

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 9 JANUARY 2019, AT 9.00 AM*

Place: THE COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
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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

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Chief Executive

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 12 December 2018 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) **Druces Acres, Salisbury Road, Ibsley, Ellingham, Harbridge & Ibsley (Application 17/11180) (Pages 1 - 20)**

Siting of caravan for an agricultural worker (Retrospective)

RECOMMENDED:

Service Manager Planning Development Control authorised to grant planning permission, subject to conditions

- (b) **Druces Acres, Salisbury Road, Ibsley, Ellingham, Harbridge & Ibsley (Application 18/10237) (Pages 21 - 28)**

Birthing shelter/store (Retrospective)

RECOMMENDED:

Grant permission subject to conditions

- (c) **Land off Mountfield, Hythe (Application 18/10838) (Pages 29 - 46)**

4 detached chalet bungalows; garages and parking; associated access (Outline application with details only of access and layout)

RECOMMENDED:

Service Manager Planning Development Control authorised to grant planning permission, subject to conditions

- (d) **New Forest Water Park, Ringwood Road, Fordingbridge (Application 18/11130) (Pages 47 - 58)**

Clubhouse and additional accommodation for fishery manager

RECOMMENDED:

Refuse

- (e) **Communications Site at CAT Plantation, Ringwood Road, Hinton, Bransgore (Application 18/11316) (Pages 59 - 72)**

35m high lattice telecommunications mast; equipment cabinet and ancillary development

RECOMMENDED:

Service Manager Planning Development Control authorised to grant planning permission, subject to conditions

- (f) **306 Calmore Road, Calmore, Totton (Application 18/11436) (Pages 73 - 86)**

Chalet bungalow; demolition of existing building

RECOMMENDED:

Grant permission subject to conditions

- (g) **Forest Lodge Home Farm, Fawley Road (Pages 87 - 94)**

Variation of conditions 19 and 20 of planning permission 16/10450 to allow screening operations

RECOMMENDED:

Raise no objection

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To: Councillors:

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

Councillors:

Mrs M D Holding
Mrs C Hopkins
M Langdale
J M Olliff-Cooper
A K Penson
Miss A Sevier
Mrs B J Thorne
Mrs C V Ward
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.

Considerations relevant to applications for residential development

The National Planning Policy Framework (NPPF) set out the Government's planning policies for England and how these are expected to be applied by Local Planning Authorities. These policies are a material consideration in planning decisions.

In relation to housing development, paragraph 47 of the NPPF requires a council's Local Plan to meet the full, objectively assessed needs for market and affordable housing and to identify a five year supply of housing land against its housing requirement. This Council's latest assessment of housing need, as set out in its Strategic Housing Market Assessment (SHMA) indicates a level of need which is considerably in excess of that on which the current Local Plan requirement is based. A new housing requirement figure will be established as part of the Local Plan Review and in this respect it is anticipated that the submission of the Local Plan will be reported to the Council in March 2018. Until then, the level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land when objectively assessed is not currently available.

In these circumstances, paragraph 14 of the NPPF advises that planning permission for housing development should be granted unless any adverse impacts of doing so would "*significantly and demonstrably outweigh the benefits*" when assessed against the policies of the NPPF as a whole or unless specific policies in the NPPF indicate development should be restricted e.g. Green Belt. This is known as the 'tilted balance' in favour of sustainable development.

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.

Planning Committee 09 January 2019 **Item 3 a**

Application Number: 17/11180 Full Planning Permission

Site: DRUCES ACRES, SALISBURY ROAD, IBSLEY, ELLINGHAM,
HARBRIDGE & IBLSEY BH24 3PP

Development: Siting of caravan for an agricultural worker (Retrospective)

Applicant: Mrs Hutchison

Target Date: 20/11/2017

Extension Date: 16/11/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Flood Zones 2 and 3

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1: Core Strategy (2009)

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk
CS10: The spatial strategy
CS21: Rural economy

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

DM3: Mitigation of impacts on European nature conservation sites
DM20: Residential development in the countryside
DM21: Agricultural or forestry workers dwellings
DM22: Employment development in the countryside

National Planning Policy Framework (NPPF)

Chapter 5 - Delivering a sufficient supply of homes
Chapter 6 - Building a strong, competitive economy

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 - Residential Design Guide for Rural Areas
Advisory Note on the Implementation of Local Plan Policies CS21 & DM21
(March 2016)

6 RELEVANT PLANNING HISTORY

- 6.1 EN/17/0466 - Enforcement file opened in respect of the siting of a mobile home for residential purpose without planning permission - 20/10/17
- 6.2 17/10989 - birthing shelter and store - decision pending - also on this agenda
- 6.3 16/11717 - 7 Field shelters (retrospective) - 17/05/17 Granted
- 6.4 13/11607 - Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 10/04/2014 Granted
- 6.5 13/10862 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 22/10/2013 Withdrawn
- 6.6 13/10670 Agricultural barn; (Agricultural Prior Notification Application) - 07/08/2013 Details not required to be approved

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council - recommend refusal. Please note as follows the extended commentary relating to this decision.

- It was proposed to recommend to refusal with the following comments:-
- There are no up-to-date, accurate and scaled block plans showing the relationship between the proposed new location for the mobile home along with the other buildings on site.
- Policy DM20 stipulates that an agricultural workers' mobile home should not exceed 100m², where this structure vastly exceeds this.
- There is no established business on this site. The business plan and associated consultant document indicates that there may be an established business in three years time, and accounts must be thoroughly analysed for the viability of this agricultural business.
- NFDC Landscape Team are still not in support of this application, as the proposal fails to meet policy CS2 of the Local Plan.
- HCC Highways have not been able to assess the impact on the highway system as they state there is insufficient information within the application.

- The Parish Council note the correspondence between the applicant and the case officer and are dismayed to see the intent to build a permanent property on this site. The Parish Council also note the case officer is minded to consent this application and we would like to have the opportunity to discuss with him what conditions would be applied. As a minimum conditions should include:-
- an agricultural tie for the mobile home to the applicant by name and to the specific business detailed within this application;
- the mobile home must be removed should the business fail to achieve the business viability targets set, at the end of the business plan period in three years time;
- screening to be erected on the southern and eastern sides in a style similar to the shelters already on site.
- Several very pertinent issues concerning this retrospective application have been raised by local residents in their commentaries to NFDC. Without restating them, the Parish Council would like NFDC to understand that the Council endorses them.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Bruton Knowles (Agricultural Consultant) - the Council's consultant considers that there is evidence of a firm intention to develop a rural enterprise mix at Druces Acres, with investment in the land, services, fixed equipment, buildings and structures, and stock and evidence and proactive marketing of enterprises by way of a website and farm gate sales. It is however unclear as to the intent in respect of the proposed enterprises going forward, given different stock on site at the time of the site visit to those reported in the RAC Appraisal. While there may be an intention by the applicant to develop the business, their ability to develop the enterprise concerned would be compromised by the level of stocking and over-use of grazing/pasture particularly by horses, which do not form part of the business plan.

A labour assessment is provided in the RAC Appraisal which indicates that by year 3 there will be a requirement for a full time worker in respect of the enterprises proposed in that appraisal. The enterprises referred to by the RAC Appraisal do have functional need requirements such as those associated with birthing and farrowing. Both the RAC Appraisal and the Willis & Co letter refer to appeals that have been allowed for proposals for temporary dwellings for alpaca enterprises. However, appeal decisions, involving proposals for temporary dwellings where alpaca enterprises have either been the sole or primary enterprise, have also been dismissed. In respect of the West Wight Alpacas decision, it is noted that the Inspector heard veterinary evidence and considered British Alpaca Society guidance and concluded that there was no demonstrable essential need for a rural worker to live on site all year round. In Alpaca Meadow, the Inspector considered evidence from an experienced commercial alpaca farmer and British Alpaca Society guidance and

concluded that the business did not have an essential need for a worker to be present on site on a full time basis. On balance, the functional needs of the enterprise as proposed could be met by either a residential presence on site or near the site. However, as the nature of the proposed business activity is uncertain, they are unable to reach a conclusion in respect of functional need.

The RAC Appraisal sets out a three year budget in respect of the enterprises set out in that appraisal, using both standard budgeting data, together with some 'actual' figures. The budget indicates that the enterprise mix set out in the RAC Appraisal, should generate a level of profit to cover labour costs for one worker equivalent to the living wage, together with funds to finance the acquisition of a mobile home and for reinvestment in the business. This may suggest that the business as proposed within that appraisal has been planned on a sound financial basis, however having regard to the stock on site at the time of the site visit and other 'ventures' advertised on the Druces Acres website and mentioned by the Applicant at the site visit, it is not concluded that business has been planned on a sound financial basis, as it is unclear what the business activity will be going forward, and whether there are other costs and income that has not been accounted for in the proposed budget.

There are no dwellings on the unit, apart from the unauthorised mobile home. The RAC Appraisal did not provide evidence of their assessment of lack of suitable and available property, although the Willis and Co letter identified one property deemed unsuitable in terms of location and price. Available property will vary depending on the time of the search. Having regard to the enterprises as proposed in the RAC Appraisal, a search of available property to rent and buy using the Rightmove website within a mile radius of the postcode. There is one property available to rent and seven properties available to buy, however it is questioned whether they could be considered suitable for an agricultural worker. As the nature of the proposed business is uncertain, a review of available property should be undertaken once clarification has been obtained, as it may affect the area of search.

The Local Planning Authority must make an assessment of 'normal planning requirements'.

- 9.2 Landscape Team - this development is inappropriate, contrary to policy and is not supported by sufficient evidence, justifying the harm to landscape character or visual amenity. Simply relocating an inappropriate structure further away from the road does not overcome the objections raised, and the proposal still fails to meet CS2 of the Local Plan. The applicants agent says that a large amount of planting has been undertaken, obviously that has minimal impact to date, but it might be worth annotating on plan to demonstrate a commitment to providing a level of mitigation to overcome the landscape harm that this enterprise has created (provided it is appropriate - reflecting and enhancing local landscape character by way of species used, and arrangement of).
- 9.3 Hampshire County Council Highway Engineer - no objection and no conditions. Further information regarding access location, access visibility splays and refuse collection arrangements was received in an email dated 23 October 2018 from the agent, which stated that "*the applicant intends to continue to use the existing access onto the A338*"; "*There is a*

large concrete apron and excellent visibility splays in each direction"; "Domestic refuse will be brought to the concrete apron adjacent to the A338 for collection". An amended layout plan (Plan No..ZH-01) has also been submitted showing the siting of caravan moved to the eastern end of the track approximately 180 metres away from the A338 Salisbury Road. This eliminates the risks of visibility at the access being blocked due to parking on/near the junction of site access with the A338. Having checked collision data recorded in the last five years on the section of the A338 fronting the site entrance. The result shows that no accident was recorded in the last 5 years. Having regard to the above and given that the level of traffic related to the proposed development is not significant and has already taken place, the proposal would not cause severe adverse impact upon the surrounding highways.

- 9.4 Natural England - no objection, noting that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

10 REPRESENTATIONS RECEIVED

- 10.1 Representations have been received from twelve separate parties, objecting to the proposal on the following grounds:
- There is no requirement for an agricultural worker to be sited on site 24/7
 - This is a way of getting a permanent dwelling on the site in the countryside, which would set an undesirable precedent
 - The siting and design of the mobile home is out of character with the area at the entrance to Druces Acres and will harm visual amenity.
 - Any decision to use Ibsley Drove as a point of access to the land at Druces Acres should be open to public consultation
 - This land should be used as grazing land as it is unsuited to commercial activities that has caused a significant change in the landscape
 - The land is unsuitable in terms of size to accommodate the planned increase of the alpaca herd to 64, as well as pigs, poultry and horses. The planned growth of the business is unrealistic in relation to the land holding
 - The majority of the land is taken up with horses and the rest is best described as hobby farming.
 - The business plan submitted with the application is a mixture of proposals and assumptions for the future mixed in with the present day situation. Actual audited accounts from the last 4 years might give a clearer picture
 - Concern is raised regarding access to the site, and in particular plans to encourage retail trade and commercial activity in light of the access onto a notoriously dangerous section of the A338

- There are smallholdings/rural businesses in the immediate vicinity, already established around existing permanent dwellings that provide business and employment of the nature contemplated by the applicant. How many do we need?
- The siting of the mobile home will impact on the neighbouring properties by virtue of noise, visitors associated with the business, lighting and change of rural aesthetic

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

None

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 no pre-application advice was sought on the form of development proposed. Several site meetings and discussions have been held with the applicant and agent who are aware of the concerns raised by this application. Additional plans, details and information have been submitted for consideration during the course of the application's determination, which have justified the grant of planning permission for a temporary agricultural workers dwelling.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site lies within the countryside outside the New Forest north of Blashford Lakes, adjoining Salisbury Road (A338) to the west. The site is currently used as a small scale agricultural enterprise farm, of approximately 6.9 hectares (17.05 acres) and is down to pasture, with some equestrian use evident. Buildings and structures on site include an agricultural storage barn, 7 field shelters and a range of other structures, including 7 pig arcs and timber poultry housing. A building of timber construction has recently been erected, comprising a range of 5 birthing stalls and storage. A separate planning application has been submitted in respect of it, also on this agenda. (Item 3b).
- 14.1.2 This application seeks consent for the siting of a caravan for an agricultural worker for a temporary period of three years. Following submission of the application, a caravan was sited close to the entrance to the smallholding and is in situ and occupied by the applicant and her children. This application proposes to locate the present unauthorised caravan to the rear of the site. The caravan is approximately 87 sq m in area comprising; entrance hall, open plan kitchen diner and living room, four bedrooms, a shower room and a bathroom. It is understood that the property was purchased by the applicant and her parents in 2013 and is held in the Trust for her children and has been run first as a smallholding and subsequently as an agricultural business.
- 14.1.3 An agricultural appraisal was submitted by Reading Agricultural Consultants (RAC) in December 2017 seeking to outline the circumstances of the applicant and justify the proposal for the temporary siting of a caravan in this location. Following dialogue with the Local Planning Authority the applicant submitted amended plans revising the position of the caravan, in a less prominent location, closer to the eastern boundary of the site.

14.2 Policy Context

- 14.2.1 The Local Plan Part 1: Core Strategy (2009)
Policy CS21: Rural Economy of Local Plan Part 1, sets out strategy for the rural economy which includes allowing 'developments essential to support a rural workforce, including agricultural worker's dwellings and rural community facilities'.
- 14.2.2 The Local Plan Part 2: Sites and Development Management (2014)
Policy DM20: Residential development in the countryside, states that residential development in the countryside will only be permitted in certain circumstances including where it is an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21. Policy DM20 also states that development should be of 'an appropriate design, scale, and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.'
Policy DM21 states that new permanent dwellings will be allowed to support existing agricultural/forestry activities on well established agricultural or forestry enterprises where certain criteria are met, including a clearly established existing functional need; the need relating

to a full-time worker; the unit and the agricultural activity having been established for at least three years, profitable for at least one of them, currently financially sound, and have a clear prospect of remaining so; and the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area. Where the need is established, Policy DM21 requires the dwelling to be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings.

In March 2016 the Council adopted an Advisory Note on the Implementation of Local Plan Policies CS21 & DM21, in respect of the assessment of proposals for temporary and permanent dwellings for agricultural and forestry workers. In respect of proposals for temporary dwellings it states:-

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need - essential care at short notice and emergencies
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

The National Planning Policy Framework (NPPF), provides guidance in respect of the rural economy and on isolated homes in the countryside and states:-

i) At paragraph 83 that:

‘Planning policies and decisions should enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- the development and diversification of agricultural and other land-based rural businesses.....’

ii) At paragraph 79 that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near to their place of work in the countryside .

Paragraph 111 of Circular 11/95 - Use of conditions in planning permission states that 'In certain circumstances it may be possible to grant temporary permission for the provision of a caravan or other temporary accommodation where there is some evidence to support the grant of planning permission for an application for an agricultural or forestry dwelling, but it is inconclusive, perhaps because there is doubt about the sustainability of the proposed enterprise. This allows time for such prospects to be clarified'.

14.3 The Case Advanced in Support of the Proposal by the applicant

14.3.1 The applicant's agricultural appraisal ('the Appraisal') states that the applicant established a business at Druces Acres after it was acquired in 2013. The land was acquired with the initial intention of developing a smallholding with alpacas, pigs and poultry on a 'hobby basis', however it is now the intention to develop a formal business from the site breeding and rearing alpacas (selling breeding stock and fibre), together with the breeding of rare breed sows for weaner and finished pig production and a mixed poultry enterprise producing eggs. The Appraisal goes on to specify how it is intended to grow the business in respect of livestock numbers and practices (with up to 64 alpacas) which, it is suggested will require a permanent presence on site.

At the time of the Appraisal, stock numbers and proposed stock numbers stood at;

- Alpacas - 13 breeding females and 7 males (including 3 stud males registered with the British Alpaca society). It is proposed to establish a nucleus herd of approximately 20 females (total alpaca numbers estimated at 64 by year 3)
- Pigs – 8 sows (6 Gloucester Old Spots and 2 Tamworths), with 2 boars. Sows will be increased to 12 by year 3
- Poultry – a number of chickens, ducks and 4 Rhea. By year 3, it is the intention to have 150 free-range chickens for egg production, 20 ducks and 4 Rhea (with sales of eggs and chicks).

On 8th August 2018 an update on stock numbers (acknowledging the presence of horses for the first time) was summarised by the applicant's agricultural consultant as follows:

- Alpacas - 17 breeding females, 5 stud males, 3 cria (born 2018)
- Pigs - 7 sows and 2 boars. 2 young females retained as breeding sows, 2 young male weaners and 8 smaller weaners to be sold finished for slaughter prior to Christmas 2018. Two sows will farrow in the coming weeks, each expected to produce between 7-10 live young.
- Poultry - 40 laying hens, 13 Ducks, 3 Rhea, 12 Geese.
- Goats - 2 dairy goats, 1 kid, 1 male. All of these goats will be finished for slaughter in early 2019. To be clear, there are no plans to establish a milking enterprise.
- Sheep - 9 lambs, born Spring 2018, being raised for meat. They will be finished for slaughter before the end of 2018. This is a 'one-off' which may or may not be repeated in future years.

- Horses - 18 horses and ponies. Not a primary part of the enterprise. Some are for personal recreational use. 4 have been sold and will be going in the coming weeks. Historically, the horses and ponies summer grazed on rented land elsewhere. At the present time, there is too much land for the Alpacas, Pigs, Goats and sheep, so the horses are able to consume the surplus pasture on the land. As the agricultural business expands as set out in the submitted business plan, the number of horses and ponies will be reduced - they will either be sold, or grazed on rented land (and are not be part of the applicants business plan).
- In terms of the requirements of national planning guidance and Local Plan requirements, the applicant's appraisal concludes that:
 - (i) the applicant's previous employment history, and the fact that the enterprise has already been started, provides clear evidence of a firm intention and ability to develop the enterprise concerned;
 - (ii) there is an essential need for a full-time worker to be available at the site at most times;
 - (iii) budgets indicate that the business will be profitable within three years and is evidence of having been planned on a sound financial basis;
 - (iv) the identified need cannot be fulfilled by another existing dwelling on the unit and no other existing accommodation in the area is suitable and available to meet the functional needs of the enterprise.

The appraisal is supported by a Business Plan and allowed appeal decisions for similar proposals to site temporary dwellings for agricultural workers dwellings. On this basis the Council is encouraged to approve the submitted planning

14.4 Case Officer's Assessment of Proposal

14.4.1 Following submission of the applicant's appraisal, the Council employed the services of its own agricultural consultant to verify that the case put forward by the applicant is legitimate. The Council appointed Bruton Knowles to assess the applicant's appraisal, who provided their own appraisal, which has been used to inform the case officer's recommendation in respect of criteria i) to v) of the Advisory Note on the Implementation of Local Plan Policies CS21 and DM21, as set out below:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned

The Council is asked to consider the viability of the proposed business as set out within the applicant's appraisal, which made no reference to horses being on the land. In August 2018 the applicant's agent confirmed that there were 18 horses on the site, but that these are part of a lifestyle activity and not part of the business plan. While it is agreed that a holding of 6.9 hectares could support the number of alpacas and other livestock listed, the Council's consultant questioned whether it is sustainable to keep 18 horses together with the other livestock listed on the holding for a sustained period. The rule of thumb for horse grazing is one animal per acre, where this holding is 17 acres. Consequently the Council's consultant was unable to conclude that criterion (i) has been

met, as while there may be an intention by the applicant to develop the business, their ability to develop the enterprise concerned would be compromised by the level of stocking and over-use of grazing/pasture particularly by horses, which do not form part of the business plan. The applicant's agent has suggested that horse numbers will be reduced over time to take pressure of the land, in order to develop the business, either by selling them or finding alternative grazing, which will take pressure off the land.

The Council's consultant considered that there is evidence of a firm intention to develop a rural enterprise mix at Druces Acres, with investment in the land, services, fixed equipment, buildings and structures, and stock and evidence and proactive marketing of enterprises by way of a website and farm gate sales. While there has clearly been some significant investment on the site, which is an indicator of intention, it is less clear that there is evidence of an ability to develop the enterprise concerned, due to the overstocking issue. However, the Council accepts that the situation can be resolved by lowering horse numbers on the site, which could be achieved relatively quickly. Where there is a lack of clarity paragraph 111 of Circular 11/95 advises that 'in certain circumstances it may be possible to grant temporary permission for the provision of a caravan or other temporary accommodation where there is some evidence to support the grant of planning permission for an application for an agricultural or forestry dwelling, but it is inconclusive, perhaps because there is doubt about the sustainability of the proposed enterprise. This allows time for such prospects to be clarified'. In this instance officer's consider there is clear evidence of a firm intention to develop the business and this is supported by recent site visits, where livestock numbers (particularly pigs) have noticeably increased since the figures submitted in August 2018. It is noted that the applicant has a good knowledge of animal husbandry and that there is a regular presence on the site. While there is less clarity over the ability to develop the enterprise concerned, given the overstocking issue, this could be addressed by removing some or all of the horses and officers do not consider that a reason for refusal could be substantiated on the basis of criterion (i), given the advice offered by Circular 11/95. The Council will, however, need to observe a clear reduction in the number of horses on the site in future, in order for the applicant to demonstrate a clear intent and ability to develop the enterprise, with the projected numbers of commercial livestock.

(ii) functional need

The enterprises referred to by the applicant's Appraisal do have functional need requirements particularly those associated with birthing and farrowing. The applicant's case for a temporary dwelling is made on the premise that a permanent presence is required on site for the purposes of animal husbandry. More specifically the case is made to justify the proposal on the basis that a presence is required, currently to care for up to 17 pregnant females (increasing to 60+ at the end of three years) who have a gestation period of over 300 days. Alpacas are particularly vulnerable when birthing and pin-pointing the point of labour for these animals is difficult. Appeals have been dismissed and allowed for dwellings associated with alpaca related businesses, as referred to by both RAC and Bruton Knowles. The outcome of the appeals referenced shows that evidence has been accepted to both support and counter the notion that a permanent presence is required on site in order

to manage alpacas. However, the evidence provided is stacked much more heavily in favour of the applicant, where twenty eight appeal decisions are referred to for alpaca businesses of a similar size and model to the current proposal, where a functional need for a permanent presence has been demonstrated. It is reflected in these appeal decisions that alpacas are high value livestock and that their mating and birthing are neither seasonal nor predictable, which requires an on site presence. While the Council's consultant has referred to two appeal decisions where a functional requirement has been dismissed by Inspectors, the applicant's agent has pointed out that one of these decisions was subsequently approved by the Local Authority in question.

The applicant's Appraisal also refers to site security and the applicant has advised of incidents of equipment thefts and gates being left open to the road where livestock were present. While some weight may be applied to this consideration, security is not a primary consideration when assessing need.

On balance, and in light of the evidence provided, officer's conclude that there is a functional need for a permanent presence on the site.

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis

The Appraisal sets out a three year budget in respect of the enterprises using standard budgeting data together with some 'actual' figures. The budget indicates that the enterprise mix set out in the applicant's appraisal should generate a level of profit to cover labour costs for one worker equivalent to the living wage, together with funds to finance the acquisition of a mobile home and for reinvestment in the business. The Council's consultant concludes that the supplied figures may suggest that the business has been planned on a sound financial basis. Having regard to the stock on site at the time of the site visit and other 'ventures' advertised on the Druces Acres website and mentioned by the applicant at the site visit, the Council's consultant was unable to conclude that business has been planned on a sound financial basis. While the Council's consultant raised reservations over the financial planning of the business, those reservations were primarily founded on the overstocking of the site (by horses) and the ability of the physical holding to support the specified livestock projections in addition to the number of horses evident on site. It is considered therefore, that subject to reducing horse numbers on site, the financial planning of the business is sound.

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned

The site is located in the countryside some 2.5 miles away from Fordingbridge to the north and 3 miles from Ringwood to the south, which are considered too distant to fulfil the functional need. Having regard to the enterprises as proposed, the Council's consultant conducted their own search of available property to rent and buy within a mile radius of the postcode, using the Rightmove website. There was one property available to rent and seven properties available to buy, but these were not considered suitable for an agricultural worker. While there is some sporadic residential development in the locality and

available property will vary depending on the time of the search, officers accept that there are few existing properties available locally to rent or buy to fulfill the functional need for a permanent presence on or near the site.

(v) other normal planning requirements, e.g. on siting and access, are satisfied.

14.2 Landscape and Character Impacts

14.2.1 Paragraph 79 of the NPPF makes it clear that local planning authorities should avoid new isolated homes in the countryside. Policies CS2 and CS3 of the Core Strategy relate to Design Quality and Protecting our Special Environment. Policy DM21 of the Local Plan Part 2 states that where the need is established, the dwelling should be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings.

14.2.2 The mobile home is currently sited on the western boundary of the site, directly adjacent to Salisbury Road, where it is highly visible due to the lack of any other structures or meaningful landscaping or vegetation, making the caravan highly obtrusive in its setting. In light of the guidance offered by Policy DM21, where it is concluded that a functional need for a temporary dwelling has been established (which is concluded above), officers requested the siting of the mobile home to be revised so it was better related to other buildings on the site. The applicant was first requested to consider re-siting the mobile home in a less obtrusive location, closer to existing structures on the site on 7th August 2018, but declined due to a desire to control movements into the site at the gate in the interests of security, bio-security and accessibility to services. The applicant has only recently (19th October 2018) offered to amend its siting.

14.2.3 The revised site is close to the eastern boundary of the site where it is close to the main barn and birthing shelter and also benefits from its proximity to mature trees and hedgerows, which assist with screening to the east and south east. The applicant has also planted hedgerow whips on the eastern and southern boundaries of the site close to the revised siting position. While the recent planting will take time to establish, in time it will mature and bolster screen planting of the site. The new planting, in conjunction with the mature trees, hedgerow and proximity of the mobile home to existing structures mean that the revised siting of the mobile home would be less visually intrusive than its current location.

14.2.4 The Council's Landscape Team consider that simply relocating an inappropriate structure further away from the road does not overcome the objections raised, and that the proposal still fails to meet CS2 of the Local Plan. The applicant's agent points to the recent planting undertaken, which will eventually assist with screening. The planting has minimal impact to date although the Landscape Team have requested a landscape plan to demonstrate a commitment to providing a level of mitigation to landscape harm. The applicant has been requested to provide a landscape plan to demonstrate what planting exists, has recently been carried out and what may be proposed to assist with landscape mitigation. The outcome of this request will be reported to Members.

14.2.5 Notwithsatnding the comments of the Landscape Team, the revised siting of the mobile home itself is considered better related to existing structures and natural screening on the site boundaries, away from the prominent Salisbury Road frontage. While the materials, colour and temporary nature of the mobile home give it a somewhat incongruous appearance, planning permission is sought only on a temporary basis to cover the trial period. The proposal complies with the Advisory Note on the Implementation of Local Plan Policies CS21 & DM21 being for a temporary dwelling, essential to support a new farming activity, where it should normally, for the first three years, be provided by a caravan, a wooden structure or other temporary accommodation, which can be easily dismantled or removed from the site. By way of mitigation the applicant has implemented boundary planting and has agreed to the erection of screening on the southern and eastern sides in a style similar to the shelters already on site. A landscape condition is recommended to ensure details of such screening on appropriate boundaries are submitted to the Council for approval.

14.2.6 On balance officers consider that the proposal for the siting of a mobile home in the location proposed would be acceptable for a period of three years until the conclusion of the trial period. However, in light of the unauthorised siting of the mobile home at the site entrance, officers consider it prudent to withhold planning permission until such time that the structure has been moved to the revised location. It is considered that a timeframe until the end of March 2019 would be a reasonable to achieve this aim. Consequently it is recommended that permission only be granted following the relocation of the mobile home structure to its revised position on or before 29th March 2019. Permission would also be subject to the usual conditions regarding temporary rural worker's dwellings. With regard to the Parish Council's request for an agricultural tie for the mobile home, a condition is recommended in relation to this. However national planning policy guidance does not normally support more restrictive occupancy/personal conditions unless there is a special justification. A condition is also proposed requiring removal of the mobile at the end of the three year business plan period.

14.3 Highway Impacts

Concern has been raised by the Parish Council, notified parties and initially the County Highway Authority that insufficient information had been submitted in relation to changes to the existing access onto the local highway network. The applicant submitted further information and an amended plan showing the siting of the caravan moved to the eastern end of the track approximately 180 metres away from the A338 Salisbury Road. The Highway Authority has reviewed the additional information and consider this eliminates the risks of visibility at the access being blocked due to parking on/near the site access with the A338. Collision data recorded on the section of the A338 fronting the site entrance shows that no accidents have been recorded in the last 5 years. Having regard to the above and given that the level of traffic related to the proposed development is not significant and has already taken place, the proposal would not cause a severe adverse impact upon the surrounding highways. The Highway Authority raises no objection and no conditions.

14.4 Residential Amenity Impacts

The nearest dwellings to the revised position of the mobile home are 130m and 160m away to the south, close to Ibsley Drove, which are well screened from the site by mature oak trees and vegetation. The revised siting of the mobile home is sufficiently distant from adjoining occupiers such that the proposal will not give rise to any adverse impacts upon adjoining residential amenity in terms of noise generation, overlooking or light loss. Given the limited scale of the mobile home, degree of separation and existing and proposed screening, the proposal would not have any significant impact upon adjoining residential amenity, in terms of overbearing or adverse visual impact.

14.5 Phosphate Control in the River Avon

The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. The grant of planning permission would be subject to a condition requiring the applicant to either to mitigate the negative impact of the development in accordance with the Council's Phosphorous Mitigation Strategy or, in advance of the publication of the Strategy, provide on-site foul drainage infrastructure capable of achieving an equivalent reduction in phosphorous in accordance with details approved by the Council.

14.6 Appropriate Assessment and Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ("the Habitat Regulations") an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that housing development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. However, considering the application is made on a temporary basis, for a period of three years, it is not considered to be reasonable or necessary to require the applicant to secure appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. This would be a matter for consideration in respect of a permanent form of residential development.

14.7 Other Matters

- 14.7.1 With regard to comments that there are smallholdings/rural businesses in the immediate vicinity, already established around existing permanent dwellings that provide business and employment of the nature contemplated by the applicant and that further such businesses are not required. The application is not for a business, it is for a dwelling, albeit justified by a business plan. However, the Planning Authority could not resist a proposal on grounds of increased competition or proliferation of agricultural business activity.
- 14.7.2 Regarding the comment that the mobile home is greater in area than the 100 sq.m referred to by Policy DM20, the mobile home in situ is 14.1m x 6.17m, which has a footprint of 87 sq.m. These dimensions are adequate in respect of accommodating temporary rural workers and their dependants and the size of the mobile home complies with the floor space provisions of Policy DM20.
- 14.7.3 The applicant does not hide their intent to eventually build a permanent property on this site. A temporary rural worker's dwelling is the first step to a permanent rural worker's dwelling. The procedure undertaken thus far accords with national and local planning policies. Following any approval for a temporary dwelling and on the basis of a business plan for a trial period, normally of three years, an application for a permanent dwelling would need to be considered on its own merits, under a new application.
- 14.7.4 With regard to comments over the accuracy of plans showing the relationship between the proposed new location for the mobile home along with the other buildings on site. The submitted block plan is to scale (checked by the case officer on site) and is sufficient to determine this application. The mobile home is not close to the oak trees, being well removed from their canopies, and would have no adverse effect on their root protection areas.
- 14.7.5 The proposal does not include any proposals to use Ibsley Drove as a point of access to the land at Druces Acres.

14.8 **Conclusion**

- 14.8.1 The applicant has set up an agricultural business. On the face of it, there is an intention and ability to develop this business, a functional requirement for a permanent presence, an adequate business plan and a lack of alternative accommodation locally. While there are some reservations over the appearance of the mobile home in the landscape, the unit is of a form and type that may be considered acceptable for a temporary agricultural worker's dwelling, in accordance with the guidance offered by the Advisory Note on the Implementation of Local Plan Policies CS21 & DM21.
- 14.8.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed.

In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** only following the relocation of the mobile home structure to its revised position on or before 29th March 2019; and subject to the imposition of the conditions set out below:

Proposed Conditions:

1. The mobile home shall be removed from the site on or before the expiry of three years from the date of this permission and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: This permission is given on a temporary basis in order to provide accommodation for an agricultural worker during the trial period

2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, Caravan Floor Plan, Statement of Support, Explanation to support Floor Plan, Business Plan, Covering letter from Willis and Co. dated 08/12/17 and Appraisal by Reading Agricultural Consultants dated December 2017.

Reason: To ensure satisfactory provision of the development.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The dwelling is only justified on the basis that it is necessary to provide accommodation for an agricultural worker in accordance with Policy DM21 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. Within two months of the date of this permission a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include details of the means of screen enclosure around the mobile home. Thereafter no development shall take place unless these details have been approved and then only in accordance with those details. The approved details shall be implemented in their entirety in the first planting season following the siting of the mobile home and thereafter retained and maintained.

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

5. The development shall not be commenced until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
 - (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 monitoring of any such proposals which form part of the proposed mitigation measures.

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 River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

6. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

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.

In this case no pre-application advice was sought on the form of development proposed. Several site meetings and discussions have been held with the applicant and agent who are aware of the concerns raised by this application. Additional plans, details and information have been submitted for consideration during the course of the application's determination, which have justified the grant of planning permission for a temporary agricultural workers dwelling.

2. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.

Further Information:

Jim Bennett

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New Forest
DISTRICT COUNCIL

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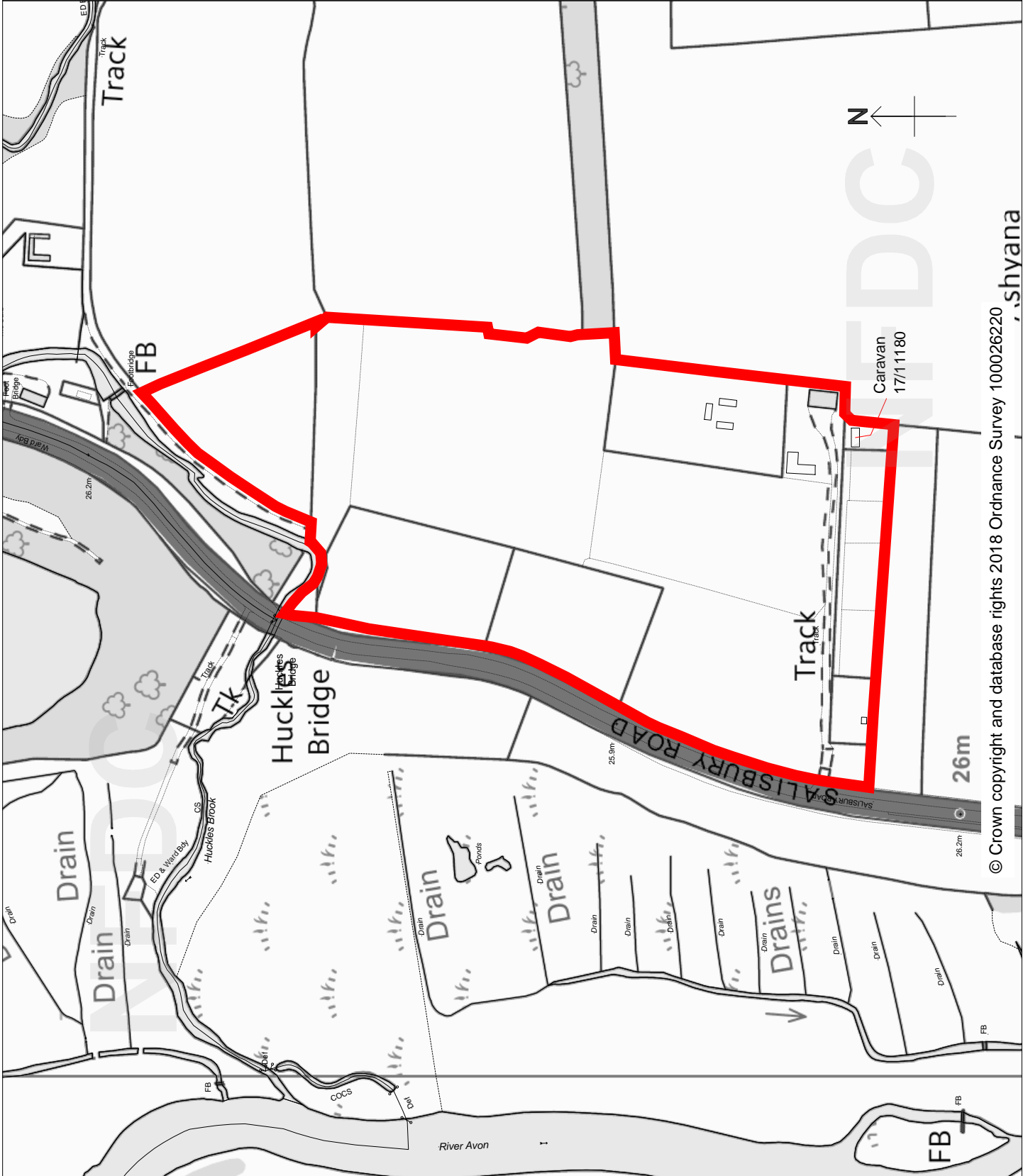
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
January 2019

Item No: 3a
Druces Acres
Salisbury Road
Ibsley
17/11180

Scale 1:3000

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



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Planning Committee 09 January 2019 **Item 3 b**

Application Number: 18/10237 Full Planning Permission

Site: DRUCES ACRES, SALISBURY ROAD, IBSLEY, ELLINGHAM,
HARBRIDGE & IBSLEY BH24 3PP

Development: Birthing Shelter/Store (Retrospective)

Applicant: Mrs Hutchison

Target Date: 23/04/2018

Extension Date: 11/01/2019

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside (River Valley)

Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

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

CS6: Flood risk

CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 17/11180 Siting of caravan for an agricultural worker - decision pending, item 3a on this agenda
- 6.2 17/10989 Field shelter - 13/11/17 Granted
- 6.3 16/11717 Field shelters (retrospective) - 17/05/17 Granted
- 6.4 3/11607 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 10/04/2014 Granted
- 6.5 13/10862 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 22/10/2013 Withdrawn
- 6.6 13/10670 Agricultural barn; (Agricultural Prior Notification Application) - 07/08/2013 Details not required to be approved

7 PARISH / TOWN COUNCIL COMMENTS

ELLINGHAM, HARBRIDGE & IBSLEY PARISH COUNCIL: recommend refusal under option 4.

- The location plan is still not to scale and, whilst the dimensions are written in the block plan, there is significant emphasis being placed on the locations of the field shelter and the birthing shelter which could create the opportunity for the two permissions to be abused.
- The extant consent granted under planning permission 17/10989 must be nullified, or legally bound to prevent any future construction of another large structure on this land.
- The concrete base must be conditioned for removal should the structure be changed from a birthing shelter to another use. This should also apply should the business cease to exist.
- There is insufficient information contained within the application regarding the existence of adequate soakaway drainage and of how animal waste arising from the field shelter would be dealt with.
- No lighting plan is included with this application. A consented lighting plan is essential given the dark skies status of the location. Such lighting could be a material consideration, with Passive Infrared Sensors and task focussed as opposed to wide beam lights.
- This permanent structure has been sited within a still unproven agricultural enterprise.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Natural England: no objections
- 9.2 Southern Gas Networks: give informatives on proximity of site to their apparatus

10 REPRESENTATIONS RECEIVED

Four representations have been received citing the following reasons for objection:

- The structure is visually intrusive
- Noise generated by use of the structure
- The footprint of the building is twice the size of the previous approval
- The previous application (17/10989) has not been withdrawn
- The structure has been built on a permanent concrete base
- There is still no evidence submitted which supports this as a viable business.

11 CRIME & DISORDER IMPLICATIONS

None

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 paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following clarification over the siting of the structure in relation to an extant approval and working practices on the holding, the application was acceptable as amended and no specific further actions were required.

14 ASSESSMENT

14.1 The site lies within the countryside outside the New Forest north of Blashford Lakes, adjoining Salisbury Road (A338) to the west. The site is currently used as a small scale agricultural enterprise, with some equestrian use evident. The application is made retrospectively for erection of an L-shaped structure located towards the eastern extent of the holding, opposite a larger barn on the site and in the vicinity of smaller field shelters. The building provides 5 no. loose boxes to be used as a birthing shelter and a storage area within a structure measuring 3.4m (width) x 17.7m (length) + 15.6m (length) x 2.7m (height). The building is constructed of timber cladding with a corrugated metal sheet roof. The structure is approximately 97 sq.m in area and has been erected instead of a building approved under reference 17/10989 of 45 sq. in area. The applicant has planted the site's front boundary with the A338 (required by ref. 16/11717), which in time will re-establish a frontage hedgerow and assist with screening the wider site from Salisbury Road.

- 14.2 The most relevant issue to take into consideration is the impact of the building upon the character and appearance of the countryside. The proposal is broadly compliant with Policy DM22 of the Local Plan, which seeks to support employment development in the countryside, provided it is of appropriate scale and in keeping with the rural character of the area. While the shelter is larger than the building approved on this site at 97 sq.m rather than 45 sq.m, it is well related to existing buildings, is still a building of relatively modest scale and is constructed of acceptable materials. The proposal relates to a relatively recently established rural enterprise and officers are satisfied that the building is reasonably necessary for the purposes of agricultural use and that its scale and siting does not detract from the appearance and openness of the countryside, particularly when the native hedgerow planting on the boundary of the site with Salisbury Road is established effectively. Consequently, the proposal is considered to be compliant with the provisions of Policies CS2, CS3 and DM22, which seek to protect the visual characteristics of the area.
- 14.3 The Parish Council and notified parties have raised concerns regarding the permanence of the building, non-withdrawal of the previous application, viability of the business and its impact upon local drainage conditions. With regard to its degree of permanence, other field shelter structures on the holding have no permanent footings. These are smaller structures aimed at providing livestock with field shelter, which are moveable and do not require permanent footings. The current proposal is for an altogether larger structure, which requires a degree of permanence and has been constructed with concrete footings. There is another larger building on the site opposite to the east, which is permanently sited and the Local Planning Authority cannot legitimately require the current proposal to be constructed without footings. Under the provisions of paragraph 14 of Circular 11/95 it would not be necessary or reasonable to impose a condition requiring removal of the concrete base should the structure be changed from a birthing shelter to another use or should the business cease to exist.
- 14.4 The previous application has been determined and cannot be withdrawn, however the siting of the existing structure overlaps the footprint of the previously approved structure, which means the applicant cannot implement the structure approved under ref. 17/10989. The applicant has submitted clearer and scaled plans (although a revised 1:500 Block plan has been requested), confirming the siting of these structures in relation to each other and officers are satisfied that the approval under ref. 17/10989 cannot be implemented in its approved form. Should a building be erected in the location of the previous approval, without the benefit of planning permission, this would need to be subject to an investigation by the Planning Authority.
- 14.5 While the issue of business viability is a matter for consideration in assessing the associated application for an agricultural worker's dwelling, it is not a matter for consideration of this application. However, from the level of investment in the site by the applicant in the form of agricultural buildings, fencing, planting, equipment and livestock, it appears that there could be a firm intention to develop the business here. National and local planning policies support this type of application without a requirement to prove the viability details about the business.

- 14.6 As far as drainage is concerned the development is situated sufficiently distant from neighbouring boundaries and properties not to constitute a problem insofar as surface water discharge from this relatively modest building is concerned. The applicant confirms that guttering is fitted to the eaves of the building and the downpipe discharges into a water tank which the applicant uses for watering plants and stock.
- 14.7 While a business use is being undertaken from the site, the alpacas and other livestock are generally extensively reared on the surrounding land. Animal waste arising from the birthing shelter would be at a relatively low level. The applicant explains that animal waste and soiled straw is removed from the building on a regular basis and stored in a heap until there is a trailer load to be removed from the site. The applicant has an arrangement with a local farmer who spreads the waste on his land as fertilizer in accordance with agricultural good practice.
- 14.8 No lighting plan is included within the application, where the Parish Council consider a regularised and consented lighting plan is essential given the dark skies status of the location. The applicant explains that four LCD lights have been installed inside the birthing shelter. There is minimal light spill and they are rarely used. There are no external PIR activated lights.
- 14.9 The site is not close to any residential properties, the nearest dwellings being 150m and 200m away to the south, close to Ibsley Drove, which are quite well screened from the site by mature oak trees and vegetation. Given the limited scale of the building proposed, the degree of separation, existing screening and its use for agricultural (birthing shelter and storage) purposes, the proposal would not have any significant impact upon adjoining residential amenity, in terms of loss of outlook, noise nuisance, disturbance or privacy.
- 14.10 Based on the assessment set out above, the proposal is recommended for approval.
- 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.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be retained in accordance with the following approved plans: Amended 1:2500 Location Plan, Drawing number ZH-01-A, 1:100 West Elevation, 1:100 North Elevation and 1:100 Floor Plan

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following clarification over the siting of the structure in relation to an extant approval and working practices on the holding, the application was acceptable as amended and no specific further actions were required.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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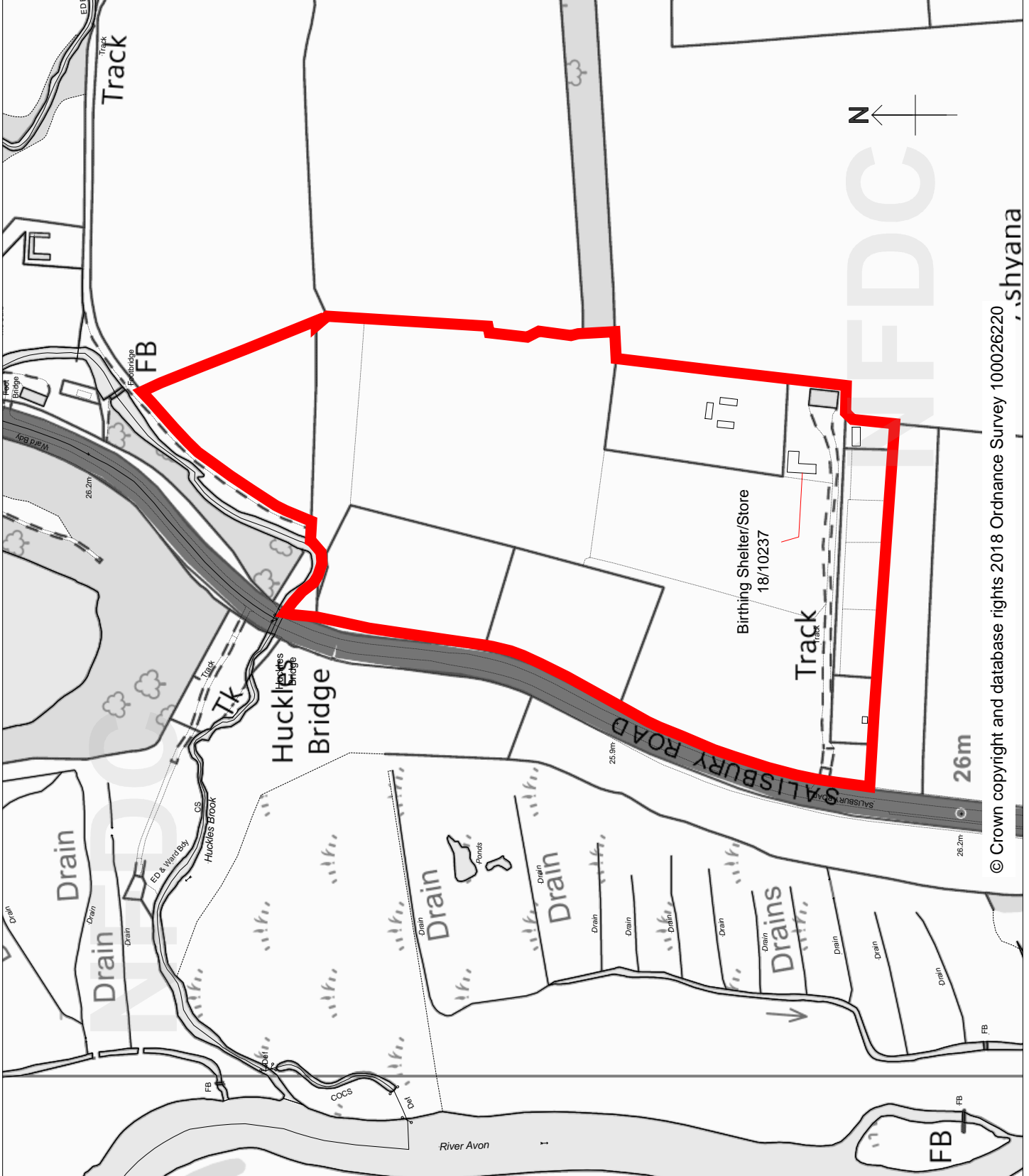
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
January 2019

Item No: 3b
Druces Acres
Salisbury Road
Ibsley
18/10237

Scale 1:3000

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



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Planning Committee 09 January 2019 **Item 3 c**

Application Number: 18/10838 Outline Planning Permission

Site: Land off MOUNTFIELD, HYTHE SO45 5AQ

Development: 4 detached chalet bungalows; garages and parking; associated access (Outline application with details only of access & layout)

Applicant: The Turnbull Group

Target Date: 16/08/2018

Extension of Time 31/01/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

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
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- 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
- DM2: Nature conservation, biodiversity and geodiversity
- 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

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 4 - Decision-making

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

Section 197 Trees

Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 13/11623 - development of 11 dwellings comprised 4 detached 2-storey dwellings, 1 terrace of 3 houses, 1 block of 4 flats, parking, access road, bridge. Refused 11.4.14, appeal dismissed.

6.2 13/10200 - 6 2-storey dwellings, 3 detached garages, cycle and bin stores, access, parking, landscaping. Refused 2.8.13

7 PARISH / TOWN COUNCIL COMMENTS

Hythe Parish Council - recommend permission but would accept a delegated decision. Subject to the houses being no larger in footprint, height and size than the ones shown for indicative purposes in the proposal. The Committee would also like absolute protection for the trees and open spaces with an absolute condition against further houses within the site if tree loss forms opportunistic space. The design and specification of the road should be sufficient to allow safe turning space for local authority, fire and heavy goods vehicles.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Waste Management (NFDC): comment only that confirmation is required that the refuse vehicles used will be able to gain access beneath the tree canopy at the entrance to the development and that these trees will be maintained to permit continued access.

9.2 Southern Gas Networks: offer advice

9.3 Environmental Health (Contamination): request informative due to close proximity of a previous gravel pit and its associated infilling of unknown materials.

- 9.4 Tree Officer: no objection subject to conditions
- 9.5 Natural England: no objection.
- 9.6 Hampshire County Council Highway Engineer: no objection (no conditions)
- 9.7 Ecologist: comments awaited on amended plans
- 9.8 Open Space Officer - on site public open space (informal and play space) will be required in accordance with Policy CS7
- 9.10 Landscape Officer - comments awaited on amended plans

10 REPRESENTATIONS RECEIVED

Objections have been received from 15 local residents raising the following concerns:

- the site is not an allocation site
- the land gets very boggy in winter
- noise and disturbance from vehicles close to boundary
- proposed public open space wouldn't be used by anyone
- inadequate drainage details
- inadequate access
- protected trees will be removed
- junction of Mountfield with Southampton Road will be more congested
- previous reasons for refusal still apply
- bats and badgers (and other wildlife) frequent the site
- there are alternatives to realise the value of the land
- potential harm from street lighting
- development would put pressure on adjoining woodland/countryside
- parking provision should be greater
- pressure to remove additional trees
- inadequate turning for refuse/emergency service vehicles
- car headlights shining through windows of properties
- some positive elements have been removed from the scheme
- no management details regarding the open space
- could open the flood gates for more housing
- parking in Mountfield is already difficult
- public transport is limited in the area
- the proposal would still harm the character and appearance of the area
- adverse impact on wildlife

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus £4,896 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 £72,423.38.

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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.

A pre-application enquiry was submitted for this site several months ago although the scheme at that time was for 9 dwellings. Since that time, additional details have been provided in respect of the ecology of the area and the scheme reduced in order to enable the retention of and less pressure on the trees within and adjoining the site. Further plans to slightly amend the layout and to indicate the provision of informal and play public open space have also been provided.

14 ASSESSMENT

- 14.1 The site lies outside of but adjoining the built up area of Hythe to the west of Lower Mullins Lane and accessed off Mountfield between two bungalows. To the south of the site is a large area of public open space which extends north to Southampton Road and south to the local junior school. There is an area of proposed public open space to the west of the site beyond the wooded land edged blue. The site itself contains several protected trees and levels are higher in the middle and west of the site than the south eastern corner and at the access point from Mountfield. Boundaries to existing residential properties are

generally mature hedgerows interspersed with trees although there are some dwellings which can be seen clearly from the site. At present the field is empty.

- 14.2 The proposal is for the provision of 4 detached dwellings, each with a detached double garage, the application is in outline with means of access and layout to be considered.
- 14.3 Planning History
- 14.3.1 The most relevant planning history in this case is that referred to in paragraph 6.1 above. The appeal in relation to a proposal to develop this site for 11 dwellings was dismissed in April 2014 on the grounds of "the harm that the proposal would cause to the character and appearance of the area and the development's potential to cause harm to protected species".
- 14.3.2 In dismissing the appeal the Inspector did not take issue with the principle of residential development on the site. The proposal met the exception set out in Policy DM20 in relation to residential development in the countryside.
- 14.3.3 The Inspector considered that the development of the site with 11 dwellings "would result in a significant urbanising effect that would unacceptably harm the semi-wooded character and appearance of the appeal site and the important contribution the site makes to the wider area".
- 14.3.4 In addition, the Inspector raised concerns that the proposals would lead to future pressure to fell protected trees, which would be hard to resist given the number and proximity of trees to the proposed dwellings.
- 14.3.5 However, the Inspector raised no concerns in respect of highway issues and living conditions of neighbours and concluded that the proposal would provide benefits in the form of new housing of which a significant proportion would have been affordable units. The appeal proposal was that 7 of the 11 dwellings (64%) would be affordable, with a pro rata contribution to ensure that the scheme would have delivered 70% affordable housing on the site.
- 14.4 Principle
- 14.4.1 In principle, new residential development in this location is contrary to policy (DM20) unless it can be demonstrated that there is a need for forestry or agricultural workers or it provides affordable housing to meet a local need. Neither of these alternatives have been put forward as arguments in the current case as the proposal is for open market housing. In determining the appeal, the Inspector concluded that the previous proposal would meet one of the exceptions to allow development in the countryside as an appropriate level of affordable housing was included in that scheme.
- 14.4.2 While no affordable housing is proposed with this current scheme, being a scheme of under 10 dwellings. The National Planning Policy Framework (NPPF) indicates that in rural areas "policies may set out a lower threshold of 5 units or fewer". A lower threshold has not been set in this district and as a result it would be unreasonable to require an affordable housing contribution.

- 14.4.3 The NPPF (paragraph 11) advises that sustainable development should be approved where it accords with an up to date development plan. In respect of housing policies, this authority's development plan is out of date and policies which protect assets of particular importance (e.g. habitat sites) come into play. Natural England have advised that subject to an appropriately worded condition, the proposal would not harm habitats sites. The site is not sited within or close to any other designations which may impact upon this element of the decision making. Consideration also has to be given to whether or not the benefits of the proposal would significantly and demonstrably outweigh any disbenefits having regard to the NPPF.
- 14.4.4 In accordance with Paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits.
- 14.5 Residential amenity
- 14.5.1 The proposed siting of the dwellings would not result in any significant loss of residential amenity for the adjoining occupiers given the distances involved and the orientation of the dwellings. Similarly, with the minimum distance between existing and proposed dwellings being 20m, there would be no significant loss of light to existing occupiers. The Appeal Inspector found no harm in terms of residential amenity when determining the previous appeal for 11 dwellings and this scheme has been appropriately designed to minimise any impact subject to conditions and any reserved matters application.
- 14.5.2 Concerns have been raised by local residents with regard to noise and disturbance and the loss of amenity through car headlights shining through windows. The noise and disturbance relates to increased vehicular activity close to garden boundaries. In this respect, the northern most section of the access is in a similar position to that previously proposed and the remainder is 50m from Lower Mullins Lane properties. The previous scheme for 11 dwellings would have generated much more traffic than the current proposal and this was not a reason for refusal at that time. While increased noise and disturbance could be considered as a negative impact, these impacts are not considered to be harmful and have to be considered with all other material planning matters.
- 14.5.3 With regard to car headlights, it is noted that the access road would be at a slightly higher level than adjoining properties and that the bungalow adjacent to the western side of the access has a relatively open aspect across the site, with substantial glazing to part of the rear elevation. The access road is not proposed in a location which would allow direct light from cars into the rear of this property but it is accepted that there would be some light visible on occasion, particularly during the winter months. However, while this is acknowledged, given that only 4 dwellings are now proposed and the potential for planting to mitigate against this, there would be limited harmful impact.

- 14.6 Visual amenity
- 14.6.1 Mountfield, through which the site would be accessed, is an estate of bungalows although other dwellings adjacent to it are more varied and include two storey houses as well as chalet style properties. The indicative elevations for the proposed dwellings would not appear out of context given this variety although their final appearance would be a matter for the reserved matters.
- 14.6.2 The site is relatively well enclosed and there would be limited views into it from surrounding properties. While the existing landscaping to the southern boundary would not preclude all views into the site from the existing footpath and adjoining public open space, the visual impact of the proposal would be limited from the south and the overall impact would be acceptable.
- 14.6.3 In dismissing the previous appeal the Inspector recognised that the site's semi-wooded character provided an important transition between the built development and countryside to the south and west. Your officers are of the view that the current proposal for a much reduced number of dwellings, which enables most important trees to be retained, with appropriate new planting, would ensure that the important landscaped character would be protected. The resultant development, being that of a spacious development within a woodland setting, providing an appropriate transition from the countryside edge.
- 14.7 Trees
- 14.7.1 The previous scheme was considered to result in too much overshadowing to gardens due to the tree canopies resulting in a reason for refusal on the grounds that the proposal would compromise the long term future of the trees. This was supported by the Inspector. The proposal now includes only 4 dwellings and this enables generous garden areas, large parts of which would have full sun throughout the day. As such, the local planning authority would be able to robustly defend future applications for felling or other tree works.
- 14.7.2 It is noted that 6 trees are proposed to be removed from the site and while concern is raised locally, it is considered that this element of the proposal would have a minimal impact on the amenity of the site given the number of trees to be retained and space available within the site to plant replacements which, over time, would provide a greater contribution to the amenity of the area, and ensure a wooded character is retained.
- 14.7.3 There is a protected tree adjacent to the access point into the site. As part of the access provisions, a root bridge is proposed in order to achieve access into the site without harming the tree roots. The Tree Officer has concluded that, if installed correctly, this should allow access without significant harm to the tree. Crown lifting this tree to 5m above ground level in combination with this would not adversely affect the tree and subject to appropriate conditions, the Tree Officer does not raise any objections to the proposal. In addition, the Appeal Inspector concluded that these access arrangements were acceptable.

14.8 Ecology

- 14.8.1 Previously, the application was refused and subsequent appeal dismissed on the grounds of a lack of ecological survey work. Since that time, additional work has been undertaken and a revised report submitted to support the proposal. The proposal has also been revised to enable development to take place in less sensitive parts of the site. Indeed, the dense woodland to the west has been omitted from the site area.
- 14.8.2 With the significant reduction in built form, at a lower density, particularly in comparison to the previous scheme, the proposal has less of an impact on the ecology of the area. Although the development has sought to avoid direct impacts on sensitive areas, there are indirect impacts as a result of introducing domestic uses to the area (e.g. lighting and other forms of disturbance); this is also recognised locally. However, given the outline nature of the application, with the proportion of hard surface and developed land considered acceptable, sufficient details have been provided such that a suitable reserved matters application could include details, and conditions imposed on this application could any harmful impacts to an acceptable degree.
- 14.8.3 With regard to the management of the area, the site has been used most recently for grazing horses, although the field is presently vacant. A different management system is likely to have resulted in the land being more suitable for invertebrates and reptiles, although this is unlikely to be realised in the future. Therefore the proposals for securing some form of mitigation and compensation need to be weighed with this in mind and, in reaching an ecological recommendation, they should be viewed as representing positive benefits.
- 14.8.4 The level of provision for wildlife is still modest given the resultant impacts and while the provision of the land edged blue as a mitigation area and the current condition helps to balance this, it is considered that further compensation through the use of suitably worded conditions is appropriate in this instance. This would cover issues such as bat/bird boxes and landscape management.

14.9 Highways

- 14.9.1 The Highway Authority has considered the proposal and is satisfied that the local highway network can accommodate the additional traffic from four new houses. The layout of the site indicates that adequate turning can be provided for both cars and larger emergency/service vehicles although it is accepted that this could require regular maintenance of the statutorily protected tree adjacent to the access into the site.
- 14.9.2 As stated above, the Tree Officer is satisfied that the access into the site can be provided without adversely affecting the protected tree and as it is proposed to be a shared surface, it complies with the requirements of the Highway Authority in respect of pedestrian access.
- 14.9.3 Locally, concern has been raised in respect of a lack of parking provision. The indicative plans submitted show the dwellings would be 4 bedroomed properties which would generate a recommended parking

provision of 3 spaces each. With a double garage plus two further spaces each, it is considered that this is an acceptable level of provision.

14.10 Open Space provision

14.10.1 Proposals for residential development on sites of 0.5ha or more generate a requirement for on site public open space to be provided. Although this particular proposal is for just four units, it is considered appropriate to provide such a facility which could serve a wider area than just the site.

14.10.2 The site layout indicates an appropriate level of informal public open space and children's play area provision and still allows for the retention of an area for the maintenance and enhancement of the area for wildlife purposes as indicated on the layout plan.

14.10.3 The appeal scheme made reference to a footpath link to the south of the site, however, this was not pursued by the appeal Inspector who considered that as this falls outside of the site boundary, and so its reinstatement as part of the proposed development cannot be relied on as a benefit of the proposals. The proposed link was to an historic overgrown path which is to be reinstated as part of the Council's Mitigation Strategy for European Sites although is outside of the application site. Given the Inspector's comment in this respect and the desire to improve biodiversity across the site, the applicant has decided not to pursue this footpath link. It is hoped to maintain much of the site outside the residential curtilages as a wild meadow and this are or would extend from the informal public open space to the garden of plot 4. This would enable the provision of log piles and hibernacula to assist with the promotion of biodiversity. This can be covered by condition.

14.10.4 A Landscape Assessment has been submitted that sets out the context and provides details of the visual impacts of the proposed development. This assessment identifies some opportunities for mitigation which need to take into account of the existing character of the sites features and levels. The proposals need to maintain or enhance local distinctiveness and respect the semi-wooded character providing an important transition between the built development and countryside to the south and west. These details can be handled as part of the reserved matters application.

14.11 Other material considerations

14.11.1 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

14.11.2 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.12 Conclusion

14.12.1 Since the previous refusal and dismissed appeal, much work has been done in order to address the overall impact of the proposal on the character of the area and the protected trees. The reduction in the number of proposed units is a significant change in the scale of the development and clearly has benefits through larger garden spaces, benefiting the overall scale and character of the development, less overshadowing of trees and more space for ecological mitigation. While the lack of any affordable housing provision is regrettable, this is not considered to be sufficient justification for refusal of this application having regard to benefits set out above and the overriding need to provide new housing, as set out in the NPPF.

14.12.2 Having regard to the proposed layout and means of access, the proposal would have a limited impact on the residential amenity in terms of noise and disturbance, light pollution and potential overlooking. The traffic generation for 4 houses would be negligible across Mountfield as a whole and the impact of this additional traffic on the immediate neighbours insufficient to warrant refusal. This scheme, together with any subsequent reserved matters application, would also allow the important landscape character of the site to be maintained for the future given the relatively modest level of development proposed. The application is therefore recommended for approval.

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

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£23,672		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	752	0	752	752	£80/sqm	£72,423.38 *

Subtotal:	£72,423.38
Relief:	£0.00
Total Payable:	£72,423.38

* 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 2018 this value is 1.2

15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to completion of Section 106 agreement for:

- i) transfer of Public Open Space
- ii) open space maintenance payments (informal and play)
- iii) the imposition of the conditions below:

Proposed Conditions:

1. Approval of the details of the scale, appearance and landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in accordance with the following approved plans: location plan, Tree Survey Report (including tree protection plan) 18-609-TPP, dated June 2018, Ecological Appraisal dated June 2018, Planning Statement, Design and Access Statement, Landscape Assessment (October 2018 797-LS-001 rev 01), PL02, PL03C, PL04, PL05, PL06, PL07, PL08, PL09, PL10,

Reason: To ensure satisfactory provision of the development.

5. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement (Canopy Consultancy Tree Survey Report Revision A, June 2018).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. No development, demolition or site clearance shall take place until a plan showing:

- a) Service routes, including the position of soakaways;
- b) Location of site compound and mixing areas; and
- c) Location of parking for contractors/builders

has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to comply with policy CS2 of the New Forest District Council Core Strategy.

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

Reason: In view of the character and constraints of the site and potential impact on the ecology of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect this, in accordance with Policy CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

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

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

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

10. Prior to the commencement of development, the following information shall be submitted to, for approval in writing by, the local planning authority:
- a) full details of the proposed management of the 'dark corridor' and open spaces not included within residential curtilages,
 - b) provision of habitat enhancements to include, but not limited to, bats, house sparrows and reptiles.

The development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and thereafter retained.

Reason: In the interests of the ecology of the area and to comply with policy CS3 of the New Forest District Council Core Strategy.

11. 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.

12. 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).

13. The development hereby permitted shall not be occupied until the spaces shown on plan 2561-PL-03C for the parking and garaging of motor vehicles and cycles have been provided. The spaces shall be retained and kept available for the parking and garaging of motor vehicles and cycles 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).

Notes for inclusion on certificate:

1. In discharging condition No.11 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. 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.
3. You are advised that the details required in respect of the landscaping of the site 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; and

a method and programme for its implementation and the means to provide for its future maintenance.

4. In accordance with paragraph 38 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.

A pre-app was submitted for this site several months ago although the scheme at that time was for 9 dwellings. Since that time, additional details have been provided in respect of the ecology of the area and the scheme reduced in order to enable the retention of and less pressure on the trees within and adjoining the site. Further plans to indicate the provision of informal and play public open space have also been provided.

5. This decision relates to amended plans and documents received on 29 October and 4 December 2018.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

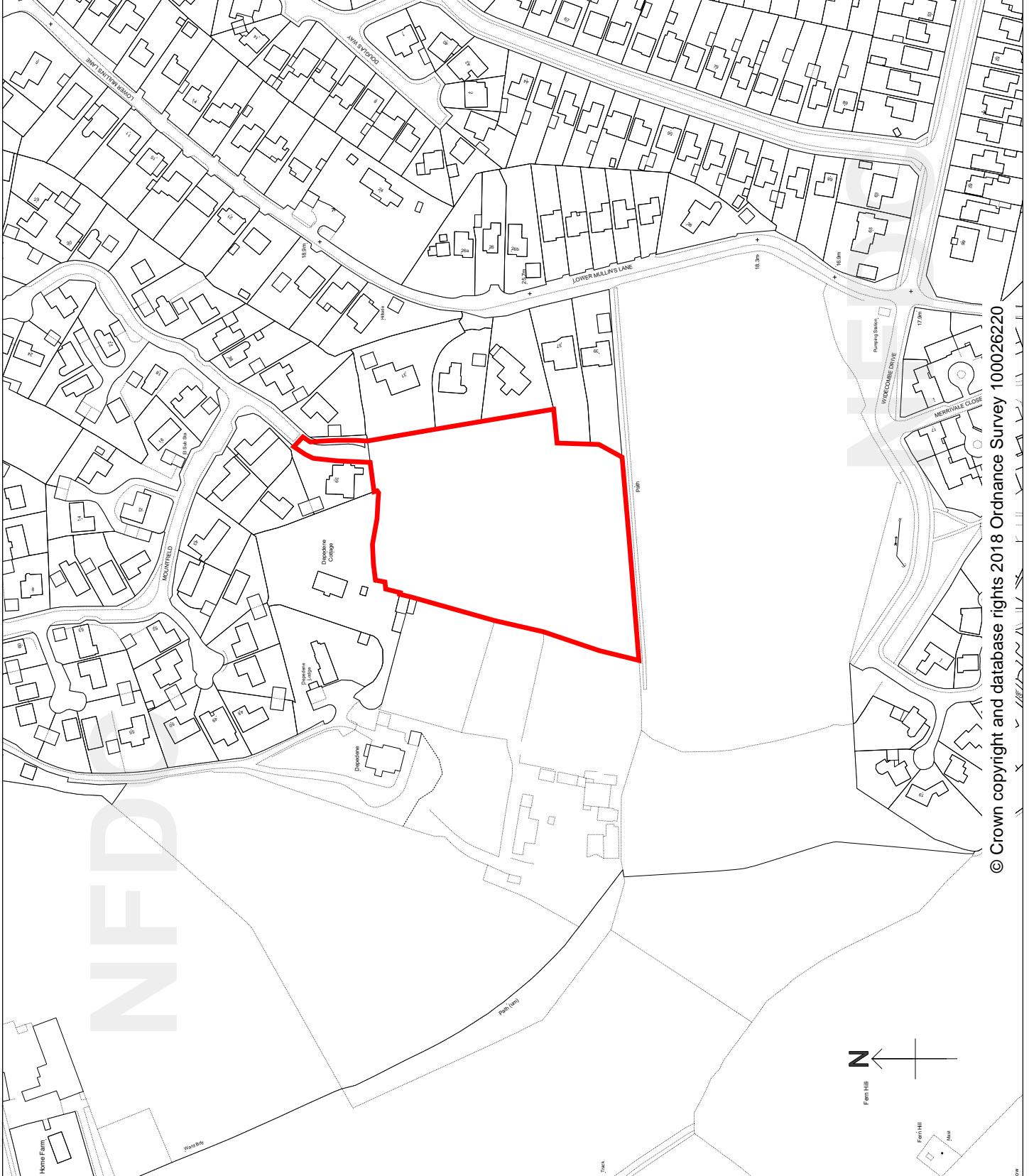
David Groom
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**Planning Development
Control Committee**
January 2019

Item No: 3c
Land off
Mountfield
Hythe
18/10838

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Planning Committee

Item 3 d

Application Number: 18/11130 Full Planning Permission

Site: NEW FOREST WATER PARK, RINGWOOD ROAD,
FORDINGBRIDGE SP6 2EY

Development: Clubhouse and additional accommodation for fishery manager

Applicant: Mr Jury

Target Date: 06/12/2018

RECOMMENDATION: Refuse

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside
8. Biodiversity and landscape
9. Leisure and recreation

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM25: Recreational uses in the countryside - including horse-keeping/riding

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 - Blashford Lakes Strategic Management Plan

6 RELEVANT PLANNING HISTORY

- 6.1 16/10025 - Clubhouse with additional use for fishery manager accommodation refused 13/03/16 – appeal dismissed 19/01/17
- 6.2 13/10191 - Clubhouse - granted 13/5/13
- 6.3 10/96273 - Clubhouse - granted outline planning permission 1/6/11
- 6.4 57062 - Vary Condition 9 on 41232 (jet & water skiing use) – granted 9/8/95
- 6.5 52288 - Vary Condition 9 on 41232 to allow jet skiing - granted 14/7/93
- 6.6 41232 - Erect Clubhouse on 1 hectare site and use as water based recreation - granted 13/12/90

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend that permission is granted as the proposal will increase security for an established and successful business.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Natural England

Note the site lies immediately adjacent to the Avon Valley Special Protection Area (SPA) and Ramsar and in close proximity to the New Forest SPA, Ramsar and Special Area of Conservation. Natural England are satisfied with the Council's mitigation strategy and Habitat Regulations Assessment.

On other matters Natural England notes the presence of an SSSI adjacent to the site but is satisfied that the development will not be harmful provided a condition is imposed regarding any percussive piling operations. Natural England recommend that due regard is also taken in respect of biodiversity net gain and advice set out as well as Standing Advice dealing with protected species.

9.2 Ecologist

The case officer would be required to consider the proposal against current approaches and strategies employed by the Council to provide mitigation for impacts on protected nature conservation sites - if a dwelling is established then appropriate contribution to the New Forest SPA mitigation scheme would be required. In addition I note it is proposed to discharge waste water to a septic tank, presumably that would then discharge into land within the River Avon catchment and Natural England's advice in relation to nutrient neutrality might be pertinent.

As with the previous application for this area, ecological details are scant and it would be necessary to condition measures for biodiversity mitigation, compensation and enhancement to be provided prior to commencement. In this case the use of conditions is possible due to the lower level of impact and previous planning history, however professional ecological expertise will be required to produce suitable information and method statements for works.

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

The applicant claims there is a need for on site protection for fishing stocks at the lake.

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 paragraph 38 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 applicant did not enter into pre application discussions with the Council. The current submission is still unacceptable in terms of siting and design so the Council considers it appropriate to issue a refusal.

14 ASSESSMENT

14.1 Site description and proposals

14.1.1 The New Forest Water Park is situated at Hucklesbrook Lakes, which is a collection of 3 lakes on the west side of the A338 Ringwood to Fordingbridge Road, between this highway and the River Avon. The Water Park specifically occupies the 2 northern lakes. The southern lake is used for fishing and is in separate ownership. The lakes were formed about 20 years ago, and they are surrounded by banks of maturing deciduous vegetation. There is an existing clubhouse building adjacent to the north-western corner of the northern lake. The land to the west of the lakes is within the Avon valley flood plain and is a designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

14.2 Planning History and background

14.2.1 Since their formation in the early 1990s, the lakes have been used for water based recreation. The original 1990 planning permission restricted noise generating water based activities (water skiing and jet skiing) to just the northernmost lake. A subsequent application in 1995 permitted the middle lake to be used for jet skiing providing that jet skiing on the middle lake does not take place at the same time as

upon the northern lake. This 1995 permission also precluded jet skiing taking place on the western part of the middle lake, primarily for nature conservation reasons. At present the Water Park is only open from Easter to early November.

- 14.2.2 Application 10/96273 - In June 2011, outline planning permission was granted for a new clubhouse building adjacent to the north-west corner of the Middle Lake. A condition restricted the internal floorspace of the building to 100 square metres and the ridge height of the building to 5.5 metres. Subsequently, in May 2013, full planning permission was granted for a clubhouse building, which was proposed to be sited adjacent to the north-west corner of the Middle Lake.
- 14.2.3 Application 13/10191 - The approved clubhouse building would have a floorspace of about 100 square metres, an eaves height of about 2.5 metres and a ridge height of 5.5 metres. The approved plans showed a building with toilets, changing room facilities, a kitchen facility and a lounge / refreshment area. The approved clubhouse would be positioned right by the water's edge and would include an area of decking that would stretch out over a small part of the lake. Based on the specific justification that was put forward in support of these two applications, it was felt that there would be practical benefits in having a new smaller clubhouse facility that could specifically serve the needs of just the Middle Lake, taking into account the broad policy support for the recreational use of these lakes. There is some doubt as to whether or not this permission has been implemented. The applicants claim that certain works have been carried out to implement the permission but there is no firm evidence to confirm this. Both this application and the previous application were located in a position close to the north west corner of the middle lake close to the car park that serves this middle lake area.
- 14.2.4 Application 16/10025 - The last application was for a building to be sited on the western edge of the middle lake in a location that would be about 100 metres to the south of the previously approved clubhouse buildings. The building in question would be on sloping ground immediately adjacent to the water's edge. The building would be larger than the clubhouse buildings that were previously approved being about 6.5 metres in height when measured from the higher ground levels on the building's north-west side, but due to the sloping topography, the building would be materially higher than this when seen from other more prominent viewpoints. Indeed, the south-east elevation of the building would rise more than 8 metres above the water's edge. The building would have a footprint of about 107 square metres, but unlike the previous approved schemes, this development would have accommodation over 2-storeys. The submitted plans indicate that the main part of the ground floor of the building would be used as a workshop and for client facilities. The ground floor of the building would also include a store, a bathroom and a small changing room. The application indicates a first floor area that would be used as "personal space". There would also be a void over part of the ground floor workshop / client facilities. The application also proposes an external balcony area across the full length of the building that would overhang the lake. The submitted drawings are entitled 'Caretakers Lodge'. There was an indication that the lodge would be used for occasional residential accommodation by the Caretaker to guard against poaching in particular.

This application was refused for the following reasons

The proposed development would be detrimental to the character and appearance of this area of countryside, in particular because:-

- a) the proposal would result in a significant new building in an isolated rural position that would be imposing and intrusive in its lakeside setting, and which would harmfully erode the landscape character of the lake, taking into account the need to remove a significant area of trees and lakeside vegetation in order to accommodate the proposed building;*
- b) the development's adverse impact on its rural surroundings would be materially compounded by the additional activity associated with use of the building in what is a quiet lakeside position;*
- c) the proposed building would be of a size, scale and character that would not be reasonably justified in order to help meet a local recreational need.*

As such, the proposed development would be contrary to policies CS2 and CS10 of the Core Strategy for New Forest District outside of the National Park and Policy DM25 of the Local Plan Part 2: Sites and Development Management.

Appeal decision – 19/01/2017 – a subsequent appeal against the refusal was dismissed. The Inspector considered the size and height of the building was unacceptable and harmful in visual terms and there was insufficient justification for such a large amount of caretaker accommodation at first floor level. The inspector considered a building in principle was acceptable but he was not convinced the chosen site was an acceptable alternative to the original approval.

14.3 Current application

14.3.1 The current application is on the same site as the appeal decision. The red line location plan is identical to the earlier application. The red line plan however does not appear to be accurately plotted in relation to the car park. This has been queried with the agent but no response has been received. The building now shown is a mixture of single storey (flat roof) and two storey (pitched roof) accommodation taking account of changing ground levels. The building as previously would be clad in timber albeit this time there are no roof materials shown. The earlier building was shown with a slated roof. The applicant suggests potentially a sedum roof but there is no certainty on this.

14.3.1 The comparison with the earlier refused application is as follows (with the figures for the new application in brackets).

- 13.5m long by 7.5m wide (14m x 6.8m)
- Maximum ridge height from water 8m (6.5m)
- Maximum ridge height from rear 6.3m (3.3m)
- Ground floor space 96 sq m (83 sq m)
- 1st Floor space for reception/caretaker 34 sq m (37 sq m)
- Total floorspace excluding any balconies 130 sq m (120 sq m)

Original approved building under 13/10191

- Single storey 14m x 7.8m
- Overall floor space 97 sq m
- Ridge height 5.5m

14.3.3 The key issues with this application revolve around the principle of development in the open countryside, design of the building and any impact on visual appearance and character of the area, and any impact on matters of ecological importance.

14.4 Principle and policy

14.4.1 On the basis that the proposed building is designed to support a recreational use, Policy DM25 of the Local Plan Part 2 is a key policy. This policy indicates that development associated with recreational uses will be permitted where it will help meet a local recreational need provided that there will not be unacceptable impacts on the amenities of local residents, the rural character of the area, local roads or other environmental or agricultural interests. The Blashford Lakes Strategic Management Plan is also of relevance. This document indicates that the overall objectives of Hucklesbrook Lakes are:- the continued use of the two northernmost lakes as a regional resource for water sports; the continued use of the southernmost lake for fishing; and general improvements to the landscape character and nature conservation interest of the lakes.

14.4.2 Development Plan Policy would support a new building on the shores of the middle lake that meets a clear recreational need, and which can be provided without adversely affecting the landscape character of the lake or other environmental interests. Indeed, this is why planning permission has been granted for clubhouse buildings on the shores of the middle lake previously. However, as indicated above, the building now proposed has a very different character to the developments that were approved previously. The justification for a 'clubhouse' building of the size and character now proposed is felt to be unconvincing. In considering the need for a new clubhouse building, it is important to recognise that there is already a significant clubhouse building adjacent to the northern lake that includes residential accommodation for the site owner. There is also a large storage building in this location. Furthermore, a residential caravan has been sited in this location without planning permission for occupation by the general site caretaker, and this has now become lawful by default. As such, the New Forest Water Park is already well served by existing facilities, and any significant new facility should therefore be clearly justified. The distance between this accommodation and the middle lake is less than 400 metres (0.25 miles).

14.4.3 The applicant's agent has submitted a supporting statement which indicates that there has been a change in the use and management of the site. The water sports will be focused on the northern lake, with the middle lake being used for quieter activities such as coarse fishing. The building now proposed reflects the changed priorities for the middle lake.

14.4.4 The earlier supporting document suggested a need for a workshop and occasional caretaker accommodation. The accommodation internally was segregated between ground floor for fishermen and 1st floor for the caretaker. This time the accommodation appears to be more mixed over the two floors and the applicant has not provided a firm idea of the exact amount and degree of accommodation for the caretaker.

14.4.5 Overall neither the Council nor the Planning Inspector disputed there was a need for a modest building to serve the recreational needs of the fisherman in the location of the middle lake. That remains the case.

14.5 Design and local impact

14.5.1 The applicant's supporting statement does not fully set out the need for a building of this scale over two floors of accommodation. The difference between this application and the previous application is minimal (10 sq.m) in floor space terms. In design terms the building would still appear as a large new facility on the lake shore. The earlier approval for a single storey building would have much less visual impact and much less impact on the character of the area. The removal of the lakeside trees that existed when the last application was made has created a visual scar on this part of the site and this combined with a large new building would be detrimental to both the visual appearance of the area and its landscape character. While it may be argued that the site is relatively discreet when viewed from public vantage points, the impact on the landscape character of this part of the site and the lake still needs to be taken into consideration.

14.5.2 The Planning Inspector in his decision noted the new site was more prominent and would be visible from a number of viewpoints around the lake and from the access road leading from the A338 road to the east of the site. He noted the overall impact of the earlier building would damage the rural character of this part of the lake and its sylvan appearance. The question now is whether or not the reduced height of the building and other changes shown have proved sufficient to overcome the Inspector's and the Council's concerns. It is considered that the new design and the works to this part of the lake shore would continue to damage the character and appearance of the area. The Council maintains its position that the earlier approved site was preferable in that it was better grouped with the existing car park and had a much lesser impact on this part of the lake shore in both visual and character terms. The single storey nature of the original approval also helped to reduce any impact.

14.5.3 Added to this it is also the case that the chosen design, which shows a rectangular flat roof box on the rear of the building, is inappropriate in design terms and creates an odd incongruous looking building which does little to demonstrate local vernacular. While it could be argued that it uses the differing site levels, the overall design is unacceptable and contrary to policy CS2 of the Core Strategy. The new proposal when viewed from the front would still be in excess of the ridge height of the single storey building approved on the preferred site.

14.6 Ecological impact

14.6.1 The application is not supported by any ecological assessment. On the basis of the available evidence, the Ecologist has concluded that with appropriate mitigation and compensation measures, the development's impact on ecological interests would be acceptable. The ecologist also raises issues regarding the River Avon and the discharge of waste water into the River Avon catchment area. In addition there is no information submitted regarding any impact on protected species or biodiversity gain. The Inspector in his earlier decision made no reference to ecological matters as these did not form a reason for refusal. In this case however it is considered that the proposal should demonstrate it is in accordance with policy CS3 of the Core Strategy. While on balance the lack of a biodiversity and enhancement scheme is regrettable this does not form a reason for refusal but should be considered further if the applicant decides to appeal against any refusal. Such a scheme can include a detailed landscaping proposal to replace trees taken out as part of the pre application works to the site.

14.7 Other matters

14.7.1 Within the earlier appeal decision there was a discussion regarding whether or not the earlier permission granted in May 2013 has actually been implemented. Without firm evidence through a Certificate of Lawfulness it cannot be determined at this stage if that permission is still 'alive' by virtue of the ground works that took place. It is not clear what ground works took place and when. The Inspector was exercised over this matter because if he was minded to approve the application at appeal it was important not to allow two buildings to be constructed under separate planning permissions. He considered that a legal agreement was the only way in which the earlier permission could be prevented from being built.

14.7.2 The site is partly in a Flood Risk Area. A clubhouse building is not a use that would be a flood risk sensitive use, and on this basis the Environment Agency have no concerns. The Environment Agency have suggested that the building should not be used for overnight sleeping, but it would appear that they would not object to the development if there was an element of overnight sleeping that stopped short of a permanent residential use. On this basis, it is felt the development would be consistent with policies on flood risk.

14.8 Conclusions

14.8.1 The principle of a new building to serve the recreational needs of the fisherman on the middle lake has been accepted in the past and is still agreed. The new site, however, for a much larger building with a greater impact is not acceptable. The design of the new building is contrary to Policy CS2, and the need to accommodate a caretaker within the building to the extent shown is not accepted as there is already accommodation on site. It is clear that the new site is more prominent in landscape terms, with any building works having a greater impact on the rural character of the lake. Any building should be single storey only and located on the site of the earlier permission. While the layout of the earlier approved building may not be exactly what is now required there is no reason why this cannot be redesigned

to include a small dedicated rest area for any lake caretaker. It is considered that the previous reason for refusal is still relevant with an additional clause relating to design.

- 14.8.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would be detrimental to the character and appearance of this area of countryside, in particular because:-
 - a) the proposal would result in a significant new building in an isolated rural position that would be imposing and intrusive in its lakeside setting, and which would harmfully erode the landscape character of the lake, taking into account the need to remove a significant area of trees and lakeside vegetation in order to accommodate the proposed building;
 - b) the development's adverse impact on its rural surroundings would be materially compounded by the additional activity associated with use of the building in what is a quiet lakeside position;
 - c) the proposed building would be of a size, scale and character that would not be reasonably justified in order to help meet a local recreational need. As such, the proposed development would be contrary to policies CS2 and CS10 of the Core Strategy for New Forest District outside of the National Park and Policy DM25 of the Local Plan Part 2: Sites and Development Management.
 - d) It is considered that the proposed building is poorly designed by virtue of the large flat roofed section at the rear and will appear as an incongruous building which does not satisfy policy CS2 of the Core Strategy.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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 applicant did not enter into pre application discussions with the Council. The current submission is still unacceptable in terms of siting and design so the Council considers it appropriate to issue a refusal.

Further Information:

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**Planning Development
Control Committee**
January 2019

Item No: 3d
New Forest Water Park
Ringwood Road
Fordingbridge
18/11130

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Planning Committee 09 January 2019 **Item 3 e**

Application Number: 18/11316 Full Planning Permission

Site: COMMUNICATIONS SITE AT CAT PLANTATION,
RINGWOOD ROAD, HINTON, BRANSGORE

Development: 35m high lattice telecommunications mast; equipment cabinet and ancillary development

Applicant: Trustees of the Meyrick 1968 Combined Trust

Target Date: 21/11/2018

Extension Date: 11/01/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation is a departure from adopted Green Belt Policy.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Green Belt
Cranemoor Wood North SINC
Aerodrome Safeguarding Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

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

National Planning Policy Framework (NPPF)

NPPF Ch. 10 – Supporting high quality communications infrastructure
NPPF Ch. 13 – Protecting Green Belt Land

Conservation Area: N :
Tree Preservation Order: N TPO No:

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 ENQ/18/20709/SFAT - The applicant sought the Council's pre-application advice on the proposed mast, which advised that the formal submission should demonstrate the very special circumstances to justify projects within Green Belt, including a Green Belt justification statement and landscape assessment in addition to the standard plans and statements.
- 6.2 02/74691 - Erect a 22.5m monopole telecommunication mast, antennae, equipment cabinet and ancillary development - granted July 2002

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council - PAR 3 Approval. The Parish Council welcomes this proposal to improve communications in the area and considers the proposal will have little impact on the surrounding area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Ecologist - No objection. The further information has been helpful and is welcomed. It demonstrates impacts are modest and capable of mitigation. The consultant has been able to confirm the location of records of the rare plants that make the site notable at a county and national level. The applicant is undertaking active management of invasive species on the site. Sufficient information is available to the Council to enable assessment and demonstrate accordance with policy.
- 9.2 National Air Traffic Control - no safeguarding objection
- 9.3 Ministry of Defence - No Objection
- 9.4 Landscape Team - The Landscape and Visual Impact Assessment (LVIA) makes a very clear demonstration of the potential visual impacts of this proposal, using recognised guidance to inform a logical methodology that has been applied consistently to the study area and identified viewpoints. The report has identified the most sensitive receptors with an appropriate weighting of the visual impacts that may affect those receptors. While this report concentrates on potential visual impacts of the increased height of the proposed mast, it is silent on the impacts of the enlarged footprint of the base equipment, however given its location within a woodland block with no public access, this aspect of the proposal can be accommodated without loss of landscape character or adverse visual impacts. Disturbance to the woodland during the construction phase can be managed through appropriate conditions.

With regard to the comments of the objecting party (EE and 3G) contained in their letter and LVIA, there may be some value in assessing the cumulative effects of all the masts mentioned, however the scale of

the development is not sufficient to require this aspect via an EIA, and neither are the landscape impacts of the Cat Plantation proposal alone considered so significant that they cannot be mitigated. Further arboricultural information is required to clarify trees to be retained, removed or reduced, and to identify opportunities for mitigation. The views expressed previously have not altered as a result of the objector's LVIA.

- 9.5 Tree Officer - The arboricultural report submitted by Barrell Tree Consultancy suitably addresses tree constraints in relation to the proposed replacement telecommunications mast and associated construction. The report states that only one Turkey Oak tree will be lost as a result of the proposal and that 2 trees (Beech and Oak) will require pruning works to clear the compound, this is considered to be acceptable and will not have an adverse effect on the public amenity value of the woodland. If the no dig concrete slab, hand-dug fencing and tree protection fencing is undertaken in conjunction with the site guide notes within the Manual for Managing Trees on Development Sites V2.1 then the potential harm to retained trees will be minimal. No objection subject to tree protection condition.
- 9.6 Economic Development Section - The District Council recognises the importance of digitally connected local communities as being drivers for economic prosperity. This is reflected in the District Council's adopted Economic Development Strategy 2018-23 which states amongst its actions "Work with stakeholders to increase digital coverage and quality in underprovided areas". Approximately 5% of the New Forest's working age population work mainly from or at home (Census 2011) but there is an increasing trend towards this working practice so it will be ever more important that individuals have the digital capability to enable this. Furthermore, businesses operating from dedicated premises are ever more reliant upon digital connectivity to operate their business with the threshold of what is considered 'adequate' broadband also increasing as online technologies develop. Despite the often rural location of businesses operating in the surrounding geography, their need to connect digitally should not be underestimated. These businesses are just as likely to require connectivity as their more urban counterparts. Ofcom data for Bransgore and Bashley Ward (2016) show that the average broadband speed is 20.7Mbps (against a UK average of 37.8Mbps) and connections unable to receive 10Mbps stands at 8.2% (against a UK average of 4.9%). Therefore measures which provide an uplift in the number of premises able to connect to superfast broadband and/or the average overall speeds which can be achieved are welcomed as these will benefit the local business base and their associated workforce. From an Economic Development perspective, this development would improve the competitiveness of local business and importantly, futureproof them in terms of new digital developments.

10 REPRESENTATIONS RECEIVED

- 10.1 Representations and a LVIA have been made on behalf of EE Limited and Hutchison 3G, who currently transmit from the existing monopole sited within CAT Plantation, objecting to the proposed application for the following reasons:

- Need has not been proven for the new lattice structure
- Existing mobile network provision is provided by the existing monopole and any increase in height will not provide an improvement in network coverage
- The proposed lattice structure will not reduce the number of masts within the area as it is intended that the existing antennas will be relocated from the monopole into the new lattice. A like for like replacement but with a more dominant, taller, bulkier structure.
- Insufficient evidence has been submitted with regards to Landscape visual impact, ecological impact and habitat reports.
- It is considered that 'very special circumstances' have not been proven by the applicant within the submitted documentation

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

The applicant sought the Council's pre-application advice on the proposed mast, which advised that the formal submission should demonstrate the very special circumstances to justify projects within Green Belt, including a Green Belt justification statement and landscape assessment in addition to the standard plans and statements. The applicant provided additional information in respect of tree and ecology impacts, which have satisfied the concerns of consultees.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The proposal relates to an area which is generally in use for forestry/woodland purposes within the countryside near Hinton. The site is beyond any defined built up area and within Green Belt and Cranemoor Wood North Site of Interest for Nature Conservation (SINC). The site is currently occupied by a single monopole telecom mast of 22.5m in height, which would need to be removed from the site to facilitate the development. The site is set within mature, albeit unprotected, trees which assist in screening the existing monopole.

14.1.2 It is proposed to erect a 35m high lattice telecommunications mast in place of the existing monopole structure of 22.5m. The applicant states that the replacement structure is required to improve localised broadband coverage by clearing the height of surrounding trees, which have grown in the years since 2001 when the 22.5m mast was erected. A larger concrete base, equipment cabinet, fencing and ancillary structures are sought at ground level to facilitate the development. As the applicant is a non-code system operator: a planning application is required in order to formalise what is proposed here.

14.2 Policy Context

14.2.1 Policy CS10 of the Core Strategy and Chapter 13 of the NPPF seek to retain and support the Green Belt by safeguarding the countryside from encroachment by built development and unrestricted sprawl. Policy CS8 states that New Forest District Council will work with service providers with the aim of ensuring the delivery of adequate services, to serve existing and proposed development in the plan area and support the local economy, ensuring that any adverse impacts arising are minimised. Policy CS2 of the Core Strategy relates to design quality and among other things, seeks to ensure that development does not impact adversely on the character of the area. Chapter 10 of the NPPF relates to telecommunications and sets out the need to support high quality communications infrastructure.

14.3 Main Considerations

14.3.1 The principal issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

- i. Is the development appropriate in the Green Belt?
- ii. What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt
- iii. Would there be any other non-Green Belt harm?
- iv. Are there any considerations which weigh in favour of the development?
- v. Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and thus demonstrate that the 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

14.3.2 i) Is the development appropriate in the Green Belt?

14.3.2.1 The application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. The NPPF attaches great importance to Green Belts, designated in order to keep land permanently open. The development of a mast is defined as a building and does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. In such cases applicants are required to demonstrate that very special circumstances to outweigh the harm which is caused by definition, together with any harm to the openness and purposes of the Green Belt and any other harm.

14.3.2.2 The application is accompanied by a Planning Statement and other supporting documentation outlining the case as to why very special circumstances exist to permit inappropriate development within the Green Belt, which is assessed below.

14.3.3 ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

14.3.3.1 “Openness” is often understood as meaning simply the absence of development. However, recent case-law has confirmed that, in addition to considering whether, as a matter of fact, a proposal would introduce new development, it is also necessary to have regard to the visual impact on openness.

14.3.3.2 In the present case, the proposal would extend the existing compound (133 sq.m) by 60 sq.m. The extended compound would be finished with a concrete base, bound by 1.8m high fencing, with an equipment cabinet sited centrally. In so far as it would result in a larger developed area than is currently the case, this would have some effect on openness. However, the proposed increase in the size of the compound is relatively small and would be negligible in terms of diminishing the level of Green Belt openness or its purposes. Being entirely enclosed by woodland the proposed development would not markedly change the appearance of the land itself.

14.3.3.3 Replacement of the 22.5m monopole mast with a 35m high lattice mast could impact on the openness of the wider Green Belt as it would protrude above the existing tree canopy. That said, the proposal is for a replacement mast, the site is not elevated and is set well back from Ringwood Road with a substantial tree belt on all sides. The increased height of the mast would not be prominent within the Green Belt or impact significantly on its openness or its purposes, which weighs in favour of the proposal. This view is supported by the comments of the Council's Landscape Team.

14.3.3.4 In summary, while there would be some impact on openness, this is considered to be minor.

14.3.4 iii) Would there be any other non-Green Belt harm?

14.3.4.1 a) Policies CS2 and CS10 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. Rising to some 35m high the proposed mast would project above surrounding trees. However, the submitted Visual Impact Assessment makes a very clear demonstration of the potential visual impacts of the proposal, using recognised guidance to inform a logical methodology that has been applied consistently to the study area and identified viewpoints. The report has identified the most sensitive receptors with an appropriate weighting of the visual impacts that may affect those receptors. The Visual Impact Appraisal clearly demonstrates, that the proposal would not impact significantly or harmfully upon the character of the area or countryside or setting of the National Park in accordance with Policies CS2, CS3 and CS10. The Landscape Team raise no objections to the proposal on visual impact grounds and do not concur with the views offered by the objecting party in respect of its effects on landscape character, visual amenity and the special qualities of the National Park and on the openness and purposes of the Green Belt.

- 14.3.4.2 b) The site is within Cranemoor Wood North SINC. The main reason for the area being designated a local wildlife site relates to the presence of a nationally rare plant, heath lobelia. The site is of national importance as well as being locally designated. Therefore if the extension was likely to result in any impacts there may be the need for specialist botanical survey in the correct period (i.e. spring 2019), botanical translocation and post construction monitoring and management. However, it is not considered likely that the proposal would result in any significant impacts on ecological interests as the site is located within a part of the woodland that is already open to access for mast servicing. The compound would be extended slightly into this area. Although the initially submitted plans were unclear as to precisely where the compound would be extended and its potential impacts on ecological interests, the applicant has provided an updated plan and ecological survey information, the content of which has satisfied the Council's Ecologist, who raises no objections.
- 14.3.4.3 c) The proposal would not encroach significantly into the woodland, the compound being extended into an existing open area of the woodland, used for access purposes. However, the originally submitted plans were unclear as to precisely where the compound would be extended and its potential impacts on existing trees. Consequently the Council's Tree Officer requested additional information in relation to tree impacts and the applicant provided an updated plan identifying the proposal in relation to existing trees. The Tree Officer raises no objection to the proposal, subject to a tree protection condition.
- 14.3.4.4 d) The Government has determined that where a mobile phone base station is compliant with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) then it should not be necessary for planning authorities to consider further the health aspects of the proposed development or concerns about them. The applicant confirms that the proposal is compliant with the guidelines of ICNIRP.
- 14.3.4.5 e) It is acknowledged that the proposed lattice structure will not reduce the number of masts within the area as it is intended that the existing antennae will be relocated from the monopole onto the new lattice. It is also noted that the proposal is the first of a portfolio of sites throughout the Meyrick Estate where masts will need to be erected in order to provide the triangulation coverage required for the enhanced broadband service. The objecting party states that at least three masts of similar height to the current proposal will need to be erected, some on sites beyond the boundaries of NFDC, which have been identified in the applicant's submission. The objecting party suggests that the impact of these additional masts on the landscape and Green Belt must be considered cumulatively. In response to the objection, the Council's Landscape Team confirm that the landscape and visual impacts of the Cat Plantation proposal alone are not so significant that they cannot be mitigated. The proposal is for a replacement mast, albeit a taller and bulkier structure, which must be assessed on its own merits under this application. The cumulative impacts of the scheme cannot be assessed at this stage as full details of the other masts including their height, whether they replace existing structures, compound dimensions and proximity to screening are not available. Applications for the other masts will need to be

considered on their own planning merits, by the relevant authorities and in possession of full details. However, in relation to the overall enhancement of localised broadband coverage, it is recognised that the 35m lattice mast proposed here should not come forward in isolation, this is due to the fact that on its own, the mast would not achieve the desired broadband enhancement which establishes the need for the development in the first place.

14.3.4.6 f) Due to the relatively isolated nature of the site and likely intensity of use, it is not anticipated that the proposed development will impact significantly on other matters, which are often of concern when considering planning applications, such as residential amenity and highway impacts.

14.3.5 iv) Are there any considerations which weigh in favour of the development?

14.3.5.1 The applicant has provided the following details in relation to the submission, which seek to demonstrate that very special circumstances exist which justify allowing inappropriate development in the Green Belt.

- The proposal is for a replacement mast in a well screened location and the submitted Landscape Assessment demonstrates that the visual impact of the mast would be minimal.
- There is a coverage requirement for the higher mast in the locality and the proposal will improve local broadband coverage with resultant community benefits.
- Mast sharing with other operators would be welcomed
- Officers concur that the proposal is for a replacement mast, in a well screened location, where the proposal would not significantly adversely affect the openness of the Green Belt or landscape generally.

14.3.5.2 The enhanced coverage achieved is a key issue in considering whether very special circumstances exist. Enhanced telecommunications provide an important role in connectivity for residents and local economies and the proposal would be of benefit to the community. Provision of such coverage would be consistent with targets to enhance superfast broadband coverage nationwide.

14.3.5.3 The applicant has demonstrated in their submissions (which include a household survey of the study area), that a significant number of local properties do not currently have access to superfast broadband coverage. The objector has argued that many properties within this area will in fact already have access to superfast broadband through broadband cabinets. However, as the information submitted by the applicant demonstrates, due to the rural nature of the study area there is still a significant population which does not have access to broadband in areas where broadband cabinet installation is unlikely and where mast triangulation to provide the requisite level of coverage is the only realistic alternative. This is confirmed by the consultation response of the Council's Economic Development Section who consider this development would improve the competitiveness of local business and, importantly, futureproof them

in terms of new digital developments. Consequently, officers are satisfied that there is a justified need for the development and there is no compelling evidence to counter the applicant's justification statement and supporting information, which weighs in favour of the proposal.

14.3.5.3 Officers are satisfied that there are no alternative sites that meet the requirements of the development outside of the Green Belt, particularly as the mast would replace an existing 22.5m structure very close to the proposed footprint, where the new mast would form the hub of the localised broadband relay service, where broadband connection already exists and screening is robust.

14.3.6 v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and so amount to “very special circumstances” which justify allowing inappropriate development in the Green Belt?

14.3.6.1 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt.

14.3.6.2 With respect to ‘any other harm’, the site would be visually enclosed and the proposal would not result in any significant harm to the openness of the Green Belt or character of the area. The applicant has provided further information to address tree and ecology impacts, which have satisfied the concerns of the Tree Officer and Ecologist. The proposal is ICNIRP compliant and would not have any harmful impact upon adjoining amenity. Your officers are not aware of any other matters that would weigh against the scheme.

14.3.6.3 In respect of those matters which weigh in favour of the scheme, the fact that the proposed development is well screened, on a largely previously developed site and well related to the applicant’s existing telecommunications infrastructure is not in itself a “benefit”, but is relevant in so far as it reduces or mitigates any harm which might be caused. However, the applicant has provided evidence in relation to the need for the development, which (notwithstanding the points made by the objector) officers consider demonstrates that the proposal would deliver community benefits to an area where there is a requirement for enhanced coverage. The proposal is thus consistent with national policy, which states that policies and decisions should support the expansion of electronic communications networks.

14.3.6.4 Officers note that these benefits are dependent upon the installation of other masts, referred to in the application. In order to ensure that the benefits would in fact be forthcoming, it would therefore be necessary to ensure that any development authorised pursuant to the present application could only be carried out in conjunction with the installation of those other masts. This is a matter which can be secured by a section 106 agreement saying that the development cannot be commenced until all the other consents for the remainder of the network are in place and that contracts are agreed for their construction. Subject to this, in your officers’ view, the case put forward in relation to the needs of the applicant to provide enhanced

localised broadband coverage is sufficient to outweigh the presumption against development of this Green Belt site and therefore the very special circumstances do exist for the proposed development, in the form of the locational need for the development, lack of alternative sites and benefits derived to warrant a departure from established and adopted Green Belt policies.

14.3.6.5 The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance, subject to the applicant entering into a legally binding agreement with the Council. The agreement would preclude erection of the mast until such time that the other identified mast sites have the benefit of planning permission and are capable of being implemented.

14.4 Conclusions

14.4.1 While the proposed development is inappropriate development within the Green Belt, it would not have any significant adverse effect on the countryside, the openness of the designated Green Belt, amenity, ecology or trees. It would deliver community benefits and is ICNIRP compliant. In light of these considerations it is considered that the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy. The proposal is therefore recommended for approval, subject to conditions and a legal agreement to ensure the identified benefits of the proposal are delivered.

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

15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to the applicant entering into a S106 agreement with the Council to ensure the identified benefits of the proposal in terms of localised broadband coverage are delivered and the imposition of the following conditions:

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: CAT/01 Rev B, CAT/02 Rev B, CAT/03 Rev B, CAT/04 Rev B, 1:12665 Mast Location Plan, Visual Impact Appraisal by Sue Sutherland Landscape Architects dated August 2018, Supporting Letters by HMPC Ltd dated 25th September 2018, Ecological Survey and Assessment by Ecosa dated 4/12/18, Arboricultural Assessment and Method Statement by Barrell Tree Consultancy dated 4/12/18, Tree Protection Plan ref. 18398-BT1 and Barrell Tree Consultancy Manual for Managing Trees on Development Sites

Reason: To ensure satisfactory provision of the development.

3. Any apparatus or structure provided in accordance with this permission shall be removed as soon as is reasonably practicable after it is no longer required for telecommunications purposes and the land restored to its former condition.

Reason: In the interests of the amenities of the area and to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. The existing apparatus and structures on the site associated with the 22.5m monopole shall be removed as soon as the 35m mast the subject of this permission is operational and the land restored to a condition that is acceptable to the Local Planning Authority.

Reason: In the interests of the amenities of the area and to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

5. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement dated 4 December 2018 Ref: 18398-AA-AS, the Tree Protection Plan Ref: 18938-BT1 and the Manual for Managing Trees on Development Sites V2.1 whilst in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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 applicant sought the Council's pre-application advice on the proposed mast, which advised that the formal submission should demonstrate the very special circumstances to justify projects within Green Belt, including a Green Belt justification statement and landscape assessment in addition to the standard plans and statements. The applicant provided additional information in respect of tree and ecology impacts, which have satisfied the concerns of consultees, Consequently the proposal is acceptable as submitted.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

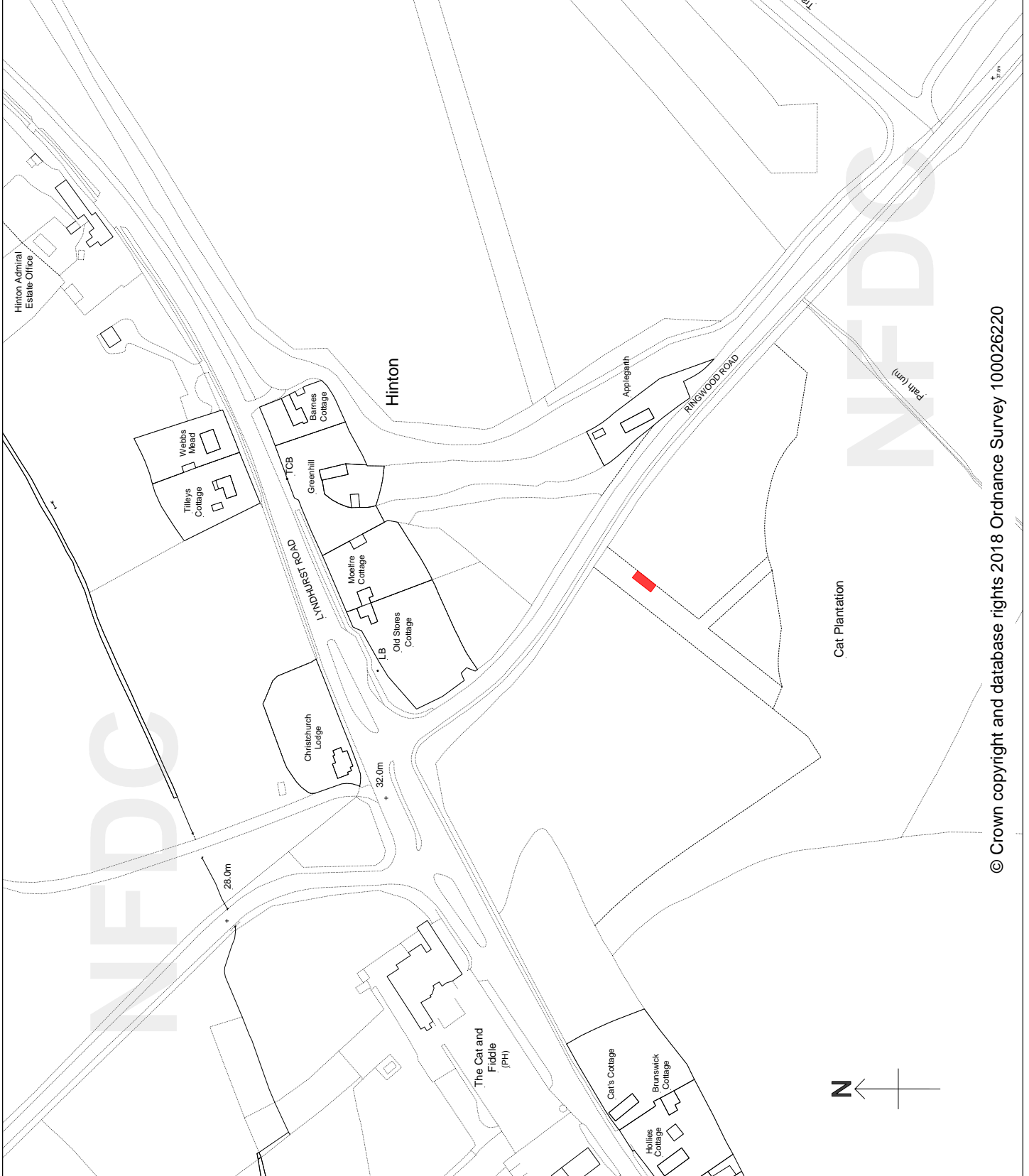
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New Forest District Council
Appletree Court
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**Planning Development
Control Committee**
January 2019

Item No: 3e
Communications Site
Cat Plantation
Ringwood Road Hinton
18/11316

Scale 1:2500
N.B. If printing this plan from
the internet, it will not be to
scale.



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Planning Committee 09 January 2019 **Item 3 f**

Application Number: 18/11436 Full Planning Permission

Site: 306 CALMORE ROAD, CALMORE, TOTTON SO40 2RF

Development: Chalet bungalow; demolition of existing building

Applicant: Swift House Ltd

Target Date: 04/01/2019

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Adjacent to Grade 2 listed building
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

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Heritage and Conservation
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Change of use of residential premises to printers workshop (NFR/06680) Granted with conditions on the 19th May 1958
- 6.2 Re-construction of printers workshop (BFR 08228) Granted on the 21st August 1959 Extension of existing workshop (NFR 13194) Granted with conditions on the 12th September 1969
- 6.3 Single storey extension to front (46459) Refused on the 19th December 1990
- 6.4 Rebuild front elevation (47385) Granted with conditions on the 5th June 1991

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council: recommend permission: while losing potential business and employment is not ideal, in this case the premises have been unoccupied for a few years and the area is predominantly residential. The scale and design of the new dwelling would be very much in keeping with existing buildings in the vicinity, and the impact on the streetscene would be largely positive. Provided careful consideration is given to potential issue of overlooking, then the Town Council would be in support of this application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: support
- 9.2 Tree Officer: no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter from neighbour making the following comments. In terms of privacy, the ground floor windows of the new dwelling will face onto the rear entrance of 304 Calmore Road and accordingly a fence should be erected between the properties, its' height relative to the finished floor level of the new property and its' extent past the building line detailed on plan. In addition, the view from the rear bedroom window, would be looking down through the lantern roof into the dining and family room area. We request that the glazing is opaque and believe that this in the interest of both neighbours.

In terms of storm water, there are no storm drain gulleys along this part of the road, a lot of storm water runs off of the highway and pavement between 304 Calmore Road and the former printworks and there are concerns of potential flooding. Are soakaways going to be effective? Concerning foul drainage, it appears that the proposed house would run above a lateral drain that serves 304 Calmore Road.

With regards to demolition, as the existing building has an old asbestos sheet roof and the rear of the building is clad in asbestos, what precautions will apply to the immediate neighbours? In terms of Traffic, this part of Calmore Road has become a feeder route for access to the M27. It is particularly busy during rush hours and is also a route to school for many children attending the Calmore schools. Consideration of this should be made in the planning agreement.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £1224 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 £11,942.15.

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 Introduction

14.1.1 The site comprises a single storey detached building, which was previously used by a printing company known as 'Shadow Press', within a predominantly residential area located to the north of Calmore. The existing building is slightly set back from the road and sits on a long narrow plot extending onto a modern housing development. The existing building is a simple narrow and long brick structure with a front gable and the ridge line running front to back, although the rear element has a flat roof. It is understood that the printing works use ceased a few years ago.

14.1.2 This planning application proposes to demolish the existing building and to construct a chalet style bungalow. The proposed chalet style bungalow would be sited in a similar position to the existing building, but would be taller in height and shorter in depth. Two car parking spaces are proposed to the front of the site. Visually the proposed dwelling has been designed as a chalet style bungalow with a front cropped gable end and ridge line running front to back.

14.1.3 The main issues in this case are whether the loss of the existing employment use would impact on the economic/ commercial viability of the area; the effect on the character and appearance of the area; the effect on the setting of the neighbouring listed building 'No 308 Helford Cottage'; the effect on the living conditions of the adjoining neighbouring properties; and public highway safety matters.

14.2 Policy

14.2.1 In considering the potential loss of employment, Core Strategy Policy CS17 relates to employment and economic development and the strategy is to provide for new employment and 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 the policy, it is considered that the proposal does not comply with Core Strategy Policy CS17.

14.2.2 While the proposal is contrary to local plan policy, there are a number of material considerations. Firstly, it is noted that the existing premises has been vacant over the last few years and the extent of commercial floor space to be lost is fairly small (approximately 114 square metres). The premises was used by a local company, and the owner has now retired.

- 14.2.3 Consideration needs to be given to the location of the site which lies within a predominantly residential area. Indeed, the existing building is used for light industrial purposes and is the only business use in this area and a new user could seek to use the business in a far more intensive way which could put pressure on parking and on residential amenity.
- 14.2.4 A further consideration is the 5 year supply of housing land, in which recent studies indicate a need to deliver a significantly greater number of houses in the future than are provided for in the existing local plan. The Council is addressing the need for an increased supply of housing through the emerging local plan and has recently submitted a draft local plan for independent examination. When adopted, the new local plan will establish a housing target from which an annual supply of housing sites will be derived. Until then, in the absence of an up to date housing requirement figure in an adopted local plan, the Council is unable to demonstrate a 5 year supply of deliverable housing sites.
- 14.2.5 The National Planning Policy Framework advises that where a LPA is unable to demonstrate a 5 year supply of deliverable housing sites, policies for the supply of housing should not be considered up to date. Moreover, where plans are out of date, proposals for development should be approved unless specific policies in the NPPF indicate that development should be restricted or unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal would make a very modest contribution to the District's housing supply.
- 14.2.6 Moreover, national policy which seeks to provide more housing has recently revised the General Permitted Development Order. The changes in the General Permitted Development Order allow, subject to certain criteria, existing buildings to be changed from agricultural, office, light industrial, storage to residential uses, although this is subject to a Prior Approval Application. It is clear that the Government's objective is to provide more housing through re-use of existing buildings, either redundant or occupied.
- 14.2.7 In relation to this case, the existing building is used as light industrial (Class B1 c) and Class PA of the General Permitted Development Order (as amended 2017), allows the change of use to residential subject to meeting certain criteria and the submission of a Prior Approval Application. On the basis that the use of the existing building could be changed to residential without the benefit of planning permission, it is considered that this is a further material consideration that weighs in favour of the development.
- 14.3 Effect on the setting of listed building
- 14.3.1 In assessing the effect on the setting of the adjacent listed building, the site contains a fairly modest single storey building set back from the road. Although the existing building is of no architectural merit, given its scale, form and size, the building has little impact on the character of the area and has a subservient appearance to the adjacent listed building at 'No 308 Helford Cottage'.

14.3.2 No 308 is a Grade II listed thatched, cob cottage that dates from the late eighteenth/early nineteenth century. Maps of 1871 and 1897 show that area of Calmore to be a small, linear settlement 'Calmoor' of which only Helford Cottage and the double-pile nineteenth century cottage - No.302 - remain. As there is little evidence of this settlement in the current Calmore, the historical and evidential value of Helford Cottage is increased. The setting of the cottage is important to its special interest as a heritage asset. While this setting has been eroded by modern development, the cottage still retains its traditional character due to the surrounding greenery, the low height of surrounding development and the traditional style of the neighbour, No.310, and to a lesser extent, No.304.

14.3.3 The Conservation Officer considers that the proposed dwelling is a simple design and would be positioned back from the site frontage, which has helped mitigate harm to the listed building. Whilst the proposed building would be taller than the existing building, the overall increase in scale is fairly small and subject to a high standard of materials, which can be covered by condition, the proposal would not have a detrimental effect on the setting of the listed building.

14.4 Effect on the character and appearance of the area

14.4.1 In assessing the effect on the character and appearance of the area, the site lies within an area which has a mixture of property types, styles, ages and designs including houses, chalet style bungalows and bungalows. The character of the road does have a semi-rural feel with hedgerows and trees defining the front boundaries of the site.

14.4.2 The proposed dwelling has been designed as a simple building form which picks up on some of the styles of buildings along the street. Because of its siting next to a listed building, the detailing and materials of the proposed dwelling would need to be of a high standard. This will help lift the overall appearance of the proposed development and is a matter that can be secured by a planning condition.

14.4.3 Overall it is considered that the proposed dwelling would be contextually appropriate and would be of a scale, form and appearance that would be in keeping with the character of the street. The property would benefit from two car parking spaces and a long rear garden area that would create a good living environment for future occupiers.

14.5 Effect on residential amenity

14.5.1 With regard to residential amenity, the two neighbouring properties that would be most effected by the proposal are No 304 and 308 Calmore Road. In relation to No 304, this neighbouring property is a chalet style bungalow and it does not have any main windows on the side elevation facing the site. While the proposed dwelling would be of greater scale compared to the existing building, the main bulk of the two storey element 'straddles' No 304, and the single storey flat roof element is shorter in depth than the existing building. The proposed dwelling has also been designed with the main windows directed to the front and rear. Roof lights are proposed on the side elevation however, these windows serve bathrooms and it is considered that a condition can be imposed for these windows to be fitted with obscure glass to maintain a reasonable level of privacy.

14.5.2 Representations have been raised in relation to overlooking from the proposed ground floor side windows. These comments are noted and a condition will need to be imposed for the details of the boundary treatment to be submitted and this can mitigate against any potential overlooking on both side boundaries. In terms of the potential overlooking into the proposed roof lantern, this is not considered to be so severe to refuse planning permission.

14.5.3 The proposed dwelling would have an acceptable relationship to No 308. The main two storey bulk of the proposed building would be positioned to the side of No 308, and the overall length of the proposed building would be shorter than existing. In terms of overlooking, the two first floor rooflights would serve a landing and dressing room and a condition can be imposed for these windows to be glazed with obscure glass to maintain a reasonable level of privacy.

14.6 Other matters

14.6.1 Concerning public highway safety matters, the proposal would provide two on site car parking spaces which is considered to broadly accord with the recommended car parking standards. While concerns have been raised in relation to car parking and impact on public highway safety, it is considered that impact from the proposed dwelling, compared to the previous light industrial use, is likely to be neutral or an improvement.

14.6.2 Representations have been made in relation to surface water drainage which should not result in any increase onto the road or surrounding properties. In response, it is considered that the details of surface water drainage can be dealt with by condition. In terms of the foul drainage pipe that runs across the site, this is a private matter or a separate matter for the Water Authority. Comments have also been raised in relation to potential asbestos on the roof of the existing building. This is not a planning matter, any demolition would need to accord with the Health and Safety Executive guidance.

14.6.3 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.7 Conclusion and Planning balance

14.7.1 In summary, it is clear that the proposal is contrary to local plan policy which seeks to retain existing employment uses. However, the existing site has been vacant for the last few years and the actual loss of employment use would be fairly small and there are benefits of providing an additional house in a predominant residential area. The

Conservation Officer raises no objection and the proposal does not have any adverse impact on the living conditions of the adjoining neighbouring properties or public highway safety. Accordingly, in balancing out the issues, it is considered that the benefits that would be created from the proposed development outweigh the loss of employment use and approval is recommended.

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

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	124	0	124	124	£80/sqm	£11,942.15 *
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Subtotal:	£11,942.15
Relief:	£0.00
Total Payable:	£11,942.15

* 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 2018 this value is 1.2

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: ADP/1803/01, ADP/1803/TPPADP/1803/02, ADP/1803/03, ADP/18P/1803/9/10.

Reason: To ensure satisfactory provision of the development.

3. 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).

4. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) the external facing materials
- b) the details of all new windows including heads and cills
- c) large scale drawings/ details of the porch
- d) large scale drawings/ details of the chimney
- e) the details of the eaves, fascias and soffits
- f) the details of the roofs lights and their siting in situ

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

Reason: To protect the character and architectural interest of the adjacent Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

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

Reason: In view of the physical characteristics of the plot and its siting adjacent to a listed building, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area, the setting of the Listed Building and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

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

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

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

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

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

9. The first floor windows on the side [north east and south west] elevations of the approved building shall at all times be glazed with obscure glass.

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

10. The works hereby approved shall be undertaken in full accordance with the provisions set out within the submitted Arboricultural Impact Assessment and Method Statement authored by Mr AJ Scott, dated 19th October 2018 and accompanying Tree Protection Plan reference ADP/1803/TPP 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).

Notes for inclusion on certificate:

1. In discharging condition No 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

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**Planning Development
Control Committee**
January 2019

Item No: 3f
306
Calmore Road
Calmore Totton
18/11436

Scale 1:1250

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Planning Committee 09 January 2019 **Item 3 g**

Application Number: 18/11586 Application by Hampshire County Council

Site: FOREST LODGE HOME FARM, FAWLEY ROAD, HYTHE
SO45 3NJ

Development: Variation of conditions 19 and 20 of planning permission 16/10450
to allow screening operations

Applicant: TJ Transport Ltd

Target Date: 24/01/2019

RECOMMENDATION: Raise No Objection

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Member view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Allocated site in Hampshire Minerals and Waste Plan

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Policy 20 of the Hampshire Minerals and Waste Plan

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 relevant

6 RELEVANT PLANNING HISTORY

6.1 **16/10450** - Extraction of soft sand and sharp sand and gravel, the construction of an improved access onto Fawley Road, the importation of inert materials and restoration of the site to agriculture – approved (by County Council) 23 March 2017

7 PARISH / TOWN COUNCIL COMMENTS

Comments to be submitted direct to Hampshire County Council

8 COUNCILLOR COMMENTS

Councillor James Binns:

I would like to state my objections to HCC Application number 16/10450 from TJ Haulage. Variation of condition 19 & 20 to allow Screening operations to take place at Forest Lodge Farm, Fawley Road.

My reasons; I believe that this application would give rise to significant adverse effects on the quality of life of local residents and increase noise to nearby properties that are already affected by current operations. Noise monitoring has not been done on properties that are most badly affected.

The machine proposed is the R1555 - A machine with 130hp and designed to cope with the heaviest of applications. This is certainly not what residents were promised when this application was submitted and approved.

I would therefore be grateful if this application could be brought forward to a meeting of the planning committee as soon as possible.

9 CONSULTEE COMMENTS

9.1 Environmental Health (Pollution): no objection subject to conditions as it is understood that the proposed change would have a negligible impact on noise levels at the nearest residential properties.

10 REPRESENTATIONS RECEIVED

Comments sent direct to Hampshire County Council

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

Not relevant on this occasion

14 ASSESSMENT

14.1 Site description and proposal

14.1.1 The application site lies on the south eastern edge of Hythe to the east of Buttsash and comprises a large area of former agricultural land which now benefits from a sand and gravel extraction planning permission granted on 23 March 2017. The site is accessed from the Fawley Road which connects with the A326 Hythe By-Pass 600 metres to the south.

14.2 Background to the application

14.2.1 Planning permission (DC ref no. 16/10450) was granted on 23/3/17. An extract of the original officers report presented to the Hampshire County Council Regulatory Committee is reproduced below for information.

The submitted application seeks to extract 468,000 tonnes of soft sand, sharp sand and gravel on a 5.6 hectare site at Forest Lodge Home Farm, which lies to the east side of Fawley Road in Hythe. Following extraction, it is intended that the site be progressively infilled with 540,000 tonnes of inert material that would need to be imported onto the site, before the land is restored to agriculture.

New Forest District Council: *Has no objection subject to the imposition of conditions recommended by the Environmental Health Officer. NFDC would also request that the comments of the Parish Council are taken into account.*

New Forest District Council Environmental Health Officer (EHO): *Has no objection subject to conditions relating to hours of working, noise limits and records of the duration of short-term operations, the use of white noise-type reversing alarms, the submission of a dust management plan and a restriction on the screening or crushing of material on site.*

The site is currently in operation. The end date for the operations as set out in the conditions of approval is 10 years from the date of implementation.

14.3 Procedural advice

- 14.3.1 Where an applicant wishes to develop land not in accordance with the conditions, either by varying or removing the conditions, it is open to them to apply to the Local Planning Authority (in this case Hampshire County Council as mineral and waste authority) to vary or remove conditions under Section 73 of the Town and Country Planning Act 1990 (as amended).
- 14.3.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 14.3.3 A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 14.3.4 Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. There is a right of appeal against any refusal.
- 14.3.5 From a procedural point of view in this case the District Council are a consultee and have been asked to provide its views to the County Council who will determine the application. An extension of time to forward those views has been agreed until 10 January 2019.

14.4 Current application

14.4.1 The following is an extract from the applicant's planning support statement:

This section 73 planning application has been prepared by SLR Consulting Ltd (SLR) on behalf of the applicant TJ Transport Ltd (TJ) following TJ's urgent need to screen material arising at the site. Following the commencement of operations at the site as the dig has progressed and moved through the deposit the clay content in the sand has significantly increased making it difficult to extract the reserves and offer a product to the market place.

The solution therefore put forward is to enable a screening plant to remove the small/medium clay particles in the sand to enable the sand to continue to be viable as a building/mortar sand. Without screening the clay content this is effectively precluding the sand from many markets which in turn will hinder the site progress to a point where an extension in time is required.

*The existing screener TJ have available to them is detailed in **Appendix 04** of this submission. However, the applicant has advised that it may be necessary to get another screener that is smaller in size and deals specifically with sand. Notwithstanding this and for the purposes of modelling the noise associated with this screener the R155 McCloskey has been used.*

14.4.2 Condition 19 of the original decision states:

"On site plant and machinery shall comprise only 1x Excavator, 1 x Loading shovel, 1 x Tractor and bowser, 1 x Wheel wash (and 1 x road sweeper when required for haul road and highway cleaning), unless otherwise agreed in writing by the Mineral & Waste Planning Authority."

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

It is proposed to revise Condition 19 to read as follows:

"On site plant and machinery shall comprise only 1x Screener, 1x Excavator, 1 x Loading shovel, 1 x Tractor and bowser, 1 x Wheel wash (and 1 x road sweeper when required for haul road and highway cleaning), unless otherwise agreed in writing by the Mineral & Waste Planning Authority."

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Condition 20 of the original decision states:

"No screening, crushing or washing of mineral, waste or materials shall take place on site."

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

It is proposed to revise Condition 20 to read as follows:

:

“No crushing or washing of mineral, waste or materials shall take place on site.”

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

14.3 Key considerations

14.3.1 a) Noise impact and local amenity

The following is an extract taken from the applicant’s supporting planning statement

The former planning application was accompanied by a Noise assessment which assessed the impact of a screener operating within the site.

It has not been considered necessary to reproduce an updated noise assessment as the previous assessment assessed the impact of a screener operating within the site boundary which has not changed. It was concluded that noise should not pose a material constraint for the proposed development.

*The data (supplied under earlier noise assessment) suggests the same noise levels for two different power ratings/equipment sizes and given the R155 is effectively the same size (**15t**) as the previous screener modelled the difference is considered to be **negligible**.*

It is also worth noting that the screener would be positioned within the quarry void below ground level and the site now benefits from noise attenuation bunds as detailed on the approved drawings.

The revised changes to the aforementioned planning conditions will enable a better quality of product to be won from the site and increase the speed of extraction to keep in alignment with the timescales specified within the original planning application.

The existing approved surface water management system will be unaffected by the proposal and the amenity of nearby sensitive receptors will be unaffected.

It is considered that the predicted noise from the screener (which would be sited below ground level within the newly created void) will not pose a material constraint and would be an acceptable modification to the operation which would not have an adverse impact on the noise environment.

- 14.3.2 In this case this Council's response should be informed by the views of our own Environmental Health team who have advised that this proposal is unlikely to have a significant impact on noise levels at the nearest residential properties, subject to conditions.
- 14.3.3 While there may clearly be local concerns regarding any additional noise impact this can be controlled through noise limitation conditions which in themselves are based on best practice and government advice. In the event of any breach of those conditions complaints can be raised and the conditions enforced in this case by the County Council in consultation with the District Council.
- 14.3.4 All other conditions (where they have not already been discharged) such as hours of operation should also be repeated from the earlier approval. Condition 2 for example limited the lifespan of the works to 10 years from original implementation date, whilst condition 15 restricted all operations on site (including vehicle movements in and out) to 0730-1800 (Monday to Friday) and 0800-1300 (Saturdays) with no work on Sundays or Bank Holidays. Conditions 32-34 dealt with noise issues covering noise levels measured at the boundary of the nearest noise sensitive property, phasing works to be agreed for any temporary noisy works such as construction of baffle mounds, and all vehicles operating within the site to be properly maintained and fitted with silencers and use white noise type reversing alarms.

15. RECOMMENDATION

Raise No Objection: subject to conditions previously imposed where appropriate and to the revised wording of conditions 19 and 20 as set out above, and the following additional conditions:

Proposed Conditions:

1. The total noise from operations at the hereby approved site (except those under condition 33 below) shall not exceed 55dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive properties (as identified within chapter 8 of the Environmental Statement).

Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.
2. The noise level from work to facilitate essential site preparation, restoration and construction of baffle mounds shall not exceed 70 dB LAeq 1 hour (free field) at the boundary of noise sensitive premises for a period of up to eight weeks in one calendar year. Written records of the duration of such works shall be kept on site and made available for inspection by the Mineral & Waste Planning Authority upon request.

Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.

3. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, shall be fitted with and use effective silencers and dust control

Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.

4. No Heavy Goods Vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours:
07:30-18:00 Monday to Friday and 08:00-13:00hrs Saturday. There shall be no working on Sundays or recognised Public Holidays.

Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.

Further Information:

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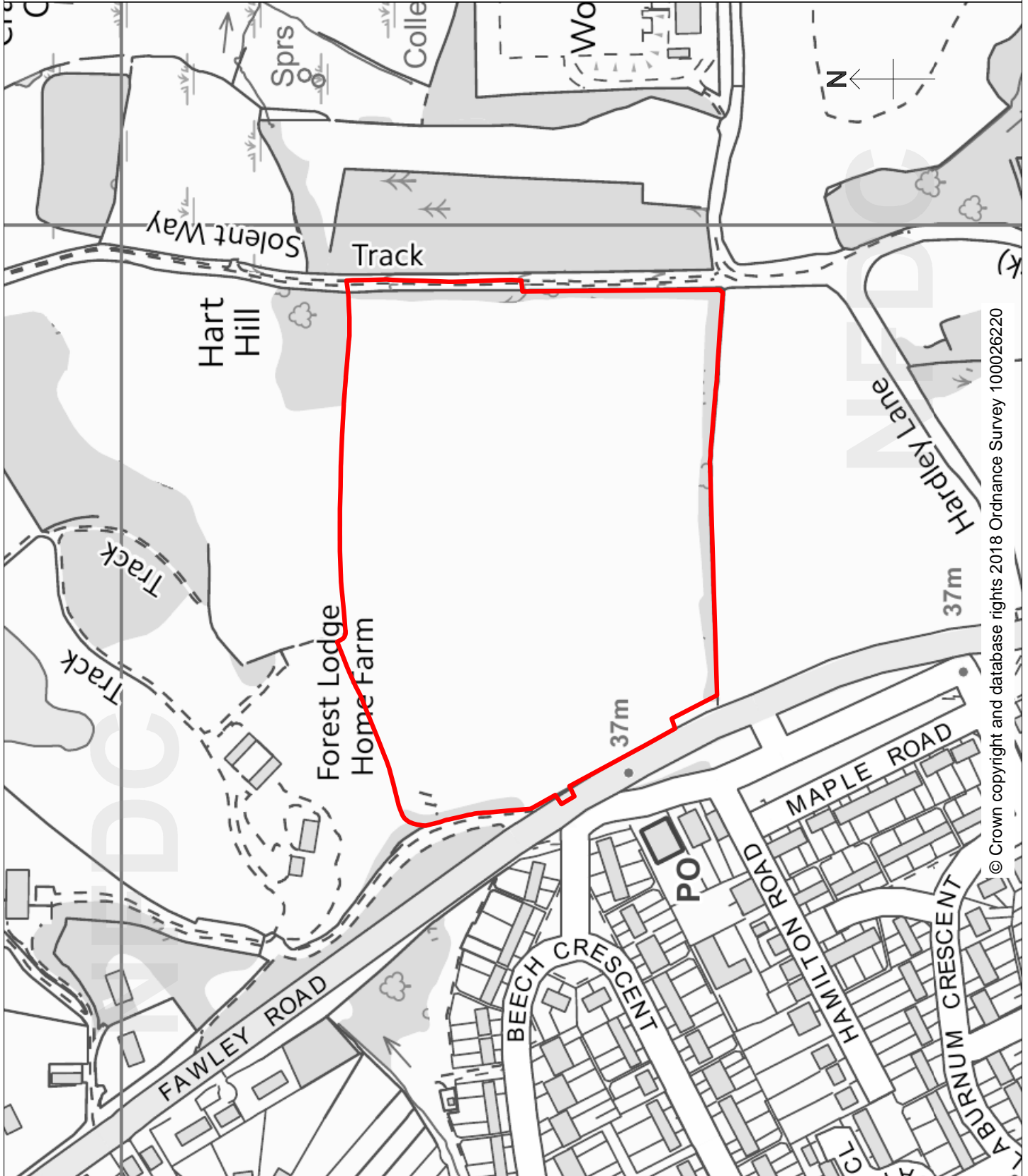
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**Planning Development
Control Committee**
January 2019

Item No: 3g
Forest Lodge Home Farm
Fawley Road
Hythe
18/11586

Scale 1:3000

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