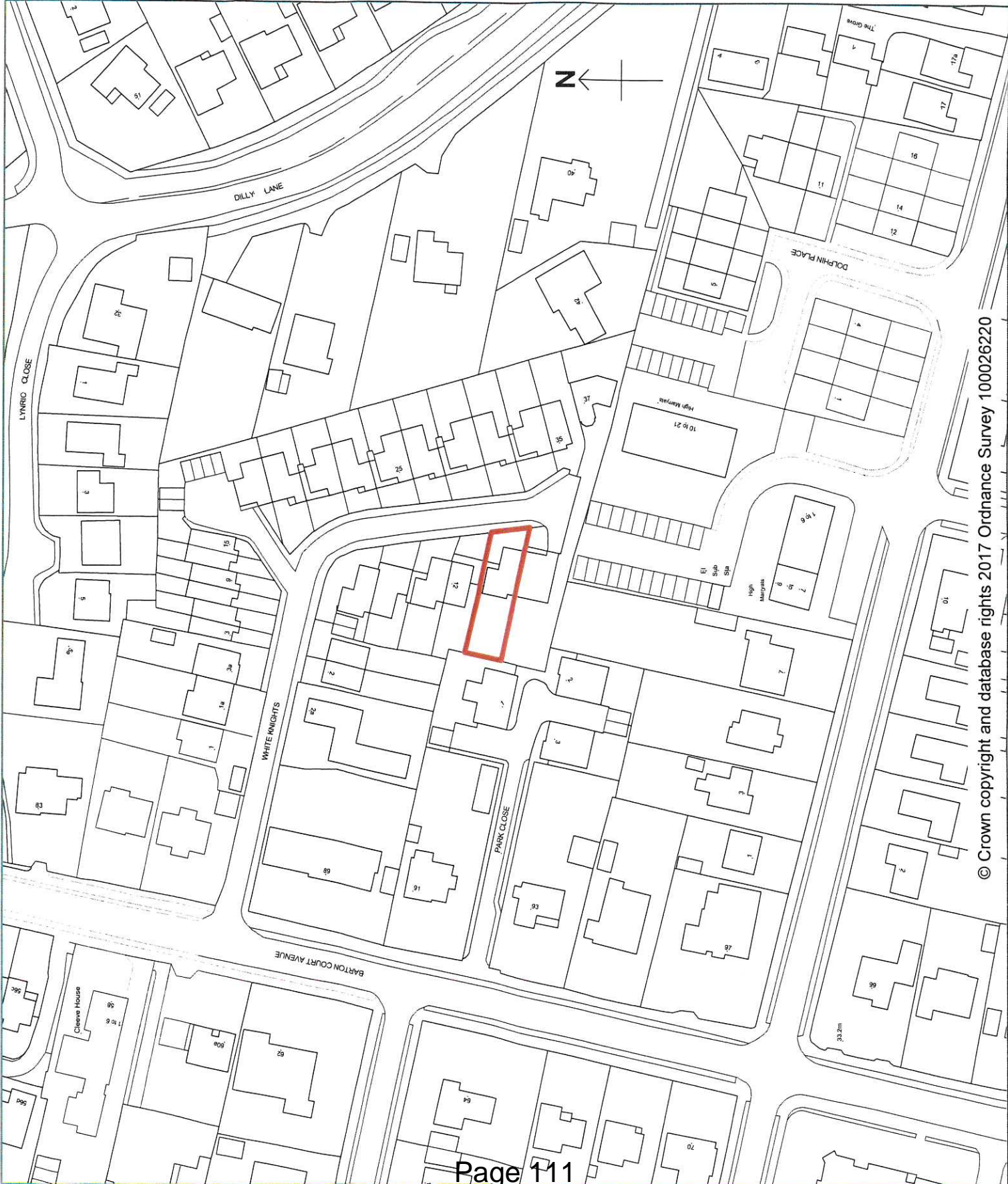
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**Further Information:**

Julie Parry

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