

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 MARCH 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

Bob Jackson
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 13 February 2019 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) **Haven Marine Park, Undershore Road, Boldre (Application 18/10541) (Pages 1 - 30)**

Two buildings to comprise a total of 11 separate units to be used as car parking, storage (Class B8) including marine based business use (Class B1) on the ground floor and on the first floor as offices and light industrial (Class B1), removal of existing car park and boat storage to restore Site of Importance for Nature Conservation, boardwalk terraces; bin/cycle storage; access road; parking; landscaping; demolition of existing

RECOMMENDED:

Grant permission subject to conditions

(b) **Land off Mountfield, Hythe (Application 18/10838) (Pages 31 - 48)**

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 permission subject to conditions

(c) **Land off Lime Kiln Lane, Holbury, Fawley (Application 18/11032) (Pages 49 - 68)**

4 blocks comprising 26 units (Use Class B1c/B2/B8); parking; cycle/refuse storage; landscaping; fencing

RECOMMENDED:

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

(d) **Penlowarth, 7 Thornbury Avenue, Blackfield, Fawley (Application 18/11341) (Pages 69 - 76)**

Flue on outbuilding (Retrospective)

RECOMMENDED:

Refuse

- (e) **Land of 28 St Georges Road, Fordingbridge (Application 18/11556) (Pages 77 - 86)**
Bungalow; access on St Georges Crescent
RECOMMENDED:
Refuse
- (f) **46 Fullerton Road, Pennington, Lymington (Application 18/11673) (Pages 87 - 94)**
Roof alterations and dormers in association with new first floor; single-storey rear extension; replacement garage
RECOMMENDED:
Grant permission subject to conditions
- (g) **Land of Fenwicks Storage Yard, Brokenford Lane, Totton (Application 19/10013) (Pages 95 - 114)**
Development of 21 dwellings comprised: 3 terraces of 5 houses; 1 terrace of 6; bin and cycle store; parking; landscaping; access and associated works
RECOMMENDED:
Service Manager Planning Development Control authorised to grant permission subject to conditions
- (h) **Blue Haze Landfill Site, Somerley Road, Somerley, Ellingham, Harbridge & Ibsley (Application 19/10063) (Pages 115 - 120)**
Variation of condition 2 of Planning Permission 08/92516 to extend the time for the use of the landfill gas utilisation plant until March 2040
RECOMMENDED:
Raise no objection, subject to conditions.
- (i) **Blue Haze Landfill Site, Verwood Road, Someley, Ellingham, Harbridge & Ibsley (Application 19/10064) (Pages 121 - 126)**
Variation of condition 2 of Planning Permission 11/97613 to extend the time for the use of the Waste Transfer Station until 2030
RECOMMENDED:
Raise no objection, subject to conditions.

(j) **Blue Haze Landfill Site, Verwood Road, Somerley, Ellingham, Harbridge & Ibsley (Application 19/10065) (Pages 127 - 132)**

Variation of condition 1 of Planning Permission 15/10979 to extend the time for the use of road sweepings and gully waste plant until 2029

RECOMMENDED:

Raise no objection, subject to conditions.

(k) **Blue Haze Landfill Site, Verwood Road, Somerley, Ellingham, Harbridge & Ibsley (Application 19/10066) (Pages 133 - 140)**

Variation of conditions 1, 3 and 4 of Planning Permission 07/90183 to extend the time to complete the importation of waste to the landfill until 2029, revise the landfill phasing and phasing of restoration, and the completion of landfill restoration by 2031

RECOMMENDED:

Raise no objection, subject to conditions.

(l) **Land of Gunfield, Shorefield Crescent, Milford-on-Sea (Application 19/10125) (Pages 141 - 154)**

Chalet bungalow; access and landscaping

RECOMMENDED:

Grant permission subject to conditions

4. SCHEME OF DELEGATION OF POWERS TO OFFICERS (Pages 155 - 196)

To update the scheme of delegation of powers to officers.

5. 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.

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Application Number: 18/10541 Full Planning Permission

Site: HAVEN MARINE PARK, UNDERSHORE ROAD,
BOLDRE SO41 5SB

Development: Two buildings to comprise a total of 11 separate units to be used as car parking, storage (Class B8) including marine based business use (Class B1) on the ground floor and on the first floor as offices and light industrial (Class B1), removal of existing car park and boat storage to restore Site of Importance for Nature Conservation, boardwalk terraces; bin/cycle storage; access road; parking; landscaping; demolition of existing

Applicant: Yacht Havens Group Ltd

Target Date: 23/07/2018

Extension Date: 15/11/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

Green Belt

Flood Zone

SINC

Adjacent to National Park

Adjacent to Conservation Areas

Setting of Listed buildings

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
6. Towns, villages and built environment quality
7. The countryside
8. Biodiversity and landscape

Policies

CS1: Sustainable development principles

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS4: Energy and resource use
CS6: Flood risk
CS10: The spatial strategy
CS17: Employment and economic development
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
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

SPD - Parking Standards
SPD - Lymington Local Distinctiveness
SPD -Lymington Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

- 6.1 Use of disused laundry as dyeing and dry cleaning factory (NFR 00663) Granted with conditions on the 8th September 1949
- 6.2 Rebuilding of existing two storey structure to provide single store workshop (NFR 04880)
- 6.3 Boat building yard (NFR 05970) Granted with conditions on the 28th August 1957
- 6.4 Workshop to be used for boat building (NFR 06139) Granted with conditions on the 18th October 1957
- 6.5 Addition including industrial floor area to existing engineering works to provide workshop office and store (NFR 15193) Granted with conditions on the 14th September 1966
- 6.6 Change of Use from Light Industrial to General Industrial Use (86/31046) - refused 18/3/86 - appeal allowed 7/5/87
- 6.7 Access to Haven Marine Park & Island Point Flats (16/11137) - granted 12/4/17
- 6.8 14 office/ light industrial units in 2 linked blocks with covered boardwalk (Use Class B1) including marine based use, access road, parking, landscaping - demolition of existing (17/10121) Refused on the 10th May 2017.

7 PARISH / TOWN COUNCIL COMMENTS

Boldre Parish Council

Boldre Parish Council (BPC) supports the need for the redevelopment of this site with suitable work units in this area.

However we question whether these proposals fulfil the criteria required by local industrial/commercial needs and states that clarification is required as to:

1. The definition of storage in practical terms.
2. Parking is not explained adequately. The agent has explained that Hampshire Highways have given an explanation but BPC has not been given this information. Despite the agent's explanation BPC believes:
 - a. A significant quantity of ground floor parking is likely to be used for storage
 - b. The central outside parking area will be unusable when any significant deliveries are received
3. The provision of flexibility of unit size and space provided.
4. How this relates to specific business requirements.
5. Reassurance that existing permission for industrial use should be allowed to continue on this site.
6. Significant flooding has been experienced on this site in recent years. No explanation of flood alleviation has been provided. Parking and storage will be impossible at times.
7. The extension in gross internal area, which must include the ground-floor (from 1796 to 3130 square metres) is not explained

Without this critical information Boldre Parish Council feels it has to oppose permission at this stage. However, we would hope a delay would allow the details of concern to be addressed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Water: No objections to the proposal. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 9.2 Environment Agency: No Objection Subject to conditions. It is considered that the proposals represent an improvement in flood risk terms compared to the existing site.
- 9.3 Natural England: No objection subject to condition. This application is in close proximity to Lymington River Site of Special Scientific Interest (SSSI), Hurst Castle and Lymington River SSSI and Lymington River

Reedbeds SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application

- 9.4 Waste Management (NFDC): Waste and Recycling recommend that the bin store is relocated for ease of access for refuse vehicles who may have difficulty manoeuvring to the current placement.
- 9.5 Hampshire County Council Highways Engineer: No objection subject to conditions including a car park management strategy. The level of car parking proposed accords with the recommend guidance set out in the SPD and the proposal would not materially increase the use of the existing access . The proposed layout also provides tracking plans for all vehicle types. The applicants analysis of expected Trips is a more robust assessment and deemed acceptable. The level of Trips are not considered to have a detrimental impact on the local road network.
- 9.6 Conservation Officer: The design has improved since the previous application and now presents a much more positive built form. The design of the individual buildings has more quality and a number of other elements have been enhanced. The frontage elevations are well designed and this could be thought about at the rear where the materiality looks a little plain. The restoration of the SINC and the landscaping along the waterfront is positive step. The proposed courtyard car parking is rather bland and there should be more tree planting within this area.
- 9.7 Ecologist: No objection subject to conditioning final detail of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration. The outline details already provided indicate accordance with policy is capable of being delivered, particularly in the light of the footprint changes which have occurred, however to ensure appropriate control over the delivery final details would be necessary. These may usefully address the issues raised by Natural England in their response.
- 9.8 NFDC Environmental Health (Pollution): No objection subject to condition. The proposed site is close to residential flats. Although this proposal is for B1 use, which should have a limited impact on residential properties, experience has shown that B1 use can have a negative impact on residential properties when they are in close proximity and the use is not suitably controlled. The applicant has submitted an 'Environmental Noise Survey and Noise Impact Assessment Report' as part of the application which puts forward plant noise emission criteria, using BS4142:2014 to establish a background level, and advising that the rating level from plant and equipment (including any penalties) should not exceed the measured background levels. Noise levels from plant and equipment should be restricted to within the levels outlined in this report and a condition will need to be imposed.

In addition, this department has concerns regarding the use of the outside areas for storage, as experience has shown that vehicle movements (such as forklift trucks) and other such noises associated with storage can cause significant loss of amenity when in close

proximity with residential properties. As a result it is recommended that a condition is imposed to limit the use of the area as B8 storage. Further to the above, concerns are also raised in respect of the impact associated with noise during the construction/ demolition phases and therefore a condition limiting the hours of construction/ demolition works is requested.

- 9.9 Environmental Health (Contaminated Land): No objection in principle to the proposed development as submitted, however, the planning permission should only be granted to the proposed development as submitted if conditions are imposed. Without these conditions, the proposed development on this site could pose risks to human health and/or the environment and we would wish to object to the application.
- 9.10 Economic and Business Development Manager: Support. This proposed employment site strongly aligns with the identified action in the New Forest District Council Economic Development Strategy 2018-23 of *“Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business expansion”*. In this respect it is important that such developments are supported in order to facilitate a strong, vibrant economy where indigenous business has the opportunity to expand, in so doing retaining their local workforce and associated supply chains. The development of this site will significantly improve the quality of premises on the site; attracting high added value businesses, particularly those within the marine sector for whom there is currently poor local supply. I believe that this development will offer a substantial asset to the local commercial property provision through its offer of units not supplied in sufficient volume elsewhere in the southern area of New Forest District.
- 9.11 New Forest National Park Authority: Object. In summary, the development would have a detrimental impact on the adjacent National Park landscape and local distinctiveness with light spillage from large glazed elevations and also an intensive built form which does not reflect the rural qualities of the neighbouring area.

10 REPRESENTATIONS RECEIVED

- 10.1 12 letters of objection concerned with the following:

Whilst there is general support for the proposed redevelopment of the site, the proposal submitted is unacceptable for several reasons. The proposed buildings are significantly bigger and taller than the existing buildings and would have a more imposing impact on the character and appearance of the area. The previous application was refused and it is considered that this current proposal has not addressed these concerns. The proposal would fail to comply with the Green Belt test.

The proposal has a significant increase in floor space compared to the existing building. Concerns over car parking. The use of the 22 parking spaces within the fully enclosed building is a device to avoid the parking requirement for this large scale development. As a result the total proposed number of parking spaces is unworkable unacceptable and would result in random parking across the site. The proposal should be refused for insufficient car parking.

The application forms relating to the proposed floor space measurements are inaccurate. Such errors have implications for parking, green belt and planning fees. The Planning Certificates are incorrect in which the red line extends across the existing access and the other owners have not been served notice on. The application should not have been validated. Potential for mezzanine floors.

It is unclear whether B1 or B2 uses are proposed in relation to the marine type activities. A B2 use would be more harmful on the living conditions of the adjoining neighbouring properties. This needs to be clarified.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

No relevant considerations

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.

Officers raised concerns over certain aspects of the proposal including design and layout issues, and car parking. Revised plans have been submitted and the application has been re-advertised. The roof form to units 1 and 2 has been

simplified, enhancements made to the design of the rear facing elevation and additional car parking has been provided, which is mainly within the proposed ground floor units.

14 ASSESSMENT

Introduction

Members will recall that this planning application was deferred at the Planning Committee in November 2018. This was mainly because of the concerns raised in relation to incorrect land ownership certificate being served, however, there were a number of other matters which needed to be resolved. In particular concerns were raised regarding the accuracy of the tracking plans and that the TRIPS calculation in the transport statement were incorrect in that the proposed floor space had not included the ground floor. The other concern was that the uses proposed were not clear, as to whether the ground floor marine type activity would be a B2 use. In response to these concerns, the applicant has addressed these points and they are dealt with in the Officers comments set out below which are expanded on that considered in November.

14.1 Site and Location

14.1.1 Haven Marine Park is an industrial development on the eastern side of the Lymington River in an area that is designated as Green Belt. The existing building on the site, which dates from the 1950s and 1960s, is partly single-storey and partly 2-storey. The building, which has a number of distinct visual elements, is broken up into a number of individual units occupied by different marine related businesses. It is evident that the building on the site which is constructed from concrete block, brick work, render, painted masonry and asbestos cladding is not attractive and fails to enhance the character of the area. The site has a long river frontage, and the existing building extends along roughly the southern two-thirds of that river frontage, leaving the northern third of the site a more open area used for boat storage and vehicle parking.

14.1.2 The site is set immediately to the north side of the railway line leading to Lymington Pier. The nearest residential properties to the application site are 1-10 Island Point, which is a 3-4 storey apartment block set immediately to the east of the application site. Both this apartment block and Haven Marine Park itself are currently served by a long gravel access track that leads onto Undershore Road. The land to the east side of Undershore Road is within the New Forest National Park, and also forms part of a designated Conservation Area known as the Forest East Conservation Area. Closer to the site, the railway bridge that almost abuts the south-western corner of the site forms part of the Lymington Conservation Area. The site lies within Flood Zone 3.

14.1.3 The development located on the opposite side of the Lymington River is the former Webbs Chicken factory, now known as Lymington Shores, that is nearing completion, and is partly occupied. This provides new housing, retail and commercial uses. The development immediately faces the application site, overlooking the waterfront and consist of large contemporary apartments rising to three and four stories.

- 14.1.4 It should be noted that although a B2 General Industrial use was permitted at this site on appeal in 1987, that permission restricts the B2 use to very specific boat building activities. The site cannot therefore be used for unrestricted General Industrial purposes.
- 14.2 The proposal
- 14.2.1 The submitted planning application seeks to redevelop the whole site for business and commercial purposes. The proposals seek to demolish the existing buildings and to replace them with 2 two storey buildings, car parking, landscaping and a boardwalk. It is also proposed to remove the unauthorised hardstanding used for car parking on the northern part of the site and to restore this land as a Site of Importance for Nature Conservation.
- 14.2.2 The proposal seeks to provide 11 separate units within 2 buildings. The ground floor of the buildings would be used for car parking and storage uses (Use Class B8) including marine based business use (Falling under a Class B1 use and/ or will be ancillary to the main storage use). The ground floor level uses have been designed so that it could be flooded in an extreme storm/tidal event with minimal impact. The first floor of the buildings would be used for office and light industrial (Class B1). The applicant states that the proposed ground floor uses would be linked directly with the first floor B1 uses.
- 14.2.3 The proposal would have a Gross External Floor Space of 1565 (GEA) square metres. The GEA of the existing building measures approximately 1587. Accordingly the GEA of the proposed building would be marginally smaller than the existing building. However, the proposed useable internal floor space of the buildings would be more than the existing building. This is because the proposed building would contain more floor space over two floors, compared to the existing building which mainly has one floor. The total useable internal floor space (not including the bike/ bin storage space, lobby and internal car parking spaces)of the proposed buildings would equate to 2211 square metres and the internal floor space of the existing building equates to 1796.
- 14.2.4 The proposed buildings would broadly be sited in the same position as the existing building. The main difference is that one of the proposed buildings (Units 1 and 2) would be detached and would extend further along the waterfront. In addition, the proposed buildings would not extend as far back on the site to the east. Equally, the proposed buildings would be considerably taller in height, but there are more open gaps between the buildings.
- 14.2.5 The application specifically proposes that the development be served by the existing access onto Undershore Road and not the new access that was recently approved. Car parking for the development would mainly be provided on the central part of the site. In total 55 car parking spaces would be provided, 33 of which would be on the external courtyard and 22 to be provided within the ground floor of the buildings.
- 14.2.6 For the avoidance of doubt the proposed ground floor of the building would be used for storage (B8 use), car parking and Class B1 marine type activities only because of potential flooding. The ground floor of the buildings shall not be used for a General Industrial use (B2).

14.3 Procedural matters

- 14.3.1 Representations were made that incorrect ownership certificate/notices were served as set out under Paragraph 13 of the Town and Country Planning (Development Management Procedure) Order 2015 and Section 65 of the Town and County Planning Act 1990. It should be noted that the onus is with the applicant to submit the correct certificate/notices.
- 14.3.2 The applicant has checked the land ownership issues and sought their own legal advice. This has resulted in Certificate C being served as the applicant does not own all of the land to which the application relates and does not know the name and address of all of the owners and/ or agricultural tenants. The applicant advertised the application in the local newspaper 'The Lymington Times' on the 21st and 28th December 2018 and accordingly Officers consider that the applicant has taken all reasonable steps to ascertain the names and addresses of every such person, to which the application relates.

14.4 Planning history

- 14.4.1 A planning permission was refused under reference 17/10121 to redevelop the site, by demolishing all of the existing buildings and replacing them with 14 office units in 2 linked blocks. The detailed layout showed that the ground floors of the 14 units would be used for storage only, with all office accommodation being sited at first floor level. A total of about 1500 square metres of first floor office space was proposed. Car parking for the development was proposed mainly on land to the east side of the building and the application specifically proposed that the development be served by the existing access onto Undershore Road.
- 14.4.2 The proposed layout showed a horizontal two storey building that would be sited across the waterfront edge, broadly on the same footprint as the existing building. It is important to note that the footprints of the 2 buildings would have been broadly comparable and the ridge heights of the 2 buildings would also be comparable to the existing building, however, the new building would have had a materially greater scale and massing than the existing building due to its consistently higher floor level to eaves height.
- 14.4.3 The planning application was refused for two reasons. The first reason was on the grounds that the proposed redevelopment of this site would be detrimental to the character and appearance of an area of countryside that forms part of a designated Green Belt, and which is in close proximity to the New Forest National Park, the Forest East Conservation Area and the Lymington Conservation Area. As such the previous planning application was considered to be inappropriate development in the Green Belt.
- 14.4.4 Specifically, it was considered that the proposal would cause harm because the proposed building would be unduly dominant and intrusive in its setting and prominent riverside setting on account of its significant size, scale and mass that would be materially greater than the existing building to be demolished, due also to the buildings more extensive riverside footprint that would result in a material loss of

openness and due, additionally to the buildings detailed design and appearance that would be of an assertive and somewhat monotonous character with a long and unduly horizontal roof form that would be significantly at odds with the typical scale and character of development within this rural context. Moreover, it was considered that the new building would have a more overtly 2 storey character throughout, lacking variations in scale that is a feature of the existing building and this increase in scale would be readily apparent within the wider landscape. A further point of concern was that the proposed replacement building would have had a consistently higher floor level to eaves height which would make the building significantly more prominent in this Green Belt setting than the existing building. Concern was also expressed in relation to the extent of development to the northern part of the site.

14.4.5 The second reason for refusal was on the grounds that part of the application site where car parking was proposed forms part of a designated Site of Interest for Nature Conservation (SINC). It was considered that the submitted Ecological Appraisal failed to adequately assess potential impacts on the ecological interest of this land, and therefore it had not been adequately demonstrated that the development could be provided without adversely affecting ecological interests.

14.5 Comparisons to previous applications

14.5.1 There are some comparisons between the current proposal and the previously refused application. The proposed uses of the buildings would be the same and the overall footprint and siting of the buildings would also be similar. The main differences are that the refused scheme proposed a large car parking area on the north east part of the site, whereas the current application proposes to restore this area as a SINC. The current application proposes the car parking to be sited in the central part of the site and within the ground floor of the buildings. This current application would benefit from more on site car parking spaces, increased from 37 to 55 spaces.

14.5.2 The overall footprint and siting of the proposed buildings remains fairly similar between the schemes, although the current proposal would have additional gaps between the buildings, whereas the refused scheme would appear as a continuous building form. The most noticeable difference is that the current proposal would be considerably taller and in place rising between 2 and 3.5 metres higher than the previous scheme. This is emphasised in the vertical form of the proposed buildings, whereas with the previous scheme, the design would have been more horizontal.

14.5.3 In terms of the Gross External Floor Area (GEA), the refused planning application proposed a building which would have equated to 1579 square metres, whereas the current proposal proposes a building with a GEA of 1565 square metres. Accordingly the current application would have a marginally smaller footprint compared to the refused scheme.

- 14.6 The principle of development
- 14.6.1 The application site falls outside the defined built-up area of Lymington and is therefore subject to countryside policies and in particular, Green Belt policy.
- 14.6.2 The Council's spatial strategy, as expressed in Policy CS10 of the Local Plan (part 1) seeks to retain existing employment and business sites and more generally, the policy also seeks to safeguard the countryside and coast from encroachment by built development.
- 14.6.3 There would be no 'in principle' objection to the redevelopment of the existing building for employment purposes. The proposed redevelopment would be consistent with the Council's Core Strategy Policy CS17 which seeks to keep all existing employment sites. Moreover Policy CS21 which relates to the rural economy encourages improvements and redevelopments that will help maintain and enhance the environment and contribute to local distinctiveness, together with encouraging enterprises that have little adverse environmental impacts (such as design/ research activities).
- 14.6.4 This said, the proposal is likely to result in some change to the character of the employment uses on the site, in that the existing boat building uses would be likely to be replaced by more office floor space and light industrial uses which could include research and development. Although it should be noted that the applicant has made it clear that some of the existing tenants would be re-located on the new development, the proposal could either retain some of the existing uses, as well as provide a range of other employment opportunities. What is important is that any uses that intend to operate from the proposed development would fall under either a B1 or B8 use classes.
- 14.6.5 Because the site is not expressly safeguarded for marine-related businesses under Policy DM11, the site does not have a slipway; and the use proposed would not preclude marine related businesses occupying the site, it is felt that the use proposed would be an acceptable one. Indeed the Economic and Business Manager fully supports the proposal and states that the proposed employment site strongly aligns with the identified action in the New Forest District Council Economic Development Strategy 2018-23 of "*Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business expansion*". In this respect it is important that such developments are supported in order to facilitate a strong, vibrant economy where indigenous business have the opportunity to expand, in so doing retaining their local workforce and associated supply chains. The development of this site will significantly improve the quality of premises on the site; attracting high added value businesses, particularly those within the marine sector for whom there is currently poor local supply.
- 14.6.6 The Government attaches great importance to Green Belts. The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Those policies indicate that the construction of new buildings in the Green Belt is inappropriate, other than for specific exceptions. One of the exceptions, as set out under

Paragraph 145, c), includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. A further exception, (set out under Paragraph 145, g) applies to the complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 14.6.7 With respect to the development that is proposed, the new building would have a different use to the existing building's use. Therefore, the first of the two exceptions referred to above (replacement of an existing building) does not apply. The proposal certainly amounts to the complete redevelopment of this brownfield site and, therefore, this would apply providing the new development does not have a greater impact on the openness of the Green Belt than the existing development.
- 14.6.8 In assessing the impact on the openness of the Green Belt, the existing building occupies a significant proportion of the site, with built form covering most of the southern and central part of the site extending across the waterfront. The external space is generally laid to hardstanding used for car parking, open storage (mainly boats being stored) and there are a number of shipping containers. Other than the existing building, the remainder of the site is laid to concrete and used for storage and car parking with little greenery or trees. It is also noted that the existing building is one structure with no gaps between. The existing building is constructed from blockwork, asbestos, glazing and metal which generally has a very 'dull' appearance.
- 14.6.9 The supporting Statement states that the total combined floor area (Gross external areas of the existing main building) equates to 1587 square metres and spans the majority of the site. The total combined floor space of the existing main building, including the outbuildings and containers is 1647 square metres. There are also areas of open storage and hardstanding. This is considered to have a negative impact on the openness of the Green Belt. The proposed gross ground floor area equates to approximately 1565 square metres.
- 14.6.10 The existing building is between one and two storeys high and parts of the building incorporate sloping roofs and low eaves. The height of the buildings range from approximately 3 metres to 7.5 metres, but predominately, the buildings range between 6 and 7 metres in height. Equally the existing building has a very solid appearance. Accordingly it is considered that the site has a very congested appearance with buildings, cars and open storage. Consideration would also need to be given to impact on openness from the storage of boats with their sails and containers situated within the site.
- 14.6.11 In assessing the case made and whether the proposal has a greater impact on the openness of the Green Belt, although the number of proposed buildings and overall internal floor space is above that of the existing building, the Courts have held that the concept of "openness" in the Green Belt is not simply about the quantum of development but includes an assessment of how "built-up" the site would appear following redevelopment as compared to before redevelopment.

- 14.6.12 In terms of the proposed layout of the development, the site coverage of the new buildings would be marginally smaller than the existing building. The main difference is that the proposed buildings would extend further along the waterfront compared to the existing building, whereas the current building extends deeper into the eastern part of the site. Because the proposed buildings would extend further across the waterfront, this has created a larger open area behind the proposed buildings to the east. This would give the impression of the site being less congested and cramped and would also be perceived as being more spacious creating a larger area of openness on the site. In addition, the proposed buildings would have a number of gaps created, whereas the existing building is one single solid building. Overall, it is considered that the proposed layout does provide a number of positive benefits in terms of visual, environmental and landscape impact.
- 14.6.13 The proposal is for new areas of soft landscaping around the site and the restoration of the SINC. Car parking would be provided within the central part of the site and a planning condition can be imposed for no open storage and for the car parking and landscaping to be laid out and retained for that purpose at all times. This would mean that the proposed layout would reduce any potential of open storage of boats and containers on the site, which have a negative impact on the appearance and openness of the Green Belt. In addition, 22 car parking spaces would be hidden within the building.
- 14.6.14 Visually the proposed buildings would be considerably taller than the existing building, which doesn't help the applicants case in terms of assessing the impact on the openness. Indeed, the proposed building would be between 2 to 3.5 metres higher than the existing buildings. This would mean that the proposed buildings, when viewed from across the river, would be more prominent in their setting. The views from Undershore Road would be less significant. Because of the significant increase in the height and scale of the proposed buildings, this adds to the impact on the openness of the Green Belt. This also means that the assessment on whether the proposal has a greater impact on the openness of the Green Belt is a very balanced one.
- 14.6.15 The design and form of the proposed buildings with front gables and gaps between the roofline creates articulation and this reduces the apparent scale and massing of the buildings. In addition, the front elevation facing the riverside would incorporate large areas of glazing, which helps reduce the perception of the buildings given its reflective appearance. This is an important point given that the existing building has a much more solid appearance.
- 14.6.16 Overall, it is accepted that this is a very balanced assessment in terms of the impact on the openness of the Green Belt. In balancing out the issues, while the height and scale of the proposed buildings would be greater, this needs to be weighed against the other wider environmental, design and landscape improvements, and other matters, which weigh in favour of the development. On balance, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development and would therefore not be inappropriate development in the Green Belt which would accord with Policy CS10 of the Local Plan Part 1 and Paragraph 145 of the National Planning Policy Framework.

14.7 Landscape and Design Considerations

- 14.7.1 With regard to the general countryside and landscape protection policies. Policy DM22 of the Local Plan Part 2 allows for the redevelopment of existing employment sites in the countryside, provided the development is of an appropriate design, scale, and appearance, and is not harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts. In this case, the site is one with a prominent riverside frontage. The applicants have submitted a Landscape and Visual Impact Assessment.
- 14.7.2 The whole of the site lies within the countryside and Green Belt and lies immediately adjacent to the boundary of the New Forest National Park, which runs along the east side of Undershore Road. In addition, the area of National Park closest to this site lies within the National Park Authority's Forest East Conservation Area. There are a number of listed buildings within this area, but not immediately adjacent to the site. A portion of the site within the application boundary is designated a Site of Importance for Nature Conservation and as such could not be developed. However this area has been used for storage and car parking.
- 14.7.3 The site is clearly visible from a range of public viewpoints on the western side of the Lymington River (notably the town quay) and the recent development at Lymington Shores, together with the tollbridge to the north, and the railway line that runs very close to the site. The views from Undershore Road are more limited. The existing buildings on the site are solid unattractive industrial buildings which do not positively contribute to the riverside or the wider character of the area. The existing units are of poor quality and have been extended and adapted in an ad hoc manner over a number of years using a mix of facing materials. Some of which are in a poor state of repair. There is no existing landscape structure or planting on the site. In addition, the external spaces are dominated by hardstanding, containers and open storage (including boat storage).
- 14.7.4 The proposed development seeks to create an attractive riverside frontage comprising a run of individual buildings with front facing glazed gables. As stated above, the proposed buildings will be considerably taller than the existing building. In many areas, the proposed building would rise between 2 to 3.5 metres taller than the existing buildings. This would result in the proposed building appearing more 'striking' and prominent in its setting, at different vantage points. The materials used would be modern and sympathetic to the 'marine' surroundings. For the most part, the proposed buildings would broadly be sited on the footprint of the existing building, but would stretch further along the riverside, and would not extend so far back from the waterfront. The proposed buildings have been designed with a strong vertical emphasis and simple roof form, with a number of gaps between the buildings. Equally the proposed building would have a far more elegant form with pitched roofs which have the appearance of 'old boat sheds', one might expect to see along a waterfront. Indeed, it is considered that the overall design of the individual buildings has more quality and the frontage elevations are well designed which would make a positive enhancement to the character of the area.

14.7.5 The site would be landscaped, with amenity and car parking, which will deter any open storage and use of containers. A landscaping scheme accompanies the proposal, and shows that there is scope for some new tree planting and soft landscaping throughout the site, including the restoration of the former SINC. Although the final details to restore the SINC have not been confirmed, the extent of this area would measure some 15 metres by 45 metres and new tree planting, grassland and wildflower will be provided which will enhance the visual appearance of the site and also benefit bio diversity and ecology. There is scope for new tree planting along the riverside, but because of the close proximity of the proposed building and sea wall, this space is fairly limited for extensive tree planting, but would be a betterment compared to the existing situation. It is also proposed to provide new turf with wetland wildflower as part of the grassland mix along the riverside edge, which would be located between the proposed building and sea wall. Moreover, a line of new trees are proposed between the eastern boundary of Island Point and in front of Units 10 and 11.

14.7.6 As such, it is not felt that the proposal would cause significant harm to the rural character and appearance of the area. The proposal would not diminish the visual appreciation of the New Forest National Park and the associated Forest East Conservation Area from key viewpoints across the river, nor would it be to the detriment of the special qualities of the National Park, the character and appearance of the Forest East Conservation Area or Lymington Conservation Area as set out under paragraph 172 of the NPPF. Accordingly - the council has assessed the proposal against the impact on the New Forest National Park in accordance with Section 62 of the Environmental Act 1995. The development's design would enhance the character of the riverside and wider character and appearance of the area. Moreover, the proposed landscaping proposal across the site and restoration of the SINC would make a positive enhancement to the setting of the buildings.

14.7.7 A concern has been raised that the proposal would harm the setting of the Grade II* Listed Burrard Neale Monument, which is set up the hill from the application site within the National Park. Because the proposed new building would be set (and seen) well below the level of this monument, it is not considered the impact on the setting of this structure would be materially affected.

14.8 Ecology

14.8.1 This application site is in close proximity to the Lymington River Site of Special Scientific Interest (SSSI), Hurst Castle and Lymington River SSSI and Lymington River Reedbeds SSSI. The site lies approximately 360 metres away from the Solent and Southampton Water SPA and Ramsar. The application site is directly adjacent to Walhampton Reedbeds and Lymington Mudflats Site of Importance for Nature Conservation (SINC). It is noted that part of the previously refused application site included car parking in part of a SINC. Indeed, the area of land has been covered in gravel. This planning application seeks to restore this area. This is considered to be of significant benefit and has addressed one of the concerns previously raised.

- 14.8.2 The Councils Ecologist raises no objection subject to a planning condition which provide the final details of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration. Natural England have raised no significant concerns, subject to conditions and on this basis, it is felt the proposal would not be likely to have any significant effect on any European site or indeed the SSSI.
- 14.9 Transportation & Highway Considerations
- 14.9.1 The site is located close to a railway station, as well as the nearby ferry terminal. A range of bus stops can be accessed within the town centre. Immediately opposite the Lymington River to the west are various residential developments. Accordingly, the site is located in close proximity to the town centre which provides a range of facilities such as banks, schools, retail stores, sports facilities and medical centres.
- 14.9.2 The proposal seeks to use the existing access between the application site and Undershore Road. This existing access also serves Island Point. The applicants agent has confirmed that the plan submitted is based on an ordnance survey plan, and is accurate. It should be noted that it is not proposed to alter, upgrade or re-surface the existing access. The existing access is a single width gravel track. Although planning permission has been granted for an alternative access into the site, this does not relate to this current planning application.
- 14.9.3 The main issues in this case are whether the proposal would intensify the use of the existing access, whether the site would have sufficient car parking spaces to serve the proposed development and whether the internal access arrangements are acceptable for all vehicle types, including refuse collection and emergency.
- 14.9.4 The application is accompanied with a Transport Statement. The statement concludes that the existing access is considered to be safe and there has not been any accidents at this access over the last 7 years. The Transport Statement concludes that the existing access is suitable to serve the development site and would not result in a notable increase in traffic when compared to the current site operation and that all vehicles can enter and egress the site in a safe manner. Moreover, the statement provides tracking plans and details of the access requirements for servicing vehicles including delivery, refuse, car with trailer, and fire appliance.
- 14.9.5 With regard to the existing car parking provision, the site layout does not benefit from any dedicated car parking spaces and generally car parking is provided in an informal way. Accordingly, the number of car parking spaces currently on the site cannot be confirmed. A total of 11 individual units are proposed with an overall useable floor space at ground floor of 865 square metres (B8 use) and usable first floor of 1246 (B1 use). The site will have 33 external car parking spaces, including three disabled spaces with a further 22 parking spaces located at ground floor level within the units.
- 14.9.6 The required level of parking provision for 1246 sqm of B1 and 865 sqm B8 use is 52 car parking spaces and secure storage for 14 cycles. The submitted plans show a total provision of 55 spaces. The

proposed development would provide sufficient car parking spaces which accord with the car parking standards. The Highway Authority does not raise any objections to the proposal.

14.9.7 Whilst concerns have been expressed that a number of car parking spaces would be provided within the building and whether they will actually be used for car parking spaces, there is a simple answer. The submitted internal floor plans of the buildings specifically show that they will be used for car parking and condition 8 would enforce that these spaces are at all times kept available for car parking.

14.9.8 The proposal would result in an increase in traffic generation compared to the existing site. The internal floor space of the proposed ground floor (excluding the space used for car parking) equates to 865 square metres and the first floor equates to 1246. In total the proposed floor space equates to 2111 square metres and this would be an increase of approximately 315 square metres. Based upon the increase in floor space, it is considered that the increase of traffic generation to the site would be negligible and the Highway Authority considers that the existing access and visibility splays onto Undershore Road could acceptably accommodate the increase in floor space. The Highway Authority are also satisfied that the site can acceptably accommodate all vehicle types to access and manoeuvre within the site and so enter and leave the site in forward gear.

14.10 Flooding

14.10.1 The site lies within Flood Zone 3, and has a high probability of flooding and the main risk to the site is tidal flooding. There is an existing flood wall between the site and the estuary, but as the submitted Flood Risk Assessment notes this is not high enough to provide full protection to the site throughout its lifetime.

14.10.2 The proposed development has been designed to significantly improve the flood risk issues on the site. This includes the use of the ground floor of the buildings for storage uses and marine type activities and the finished floor levels of the office/ light industrial space being set no lower than 3.6 metres AOD. The Environment Agency does not raise any objections subject to condition and considers that the proposal represents an improvement in flood risk compared to the existing situation.

14.11 Residential amenity

14.11.1 With regard to the effect on the living conditions of the adjoining neighbouring properties, it is considered that the neighbouring flats at 1-10 Island Point would be most affected by the proposal. The Lymington Shores development is located a sufficient distance away not to result in any unacceptable impact. Equally the proposed development would be sited a considerable distance away from the existing residential properties along Undershore Road.

14.11.2 Island Point is sited immediately to the south of the application site. The occupiers of these flats currently share the access track onto Undershore Road. There is some vegetation and tree planting that surrounds the perimeter of the boundary to Island Point, and car parking is provided to the front and side of the building (north and west). To the rear of the flats is a grassed amenity area. The flattened

building is orientated with its main outlook facing north and south, although it is noted that there are windows on the side elevation including balconies facing the application site.

- 14.11.3 The main views are from the front elevation of the residential flats, which currently face north and onto the existing unattractive buildings. The proposed development would be sited further away from the front (north) elevation than the existing building. This is considered to be an improvement. While units 10 and 11 would be sited closer to the side (west) elevation of the flats, the distance between the buildings would measure some 15 metres, which would not unacceptably compromise light or outlook.
- 14.11.4 In terms of overlooking, a number of first floor windows are proposed on the south and east elevation of the proposed building which would face the flats. The distance from the first floor windows at units 6, 7, 8 would be more than 20 metres away from the existing flats and together with the oblique angle, it is considered that the proposal would not result in any unacceptable overlooking. Proposed Units 10 and 11 would be sited slightly closer and would be about 15 metres away. The first floor windows proposed on the eastern elevation would incorporate louvers which would help reduce overlooking to the neighbouring flats, which can be secured by condition.
- 14.11.5 In relation to noise and disturbance, the applicant has submitted an 'Environmental Noise Survey and Noise Impact Assessment Report'. The Environmental Health Officer does not raise an objection to the proposal subject to conditions. Indeed, the removal of the General Industrial Use (Class B2) and the use as light industrial and office uses are likely to improve the situation.
- 14.11.6 Representations have been made that there should be time restrictions on the operational hours at the site. However, given that there are currently no time restrictions at the site, it would not be justified or reasonable to impose a condition restricting operational times. It should be noted that condition 8 does restrict delivery times.

14.12 Other matters

- 14.12.1 Representations have been made that this current proposal would have a far greater impact compared to the previously refused application and accordingly, concerns have been raised that the Officers recommendation is inaccurate and incorrect. In response, it should be noted that Officers have not ignored the previous application. However, this is a different planning application in which there have been considerable changes to the overall design and layout. In particular, Officers have noted that the proposal would be considerably taller than the previous application, however, the proposed design creates a vertical form with a better rhythm and break in the massing of the buildings. Gaps are also present between the buildings and the proposed building is not a long horizontal building form that appears across the river as one building. There are other changes made which entail removing the open storage area and restoring the SINC. Accordingly, officers consider that a fair and balanced assessment has been made in this case.

- 14.12.2 Representations have been made as to whether the existing industrial uses can continue to operate on this site. The planning application broadly proposes the same use class as that currently operating on the site (i.e light industrial) which would be acceptable.
- 14.12.3 Concerns have been expressed that, because of the height of the proposed buildings there is potential for mezzanine floors. In response, a planning condition can be reasonably imposed removing permitted development for mezzanine floors to be inserted
- 14.12.4 In relation to the concern over light pollution, the applicants have carried out a calculation of the existing and proposed glazed areas. The results from this indicate that the existing building has a glazed area of 455 square metres, where as the proposed would equate to 338 square metres. Accordingly the applicants agent states that the proposal would result in a reduction of 25.8% decrease in glazed area.
- 14.12.5 Foul drainage would be routed to a bio sewage treatment plant and the waste water pumped into the river. The roof surface water would discharge via a pumping station into the river. The concern over the right of way within the site is not a planning matter because this is not a Designated Public Right of Way.
- 14.13 Conclusion and planning balance
- 14.13.1 In summary, this is a very balanced case. This is because the proposed buildings will be considerably taller than the existing buildings and that previously refused. Indeed, Officers note that the proposed buildings would be in excess of 2 to 3.5 metres taller than the existing buildings and this would, along parts of the riverside, result in the buildings appearing more dominant in their setting. Moreover, it is accepted that the current proposal has not materially reduced the extent of footprint of the buildings.
- 14.13.2 However, whilst the proposed buildings are taller with a similar footprint, the design of the proposed scheme focuses on breaking up the perceived mass of the development in order to enhance the visual appearance of the existing built form. If the height of the proposed buildings were to be reduced this would effect their form and proportions (appearing 'squat') and would undermine the design approach, which effectively seeks to achieve a vertical building form. It is considered that the design of the proposed development is more elegant, innovative and reflects a form and proportion which would enhance the riverside edge and resemble the appearance of 'old boat sheds' which would be typical of a coastal waterfront location.
- 14.13.3 Officers also feel that the increase in the height of the buildings are one matter that must be assessed against a number of considerations which weigh in favour of the development. In this case, the proposal would make significant enhancements to the appearance of the site and surrounding area and would provide a higher quality appearance than the structures they would replace. The proposed increase in floor space would provide employment and economic benefits, which weighs in favour of the development and the Councils Economic and Business Development Manager supports the application.

14.13.4 The proposed development would not have any adverse impact on the living conditions of the adjoining neighbouring properties. The proposal would make improvements to flooding related matters. No highway concerns are raised and the proposal would result in a far better layout and an increased number of car parking spaces, with better manoeuvrability for larger vehicle types. Accordingly, in balancing out the issues, whilst the proposal would be taller than existing, the overall design and layout of the development, and other considerations weigh in favour of the development and this outweighs any adverse impact on the openness of the Green Belt, which weighs in favour of the proposal.

14.13.5 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			
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

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

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

3. The development permitted shall be carried out in accordance with the following approved plans: 7811 102; 7811 101; 7811 100; 7811 P100; 7811 P101 Rev B; 7811 P102 Rev A; 7811 P103 Rev A; 7811 P104 Rev A; 7811 P105 Rev A; 7811 P106 Rev A; 7811 P107 Rev B; 7811 P108 Rev A, 7811 P110, 7811 P111; LGO-200-Rev C

Reason: To ensure satisfactory provision of the development.

4. 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).

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. All external works (hard and soft landscape) as approved within condition 5 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Prior to the commencement of development, and in accordance with the submitted Abbas Ecology Report dated April 2016, the details of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing prior to the first occupation of the development hereby approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

8. The development hereby permitted shall not be occupied until the spaces shown on plan P101 Rev B for the parking and garaging (including the car parking spaces provided within the ground floor of the buildings) of motor vehicles have been provided. The spaces shown on plan P101 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the commercial units 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).

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by (Gyoury Self Partnership, ref: 6029/2.3F, dated December 2015) and the approved Design and Access Statement (Simpson Hilder Associates Ltd, dated April 2018) and the following mitigation measures:

- a) The finished floor levels of the office space on the first floor of each unit shall be set no lower than 3.6mAOD.
- b) The ground floor of each unit will be used solely as a storage, parking and marine type activities.

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

Reason: To minimise the risk of flooding to the proposed development and future occupants and to comply with Policy CS6 of the Core Strategy for New Forest District outside the National Park.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 13 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. Where a remediation scheme has been approved in accordance with condition 12, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12,

which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. Where a remediation scheme has been approved in accordance with condition 13, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used on the ground floor as Class B8, Class B1 marine activities and car parking, and on the first floor Class B1 purposes only and for no other purposes, whatsoever of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

18. No delivery activity shall take place on the site in connection with the approved uses other than between the hours of 7:30am and 21:00 Monday to Fridays, and 8:00 am and 17:00 on Saturdays not including recognised Sundays or public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

19. The combined rating level of noise emitted from all plant and equipment as calculated in accordance with BS4142:2014 (to include any penalties required for tonal or impulsive characteristics) shall not exceed 40dBA LAeq(1hr) between the hours of 07:00hrs and 23:00hrs, and shall not exceed 32dBA LAeq(15mins) between the hours of 23:00hrs and 07:00hrs measured or calculated at a distance of 1m from the façade of the nearest noise sensitive properties.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

20. The louvres shall be installed on the first floor windows on the east elevation of approved Units 10 and 11 before first occupation as illustrated on Plan No P107 Rev B and shall remain at all times, unless otherwise agreed in writing by the Local Planning Authority.

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).

21. Before development commences, details of the means of foul sewerage disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policies CS2 and 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.

22. No external lighting shall be installed on the site unless details of the position, size and type of lighting to be installed has first been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of visual amenity and to minimise impact on ecological interests in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park.
23. Before development commences, details of the cycle parking facilities that are to be provided in connection with the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.
- Reason: To ensure that adequate provision is made towards cycle parking and to promote means of travel alternative to the private car in accordance with Policy CS24 of the Core Strategy for New Forest District outside the National Park.
24. No goods, plant, or machinery shall be stored in the open on the site, without the express planning permission of the Local Planning Authority.
- Reason: In the interest of the amenities of the locality in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
25. Written documentary evidence demonstrating that the development hereby approved has achieved as a minimum a rating of EXCELLENT against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation, unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified.
- Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.
26. No percussive piling or works with heavy machinery, resulting in a noise level in excess of 69dBA Lmax when measured at the nearest point of the Special Protection Area, shall be undertaken between the specified period of 1st October and 31st March inclusive, unless the existing noise level at the Special Protection Area already exceeds 69dBA Lmax. In the case where the existing noise level at the Special Protection Area already exceeds 69dBA Lmax, no percussive piling or works with heavy machinery shall be undertaken during the specified period if the resulting noise level would exceed the existing noise level measured from the Special Protection Area.
- Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

27. Before development commences, details of a Construction Method Statement (CMS) shall be submitted to and agreed in writing to the Local Planning Authority. Works shall only be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

28. Prior to occupation of any part of the site, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Hampshire County Council Highway Authority. The agreed car parking management plan shall thereafter be adhered to in full unless otherwise agreed by the Local Planning Authority. .

Reason: To ensure appropriate adequate car parking and travel arrangements are provided within the site in the interest of highway safety and in accordance with Core Strategy CS24 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 5th September 2018.
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.

Officers raised concerns over certain aspects of the proposal including design and layout issues, and car parking. Revised plans have been submitted and the application has been re-advertised which have addressed the initial concerns. The roof form to units 1 and 2 have been simplified, enhancements made to the design of the rear facing elevation and additional car parking has been provided, which is mainly within the proposed ground floor units.

3. Note to applicant: This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Lymington River, which is designated a 'main river'. Some activities may be [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Further Information:

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New Forest
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**Planning Development
Control Committee**

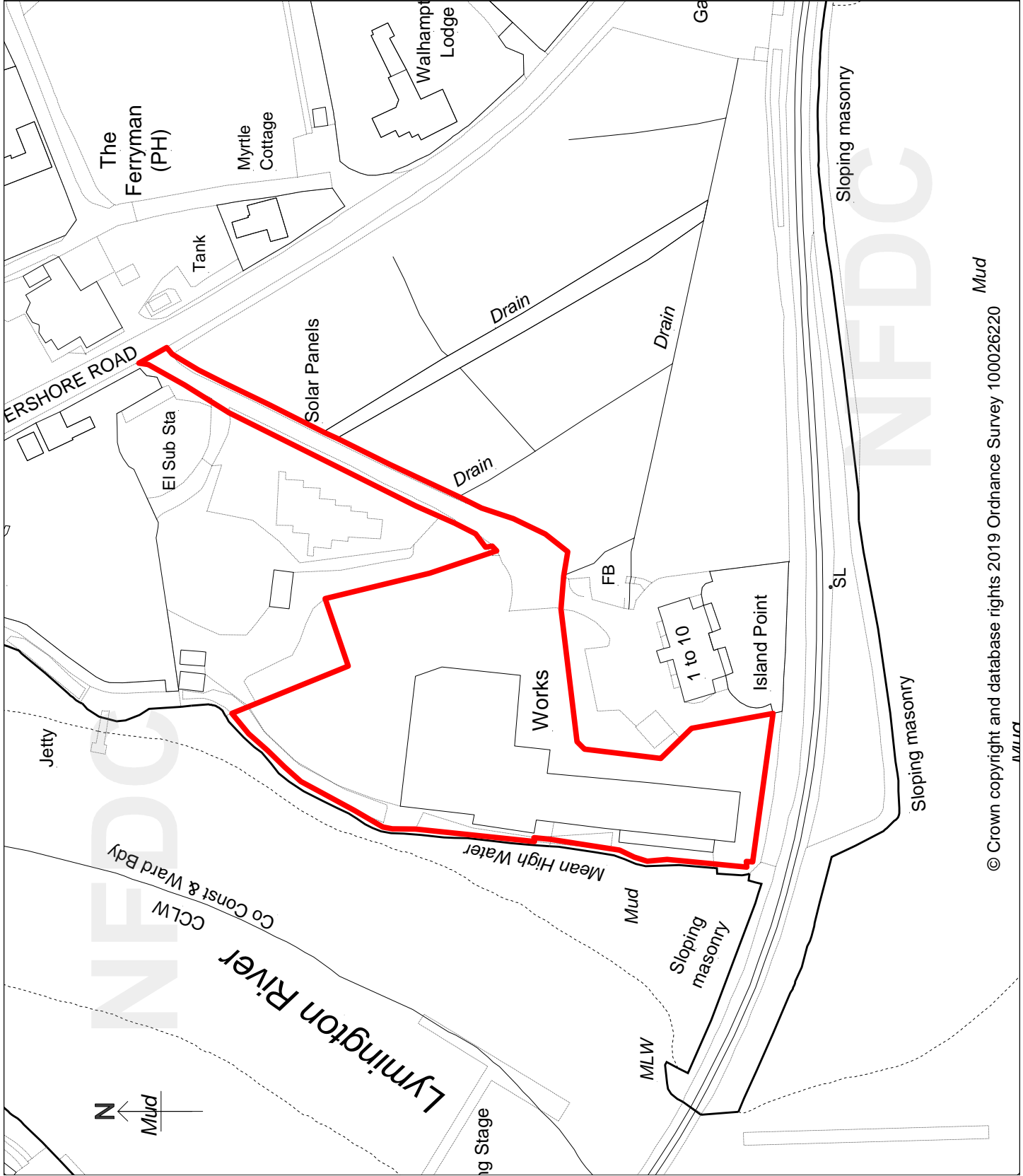
March 2019

Item No: 3a

Haven Marine Park
Undershore Road
Boldre
18/10541

Scale 1:1250

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



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Planning Committee 13 March 2019

Item 3 b

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

RECOMMENDATION: Service Man Planning Grant

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

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.

Further comments were made as following re-consultation:

Hythe Parish Council - PAR 4: Recommend REFUSAL. The layout has now significantly changed. The development is contrary to the emerging New Forest Local Plan and is out of keeping with Hythe and Dibden's Neighbourhood Plan which is about to go to referendum and which demonstrates a local need for 2-3 bedroom starter homes. The current layout plans show garden fences crossing the woodland which previous applications have considered as important open space.

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. Further to Members' request for a more comprehensive TPO on the site, it is not considered that a 'blanket' TPO is necessary.
- 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
- 9.9 Landscape Officer - reconsulted on amended plans, comments awaited

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

A further response since the application was readvertised raises concerns over Members' resolution to grant permission and suggests advice is sought from PINS.

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 together with a reduced red site area following Members' initial consideration of the proposal in January 2019.

14 ASSESSMENT

Members will recall this application was considered at the January Committee when it was resolved to grant planning permission subject to the consideration of the following:

- further Tree Preservation Orders within the site
- the submission of an amended plan - suggested by Officers at the Committee meeting - to reduce the site area in order to confine the area of the site over which the principle of development was established and
- the application being advertised as a departure from the development plan in view of it being contrary to policy.

Further to this, the appropriate re-advertisements have been carried out and have now expired.

The Tree Officer was requested to reconsider the site for further Tree Preservation Orders and as stated above, does not consider that there is a need for further TPOs as the important trees are already statutorily protected. This includes 8 individual TPOs, three group TPOs (two containing 7 trees and the third containing 12 trees) and two woodland TPOs within the site and area edged blue. This is a total of 34 trees plus two woodlands. Of the 6 trees to be removed in order to facilitate the development, three are suffering from decay, a further tree is leaning and one is suppressed by a larger protected tree.

The red site area has been amended to be more tightly drawn around the proposed dwellings, public open space and access/parking areas. It specifically now excludes the tree protection area to the south west corner of the site. There are no changes to the number or siting of the proposed dwellings. The reduction in the size of the site brings the area under the threshold required for the provision of public open space (albeit by 0.005ha). However, although this means that there is no formal requirement for the public open space, the applicant has confirmed they will provide this element of the scheme and the necessary S.106 to secure the adoption and maintenance of this area is progressing.

The reduction in the size of the site also reduces the amenity areas for plots 3 and 4. However, it is not considered that this would restrict the amenity provided for these properties which would still retain a substantial garden area.

The Parish have now recommended refusal following re-consultation on the revised plans. In light of this Parish comment, it is stressed that the layout of the houses has not changed, simply the red line around them. The emerging New Forest Local Plan has little weight at the present time pending the examinations which commence in June 2019. Paragraph 14.4.1 below outlines the reason for going against current policy. With regard to the local need for 2-3 bedroom houses, it is noted that the parish council has recently completed a public consultation exercise on a Draft Neighbourhood Plan (Regulation 15 consultation). It is due to submit the finalised Neighbourhood Plan to New Forest District Council and the National Park Authority imminently – as the draft Neighbourhood Plan covers both plan areas. It will require further consultation by both those authorities (Regulation 16 consultation) before it undergoes an

independent examination and, once it is found sound, a public referendum. As the Neighbourhood Plan has not been subject to examination or a referendum less weight should be attributed to it at this time.

In addition to this, the current application is in outline form only and whilst floor plans have been provided to indicate what could be achieved on this site (three first floor bedrooms and bedroom 4/study at ground floor), the matters for consideration in this application are the siting of and means of access to the proposed dwellings. The reserved matters application together with appropriately worded conditions will be able to control boundary fences and the management of areas outside of the red line (but within the blue line) in order to maintain the wooded areas and a landscaping scheme which will provide both visual and ecological mitigation. The reduced red line application site area specifically excludes areas which are shown to be within tree protection areas.

It is considered that the proposals as shown with the conditions identified in this report reflect the desires of the Parish Council following the initial consultation where tree protection, a limit to the number of dwellings and ensuring the dwellings proposed were no larger than indicated were the main concerns in their recommendation for permission. The S.106 Agreement will include details of the public open space and children's play area which is hoped to be a very low key element within the site, not requiring any specific surfacing or fencing around the area and containing a limited number of natural play equipment features.

Other matters to consider have not changed and remain as set out below in the previous report from the January 2019 Planning Committee agenda.

- 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 has 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 fewer than 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 has 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 dis-benefits 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, provides 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.

- 14.12.2 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
- 14.12.3 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.
- 14.12.4 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) 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

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a suitably worded S.106 Agreement to secure the provision and maintenance of public open space and
- ii) the imposition of the conditions set out 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 2561 PL01 B (two versions), Tree Survey Report (including tree protection plan) Rev A dated June 2018, Ecological Appraisal dated June 2018, Planning Statement, Design and Access Statement, PL08, PL09, PL04, PL05, PL06, PL10, PL03C, PL02, PL07.

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 Reision 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

have 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, a full landscaping scheme for the land edged blue 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
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

You are advised that close boarded fencing is unlikely to be acceptable.

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-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 together with a reduced red site area following Members' initial consideration of the proposal in January 2019.

5. This decision relates to amended plans and documents received on 4 December 2018 and 28 January 2019.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

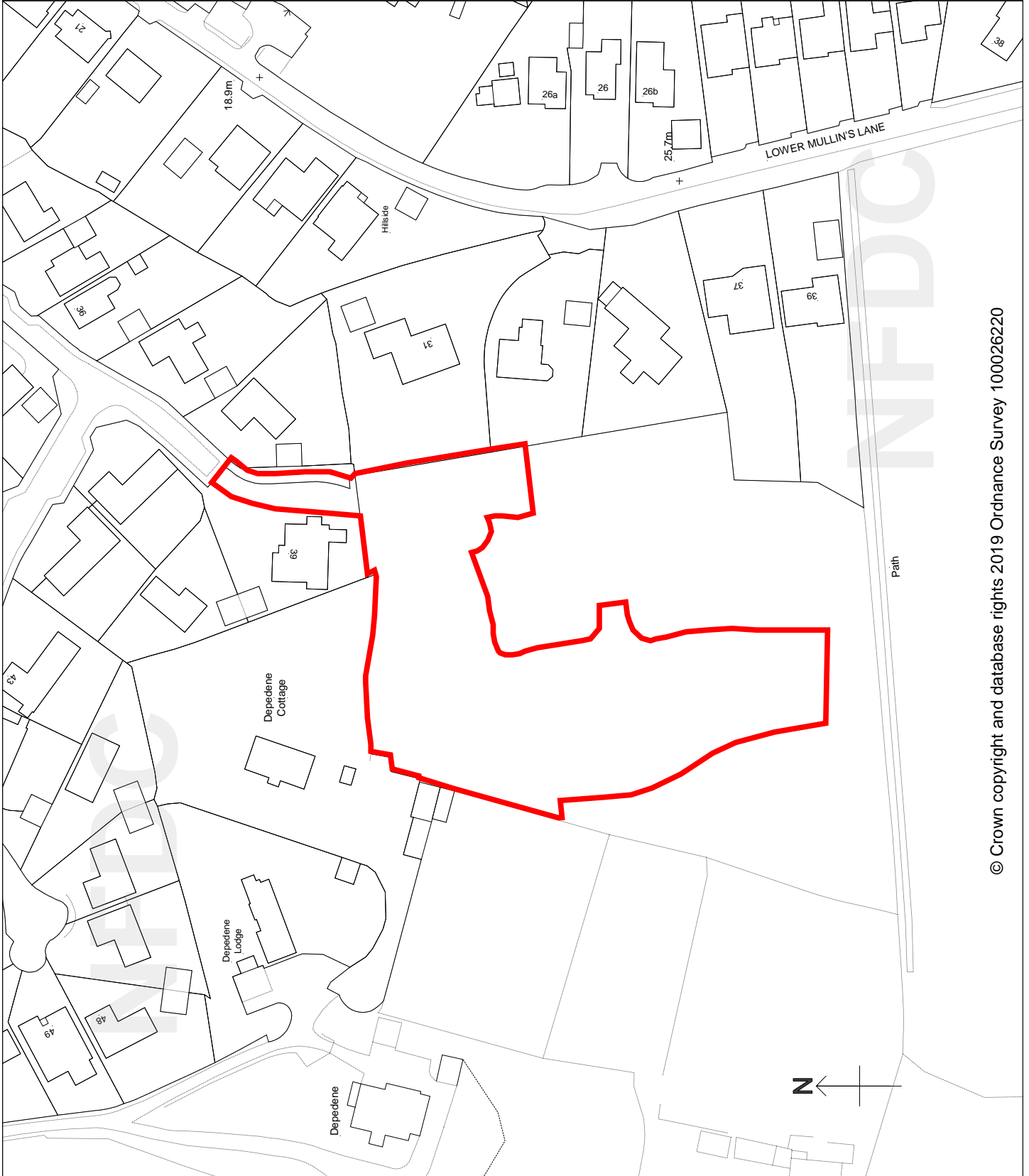
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

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

Scale 1:1250

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



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Planning Committee 13 March 2019

Item 3 c

Application Number: 18/11032 Full Planning Permission

Site: Land off LIME KILN LANE, HOLBURY, FAWLEY

Development: 4 blocks comprising 26 units (Use Class B1c/B2/B8); parking; cycle/refuse storage; landscaping; fencing

Applicant: Glenmore Commercial Estates

Target Date: 30/10/2018

Extension Date: 15/03/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation is contrary to Policy CS4 which requires new commercial developments over 1000 sq.m to achieve BREEAM 'excellent' standard.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Employment Allocation
HSE Consultation Zone
Tree Preservation Order: No:1441/34/88

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality
CS4: Energy and resource use
CS5: Safe and healthy communities
CS10: The spatial strategy
CS17: Employment and economic development
CS18: New provision for industrial and office development and related uses
CS23: Transport proposals
CS24: Transport considerations

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

HAR1: Land adjoining Hardley Industrial Estate

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

Parking Standards SPD (Oct 2012)

6 RELEVANT PLANNING HISTORY

- 6.1 00/68900 - Extant planning permission to develop this site with offices and light industrial units, (granted May 2001 at the same time as the 67 dwellings to the south)
- 6.2 01/73687 - 40 affordable dwellings - refused March 2002 as it involved residential development on land specifically allocated for use as an employment site and failure to secure the provision of the required levels of affordable housing and public open space.
- 6.3 06/89222 - 3 buildings for B1 (business), B2 (general industry) and B8 (storage) use - refused March 2007 as the Local Authority was not satisfied that the B2 use proposed could be satisfactorily accommodated within the proposed development without causing unreasonable harm to the occupiers of residential properties to the south, through noise disturbance and pollution. Concerns were also raised over tree impacts and landscaping provision.
- 6.4 07/90281 - 3 buildings for B1 (business) and B8 (storage) use- granted September 2007
- 6.5 10/95910 - 3 buildings for B1 (business) and B8 (storage) use- granted November 2010
- 6.6 12/99387 - 70 bedroom care home and 14 dwellings - withdrawn March 2013.
- 6.7 15/10276 - 24 houses; office; open space (outline application) - refused September 2015 as the proposed development would result in the unjustified loss of an allocated employment site; harm to the character of the area, failure to demonstrate that the proposed development would not adversely affect protected species (reptiles); inadequate access arrangement; non provision for the parking of cycles; detriment to the amenities of a neighbouring dwelling; adverse impact upon the pipeline along the site's Lime Kiln Lane frontage; failure to secure a contribution toward affordable housing and failure to secure the provision of public open space on the site or make any contribution. - Appeal dismissed
- 6.8 17/11066 - 6 Office/industrial buildings (Lawful Development Certificate) - Was Lawful August 2017
- 6.9 No pre-application advice was sought on the form and type of development now proposed.

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council - recommend permission.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Water: no objections subject to informatives and a condition to ensure details of foul and surface water sewerage disposal are provided.
- 9.2 Environmental Health Contaminated Land: a Site Investigation Report dated June 2018, undertaken by Crossfield Consulting, was submitted with the application. The conceptual site model identified no plausible pollutant linkages, and all results of samples taken are below the relevant human health generic assessment criteria (GACs) for the proposed commercial use of the site. There is no unacceptable risk to controlled waters associated with the ground conditions on site. Therefore no remediation is required for the proposed development and no planning conditions are required.
- 9.3 Tree Officer: there are a number of large mature trees along the north western boundary of this site and adjacent to the north east boundary. These trees are protected by a TPO and are a constraint to development. The site itself has not been managed for some time and scrub species have proliferated. However none have grown into specimens that are worthy of protection or considered a constraint to development. An Arboricultural Method Statement provides details on how the mature protected trees will retained/protected throughout the construction of this proposal. Provided the tree protection measures are followed then this proposal can be constructed with minimal impact on the trees. There is adequate separation between the proposed buildings and the trees to the north of the development and there should not be pressure from future occupiers of the industrial/storage units to prune or remove trees. No objections, subject to a tree protection condition.
- 9.4 Environmental Design Team (Landscape): Following receipt of amended plans initial discrepancies have now been resolved to show acceptable fencing on all boundaries although details of the 2.5m high acoustic fence need to be clarified. The layout has loosened fractionally and now provides access through the site to the adjoining footpath/cycleway network. The revised proposed soft landscape scheme addresses appropriately the boundaries in particular, with suitable species and meadow managed areas of grass, although it would be worth considering articulating the northern fence line to the hard surfacing to allow the grassland areas to be part of the footpath route. This would certainly enhance the footpath users experience, however the fence is permeable enough to allow the enhancement to biodiversity to readily access the various habitats. Either way the grassland should be managed very lightly to achieve the net gain in biodiversity for the site. The buffer on the southern edge has deepened and now wraps the car parking spaces along the access. While the linear arrangement of tree planting is not a true reflection of local landscape character, it will in time provide a valuable foil to the proposed southern elevations of blocks B and C, and it is good to see the large stock size proposed. Ideally some of the hawthorn should be tagged to allow to grow to a standard tree to help break up the linear arrangement of the maples and provide a more layered vegetation buffer. The connection of the existing cycleway to Roman Road needs to be addressed.
- 9.5 Hampshire County Council Highway Engineer: The comments below are in response to the amended plans and revised Transport Statement submitted by the applicant following previous comments raised by the

highway authority over swept path analysis and whether the proposal was compliant with Policy HAR1 which requires “*provision of lorry turning space incorporated into the design of the access Lime Kiln Lane*”. Having reviewed the latest Technical Note submitted on 18/01/2019, it is considered that the above issues have been addressed satisfactorily. The applicant has agreed to improve the existing footpath adjacent to the northern boundary of the site to a shared use foot/cycle way. As this path is currently a footpath, it would need to be upgraded to a cycle track or bridleway. The easiest way to achieve this is through a dedication from the landowner, but we could complete a legal order to add higher rights. A highway agreement (S278) will be required for improvement works to be carried out for this route. No objection, subject to conditions to secure footpath improvements, to ensure adequate access, turning and car/cycle parking is provided, a Construction Management Plan, a Travel Plan and a Delivery and Servicing Plan.

- 9.6 Environmental Health (Pollution): An amended noise report by ALN Acoustic Design was requested to address concerns in relation to noise, in order to ensure there are no significant adverse impacts on neighbouring properties. The report appears to have addressed the majority of the concerns raised and clarified some outstanding points, however, there remain some concerns that noise may cause adverse effects to some properties on the boundary to the site during any impact noise that may occur. It is accepted that new development may cause some additional noise and the applicant has tried to address these concerns, but strong concerns remain whereby at least one property will be at potential risk of significant adverse impacts. The amended noise report fails to consider the potential adverse impacts on the single property that will not be protected by the acoustic barrier to the south of the site. It is acknowledged that the property sits on the boundary and any acoustic barrier will affect light, but as this is thought to be a non-habitable room it is also considered that noise is the overriding factor and should be mitigated sufficiently in order for this application to be acceptable. No objection, subject to conditions to ensure adjoining residential properties are protected from noise and light pollution that may arise from commercial activities on the site. Also give informative.
- 9.7 Ecologist: The ecological information is broadly suitable and establishes that there are some losses to biodiversity interests and disturbance to protected species. Details confirm that the reptile survey and translocation/site clearance has occurred broadly in accordance with current interpretation of national guidelines and provide recommendations for compensation or enhancement. Provided these are in conformity with the landscape approach, their implementation would be welcomed. Suitable measures for mitigating impacts are required. Currently the detail of these is lacking and are also relatively modest given the scale of development and impacts. The Council should secure final details via condition or submission of further details of biodiversity enhancement. It would be advisable to include suitable provision for species in building plans (i.e. swift bricks). Works should also be conditioned to be carried out and maintained thereafter in accordance with the method statements and plans within V2 of the Ecology report.
- 9.8 Economic Development: support. This application closely aligns with the objective within the New Forest District Council Economic Development Strategy (2018-23) which states “Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business

expansion". It is important that this employment allocated site is retained for its intended purposes and this demonstrates a suitable use in the local context. The proposed development sits adjacent to the well occupied and successful Hardley Industrial Estate and the construction of these units would provide an alternative high specification, modern facility which would complement the existing offer. The units themselves would provide a suitable base for new and expanding businesses, again facilities which are in short supply in this part of the waterside. In line with the Economic Development Strategy objective of "Continue and further develop a programme to facilitate the growth of indigenous business", they would match the profile of the almost 800 businesses employing fewer than 10 people in the immediate district wards. It is particularly important that scale-up units are provided for these smaller businesses so that the district can retain the economic benefit which they bring through their employment and associated supply chains.

- 9.9 Hampshire County Council Rights of Way: Fawley Footpath 33 is located to the northern boundary of the development site. The proposals detail that the path surface will be upgraded to gravel. As the development is likely to cause increased footfall on this path it is likely to have a significant adverse impact on the public right of way if the proposed enhancements were not provided. No objection provided that an upgrade of the surface of the public right of way either by highway agreement (to include a commuted sum for future maintenance of the upgraded asset) or developer contribution is secured through the S106.
- 9.9 Health and Safety Executive - Does not advise, on safety grounds, against the granting of planning permission.
- 9.10 Hampshire County Council Surface Water Drainage: require further information on the proposals for plans of surface water drainage and any SuDS featured in the scheme. A more detailed surface water drainage plan showing pipe sizes, pipe gradients and manhole invert levels to carry out a detailed check against the micro drainage calculations provided and information on the correct level of water treatment.

10 REPRESENTATIONS RECEIVED

Representations have been received from 4 occupiers of Harrier Green raising the following concerns:

- A 3.5M acoustic fence will impact on outlook and take away light.
- There are enough light industrial units on the Hardley Industrial Estate
- Traffic congestion
- Loss of highway safety
- Pollution associated with noise, disturbance, light, traffic and odour
- Loss of privacy
- Loss of light
- Bins are located very close to the bottom of our gardens
- The site should be used for housing

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 planning history of this site has seen proposals for employment and more recently housing resisted by the Council. No pre-application advice was sought by the applicant prior to submission of the application. While the Council recognises that the principle of employment development on this site is acceptable, that view is on the proviso that the concerns raised over the form of development and residential amenity impacts are overcome. Following a meeting with the applicant's team, attended by all of the relevant consultees, to resolve the problems and subsequent negotiations, the alterations made to the proposed plans were considered sufficient to overcome the Council's concerns and in this instance the amended submission is considered to be acceptable, subject to clear justification re BREEAM.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The site lies within the built up area of Fawley on a site between an industrial/commercial area to the north and a residential area to the south (Harrier Green). The site is relatively level and is currently undeveloped and vacant land, but has been colonised by scrub vegetation. There is a line of trees on the site's northern boundary, beyond the line of a public footpath, which are protected by TPO. The Development Plan formally allocates the site for industrial / office and business development under Local Plan Policy HAR1. The site is accessed directly from Lime Kiln Lane to the west.

14.1.2 The plans relate to provision of 26 no. Use Class B1c, B2 and B8 units, arranged in four blocks within the site. A modest level of landscaping would be provided around the site peripheries. The units would be constructed of composite wall and roofing panels and red brick. 58 car parking spaces would be provided for the development. Accommodation would be provided at ground floor level, with first floor mezzanines in some units taking total floor space to 3,082 sq.m. 24 hour operation is specified on the application form.

14.1.3 The application is accompanied by a host of supporting documents and the relevant consultees have been consulted for their views and has been subject to a significant level of post submission negotiation.

14.2 The Principle of Employment Development

14.2.1 The site is designated for employment development under Policy HAR1. Policies CS17 and CS18 of the Core Strategy refer to employment and economic development and new provision for industrial and office development and related uses. The thrust of Policies HAR1, CS17 and CS18 is supportive of industrial development and overall the proposed development would help to meet Core Strategy objectives which seek to foster the well-being of the local economy. However, the proposed uses need to be considered in light of other material considerations. The planning history of the site and policy context is pertinent to consideration of employment use of the site.

- 14.2.2 There is an existing unimplemented planning permission on the site for 6 offices and industrial buildings, granted at the same time as the residential development to the south, in May 2001. A condition restricted the use of the buildings to B1 light industrial/office uses only, (B2 general industrial uses being precluded to minimise impact on the adjoining residential properties). As part of this permission, there was also a requirement to install a willow wall (a form of natural acoustic barrier) along the southern boundary of the site, along with a landscaped buffer to the residential area. While the housing element of this permission has been implemented, the employment aspect and willow wall were not implemented.
- 14.2.3 More recently, in March 2007 a proposal for 3 buildings to be used for B1 (business), B2 (general industry) and B8 (storage) use was refused due to the unreasonable harm to the occupiers of residential properties to the south, tree impacts and landscaping concerns. In 2007, planning permission was granted for 3 buildings for a flexible B1/B8 use, covering offices, light industrial uses, and storage and distribution uses. The proposal was similar to the one refused in March 2007, but excluded the B2 use and included an acoustic willow wall and landscape buffer to the residential site, all in the interests of preserving the amenity of residential occupiers. That application was renewed in 2010, which has now lapsed. These applications differed from the current scheme in that they proposed diversion of the footpath on the northern boundary of the site to facilitate provision of the quantum of floorspace sought, as well as the landscape buffer to the residential site
- 14.2.4 The basic policy designation has not changed, although the proposal must now be judged in the light of the Council's Core Strategy policies; most specifically Policy HAR1, which allocates the site for industrial, office and business development subject to a number of criteria. These include a requirement for the existing trees and footpath along the northern boundary of the site to be retained and a requirement for a landscape buffer to be provided between the site and the adjacent dwellings to the south. There is also a more general requirement that the development is designed to minimise impact on residential amenities. The principle of employment development on this site may be supported, subject to other material planning considerations outlined below.

14.3 Impacts upon adjoining residential amenity

- 14.3.1 Policy CS2 places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. This application proposes a similar development to that in 2006 for B1, B2 and B8 development on the site, which was refused on grounds of potential conflict with the residential use to the south posed by B2 (general industrial) development. The application is accompanied by a noise report which has been considered by the Environmental Health Officer in order to establish whether the development could take place without unreasonably affecting the amenities of adjacent residential properties through noise disturbance.
- 14.3.2 Units 1, 5, 6, 14 and 15 are located approximately 14m away from the boundary of residential properties in Harrier Green. The bolstered landscaping buffer and degree of separation dictate that the buildings would not affect the light or outlook of those properties or be unduly

overbearing. These units and Unit 25 do have first floor windows in the southern elevation, which could offer overlooking opportunities. A condition is therefore proposed requiring these windows to be obscure glazed and fixed shut other than 1.7m above floor level. Unit 25 is closer to residential properties (minimum distance 5m) but has been sited in a way which would ensure that privacy, light and outlook to the rear of adjacent residential properties would not be unreasonably affected. The applicant was requested to reduce the height of the acoustic fence adjoining Harrier Green from 3.5m to 2.5m to limit the oppressive nature of such a high structure in close proximity to residential curtilages. It is considered that a 2.5m high fence would be acceptable in terms of its visual impact and impact on outlook from dwellings, particularly following widening of the landscaped buffer and subject to clarification over its final design, materials and appearance.

14.3.3 While there is no objection in principle to employment uses on this site, the potential impact of some of these uses on the residential properties to the south must be considered. A B2 general industrial use in particular, is one which would be likely to generate noise and pollution which could cause unreasonable disturbance to adjacent residential properties, taking into account that the nearest residential property is only 5m away from one of the industrial units. A B8 use may also cause unreasonable disturbance, if deliveries and vehicle movements are not controlled. The original submission proposed unlimited operating hours and uses within buildings, although in light of the Environmental Health Officer's initial comments, modifications have been proposed by the applicant to limit the use of certain buildings, to control the hours of operation and limit the hours of delivery by service vehicles. Having reviewed the updated noise report, the Environmental Health Officer considers that the report has addressed the majority of the concerns raised and clarified some outstanding points. However, concerns remain that at least one property will be at potential risk of significant adverse impacts as the acoustic barrier to the south of the site is not continuous. It is acknowledged that the property sits on the boundary and any acoustic barrier will affect light to a window, but noise should be mitigated in order for this application to be acceptable. The Environmental Health Section are now satisfied with the submission, subject to conditions to ensure adjoining residential properties are adequately protected from noise and light pollution. It is concluded that, subject to conditions, the proposal would be acceptable in relation to the amenities of residential properties in accordance with Policy CS2 and written justification to Policy HAR1.

14.4 Design and Character impacts

14.4.1 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. It should be considered whether this proposal would be in context with the character of the area. Among other things Policy HAR1 requires a landscape buffer to be provided between the new employment site and housing to the south, which would help to secure an appropriate visual screen with the dwellings.

14.4.2 The buildings proposed are typical industrial/office buildings and would not appear incongruous or out of place within this particular context. However, the proposal does not include an appropriate landscape buffer.

- 14.4.3 Following receipt of amended plans, initial discrepancies identified by the Landscape Team have now been resolved. The layout has loosened and the revised proposed soft landscape scheme addresses appropriately the boundaries in particular, although it would be worth considering articulating the northern fence line to the hard surfacing to allow the grassland areas to be part of the footpath route. The buffer on the southern edge has deepened and now wraps the car parking spaces along the access. The buffer will, in time, provide a valuable foil to the proposed southern elevations of blocks B and C. The amended plans show acceptable fencing on all boundaries although details of the 2.5m high acoustic fence need to be clarified.
- 14.4.4 The landscape Team note that the connection of the existing cycleway to Roman Road needs to be addressed. The applicant has been approached on this matter and understand the 30m connection is highways land. On this basis it is considered that arrangements to complete the connection could be made under the provisions of a highway agreement with the County Council, which is expanded upon in section 14.5.2 below.
- 14.4.6 Overall, the amended plans have addressed initial concerns over the layout and character impacts of the development, in accordance with Policies CS2 and HAR1.

14.5 Highway and Footway Impacts

- 14.5.1 The Highway Authority was consulted on the acceptability of the Transport Assessment as well as the proposed access and parking arrangements. They raised initial concerns and attended a meeting with the applicant to discuss those concerns, which revolved around swept path analysis and lorry turning facilities. Amended and additional plans and information were subsequently provided which the Highway Authority have reviewed. They raise no objection to the amended proposals, subject to conditions to secure footpath improvements, to ensure adequate access, turning and car/cycle parking is provided, a Construction Management Plan, a Travel Plan and a Delivery and Servicing Plan.
- 14.5.2 Fawley Footpath 33 is located to the northern boundary of the development site and it is proposed that the path surface be upgraded and widened. The applicant has agreed to improve the existing footpath adjacent to the northern boundary of the site to a shared use foot/cycle way. As this path is currently a footpath, it would need to be upgraded to a cycle track or bridleway. The Hampshire County Council Rights of Way Section raise no objections provided that the surface of the public right of way is upgraded, either by highway agreement or developer contribution secured through the S106. The County Highway Authority consider that the easiest way to achieve this is through a dedication from the landowner, with a legal order completed between HCC and applicant to add higher rights. A highway agreement (S278) will be required for improvement works to be carried out for this route and it may be the case that this could be extended to the portion of Fawley FP33 that extends beyond land within the applicant's ownership to Roman Road to the east, although this will depend on land ownership. As the footpath falls within the applicant's land ownership and site boundary, it is considered that these matters could be addressed by condition and an informative advising the applicant to enter a highway agreement with the County Council to facilitate appropriate provision of and future maintenance of the footpath.

15.5.3 Consequently the proposal complies with the highway related provisions of Policy CS10(c) and Policy HAR1, which seek to ensure that development is accessible and that any adverse impacts of traffic and parking are minimised, subject to conditions and informatives.

14.6 Tree and Ecology Impacts

14.6.1 The development is set away from protected trees along the northern boundary and an arboricultural survey accompanies the application. The Council's Tree Officer is satisfied that the development can be implemented without causing harm to protected trees, subject to conditions.

14.6.2 The application is accompanied by an ecological report which concludes that the site has limited biodiversity interest. The Ecologist is satisfied the development will have an acceptable ecological impact subject to a condition on nesting birds.

14.7 BREEAM

14.7.1 Policy CS4 requires new commercial developments over 1000 sq.m to achieve BREEAM 'excellent' standard. A BREEAM 2018 Pre-assessment Report was submitted with the application which indicated that the buildings would achieve a 'very good' rating, but did not make any specific reference to the Policy CS4 requirement to achieve an 'excellent' standard post 2016. In the absence of justification to depart from adopted policy, the proposal is contrary to Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

14.7.2 The applicant explains through an updated BREEAM Pre-Assessment that a score of 56.03% (Very Good) may be expected. While the Pre-Assessment demonstrates that the mandatory requirements for a BREEAM Excellent rating may be achieved by the proposed development, it is not technically feasible for the proposed development to meet the required score (>70%) target within the revised BREEAM 2018 criteria at this time. Officers accept that achieving the 'Excellent' standard in portal framed buildings, intended for industrial purposes has proved problematic in the past and bearing in mind the applicant has submitted a BREEAM report that indicates that the 'Excellent' standard sought under policy CS4 is not technically achievable, a departure from the provisions of Policy CS4 may be acceptable in this instance. The report indicates that the building is capable of achieving a 'Very Good' rating but additional information is required to show this is the maximum that can be achieved overall and as the scheme develops.

14.8 Other Matters

14.8.1 The application site is within the Fawley Major Hazard Consultation Zone (partly middle and partly outer). The Health and Safety Executive raise no objections to the proposal.

14.8.2 The County Drainage Authority require further information on the proposals for plans of surface water drainage and any SuDS featured in the scheme. A more detailed surface water drainage plan showing pipe sizes, pipe gradients and manhole invert levels to carry out a detailed check against the micro drainage calculations provided and information on the correct level of water treatment. It is considered that these matters could be addressed by a pre-commencement condition and cannot substantiate a reason for refusal.

14.8.3 With regard to the comments of notified parties, which are not addressed above, the proposal does not include any bin areas close to the gardens of Harrier Green. Bin areas are generally located to the northern portion of the site. While adjoining occupiers express a preference for housing on the site, the site has been allocated for employment purposes, even prior to erection of the dwellings at Harrier Green. Consequently, housing development would not be supported by the Council on policy grounds.

14.9 Conclusion

14.9.1 Concerns initially identified in terms of impact on neighbouring properties, highways and impact on the character of the area have been addressed by amended plans. While the proposal does not achieve the BREEAM excellent standard, the applicant has provided some justification and on balance the benefits derived in providing new employment opportunities on land allocated for employment purposes may outweigh the disbenefits of failing to meet the 'Excellent' standard. However, additional information is required in this respect.

14.9.2 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 Development Service Manager be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of additional information clearly showing why the minimum that can be achieved at this time is BREEAM Very Good
- ii) the imposition of the conditions as set out below, (modified if required to reflect i):

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 application plans numbered as follows: 6269-A-001 P4, 6269-A-100 P15, 6269-A-110 P3, 6269-A-111 P3, 6269-A-112 P2, 6269-A-113 P2, 6269-A-200 P2, 6269-A-201 P2, 6269-A-202 P2, 6269-A-203 P2, 6269-A-250-A-P0, 6269-A-600 P2, 1151/011 Rev F - Landscape Plan, Landscape Management Plan dated 15/01/19, Ecosa Ecological Impact Assessment Final Rev 2 - August 2018, Reptile Technical Note 2/11/18, Noise Report from ALN Acoustic Design, Lime Kiln Lane, Noise Impact Assessment, Revision B dated 16/01/19, BREEAM 2018 Pre-assessment by CHB Sustainability, Energy Statement 9/7/18, Design and Access Statement dated 15/1/19, Arboricultural Method Statement dated July 2018, HTS-TCP-01A Tree Constraints Plan, HTS-TPP-01A Tree Protection Plan, Planning Statement by Maddox - July 2018, Surface Water Drainage Strategy dated July 2018, Site Investigation Report June 2018, Transport Assessment Parts 1, 2 and 3, Umbrella Travel Plan - 16/01/19, i-Transport Transport Response Note - 8/10/18, i-Transport Trip Reduction Note - 11/10/18 and i-Transport Technical Note dated 16/01/19

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences, details of the means of disposal of surface water and foul sewerage from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details. The surface water discharge details shall include specific information on:

- Background information on the proposed design, including a more detailed surface water drainage plan showing pipe sizes, pipe gradients and manhole invert levels, to carry out a detailed check against the micro drainage calculations provided and any SuDS featured in the scheme
- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before development commences details of the means of the future maintenance of the proposed drainage assets and sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate building.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. 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 Method Statement dated 16/01/19.

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

7. Prior to any development above slab level full details of the design, siting, appearance and materials of boundary treatment for the site, including the 2.5m acoustic fence on the southern boundary shall be submitted for approval in writing by the Local Planning Authority. No development above slab level 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).

8. All external works (hard and soft landscape) shall be carried out in accordance with the approved Landscape Proposals plan ref. 1151/011 Rev F and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. The works hereby approved shall be undertaken in strict accordance with the Ecosa Ecological Impact Assessment Final Rev 2 dated August 2018 and the Reptile Technical Note dated 2/11/18, and shall be maintained thereafter in accordance with the agreed details, unless otherwise first agreed in writing with the Local Planning Authority.

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

10. Prior to any development above slab level on site, suitable provision for swifts in building plans (i.e. swift bricks) shall be submitted to and approved in writing by the Local Planning Authority. Development above slab level shall only proceed in accordance with the approved details and shall be maintained thereafter in accordance with the agreed details.

Reason: To safeguard and enhance environments for swifts, given the strategic importance of provision for swifts in Hampshire and support for the Hampshire Swift Group's objectives by Council Members, in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. The development hereby permitted shall not be occupied until the details of the improvements to the shared use foot/cycle way (Fawley Footpath 33) adjacent to the northern boundary of the site between Lime Kiln Lane and Harrier Green as shown in principle on drawing 6269 A-100P15 and within the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved details shall be implemented before the development hereby permitted is occupied and retained.

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

12. Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

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

13. The development hereby permitted shall not be occupied until the detailed design of the cycle parking facilities including the specification have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved cycle store facilities shall be erected prior to occupation of the development and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

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

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

15. Prior to occupation of the development, the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan. The applicant shall implement and monitor the approved travel plan in accordance with the Local Authority's specific Travel Plan guidance, and for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

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

16. Prior to occupation of the development hereby permitted, details of Delivery and Servicing Plan shall be submitted to and be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

17. No development hereby permitted shall commence above slab level until details of acoustic attenuation, that is solid, continuous and impervious along the entire south eastern boundary of the site, to afford adequate protection for all properties, has been submitted to and approved in writing by the Local Planning Authority.

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

18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, unit numbers 1, 5, 6, 14, 15, 24 and 25 as indicated on plan number 6269-100 REV P15, shall be restricted to B1c or B8 use classes and shall be used for no other use purposes, whatsoever without express planning permission first being obtained.

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

19. The development hereby permitted for B1c/B2/B8 use classes shall not operate other than between the hours of 07:00 – 19:00 Monday to Friday, 08:00-13:00 Saturday and not at all on Sundays or Bank Holidays.

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

20. No deliveries, despatches or refuse collections to or from the site shall be permitted before 07:00 hours and after 18:00 hours Monday to Saturday and not at all on Sundays or Bank Holidays.

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

21. No goods, plant, or machinery shall be stored in the open on the site and no manufacturing, repair or maintenance processes shall be carried on outside of the buildings on the site at any time, without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

22. Prior to the installation of any external plant, machinery or equipment installed at any of the individual units, details of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a noise impact assessment to consider noise from the proposed external equipment in accordance with BS4142:2014, and meeting the criteria as set out in line with the accompanying noise impact assessment carried out for this original application, J0393-R01 REV B.

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

23. Any lighting installed at the hereby permitted development shall be installed and fitted with shields such that the lamps (commonly known as the 'bulb') shall not be visible from any residential premises. The shielding shall thereafter be retained and maintained.

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

24. The first floor windows in the southern elevation of the approved unit numbers 1, 5, 6, 14, 15, 24 and 25 as indicated on plan number 6269-100 REV P15 shall at all times be glazed with obscure glass and fixed shut at all times unless the parts that can be opened are more than 1.7m above the corresponding floor level. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

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

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).

26. The buildings will be required to achieve a BREEAM 'very good' standard, as set out in the BREEAM 2018 Pre-assessment by CHB Sustainability. No buildings shall be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the buildings have achieved a BREEAM 'very good' standard.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

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 planning history of this site has seen proposals for employment and more recently housing resisted by the Council. No pre-application advice was sought by the applicant prior to submission of the application. While the Council recognises that the principle of employment development on this site is acceptable, that view is on the proviso that the concerns raised over the form of development and residential amenity impacts are overcome. Following a meeting with the applicant's team, attended by all of the relevant consultees, to resolve the problems and subsequent negotiations, the alterations made to the proposed plans were considered sufficient to overcome the Council's concerns and in this instance the amended submission was considered to be acceptable.

2. Southern Water advise that there is a public sewer within the site. A plan of the sewer records showing the approximate position of the public foul sewer within the site is available to view on the Council's website under ref. 18/11032. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

- No development or new tree planting should be located within 4 metres either side of the external edge of the public foul sewer.
- No new soakaways or other water retaining or conveying features should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect drainage apparatus, Southern Water requests the developer advises Southern Water of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Investigations indicate that Southern Water can facilitate foul sewerage and surface water run off (at proposed attenuated peak discharge rate) disposal from the proposed development. Southern Water requires a formal application for connections to the public foul and surface water sewers to be made by the applicant or developer. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a. Adequate soakaway or infiltration system
- b. Water course
- c. Where neither of the above is practicable sewer

Southern Water supports this stance. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Southern Water can provide a water supply to the site. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

3. HCC Flood and Water Management Team advise that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent from the Lead Local Flood Authority is required. **This consent is required as a separate permission to planning.**

Information on ordinary watercourse consenting can be found at the following link <http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm> It is strongly recommended that this information is reviewed before Land Drainage consent application is made.

For guidance on solving these issues, we recommend you use our Surface Water Management Pre-application service which will provide clear guidance on what information is required to allow your application to be returned to the Local Planning Authority with no issues. For full details, please visit:
<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> and click on pre-application advice request form.

It is important to ensure that the long-term maintenance and responsibility for Sustainable Drainage Systems is agreed between the Local Planning Authority and the applicant. This should involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

For SuDS systems to be adopted by Hampshire Highways it is recommended that you visit the website at:

<https://www.hants.gov.uk/transport/developers/constructionstandards> for guidance on which drainage features would be suitable for adoption.

Where the proposals are connecting to an existing drainage system it is likely that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.

4. Hampshire County Rights of Way and Highway Authority advise the applicant to enter a highway (S.278) agreement with the County Council to facilitate appropriate provision of and future maintenance (to include a commuted sum for future maintenance of the upgraded asset) to the section of Fawley Footpath 33 located to the northern boundary of the development site and which falls within the applicant's ownership. Condition no. 11 relates to that portion of FP33 that falls within the applicant's ownership, although please be advised that the S.278 agreement may relate to a 30m section of the footpath outwith the applicant's control, that connects with Roman Road to the east.
5. The Council's Environmental Health section advise that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantial complaints within the remit of Part III of the Environmental Protection Act 1990 be received.

Further Information:

Jim Bennett
Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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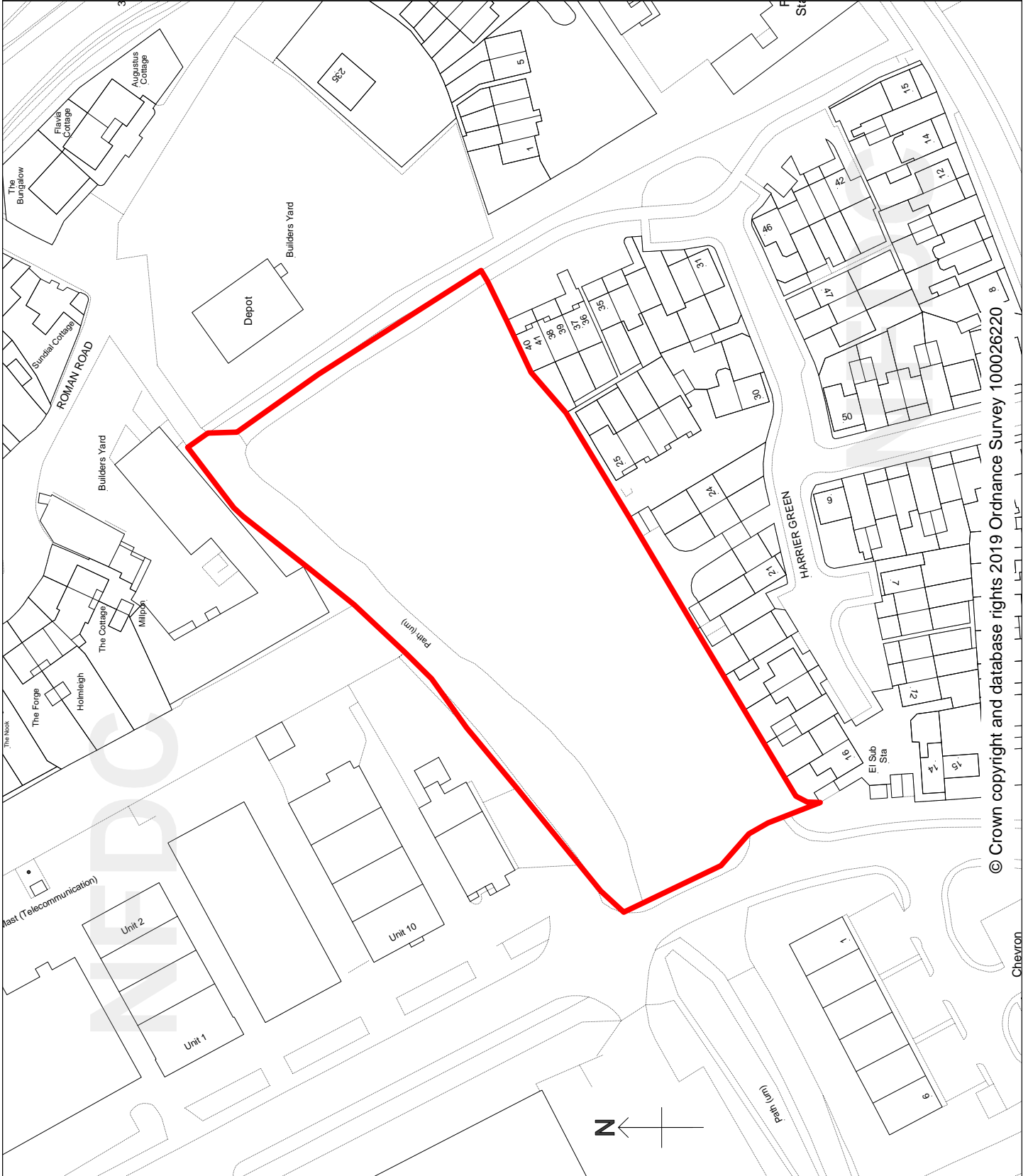
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 3c
Land of
Limekiln Lane
Holbury Fawley
18/11032

Scale 1:1250

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Application Number: 18/11341 Full Planning Permission

Site: PENLOWARTH, 7 THORNBURY AVENUE, BLACKFIELD,
FAWLEY SO45 1YP

Development: Flue on outbuilding (Retrospective)

Applicant: Mr Dugdale

Target Date: 04/12/2018

Extension Date: 15/02/2019

RECOMMENDATION: Refuse

Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

None

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
04/80808 Roof alterations with dormer	28/04/2004	Granted Subject to Conditions	Decided
03/77751 Alterations to roof	21/05/2003	Granted Subject to Conditions	Decided
02/76848 Roof alterations; balcony	17/02/2003	Refused	Decided

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend refusal due to concerns relating to the smoke nuisance being experienced by neighbours and query that this issue should be raised with NFDC Environmental Health.

7 CONSULTEE COMMENTS

7.1 Environmental Health Protection: no objection. Once the appliance was operating at a high temperature, only a heat haze was visible, and smoke/odour was not considered to have any significant adverse impact.

8 REPRESENTATIONS RECEIVED

Representations received based on original submission.

8.1 One objection received from 10 Thornbury Avenue on the grounds of the impact of the smoke from the flue and associated wood burner impacting their property and amenity:

- Detailed the proximity of the properties and the location of the outbuilding, showing the neighbour's property to be one of the closest properties to the outbuilding.
- Provides evidence of the average wind direction being towards his property from the outbuilding.
- Refers to guidance from the British Flue & Chimney Manufacturers Association (BFCMA) on the recommended minimum height of a flue for minimum effectiveness,
- Possible future legislation around emissions from all sources, including wood burning stoves.

8.2 A further letter of objection was received from 10 Thornbury Avenue

- Extra information has not been considered by Environmental Health regarding flue height:
 - BFCMA guidance for installing wood burning stove and flue
 - Approved Document J 2010 (Section J2)
- The overall flue height should be in accordance with Document J of Building Regulations - 4.5m above stove top. This does not appear to meet Building Regulations
- The existing height will allow smoke and fumes at very low level to circulate around their garden and house and enter windows and doors.
- Any flue must have a HETAS certificate (Heating Testing and Approval Scheme introduced in 2006) or comply with Building Regulations
- Domestic wood burning emissions are a source of particulates.

8.3 The applicant has commented as follows:

- wind speed and direction indicators have been erected
- The flue fits within permitted development rights
- Environmental Health have raised no objection and so will not have a significant bearing on neighbouring properties
- The stove is DEFRA approved for use in smokeless areas. The wood is locally sourced, seasoned and stored in dry conditions

CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

In accordance with 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 following further assessment and detailed consideration the application to retain the flue is considered to be unacceptable due to the potential adverse impact on residential amenity.

12 ASSESSMENT

- 12.1 Members will recall that this application was considered and deferred at the last Planning Committee on 13th February 2019 (Item 3h).
- 12.2 The property is a detached chalet bungalow in the built up area of Blackfield. Thornbury Avenue has a wide variety of properties, with traditional and converted detached bungalows, as well as semi-detached two storey houses.
- 12.3 The plots are most commonly long and narrow, with properties set a uniform distance back from the road and close together. No. 7 and its adjacent neighbours have gardens that are intersected to the rear by the garden of No 10, at an angle of approx 25°.
- 12.4 The proposals are for retrospective planning permission for a flue on the existing outbuilding in the rear garden. The flue rises 0.5m above the ridge giving a total height of 3 metres and is located on the eastern roof slope of the existing outbuilding.
- 12.5 The outbuilding is located less than 1.0 metre from the boundary with the garden of No.10, but it would be 20 m away from the house.
- 12.6 The main considerations are visual impact and impact on amenity due to smoke, and associated emissions and smell for the flue.
- 12.7 The outbuilding and flue is located towards the rear of the garden and is set back relative to surrounding properties, such that there is no impact on visual amenity. Due to the outbuilding and flue being to the rear of the property there would be no impact on the street scene.

- 12.8 The residential amenity issues to consider relate to the potential for smoke from the flue to cause adverse impact on adjoining neighbouring properties. Paragraph 180 of the NPPF requires new development to be appropriate to its location taking into account the likely impacts of pollution on health and living conditions. Planning Policy Guidance includes Air Quality as a relevant material planning consideration to be taken into account in making an assessment of the acceptability of new development.
- 12.9 The outbuilding and the flue is located is close to the boundary with 10 Thornbury Avenue but there remains a separation of 20 m between the outbuilding and the house. Other neighbouring properties retain a similar separation but their gardens do not extend to have boundaries immediately adjacent to where the outbuilding and flue are located and as such are less directly impacted.
- 12.10 There is an outside decking area where a gazebo is erected in season within the garden on No 10 close to the boundary with No 7 and within approx 5 metres of the outbuilding and flue.
- 12.11 Due to concerns about the potential smoke and odour nuisance caused by the wood burning stove Members considered that further investigation and information were essential before this planning application could be properly assessed and determined. This investigation was to allow the effect of the wood burning stove to be observed when it was lit.
- 12.12 A site visit has now been undertaken to make this assessment . The conditions at the visit were bright and sunny with a light south westerly breeze. The wood burner and flue were installed by the applicant in accordance with DEFRA guidance. It was confirmed by the applicant that thoroughly seasoned locally sourced wood fuel is used which is stored in the greenhouse.
- 12.13 The wood burner was lit from cold and it took approximately 20 minutes to reach normal operation temperature. Smoke was visible from the flue for the majority of this time. Despite smoke being visible, it generally dispersed quickly despite the low level of the flue; however, transient odour from wood smoke was detectable, particularly around the outside decking area.
- 12.14 Once the appliance was operating at a high temperature, only a heat haze was visible but there remained the smell of combustion in the air. Whilst smoke emissions were present they were more intermittent and fluctuated with more limited smoke but odour remained evident. Further period of increased smoke and odour were observed when additional fuel was added to the wood burner, albeit for short durations of time. Odour from the smoke could be detected and was also present upstairs in the house where the rear facing windows were open. Overall, this impact was so slight to not be felt that refusal could be justified. This was considered to be acceptable due to the separation distance from the flue which allowed for dispersal of smoke emissions and odour.

- 12.15 Environmental Health have raised no objection. Despite the potential for smoke and odour to impact upon nearby properties the appliance is capable of operating efficiently with a low level of impact. Factors such as the way the appliance is operated, nature of fuel used, size of appliance etc. will ultimately determine whether smoke causes an issue. If such issues become a Statutory Nuisance then Environmental Health have legislation in place to deal with them.
- 12.16 Notwithstanding the Environmental Health comments, the assessment of the amenity impacts under planning legislation are relevant in the determination of this application and should provide a greater protection to safeguard against adverse impacts.
- 12.17 In making this assessment, reference is made to an appeal decision relating to a flue on a garden room at Strawberry Cottage, Butts Ash Lane, Hythe (15/10244). This retrospective application was refused for reasons of visual intrusion and impact on residential amenity due to smoke pollution. In dismissing the appeal, the Inspector considered emissions and commented that "*In this regard, it seems to me that monitoring [of the flue] over a longer period would be necessary before the Council can properly and reliably assess whether or not the emissions cause a nuisance to the occupiers of No. 33 when using their garden.*" Whilst he considered that amendment to the flue position and further monitoring of emissions may enable it to be considered acceptable, in the present circumstances the conclusion reached was that it was harmful and as such the appeal was dismissed.
- 12.18 It is relevant to note that in this case the Inspector found the impact from emission to be harmful to adjoining amenity and did not consider that a temporary consent to allow further monitoring to take place was appropriate. These circumstances are very similar to the current application.
- 12.19 Weather and wind conditions will change as will the emissions from flue and so too will associated impact on adjoining residents. It is accepted that there will be an impact on the adjoining neighbour and most particularly the outside decking area of No 10 which is close to the boundary with No 7.
- 12.20 In assessing the impact on amenity, the effect on the outside decking area at No 10 which is located close to the boundary and in a south west (down wind) position was of particular concern. This area is frequently used in fine weather as an outdoor amenity space to eat and socialise and this is the area most potentially affected by emissions from the flue.
- 12.21 Having observed the wood burner in operation, the initial impact from smoke and odours does have some short term adverse impact, after approximately 20 minutes these impacts were reduced but there remained a residual smell of combustion in the air. Although this was not considered to be overpowering it did have an adverse impact on the amenity of the adjoining residential occupants particularly the garden and decking area closest to the boundary with No 7. Within this context, although the flue is already in place, monitoring over a longer period would be necessary before the Council can properly or reliably assess its impact on the amenity of adjoining residential properties.

12.22 For information, Building Regulations are required for the outbuilding and the flue. This is because the outbuilding is over 15 sq. m under 30 sq. m in size, single storey, and does not contain sleeping accommodation, however as is within 1 m of the boundary, and so it is not an exempt building. However this is a separate matter not within the scope of this planning application.

12.23 In conclusion, there are potential impacts on residential amenity and whilst when inspected the most excessive smoke emissions appear to be relatively short term in nature, the residual odour remained while the wood burner was lit. It is accepted that the impacts will vary according to weather conditions and the manner in which the wood burner is used. However, given that the flue is positioned at such a low level and located in close proximity to the boundary and decking area at No 10 adverse impact on amenity would result

12.24 On the basis of the further assessment undertaken and the relevant appeal history it is concluded that a temporary consent to allow further monitoring is not appropriate in this instance and the recommendation is therefore to refuse.

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

13. RECOMMENDATION

Refuse

Proposed Conditions:

1. By reason of its siting, limited height and its position in relation to the boundary, the flue causes unacceptable pollution by way of smoke emission and odour to the detriment of the reasonable amenities of the occupiers of the adjoining residential property at No 10 Thornbury Avenue, and in particular the decking area within their rear garden. For this reason, the development is contrary to policies CS2 and CS5 of the Core Strategy for the New Forest District outside the National Park.

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 all the above apply and following further assessment and detailed consideration the application to retain the flue is considered to be unacceptable due to the potential adverse impact on residential amenity.

Further Information:

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**Planning Development
Control Committee**

March 2019

Item No: 3d

Penlowarth
7 Thornbury Avenue
Blackfield Fawley
18/11341

Scale 1:1250

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the internet, it will not be to
scale.



Application Number: 18/11556 Full Planning Permission

Site: Land of 28 ST GEORGES ROAD, FORDINGBRIDGE SP6 1ES

Development: Bungalow; access on St Georges Crescent

Applicant: Paris Smith LLP

Target Date: 15/01/2019

Extension Date: 15/03/2019

RECOMMENDATION: Refuse

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Fordingbridge Town Design Statement
Parking Standards SPD (Oct 2012)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 There is no planning history for the site itself, although the neighbouring site (no. 26 St Georges Road) has quite an extensive history where residential development has been resisted. In November 2004 the Council refused planning permission for a bungalow in the rear garden of

no. 26 St Georges Road, as it was considered that the site would not be of a size sufficient to accommodate the proposed dwelling without the development appearing unacceptably cramped and contrived, and detrimentally impacting the character of the surrounding area. In determining the appeal, while the Inspector acknowledged that there was a requirement to find additional land for housing, they agreed with the Council's reasoning for refusal and the appeal was dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend that permission is granted as it clarifies and improves the application

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Southern Gas Networks - give informatives on proximity of site to apparatus

10 REPRESENTATIONS RECEIVED

No objections were received following submission of the amended plans although five representations were received objecting to the original proposal on the following grounds:

- There needs to be an access and parking plan to ensure the bungalow has sufficient parking so as not impede the adjoining highway
- Inadequate access and parking arrangements
- The overall footprint of the property leaves little recreational area.
- Enhanced boundary arrangements should be considered.
- Proximity of dwelling to adjoining boundary
- Loss of privacy
- A similar proposal on an adjoining site has previously been refused

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £1,224 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 £7,512.00.

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

13 WORKING WITH THE APPLICANT/AGENT

The applicant did not seek the pre-application advice of the Planning Authority in respect of the form of development proposed here. While amended plans were received seeking to address the concerns of officers and notified parties in respect of parking and access provision, character impacts, orientation, boundary treatments and neighbouring amenity, those concerns were not entirely addressed. In this instance, due to the absence of acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

14 ASSESSMENT

- 14.1 The area is characterised by detached bungalows fronting surrounding roads. To the north of St Georges Crescent boundaries are defined by low walls and hedges. To the south boundaries are defined by a mixture of hedges and low picket fencing, but predominantly high timber fencing, which adds little to the street scene. The proposal relates to the rear curtilage of no. 28 St Georges Road, which has been subdivided relatively recently through the introduction of close boarded timber fencing. Until subdivision took place the site had a more verdant character with an evergreen hedge and fruit trees along the line of St Georges Crescent, albeit with a collection of outbuildings and vehicles within the curtilage. Close boarded timber fencing is now a prevalent feature of the site and its boundary with St Georges Crescent is now formed almost entirely by a 1.8m close boarded fence.
- 14.2 It is proposed to retain the existing bungalow at no. 28 St Georges Road and to erect a hipped roof, two bedroom bungalow in its rear garden, accessed from St Georges Crescent. The proposal site would then be permanently subdivided to form separate accesses and at least one off-street parking space, which is outlined on the amended plan.
- 14.3 While the principle of new residential development within the built up area is acceptable, this is subject to other material considerations which, in this case are impacts upon the character of the area and residential amenity. Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon residential amenity. Paragraph 130 of the 'The National Planning Policy Framework' states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 14.4 In assessing the effect on the character and appearance of the area, the immediate context of the area is characterised by detached bungalows fronting surrounding roads, within quite tight plots. It needs to be considered whether the footprint, orientation and massing of the development together with the space retained about the proposed dwelling is appropriate in terms of its impact upon the character of the area. The original submission showed a larger dwelling with a garden curtilage arrangement that was quite tight due to the large footprint of the proposal, which also had a very close relationship to the existing dwelling and to the rear curtilage of no. 26. It was not clear from the original submission how off-street parking would be accommodated or what boundary treatment and landscaping was proposed. During

discussions between the case officer and agent, concerns over the relationship/orientation of the proposed dwelling to the existing dwelling, curtilage arrangements for future occupiers, the limited space about both the existing and proposed units, boundary treatment on St Georges Crescent, parking, access and landscaping arrangements were raised. Officers considered an alternative layout could be achieved which mitigated the concerns highlighted above, still providing two dwellings on the site, but enhancing the development's appearance and character of the area. The agent considered an alternative plan prepared by the case officer showing two semi-detached bungalows in a staggered arrangement, one fronting St Georges Road, the other accessed via St Georges Crescent, but concluded that it was not cost effective to demolish a bungalow and replace with two smaller dwellings. The agent considered that the amended plans had responded to both the department's concerns and those of local residents and requested they be re-advertised. The amended plans are before Members today for consideration.

- 14.5 Officers consider the amended plans to be preferable to the initial submission in relation to addressing some of the concerns raised, but those concerns were not entirely alleviated. In support of the amended scheme, the proposed dwelling was reduced in size, with a little more space about it and with access and parking for one vehicle indicated. However, the relationship and orientation of the proposed dwelling to the existing dwelling is still poor, being separated by just 7.5m, with a 1.8m close boarded fence separating the two. While there would be limited space about both the existing and proposed units, the area is typified by tight curtilage arrangements and it is not considered that a reason for refusal could be substantiated on this basis alone. Nevertheless, the manner in which the curtilage would be subdivided is not typical of the locality, with so little separation between existing and proposed dwellings and this is considered to be harmful to the character of the area. It is acknowledged that the curtilage of no. 22 St Georges Road has been subdivided sometime ago to create no. 1 St Georges Crescent, but there is a good level of separation between the two properties and the relationship and orientation of the two is much better than proposed by the current submission. It is unfortunate that the amended plan did not show enhancements to the boundary treatment on St Georges Crescent (substitution of brick walling with timber panel inserts for timber fencing) which could have enhanced the street scene. The parking, access and turning arrangements are shown on the amended plan, although provision for just one car is shown. However, it is considered that two off-street spaces could be provided if necessary and underprovision could not substantiate a reason for refusal in this instance. On balance, while it is agreed that there is space for an additional dwelling on this site, the existing dwelling having one of the larger curtilages in the locality, officers feel the layout is poor and the relationship of the proposed dwelling to the existing dwelling is unacceptable. It was hoped that the street scene could have been enhanced through introduction of enhanced boundary treatment and landscaping, although the submitted plan has limited detail in respect of these matters. The relationship, degree of separation and orientation of the proposed dwelling to the existing dwelling is poor and the manner in which the curtilage would be subdivided would be harmful to the character of the area. Furthermore opportunities have not been taken to introduce enhancements to the boundary treatments and landscaping, which could have enhanced the street scene. Consequently the

proposal would be contrary to Policy CS2 of the Core Strategy and paragraph 130 of the National Planning Policy Framework.

- 14.6 Policy CS2 also requires the impacts of development proposals to be considered in terms of residential amenity. The scale of the dwelling is such that it would have no direct overbearing or oppressive impact on neighbouring properties. Similarly the fenestration arrangements at ground floor level would ensure that no direct overlooking results to adjoining houses, although this is reliant upon 1.8m high close boarded timber fencing being provided on the south and east boundaries of the site. The amenity arrangements for the proposed development are just about acceptable, considering the space about the building and the proposal would not have any significant adverse impacts upon properties beyond the site. However, the amenity impacts upon future occupiers of the existing dwelling (no. 28 St Georges Road) need to be considered. The relationship of the proposed dwelling to the existing would be unacceptable in privacy terms due to the poor orientation and separation, were it not for the 1.8m fence erected between the two. The close boarded fencing has been erected within 2m of the back windows of no. 28 St Georges Road, which presents a very poor and oppressive outlook. Furthermore, the level of private amenity space available to no. 28 to the rear would almost be completely eroded by the proposal. Future occupants of no. 28 would be reliant upon open space to the front of the site (St Georges Road), where they would be afforded no privacy without erection of more high timber fencing, which would be unacceptable in visual/street scene terms. It is concluded that the layout and form of development proposed would lead to a poor standard of residential amenity for future occupiers of no. 28 St Georges Road by virtue of the oppressive impact of close boarded fencing on the rear outlook of that property and the poor level of private open space afforded to future occupiers, contrary to the amenity related provisions of Policy CS2.
- 14.7 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 impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.
- 14.8 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.

- 14.9 The Council has 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 propose 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. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.
- 14.10 While it is recognised that the proposal would be beneficial in providing new housing, these benefits do not override the harm which has been identified in terms of the impact on the character of the area and residential amenity.
- 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 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550 if CIL paid in full	£550 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------------	----------------------------------	-----------------------------	------------------------------------	------	-------

Dwelling houses	78	0	78	78	£80/sqm	£7,512.00 *
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Subtotal:	£7,512.00
Relief:	£0.00
Total Payable:	£7,512.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Proposed Conditions:

1. The relationship, degree of separation and orientation of the proposed dwelling to the existing dwelling is poor and the manner in which the curtilage would be subdivided would be harmful to the character of the area. Furthermore opportunities have not been taken to introduce boundary treatments and landscaping, which could have enhanced the street scene. Consequently the proposed development would be harmful to the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and paragraph 130 of the National Planning Policy Framework.
2. The layout and form of development proposed would lead to a poor standard of residential amenity for future occupiers of no. 28 St Georges Road by virtue of the oppressive impact of close boarded fencing on the rear outlook of that property and the poor level of private open space afforded to future occupiers, contrary to the amenity related provision of Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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 did not seek the pre-application advice of the Planning Authority in respect of the form of development proposed here. While amended plans were received seeking to address the concerns of officers and notified parties in respect of parking and access provision, character impacts, orientation, boundary treatments and neighbouring amenity, those concerns were not entirely addressed. In this instance, due to the absence of acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

Further Information:

Jim Bennett

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New Forest
DISTRICT COUNCIL

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David Groom
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Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**

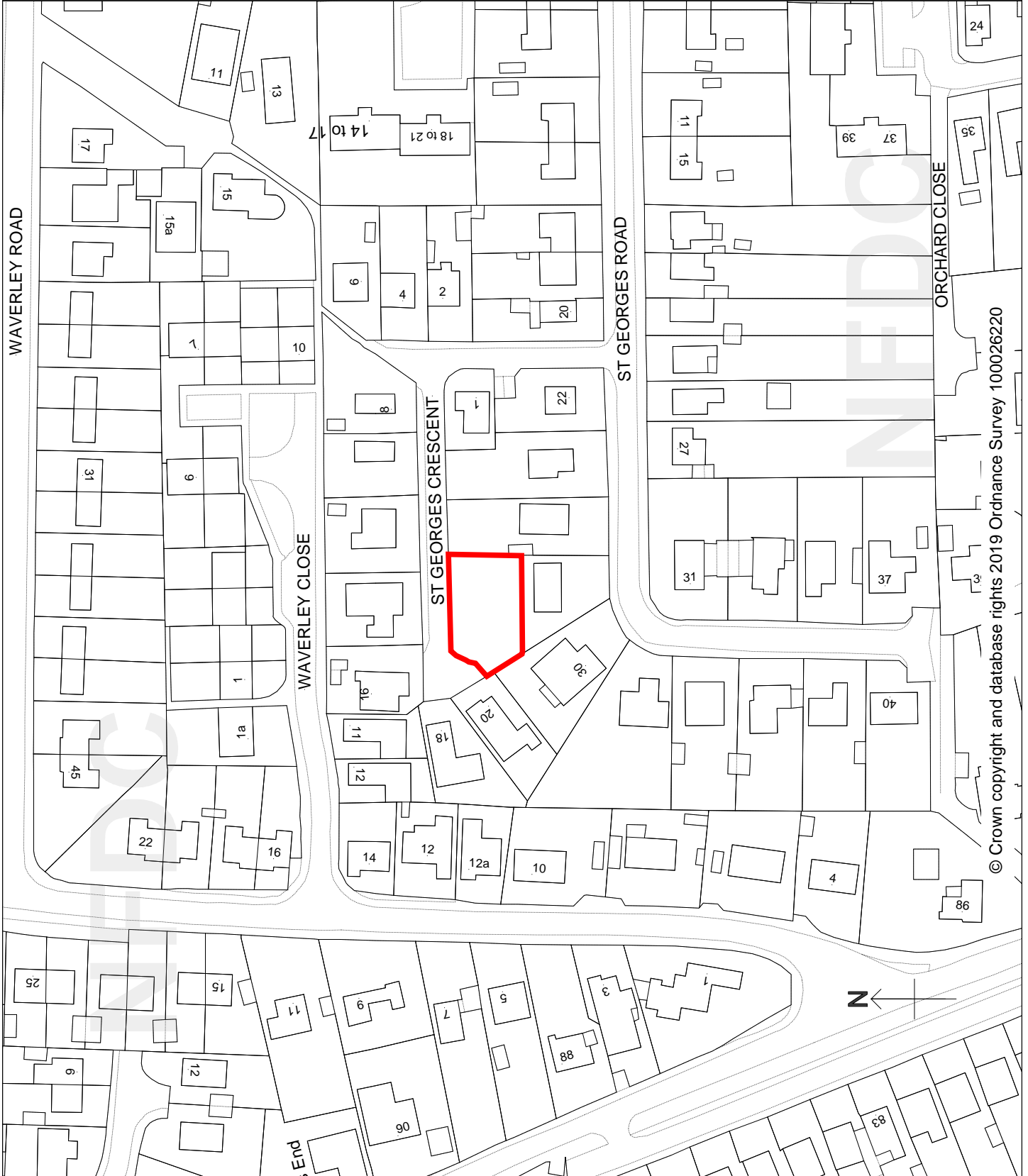
March 2019

Item No: 3e

Land of
28 St Georges Road
Fordingbridge
18/11556

Scale 1:1250

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the internet, it will not be to
scale.



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Planning Committee 13 March 2019

Item 3 f

Application Number: 18/11673 Full Planning Permission

Site: 46 FULLERTON ROAD, PENNINGTON, LYMINGTON SO41 9JN

Development: Roof alterations and dormers in association with new first floor;
Single-storey rear extension; replacement garage

Applicant: Mr Savin

Target Date: 13/02/2019

Extension Date: 15/03/2019

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

Lymington Local Distinctiveness SPD

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

4 RELEVANT SITE HISTORY

No relevant history

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. Notwithstanding precedents set at other locations on Fullerton Road the topography of this site results in the property being higher than its neighbours and also those properties it overlooks on Samber Close. It is clear from the work already undertaken that the result is detrimental to the character of its immediate neighbourhood and will result in a loss of amenity for the residents of Samber Close. In the event of permission being granted we strongly recommended that permission for any further development to the roof space leading to the insertion of new dormers is specifically precluded.

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

Three representations received from numbers 122, 123 & 124 Samber Close on superseded plans raised concern regarding:

- overlooking from proposed dormers particularly due to elevated nature of application site.
- loss of daylight.
- noise and disturbance.

Following receipt of the amended plans the neighbours were re-consulted but no further comments have been received.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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

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

11 WORKING WITH THE APPLICANT/AGENT

In accordance with 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.

Following the Officer's visit to the site a number of issues were identified. Amended plans were received to overcome these initial concerns and therefore in this case all the above apply and as the application was acceptable no further actions were required.

12 ASSESSMENT

- 12.1 The property is a bungalow positioned between two similar dwellings. The area is within Character Area 7; Yaldhurst Purlieu of the Lymington Local Distinctiveness Supplementary Planning Document. Many of the dwellings in Fullerton Road and surrounding streets have been altered and there is a variety of building formats and designs with some benefiting from roof alterations to allow rooms in the roof.
- 12.2 The land levels vary, sloping downwards from west to east, which means that the properties opposite are on a higher level and the properties to the rear in Samber Close, which are two storey dwellings, are significantly lower than the application site.
- 12.3 The current proposals are for roof alterations and dormers in association with new first floor, a single-storey rear extension and a replacement garage. The proposed development would include an increase in the height of the ridge by 1 metre. The resulting property would be finished in a white rendered walls and a slate roof. There would be areas of cladding to the dormer cheeks which are shown on the plans as being Cedral cladding in dark grey which would match the dark grey fascias and soffits.
- 12.4 The main considerations when assessing this application were impact on the street scene and neighbour amenity. During the application process the planning Officer has worked with the agent to overcome the initial concerns raised taking into account the neighbour comments and this resulted in amended plans being submitted as referred to below.
- 12.5 The amended plans submitted, and now for determination, reduced the overall height of the ridge by 400mm, reduced the width of the rear dormer by 600mm and changed the internal layout so that the first floor dormer window to the rear serve a bathroom ensuite so could be obscure glazed.
- 12.6 In terms of neighbour amenity the neighbour to the north, number 48 is slightly set back on the plot in comparison to number 46. This neighbour does have windows on the side elevation facing the application site which are obscurely glazed. Given that the separation of 3.5 metres would be retained the proposed increase in the roof height and bulk and rear extension would not have a significant adverse impact on their outlook or cause an unacceptable loss of light.
- 12.7 The neighbour to the south, number 44, also has windows on the side elevation facing the application site but given the orientation and that there is a gap between the properties of a minimum of 4 metres, the overall impact of the proposals on their amenity would be acceptable.
- 12.8 The neighbours to the rear within Samber Close are two storey properties with relatively shallow rear gardens of between 6 metres and 14 metres in depth. These properties are also at a significantly

lower level than number 46. There is a separation of a minimum of 24 metres between these properties and the application property. Whilst this back to back distance exceeds the normally recommended 21 metres given the difference in levels there could be some potential impact on the amenity of these neighbours to the rear. On visiting the neighbour to the rear, number 123 Samber Close, the proposed increase in height and additional built form from the rear dormer would be visible from their rear windows and garden but given the distance between the properties there would not be an adverse impact in terms of visual intrusion or a loss of light.

- 12.9 Neighbour objections were received from 122, 123 & 124 Samber Close in respect of the original plans (now superseded) which raised concern regarding overlooking, loss of daylight and noise and disturbance. The original plans indicated a rear bedroom window in the proposed dormer. Amended plans were received which show that the rear dormer would contain a single window which would serve an en-suite bathroom. No further comments were made from these neighbours following re-consultation on the amended plans.
- 12.10 These changes to the layout now propose a single rear window in the dormer to serve an en-suite bathroom. Given its use, this window could reasonably be conditioned to be obscure glazed with high level opening which would overcome the concerns about overlooking to the rear. Furthermore, to protect the neighbour's privacy in the future it is proposed to apply a condition to any approval for no additional windows to be inserted on this rear roof slope/dormer without further planning permission.
- Noise and disturbance would be limited to the construction period only.
- 12.11 The proposed increase in height of 1 metre and two flat roof dormers with its modern material palette would introduce a change to the appearance of this property in the street scene. Furthermore the Parish Council have commented that other changes already undertaken in the locality have resulted in a detrimental affect on the character of the area. However whilst immediately adjoining properties remain small scale bungalows, there are a number of properties in the wider area which have been altered in a similar manner to increase their roof height and providing dormers to allow for rooms in the roof.
- 12.12 The street scene is varied and has evolved over time such that there is no longer a strong pattern of development. Therefore, due to this degree of variation in the street scene the increase in roof height is not considered to be detrimental to the local area. This was the view expressed by the Inspector in allowing two appeals at 4 Fullerton Road (15/10223 and 16/10989).
- 12.13 Dormers are not an uncommon feature in the area and there are existing properties with flat roof dormers within the street scene. The proposed dormers on the front elevation would not appear dominant and would be proportionate features within the roof slope and the roof light windows would have minimal effect on the overall appearance of the property.

- 12.14 The proposed flat roof dormer to the rear is relatively large. However being to the rear of the property it would not be clearly viewed from the street scene and therefore would not have a significant impact on the street scene.
- 12.15 The materials to be used would be white render and slate roof and similar materials have been used in other properties in the wider area. Therefore these are not considered to look out of keeping in this location. The areas of cladding are minimal and therefore whilst this would result in a more modern finish to the property it would not be to the detriment of the overall street scene.
- 12.16 The proposed alteration to the front elevation would include the introduction of a flat roof to the porch and existing single storey projecting element. Whilst this is not a form of development which is generally considered appropriate it is acknowledged that the proposed flat roof would be limited in size and reflect the modern style of development proposed and therefore on balance it would not be significantly harmful to the street scene to justify refusal. Overall the proposed development would be visually acceptable within its context and respect the local distinctiveness of the area.
- 12.17 The proposed garage would be set back on the plot and limited in height . It would be an appropriate addition which would not have a detrimental impact on the street scene or neighbour amenity.
- 12.18 Following submission of amended plans, the impact on neighbour amenity is considered to be acceptable and there would be no resultant harmful overlooking. The increase in height from the proposed development is limited and whilst there would be a change of design, inclusion of dormers to the front roofslope and use of modern materials this would not be dissimilar to other properties in the wider street scene where there is a varied character. Therefore the proposed development would not have a significant adverse impact on the street scene or local distinctiveness and the application is recommended for approval.
- 12.19 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: LP.01 ,G.01, EE.01, EP.01, PE.01 REV A & PP.01 REV A

Reason: To ensure satisfactory provision of the development.

3. The first floor dormer window on the rear elevation of the approved building shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

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

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

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

Notes for inclusion on certificate:

1. In accordance with 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.

Following the Officer's visit to the site a number of issues were identified. Amended plans were received to overcome these initial concerns and therefore in this case all the above apply and as the application was acceptable no further actions were required.

2. This decision relates to amended/additional plans received by the Local Planning Authority on 21 January 2019

Further Information:

Julie Parry

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New Forest
DISTRICT COUNCIL

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

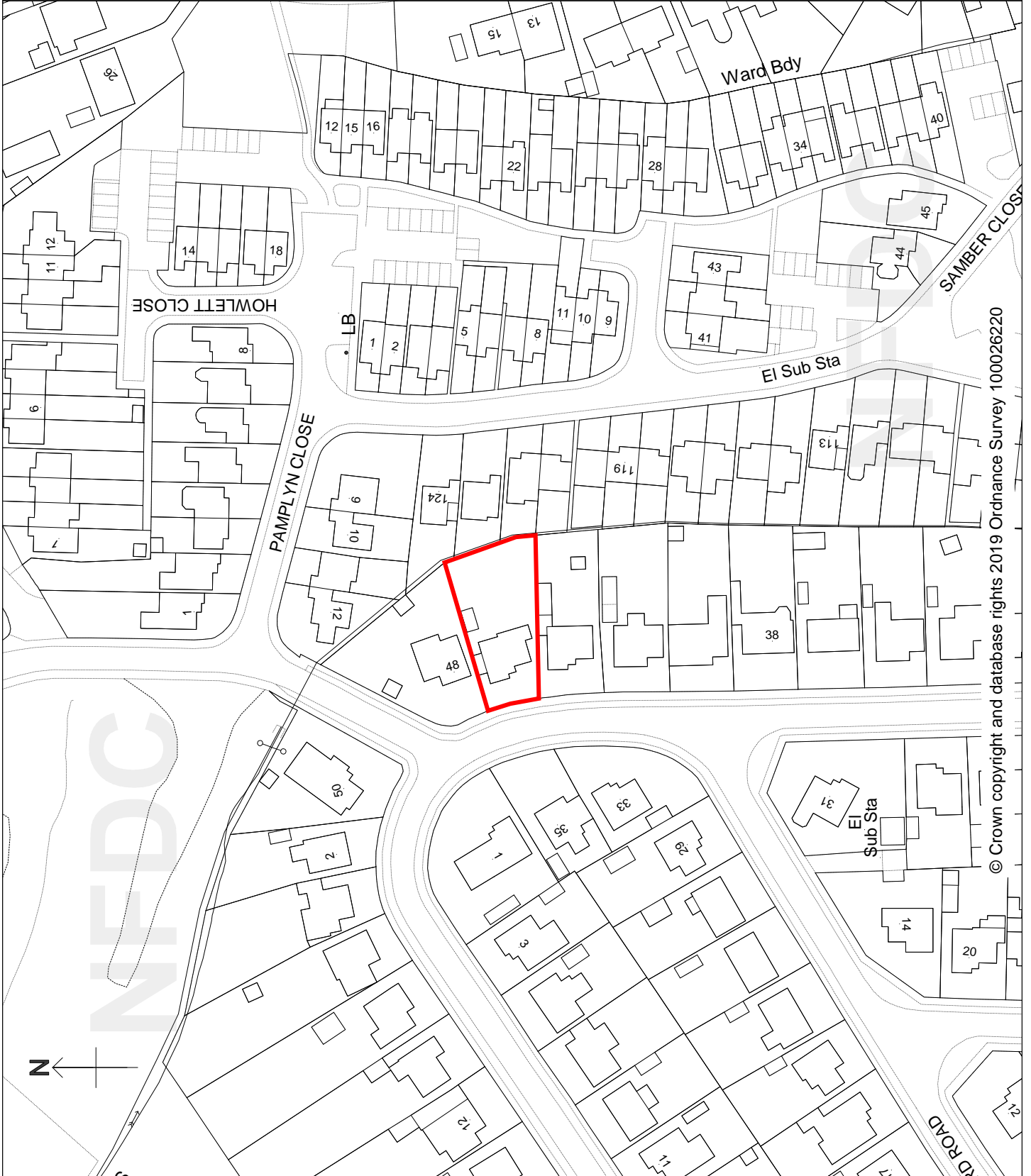
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 3f
46 Fullerton Road
Pennington
Lymington
18/11673

Scale 1:1250

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scale.



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Planning Committee 13 March 2019

Item 3 g

Application Number: 19/10013 Full Planning Permission

Site: LAND OF FENWICKS STORAGE YARD, BROKENFORD LANE,
TOTTON SO40 9DX

Development: Development of 21 dwellings comprised; 3 terraces of 5 houses;
1 terrace of 6; bin and cycle store; parking, landscaping, access
and associated works

Applicant: Sovereign

Target Date: 05/04/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Affordable housing policy requiring social rent.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Planning Agreement
Housing
Meteorological Safeguarding
Built-up Area
Town Centre Boundary
Plan Area
Historic Land Use
Aerodrome Safeguarding Zone
Flood Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Housing needs
3. Climate change
4. Character of towns and villages
9. Biodiversity

Policies

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk
CS7: Open spaces, sport and recreation
CS9: Settlement hierarchy

CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 Presumption in favour of development
DM3: Mitigation of impacts on European nature conservation sites
DM5: Contaminated land
TOT6: Land east of Brokenford Lane

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing design, design and character
SPD - Parking Standards
SPD - Mitigation strategy for European species
SPD - Totton Town Centre Urban Design Framework

6 RELEVANT PLANNING HISTORY

- 6.1 **17/11740** - 21 dwellings comprised; 1 terrace of 10 dwellings; 1 terrace of 5 houses; 1 terrace of 6 houses; parking; landscaping (Outline application with details only of access, appearance, layout & scale)
Granted 7/08/18
- 6.2 **18/11018** (Site adjoining to NW) - 24 Dwellings comprised 18 houses; 1 block of 6 flats; associated parking; access; landscaping
Decision -Granted subject to S106 agreement 5/02/19
- 6.3 **17/11557** (Site adjoining to NW) 24 dwellings comprised 4 blocks of terraced houses and 2 flats; open space; parking (Outline application with details only of access)
Decision Withdrawn 14/02/19 (in favour of detailed permission 18/11018)
- 6.4 **13/10035** Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping (Extension to time limit of Planning Permission 10/95182).
Granted: 11 July 2013
- 6.5 **10/95182** Development of 48 dwellings comprised; 2 terraces of 6 houses; 2 terraces of 4 houses; 2 terraces of 3 house; 1 terrace of 4 houses and 4 flats; 1 terrace of 3 houses and 8 flats; 1 pair of semi-detached houses; block of 4 garages with flat over; parking; access; landscaping.
Granted: 14 May 2010

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: outline planning permission was achieved on this site last year for 21 dwellings in a similar site layout. Residential development on this site has been expected for some time and included in the local plan. The previous proposal had some issues regarding a shortage of open space and parking spaces and did not include any affordable housing. The first two issues remain but the site will now be 100% affordable housing which is a welcome change. The concerns about parking provision still remain significant from Councillors who see the current amount of off-site parking on Brokenford Lane as a major issue, and something that this application will impact negatively and dramatically. One suggestion would be the introduction of a resident permit scheme or some permit system to use the nearby NFDC car park free of charge. Despite these issues, overall it is felt that the development would be very beneficial to the area.

Recommended for permission, but would accept the decision reached by the District Council's Officers under their delegated powers.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Environment Agency: no comments received

9.2 Hampshire County Council Highway Authority: the application site benefits from an existing planning consent for development of 21 dwellings with 36 parking spaces, and bin and cycle storage. The scheme has since been revised.

Having reviewed the current proposal, we are concerned that the dimensions of those parallel parking spaces (01 to 08, 11-19) are well below the standards (2.4m x 6m) being just 1.7m (w) x 5.7m (L). As such it effectively makes the width of parking aisle much narrower than 6m therefore makes manoeuvring difficult. It would also affect manoeuvring of refuse truck/ delivery lorry as the submitted swept path analysis shows that even based on the substandard dimensions tracking lines are touching the parking bays on both sides of the aisle. We therefore suggest the applicant should widen all of the parallel parking bays and aisle space by shifting perpendicular parking bays slightly outwards by 500mm to increase the aisle space. If these are not revised, the effective turning space would be inadequate for manoeuvring of both cars and HGVs.

However, all matters related to parking are down to NFDC as the local parking authority, and as such it is ultimately the decision of NFDC whether to ensure their parking standards SPD is adhered to or not. Whilst the dimensions of the proposed parking bays are substandard, the Highway Authority would not see this as a reason for a recommendation for refusal but would strongly advise parking bays to be designed in accordance with the standards so they are usable.

9.3 Urban Design: no further comments at this stage. It will be important to obtain good quality detailing and materials for these terraced buildings and the details and materials of the landscape/external spaces is critical.

- 9.4 Landscape and Open Spaces: no objection on landscape/openspace grounds, subject to conditions. There are a number of design changes and modifications that would create a better development and resolve issues.

Regarding landscape and open space comments, subject to agreeing to change aspects of the scheme as outlined, the specifications and details could be conditioned as it does not affect the fundamentals of the layout. However, issues regarding the site drainage, SuDS and car parking could fundamentally affect the sites layout and these therefore do need to be addressed.

- 9.5 Environmental Health (Pollution): following the recent submission of the Proposed Remedial Strategy dated 09 December 2018 undertaken by Forge Environmental Management Ltd. the following comments are made:

The Remedial Strategy has been submitted to address the identified hazards documented in previous reports in order to remove or manage any on-going risks to human health and controlled waters to ensure the site is suitable for its proposed residential end use.

The report summarises the previous site investigations which has informed a refined conceptual site model identifying several pollutant linkages that require addressing with remedial options.

All soft landscaped areas and private gardens will be capped with clean material at a depth of 450mm and 600mm respectively to address lead, hydrocarbon and asbestos contamination.

The area within the vicinity of TT3 will be excavated to remove a hotspot of contamination. The localised hydrocarbon impacted groundwater within the vicinity of BH205/TT4 and BH201/TT5 will be pumped out once the areas are excavated. The UST identified on the site will be removed.

The area adjacent to the northern boundary where an AST was identified will require a watching brief during the excavation of the concrete slab.

Passive ground gas protection measures are to be installed within all new properties to address elevated CO2 levels identified on the site.

All appropriate validation reporting will be required to be submitted for compliance with planning conditions. Including:

- capping thickness and chemical suitability of imported material
- validation sampling in capped areas
- validation sampling in excavations
- validation sampling of arising to be reused
- post remediation groundwater monitoring in the south-western corner of the site (1 sample per month for 3 months depending on the results).

Therefore we consider that the planning permission should only be granted to the proposed development subject to conditions. Without these conditions, the proposed development on this site could pose risks to human health and/or the environment and we would wish to object to the application.

They have no specific comments concerning the demolition plan. Largely because the remediation for the site includes clean cover for the whole site, so any further potential contamination will be dealt with.

9.6 Housing Development and Strategy Manager: comments awaited

9.7 Network Rail: no objection subject to asset protection agreement.

9.8 Southern Gas Networks: standard advice offered in relation to work in proximity to gas pipelines. (No pipelines within the development site).

9.9 Southern Water: initial investigations indicate that Southern Water can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the foul and surface water sewers to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website

The proposed on site drainage is not designed to adoptable standards and Southern Water requirements. Southern Water will not allow construction of tanked impermeable paving over or within 5 meters of adoptable sewers.

Also it is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a. Adequate soakaway or infiltration system.
- b. Water course.
- c. Where neither of the above is practicable sewer.

We request that should this application receive planning approval, the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards and Southern Water requirements will preclude future adoption of drainage assets.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of

the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

10 REPRESENTATIONS RECEIVED

10.1 One letter has been received which raises the following points:

Query with regard to boundary fence position affecting my property and that of my neighbours. Can the developer clarify the exact boundary line and what their intentions are as I believe we have a right of access along a strip of land to the rear of our fences.

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion - albeit the development has been planned with Secure by Design in mind.

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (21 x £1224 = £25,704.00) in each of the following four years, subject to the following conditions being met:

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

Based on the information provided at the time of this report this development has a CIL liability of £0.00 (Affordable housing exemption claimed).

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

14 ASSESSMENT

14.1 Site description and proposals

14.1.1 The application relates to land at Brokenford Lane comprising the now derelict Fenwick's Storage Yard and seeks full permission for the erection of 21 dwellings comprising four terraced blocks of two storey 3 bedroom houses; access; parking and landscaping with details of access, appearance, layout and scale all to be considered.

- 14.1.2 The application site forms the southern parcel of a larger area that previously provided for industrial uses. The site adjoins sidings adjacent to the Waterloo - Weymouth railway line to the north and is visible from the railway line. The railway line separates the site from the town centre. There is a pedestrian footbridge over the railway at this point and Brokenford Lane is a well-used pedestrian route to the town centre. There is a current application before the Council in respect of the adjoining site reference 18/11018 for 24 dwellings which is about to be approved once the section 106 agreement has been signed.
- 14.1.3 The site is located within Flood Zone 2 and the Environment Agency has been consulted.
- 14.1.4 This site, combined with the adjoining site to the north west and further land to the south of Brokenford Lane is allocated for residential development under Policy TOT6 of the Local Plan Part 2.
- 14.1.5 There is a history of planning permissions for residential development on this site with the most recent permission granted in August 2018. This permission is still valid and is a material planning consideration in the assessment of this scheme. This application differs to that now submitted and related to the site as a whole. The main differences between this application and the approved scheme is in relation to the design of the terraced blocks. The earlier scheme showed a multi gabled approach to the housing blocks whereas this scheme shows simpler more traditional terraced blocks with a uniform ridge line. The scheme has been the subject of some pre application discussions with the Council.
- 14.1.6 The terraced units are to be faced in a traditional brick finish all under a slate roof with uPVC windows and doors. The scheme includes bin and cycle stores, as well as a small area of public open space. The terraced blocks are as per the earlier permission arranged in two lines with each line split into two blocks. One line runs parallel with the rear elevations of Nos. 44-54 Brokenford Lane, with the other line running parallel with the railway line to the north.
- 14.1.7 The developers are keen to secure the site and remedy current anti-social issues such as fly tipping and accordingly wish to carry out demolition of the existing buildings in January. This is currently being considered but subject to CIL regulations is likely to be acceptable so that there is an early resolution to these issues. By the time this application is presented to Committee the site will have been cleared of all derelict buildings.
- 14.1.8 The key issues with this application are matters of principle and policy including affordable housing, design and appearance, impact on local amenity, highway safety, flood risk, contaminated land, and matters relating to ecology.
- 14.2 Principle and policy requirements
- 14.2.1 The principle of the development of this site is well established. The recent permission on the site provided no affordable housing because of viability issues associated with on-site abnormal costs particularly in

relation to contaminated land. This new application now provides for 100% affordable units and this is very welcome. Grant aid from Homes England has been achieved to allow this to happen.

14.2.2 a) Affordable housing

Policy TOT6 requires the provision of affordable housing to accord with Policy CS15(d). Unlike the previous approval which had no affordable housing this proposal submitted by a registered housing provider now includes for 100% affordable units with a range of tenure types as shown on the submitted plans (11 affordable rent and 10 shared ownership).

14.2.3 With regard to affordable housing the applicants now intend to build out the whole site as affordable. However, the Council can only ask for policy requirements to be part of any Section 106 agreement. In this case this equates to 40% being a total of 8.4 units. Normally this would require 8 units provided on site and an off-site contribution of 0.4 units. Of the 8.4 units, 25% (2.1 units) should be social rent with the rest being intermediate. The applicants have offered to tie 9 dwellings for affordable rent the definition of which is a property offered with at least a 20% reduction on market rents. Whilst this does not strictly accord with policy it is considered that the 9 dwellings offered will be an acceptable compromise with policy. Overall it is likely that the remaining dwellings (2 and 10 units will also be affordable on the basis of affordable rent and intermediate).

14.2.4 b) Public open space

14.2.5 The proposal generates the need for public open space in accordance with policy CS7; it is not considered that subdivision of the allocated site into two (as covered by this application and 18/11018) negates the need for this despite the site area now being below 0.5Ha. Policy CS7 requires a minimum standard equivalent to 3.5Ha of public open space per 1000 population. Application 17/11740 included a modest area of public open space that was considered to be beneficial to the setting of the development and the amenities of future occupants. This short fall was made up by way of contributions towards the improvement of the adjoining public open space on the western side of Bartley Water.

14.2.6 The current proposal puts forward the same area of public open space without a play area on the site, as agreed previously, and with a contribution again to improve play facilities in the vicinity of the site on the western side of Bartley Water. The earlier permission on the site required through a Section 106 agreement a transfer of the Public Open Space on site to either the Town or District Council with a maintenance sum, as well as an off-site contribution to the Bartley Water area of some £37,869.61. (Members should note at this point that the other part of this allocation to the north west has recently been granted permission under 18/11018 and that site contributed a sum of £27,747,13 which can be added to the pot for off-site improvements). There will need to be an adjustment for inflation and the final figures for off-site and on-site contributions will be confirmed prior to the S106 being concluded.

14.2.7 Design

The dwellings on this application are arranged in the same general pattern as per the previous approval. The blocks have been broken into four separate blocks which does allow easier rear access for the residents. The design has been simplified to reflect traditional terraces. Facing brick and slate materials as proposed are considered acceptable. It is considered that whilst there may be some minor alterations required by the Environmental Design Team the overall submission is acceptable subject to any minor changes required. Any necessary change will be internal to the site only and not require any wider re-consideration.

14.2.8 Highway Safety

The proposal provides for a total of 36 car parking spaces (31 allocated and 5 unallocated). In addition a total of 42 cycle spaces are planned. The Council's SPD on parking recommends a total of 44.1 spaces inclusive of visitor spaces; the applicant is proposing 36 spaces which is a shortfall of 18%. Hampshire Highways highlight that off-site parking might become obstructive with the potential for footway parking given the nature of Brokenford Lane. The site is close to local amenities and public transport however and on balance, it is considered that any associated objection is unlikely to be sustainable. In this regard, whilst deferring the matter of parking provision to NFDC, Hampshire Highways have not formally objected to the application. The fall-back position is that the site benefits from an extant permission with the same number of parking spaces as now proposed.

14.2.9 The Highway Authority also point to other issues with regard to the size of parking spaces and the ability for larger vehicles to turn within the site. In response the applicant's agent states the following.

"I've just checked the CAD and the parallel parking bays are 6m x 2m, HCC have not correctly interpreted the drawing which is showing a 300mm border to the road/parking finish which is included within parking space. With regard to the Refuse vehicle tracking this is not relevant as it is not entering site, the Bin collection point at entrance."

14.2.10 Local amenities

There are a small number of existing dwellings that are impacted by the new development. The units comprising 44-54 (even nos.) back onto two of the terraced blocks. The position of these dwellings are a reasonable distance away from the back of the existing dwellings (in excess of the usual 21 metres distance employed). The existing dwellings until recently were faced with poorly designed large industrial units. The new dwellings will radically improve their outlook and will lead to less residential amenity issues. One comment has been raised regarding the details of a rear access lane and this is being clarified with the agent.

14.2.11 The other residents affected are those on the edge of the Jackie Wigg Gardens estate to the east of the site. Again there are one or two residents which lie closest to the new site but these are separated from the site by a narrow access lane and there is some oblique overlooking of the end property only.

14.2.12 Overall there will be a significant uplift in this area of Totton once both this site is developed and the site to the north-west. The removal of unsightly industrial buildings and the redevelopment with good quality housing will result in a significant boost in visual terms to this area of the town. The final part of the allocated site may also come forward at a future date and this will complete the development to the overall benefit of the town.

14.2.13 Consequently the impact on local amenity is considered to be acceptable and in line with the policy requirements set out in CS2.

14.2.14 Flood risk and surface water

The application site lies within an area of Flood Risk with nearly the entire site within Flood Zone 2. The National Planning Policy Framework advises that inappropriate development in areas at risk of flooding should be avoided but where development is necessary, it should be made safe without increasing flood risk elsewhere. In the normal course of events, a Sequential Test should be undertaken to steer new developments to areas with the lowest probability of flooding. If following application of the Sequential Test, it is not possible, consistent with wider policy objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. This should demonstrate that there are wider sustainability benefits to the community that outweigh flood risk whilst a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime and, where possible, reduce flood risk elsewhere.

14.2.15 Given the site's allocated housing status within the Local Plan, it is not felt that there is a need to carry out an individual Sequential Test and this reflects the stance taken at the time of the previous planning permission. A flood risk assessment has been submitted (which is also a requirement of Policy CS6) and the Environment Agency have raised no objection to the application subject to a condition to ensure that development is carried out in accordance with this flood risk assessment. As such, overall it is considered that the flood risk associated with this proposed development would be acceptable.

14.2.16 A Flood risk assessment and sustainable urban drainage scheme to deal with surface water has been submitted for consideration. The conclusions of these studies is that the redevelopment of the site will increase the amount of permeable area and that the surface water run-off from the site can be effectively dealt with and can result in a lower off site flow of water than currently exists. The earlier permission which the applicants have inherited included a flood risk assessment. The permission included a condition requiring the development to be carried out in accordance with that FRA. It is recommended the same condition be applied this time. In addition a condition can be applied relating to surface water disposal.

14.2.17 Contaminated Land

The Council's Environmental Health Officer has considered the application and been in liaison with the developers during the demolition works recently undertaken. The EHO has no objections

subject to the imposition of standard conditions to deal with contaminated land that is known about and any occurrence of contamination which may be discovered during the course of the development.

14.2.18 Ecology

On site biodiversity enhancements are required by policy. This can be covered by an appropriately worded condition as per the earlier permission on the site.

14.2.19 In accordance with the Habitat Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.2.20 The applicant is aware this will require a significant monetary contribution as per the earlier permission and that no allowance can be made by the fact that the dwellings will be offered at 100% affordable. This latter fact will also impact on the habitat mitigation contribution as there is no CIL payable on this occasion. The habitat mitigation figure is therefore likely to be £99,162.00.

14.2.21 Conclusions

The site has the benefit of an extant permission for the same number of units and for the same general site layout. The principle of development is firmly established. The provision of 100% affordable is welcomed. The policy requirements for social rent cannot now be met but affordable rent offered at 9 units to be tied by S106 is considered to be a reasonable compromise. The design and layout is considered acceptable and all other planning considerations can be covered by appropriate conditions.

14.2.22 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.

14.2.23 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	8.4	21 (9 tied by S106)	+12.6
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£99,162.00	£99,162.00	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Social Housing	1967.14	0	1967.14	1967.14	£80/sqm	£192,477.08 *

Subtotal:	£192,477.08
Relief:	£192,477.08
Total Payable:	£0.00

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

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

Where:

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

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2019 this value is 1.22

15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i. the completion of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure
 - a) The permanent securing of nine units of affordable housing by way of affordable rent in accordance with the provisions of the New Forest District Council Core Strategy policy CS15
 - b) An index linked financial contribution in accordance with the provisions of the New Forest District Council Core Strategy policy CS7 and CS25 towards public open space enhancements within the strip of land between the application site and Bartley Water leading to Rumbridge Street car park and including the Eling Recreation Ground in the sum of £TBC
 - c) The provision within the site of an area of open space with such space to be transferred on completion of the necessary works and subject to an index linked financial contribution towards the maintenance of open space subject to a minimum contribution of £2900.00
- ii. the imposition of the conditions set out below together with any additional conditions that may be necessary to deal with the comments raised by the Council's Environmental Design Team, to include any necessary changes to the approved plans list.

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:

2017/D1339/SK100	Site location plan
18078-PL-2-01	Location Plan
18708-PL-2-02 rev C	Site layout
18708-PL-2-03 rev B	Tenure
18708-PL02-04 rev B	Building heights
18708-PL-2-05 rev C	Building materials
18708-PL-2-06 rev B	Bedrooms
18708-PL-2-07 rev D	Boundary materials
18708-PL-2-08 rev B	Parking/bins
18078-PL-2-09 rev A	Site layout
18-040-SK04	Drainage strategy
18-040-SK07	Proposed external finishes

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on plan 18708-PL-2-08 rev B for the parking of motor vehicles and cycle storage provision have been provided. The parking spaces shown on the approved plan shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking and cycle 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).

4. 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 shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plots, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual appearance of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences above slab level of any of the dwellings, 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).

6. The approved Proposed Remedial Strategy dated 09 December 2018 undertaken by Forge Environmental Management Ltd. must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District

outside the National Park.

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

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

8. A monitoring and maintenance scheme to include monitoring the effectiveness of the proposed remediation over a period of 3 months or longer (as stated in the remediation scheme), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (RGP design, ref 2017/D1339/FRA1.3, dated 01 May 2018) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 4.64m above Ordnance Datum (AOD), as stated in paragraph 5.25 of the FRA
2. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To safeguard the development against flood risk and to accord with the provisions of the NPPF and Policy CS6 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. Prior to the construction of any part of the development details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: To ensure that the drainage system to be provided is of an appropriate standard.

11. Prior to the occupation of any of the dwellings, full details of the waste collection facilities for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason: To ensure adequate provision is made for waste collection facilities and to protect the visual amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside of the National Park (Adopted 2009).

12. Prior to the commencement of development a programme / method statement for the construction and implementation of the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure development proceeds in an appropriate manner and to protect the amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park (Adopted) 2009.

13. Prior to the commencement of development above slab level of any of the dwellings hereby approved, full details of biodiversity mitigation, compensation and enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter strictly accord with these approved details.

Reason: To safeguard the ecological interests of the site and to accord with Policy CS3 of the Core Strategy for the New Forest District outside the National Park (Adopted October 2009) and Policy DM12 of the Local Plan Part 2: Sites and Development Management Document (Adopted 2014).

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

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

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

Notes for inclusion on certificate:

1. In discharging condition No.14 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. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

3. Wildlife and protected species are widespread in the New Forest District and the issuing of planning consent should not be taken as acceptance that they may not be present at the time of development operations. Given that disturbance or harm to wildlife can result in criminal offences being committed by those undertaking or commissioning works, due regard should be given to the law and relevant professional advice. (Whilst professional information supporting this application suggests risks to protected species may be low, regard should be given to ecological advice and) as wildlife is mobile and may occupy sites where evidence was not previously found, the risk of presence should be appropriately addressed during works. If evidence of protected species (such as bats, nesting birds and reptiles) is encountered, works should stop immediately and Natural England, as well as an ecological consultant, contacted for advice, Works should only proceed in accordance with the advice provided.
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.

In this case all the above apply. Some minor amendments to the submitted details have been discussed and agreed with the Local Planning Authority.
5. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

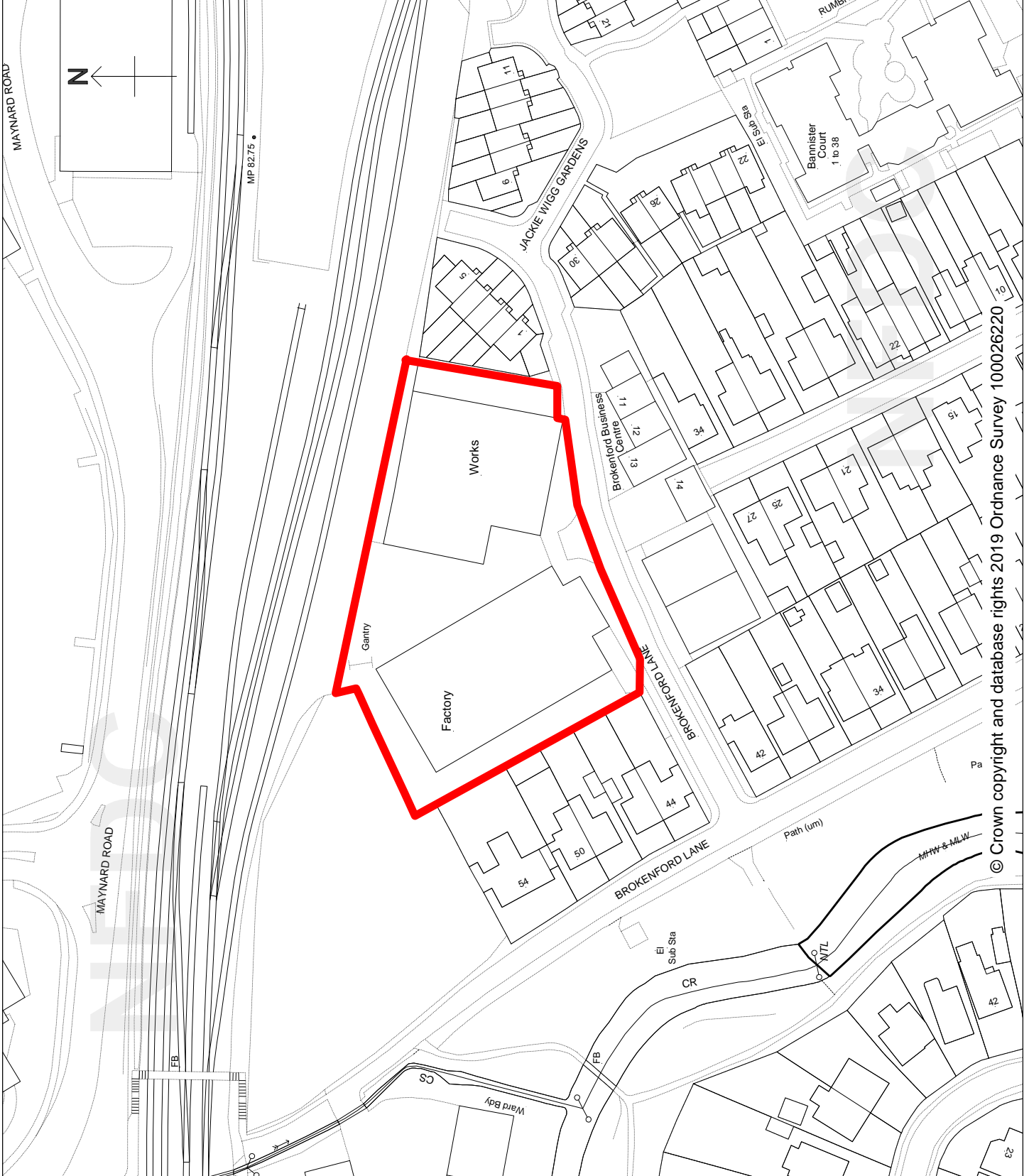
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 3g
Land of
Fenwicks Storage Yard
Brokenford Lane Totton
19/10013

Scale 1:1250

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



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Planning Committee 13 March 2019

Item 3 h

Application Number: 19/10063 Minerals (County Matter)

Site: BLUE HAZE LANDFILL SITE, SOMERLEY ROAD, SOMERLEY,
ELLINGHAM, HARBRIDGE & IBSLEY BH24 3QE

Development: Variation of condition 2 of Planning Permission 08/92516 to
extend the time for the use of the landfill gas utilisation plant until
March 2040

Applicant: Veolia ES (Landfill) Ltd

Target Date: 12/03/2019

RECOMMENDATION: Raise No Objection; subject to conditions
--

Case Officer: Arleta Miszewska

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Development Services Manager

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Aerodrome Safeguarding Zone
Plan Area
Planning Agreement
SINC
River Avon Catchment Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
7. The countryside

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/11225 - Scoping Opinion for extension of time for landfilling and ancillary waste management operations. 22/10/2018. Opinion Given
- 6.2 15/10979 - Construction and operation of a plant for the processing of road sweepings and gully waste to recover material suitable for use in landfill restoration. 09/12/2015. Granted Temporary by County
- 6.3 11/97613 - Variation of Condition 3 of Planning Permission 07/90182 to allow extended hours of operation of the Waste Transfer Station on Saturdays (0700-1630). 21/10/2011. Granted Temporary by County
- 6.4 08/92516 - Installation of four landfill gas engines; replacement landfill gas flare; gas scrubbing equipment; control cabin; leachate treatment facility; associated plant within a secure compound. 18/09/2008. Granted by County
- 6.5 07/90183 - Non compliance with condition 3 of planning permission 06-88024 for a revised phasing & restoration programme. 16/08/2007. Granted by County
- 6.6 06/88472 - Development of temporary Waste Transfer Station (WTS). 27/10/2006. Granted by County

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge and Ibsley Parish Council: recommends a shorter extension of time of up to 2026; requests that monitoring of the site is undertaken to ensure compliance with planning permission; and that consideration is given to increased pressure to the road network, especially in combination with housing developments in Alderholt.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution): raises no concerns in light of absence of complaints in respect of operations carried out on site. Subject to the imposition of the appropriate conditions below.

10 REPRESENTATIONS RECEIVED

None. Publicity undertaken by Hampshire County Council.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations.

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

Not relevant as Hampshire County Council is the determining authority.

14 ASSESSMENT

14.1 The application site is located within Blue Haze Landfill site located within the centre of Ringwood Forest and accessed from the B3081. The Landfill Site has been in operation since 1999 and now hosts a Waste Transfer Centre, landfill gas utilisation plant, leachate treatment plant and road sweepings and gully waste processing plant.

14.2 This application has been submitted to Hampshire County Council as the Planning Authority for Minerals and Waste. This Authority is a consultee in the process. The application seeks planning permission to retain a landfill gas utilisation plant and leachate tanks at Blue Haze Landfill Site until 22nd March 2040. The plant was approved by HCC in 2008 subject to condition 2 which states:

“The use of the site for the development subject of this certificate including gas engines and leachate tanks shall cease by 22 March 2020 or such longer period as the Waste Planning Authority may agree beforehand in writing. Within six months of cessation of the use all plant, engines, equipment, leachate tanks, foundations, hardstandings, and structures shall be removed and the land restored in accordance with planning permission no. 06/88024.”

14.3 Alongside this application, the following applications have also been submitted and are also on this agenda:

- i) Variation of conditions of Planning Permissions 07/90183 to extend the existing temporary permission to landfill and ancillary waste management operations at Blue Haze Landfill Site due to the presence of remaining void because of slow down of importation of waste for landfill meaning the site is not ready for restoration by the current permitted deadline conditioned by Planning Permission 07/90183. This is dealt with under 19/10066; Item 3(k) on this agenda.
- ii) Variation of condition 2 of Planning Permission 11/97613 to extend the time for the use of the Waste Transfer Station until 2030, which is dealt with under 19/10064; Item 3(i) on this agenda.
- iii) Variation of condition 1 of Planning Permission 15/10979 to extend the time for the use of road sweepings and gully waste plant until 2029, which is dealt with under 19/10065; Item 3(j) on this agenda.

14.4 The submitted Planning Statement confirms that the operation of the plant would continue to accord with all other operational planning conditions pursuant to the original planning permission in respect of noise, protection of the water environment, and ecology.

- 14.5 Following cessation of the active landfilling operations and the completion of restoration (proposed for 2031) the management of landfill gas would need to continue. During this time Blue Haze Landfill Site would no longer have a requirement for a full-time staff presence. The plant would be monitored remotely by Veolia with scheduled visits to undertake routine checks or programmed servicing of the plant. Therefore the submission seeks planning permission to retain the plant until 2040.
- 14.6 The site and the associated activities are regulated by Environmental Permit issued by Environment Agency. The Permit ensures that the operations pose no risk of pollution of the environment, harm to human health or detriment to communities.
- 14.7 The proposed development is listed in Schedule 2 of the Environmental Impact Assessment Regulations 2017. Screening opinion was requested from HCC and it was considered that the development is not an EIA development as it is not located within a sensitive area as defined by the EIA Regulations, and is unlikely by nature of the type, scale and location of the proposal to cause any significant environmental effects.
- 14.8 A continuation of the temporary permission that was granted in 2008 would be consistent with Core Strategy policies and objectives and the Hampshire Minerals and Waste Plan. The proposal would affect only a limited area within the Blue Haze Landfill Site and there is no evidence that the proposal would have an adverse impact on the surrounding environment. Because the site is not in close proximity to residential properties, there is no reason to suppose that the continuation of the approved use would adversely affect the amenity of local residents. As such, it is considered that there is no reason to raise an objection to what is proposed.
- 14.9 In respect of comments made by the New Forest District Council Environmental Health, Officers concur with the recommendation and in particular the need for conditions relevant to noise, dust and hours of operation.

Turning to comments made by the Ellingham Harbridge & Ibsley Parish Council, Officers are satisfied that in light of the conditions recommended by Environmental Health in respect of noise, dust and hours of operation as well as no objections raised by HCC Highways, the timeframe of the site operations could be extended as proposed without causing unacceptable adverse impact on residential amenity and the highway network.

15 RECOMMENDATION

Raise no objection; subject to the imposition of the conditions as set out below:

1. In accordance with an assessment as described in BS4142:2014, the rating level of the noise emitted from the development shall not exceed the background level at the boundary of the nearest noise sensitive properties.

Reason: To protect nearby residential properties from adverse noise impacts.

2. The noise levels shall be monitored annually to show compliance with condition 3, and the results forwarded to the Waste Planning Authority for analysis .

Reason: To ensure compliance with Condition 3 above.

3. The 4m high acoustic fencing situated on 3 sides of the LGUP, as shown on Drawing No. LAY-01 and shall be maintained and retained in good working condition.

Reason: In the interests of the visual amenities of the area.

Further Information:

Arleta Miszewska

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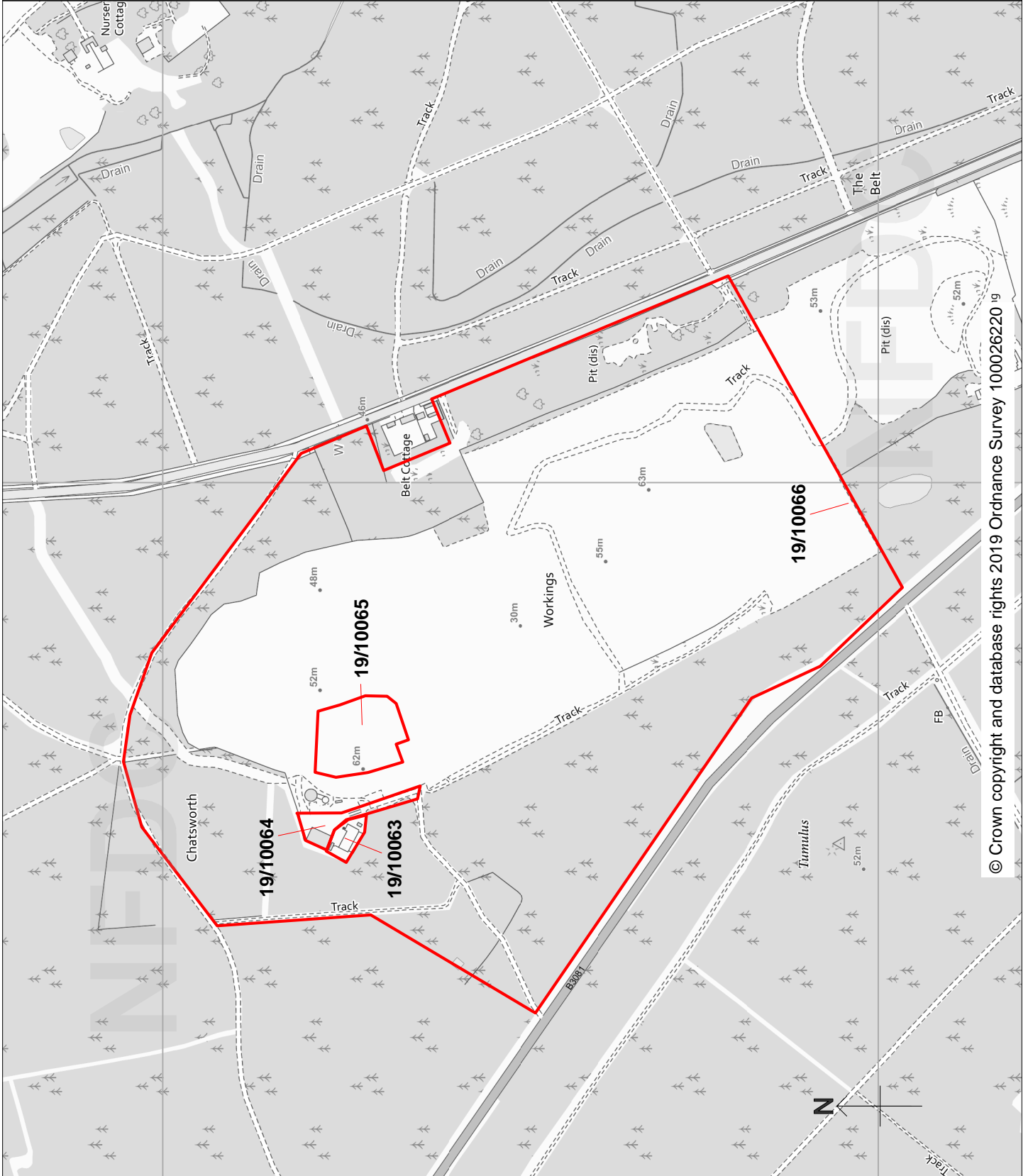
David Groom
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Planning and Building Control
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Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 3h 3i 3j 3k
Blue Haze Landfill Site
Verwood Road
Somerley EHI
19/10063/64/65/66

Scale 1:7500

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the internet, it will not be to
scale.



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Planning Committee 13 March 2019 **Item 3 i**

Application Number: 19/10064 Application by Hampshire County Council

Site: BLUE HAZE LANDFILL SITE, VERWOOD ROAD, SOMERLEY,
ELLINGHAM, HARBRIDGE & IBSLEY BH24 3QE

Development: Variation of condition 2 of Planning Permission 11/97613 to
extend the time for the use of the Waste Transfer Station until
2030

Applicant: Veolia ES (Landfill) Ltd

Target Date: 12/03/2019

RECOMMENDATION: Raise No Objection; subject to conditions
--

Case Officer: Arleta Miszewska

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Development Services Manager

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Aerodrome Safeguarding Zone
Plan Area
Planning Agreement
SINC
River Avon Catchment Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
7. The countryside

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/11225 - Scoping Opinion for extension of time for landfilling and ancillary waste management operations. 22/10/2018. Opinion Given
- 6.2 15/10979 - Construction and operation of a plant for the processing of road sweepings and gully waste to recover material suitable for use in landfill restoration. 09/12/2015. Granted Temporary by County
- 6.3 11/97613 - Variation of Condition 3 of Planning Permission 07/90182 to allow extended hours of operation of the Waste Transfer Station on Saturdays (0700-1630). 21/10/2011. Granted Temporary by County
- 6.4 08/92516 - Installation of four landfill gas engines; replacement landfill gas flare; gas scrubbing equipment; control cabin; leachate treatment facility; associated plant within a secure compound. 18/09/2008. Granted by County
- 6.5 07/90183 - Non compliance with condition 3 of planning permission 06-88024 for a revised phasing & restoration programme. 16/08/2007. Granted by County
- 6.6 06/88472 - Development of temporary Waste Transfer Station (WTS). 27/10/2006. Granted by County

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge and Ibsley Parish Council - recommends a shorter extension of time of up to 2026; requests that monitoring of the site is undertaken to ensure compliance with planning permission; and that consideration is given to increased pressure to the road network, especially in combination with housing developments in Alderholt.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution): raises no concerns in light of absence of complaints in respect of operations carried out on site, subject to the imposition of the conditions as set out below.

10 REPRESENTATIONS RECEIVED

None. Publicity undertaken by Hampshire County Council.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

Not relevant as Hampshire County Council is the determining authority.

14 ASSESSMENT

- 14.1 The application site is located within Blue Haze Landfill site located within the centre of Ringwood Forest and accessed from the B3081. The Landfill Site has been in operation since 1999 and now hosts a Waste Transfer Centre, landfill gas utilisation plant, leachate treatment plant and road sweepings and gully waste processing plant.
- 14.2 This application has been submitted to Hampshire County Council as the Planning Authority for Minerals and Waste. This Authority is a consultee in the process. The application seeks planning permission to retain a temporary Waste Transfer Station (WTS) at Blue Haze Landfill Site until the end of 2030.
- 14.3 Alongside this application, the following applications for the site have also been submitted and are also on this agenda:
- i) Variation of conditions of Planning Permissions 07/90183 to extend the existing temporary permission to landfill and ancillary waste management operations at Blue Haze Landfill Site due to the presence of remaining void because of slow down of importation of waste for landfill meaning the site is not ready for restoration by the current permitted deadline conditioned by Planning Permission 07/90183. This is dealt with under 19/10066; Item 3(k) on this agenda.
 - ii) Variation of condition 2 of Planning Permission 08/92516 to extend the time for the use of the landfill gas utilization plant and leachate compound until 2040, consistent with the approved leachate treatment plant until March 2040, which is dealt with under 19/10063; Item 3(h) on this agenda.
 - iii) Variation of condition 1 of Planning Permission 15/10979 to extend the time for the use of road sweepings and gully waste plant until 2029, which is dealt with under 19/10065; Item 3(j) on this agenda..
- 14.4 The WTS plant was first approved by HCC in 2007 and then planning permission was granted for a replacement WTS which is ancillary to the landfill activities taking place on the Site. The WTS covers an area of approximately 0.6 hectares (ha) and comprises a three-bay shed measuring 30m x 20m x 11m and a forecourt area. The WTS is permitted for the transfer of municipal waste including household waste, dry recyclables, and green waste.
- 14.5 The submitted Planning Statement confirms that existing activities at the WTS would continue to operate as originally approved and in accordance with extant conditions pursuant to planning permission 11/97613, in respect of noise, protection of the water environment, and ecology.

- 14.6 It is anticipated that the vehicle movements using the WTS would continue at a similar rate until the proposed cessation at the end of 2030.
- 14.7 There would be no changes to operational hours as approved under 11/97613.
- 14.8 The site and the associated activities are regulated by Environmental Permit issued by Environment Agency. The Permit ensures that the operations pose no risk of pollution of the environment, harm to human health or detriment to communities.
- 14.9 The proposed development is listed in Schedule 2 of the Environmental Impact Assessment Regulations 2017. Screening opinion was requested from HCC and it was considered that the development is not an EIA development as it is not located within a sensitive area as defined by the EIA Regulations, and is unlikely by nature of the type, scale and location of the proposal to cause any significant environmental effects.
- 14.10 A continuation of the temporary permission that was granted in 2011 would be consistent with Core Strategy policies and objectives and the Hampshire Minerals and Waste Plan. The proposal would affect only a limited area within the Blue Haze Landfill Site and there is no evidence that the proposal would have an adverse impact on the surrounding environment. Because the site is not in close proximity to residential properties, there is no reason to suppose that the continuation of the approved use would adversely affect the amenity of local residents. As such, it is considered that there is no reason to raise an objection to what is proposed.
- 14.11 In respect of comments made by the New Forest District Council Environmental Health, Officers concur with the recommendation and in particular the need for conditions relevant to noise, dust and hours of operation.

Turning to comments made by the Ellingham Harbridge & Ibsley Parish Council, Officers are satisfied that in light of the conditions recommended by Environmental Health in respect of noise, dust and hours of operation as well as no objections raised by HCC Highways, the timeframe of the site operations could be extended as proposed without causing unacceptable adverse impact on residential amenity and the highway network.

15. RECOMMENDATION

Raise No Objection; subject to the imposition of the conditions set out below:

1. Unless otherwise agreed in writing by the Waste Planning Authority no lorries shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday (excluding public holidays), 0700-1630 Saturday and 0800-16.30 Sunday and public holidays (excluding Christmas Day and Boxing Day). Reason: In the interest of local amenity.

All vehicles leaving the site carrying waste shall be sheeted.

Reason: In the interest of local amenity.

2. Noise from operations on the site, (unless otherwise agreed in writing by the Waste Planning Authority in relation to noise caused by initial site preparation works/temporary development) including both fixed plant and mobile machinery shall not exceed 55dB(A) LAeq, 1 hour (freefield) as measured at the façade of the nearest houses, and the operators shall take such measures, including insulation of plant and machinery and the provision of acoustic screening as may be necessary to ensure that this noise level is not exceeded.

Reason: To safeguard the amenities of the area.

Further Information:

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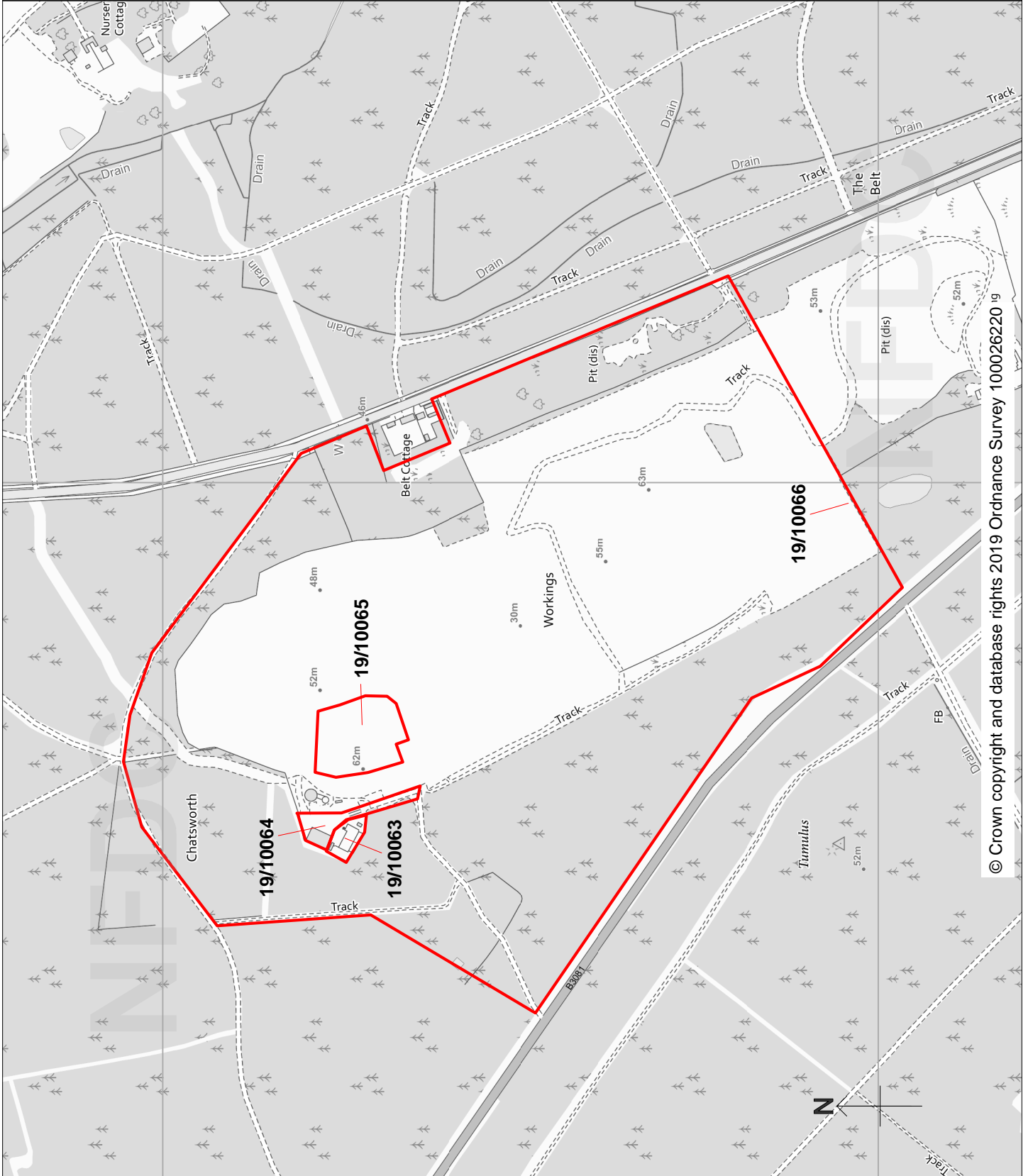
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 3h 3i 3j 3k
Blue Haze Landfill Site
Verwood Road
Somerley EHI
19/10063/64/65/66

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Planning Committee 13 March 2019

Item 3 j

Application Number: 19/10065 Application by Hampshire County Council

Site: BLUE HAZE LANDFILL SITE, VERWOOD ROAD, SOMERLEY,
ELLINGHAM, HARBRIDGE & IBSLEY BH24 3QE

Development: Variation of condition 1 of Planning Permission 15/10979 to
extend the time for the use of road sweepings and gully waste
plant until 2029

Applicant: Veolia ES (Landfill) Ltd

Target Date: 13/03/2019

RECOMMENDATION: Raise No Objection; subject to conditions
--

Case Officer: Arleta Miszewska

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Development Services Manager

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Aerodrome Safeguarding Zone
Plan Area
Planning Agreement
SINC
River Avon Catchment Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
7. The countryside

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/11225 - Scoping Opinion for extension of time for land filling and ancillary waste management operations. 22/10/2018. Opinion Given
- 6.2 15/10979 - Construction and operation of a plant for the processing of road sweepings and gully waste to recover material suitable for use in landfill restoration. 09/12/2015. Granted Temporary by County
- 6.3 11/97613 - Variation of Condition 3 of Planning Permission 07/90182 to allow extended hours of operation of the Waste Transfer Station on Saturdays (0700-1630). 21/10/2011. Granted Temporary by County
- 6.4 08/92516 - Installation of four landfill gas engines; replacement landfill gas flare; gas scrubbing equipment; control cabin; leachate treatment facility; associated plant within a secure compound. 18/09/2008. Granted by County
- 6.5 07/90183 - Non compliance with condition 3 of planning permission 06-88024 for a revised phasing & restoration programme. 16/08/2007. Granted by County
- 6.6 06/88472 - Development of temporary Waste Transfer Station (WTS). 27/10/2006. Granted by County

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge and Ibsley Parish Council: recommend a shorter extension of time of up to 2026; requests that monitoring of the site is undertaken to ensure compliance with planning permission; and that consideration is given to increased pressure to the road network, especially in combination with housing developments in Alderholt.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution): raise no concerns in light of absence of complaints in respect of operations carried out on site; subject to the imposition of the conditions set out below. These conditions form part of the original approval, however, have been redrafted to reflect current guidance and the stage of the development process

10 REPRESENTATIONS RECEIVED

None. Publicity undertaken by Hampshire County Council.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

Not relevant as Hampshire County Council is the determining authority.

14 ASSESSMENT

- 14.1 The application site is located within Blue Haze Landfill site located within the centre of Ringwood Forest and accessed from the B3081. The Landfill Site has been in operation since 1999 and now hosts a Waste Transfer Centre, landfill gas utilisation plant, leachate treatment plant and road sweepings and gully waste processing plant.
- 14.2 This application has been submitted to Hampshire County Council as the Planning Authority for Minerals and Waste. This Authority is a consultee in the process. The application seeks planning permission to vary condition 1 of 15/10979 to allow the construction of a plant for the processing of road sweepings and gully waste to recover material suitable for use in landfill restoration until 2029.
- 14.3 Alongside this application, the following applications for the site have also been submitted and are also on this agenda:
- i) Variation of conditions of Planning Permissions 07/90183 to extend the existing temporary permission to landfill and ancillary waste management operations at Blue Haze Landfill Site due to the presence of remaining void because of slow down of importation of waste for landfill meaning the site is not ready for restoration by the current permitted deadline conditioned by Planning Permission 07/90183. This is dealt with under 19/10066; Item 3(k) on this agenda.
 - ii) Variation of condition 2 of Planning Permission 08/92516 to extend the time for the use of the landfill gas utilization plant and leachate compound until 2040, consistent with the approved leachate treatment plant until March 2040, which is dealt with under 19/10063; Item 3(h) on this agenda.
 - iii) Variation of condition 2 of Planning Permission 11/97613 to extend the time for the use of the Waste Transfer Station until 2030, which is dealt with under 19/10064; Item 3(i) on this agenda.
- 14.4 The materials produced by the road sweepings and gully waste processing facility are intended to be used in the restoration of the landfill (planning application 19/10066) and would therefore reduce the requirement to import other suitable inert restoration soils. The site would continue to be accessed from the main internal access road into the landfill from the north. The Heavy Goods Vehicles (HGVs) importing materials to the site would continue to use the existing landfill access, weighbridge and wheel wash.

- 14.5 The plant itself would comprise an operational area which would include input and output storage bays, a processing area and a dedicated leachate management system. The operational area would be sited on a concrete slab.
- 14.6 The site would operate as per the extant planning permission ref. 15/10979. The permission allows up to 50,000 tonnes of road sweepings and gully waste to be delivered into the site for treatment per year. The materials produced by the road sweeping facility would complement other clean inert soils that would be used in the restoration of the landfill.
- 14.7 The road sweepings and gully waste plant would operate in accordance with the approved noise management scheme and other extant planning conditions in respect of tonnage, hours of working, and highways pursuant to planning permission 15/10979.
- 14.8 The site and the associated activities are regulated by Environmental Permit issued by Environment Agency. The Permit ensures that the operations pose no risk of pollution of the environment, harm to human health or detriment to communities.
- 14.9 The proposed development is listed in Schedule 2 of the Environmental Impact Assessment Regulations 2017. Screening opinion was requested from HCC and it was considered that the development is not an EIA development as it is not located within a sensitive area as defined by the EIA Regulations, and is unlikely by nature of the type, scale and location of the proposal to cause any significant environmental effects.
- 14.10 The variation of condition 1 to allow the construction of a plant for the processing of road sweepings and gully waste to recover material suitable for use in landfill restoration would be consistent with Core Strategy policies and objectives and the Hampshire Minerals and Waste Plan. The proposal would affect only a limited area within the Blue Haze Landfill Site and there is no evidence that the proposal would have an adverse impact on the surrounding environment. Because the site is not in close proximity to residential properties, there is no reason to suppose that the continuation of the approved use would adversely affect the amenity of local residents. As such, it is considered that there is no reason to raise an objection to what is proposed.
- 14.11 In respect of comments made by the New Forest District Council Environmental Health, Officers concur with the recommendation and in particular the need for conditions relevant to noise, dust and hours of operation.

Turning to comments made by the Ellingham Harbridge & Ibsley Parish Council, Officers are satisfied that in light of the conditions recommended by Environmental Health in respect of noise, dust and hours of operation as well as no objections raised by HCC Highways, the timeframe of the site operations could be extended as proposed without causing unacceptable adverse impact on residential amenity and the highway network.

15 RECOMMENDATION

Raise No Objection; subject to the imposition of the conditions as set out below:

1. No heavy goods vehicle shall enter or leave the site and no plant and machinery shall be operated except between the hours of 0700 to 1800 Monday to Friday (except on recognised public holidays, excluding 25 and 26 December, when the hours are restricted to between 0800 and 1630 for the receipt of domestic and HWRC waste), 0700 and 1630 on Saturday and 0800 to 1630 on Sunday (for the receipt of domestic and HWRC waste).

Noise from the plant hereby permitted shall not exceed the levels at the boundary of noise sensitive premises as calculated in accordance with the method detailed in BS5228:2009+A1:2014, and as outlined in the table below:

Location LAeq, 1hr
Harbridge Court 33dB
Belt Cottage 33dB
Reservoir Cottage 33dB
Ebble House 39db

Reason: To prevent noise disturbance to the residents of the nearest houses

2. The development hereby permitted shall be operated in accordance with the Noise Management Scheme submitted November 2015 (Ref: 403.00156.00173.001v1) as approved. This includes a protocol for environmental compliance monitoring and a subjective assessment of noise from the plant heard at each location.

Reason: In the interests of local amenity

Further Information:

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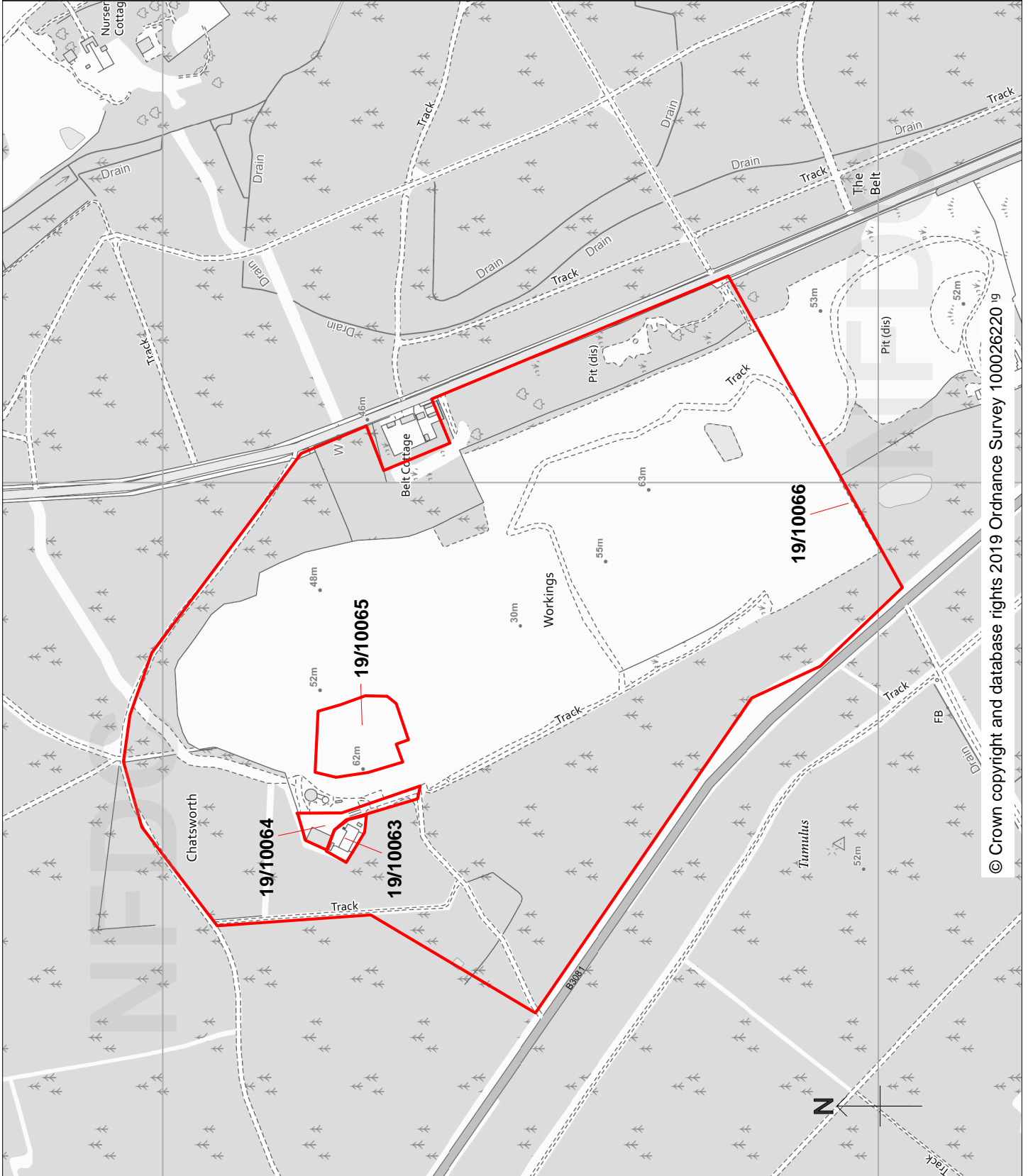
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
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**Planning Development
Control Committee**
March 2019

Item No: 3h 3i 3j 3k
Blue Haze Landfill Site
Verwood Road
Somerley EHI
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Planning Committee 13 March 2019

Item 3 k

Application Number: 19/10066 Application by Hampshire County Council

Site: BLUE HAZE LANDFILL SITE, VERWOOD ROAD, SOMERLEY,
ELLINGHAM, HARBRIDGE & IBSLEY BH24 3QE

Development: Variation of conditions 1, 3 and 4 of Planning Permission
07/90183 to extend the time to complete the importation of waste
to the landfill until 2029, revise the landfill phasing and phasing of
restoration, and the completion of landfill restoration by 2031

Applicant: Mr Dimond

Target Date: 13/03/2019

RECOMMENDATION: Raise No Objection; subject to conditions
--

Case Officer: Arleta Miszewska

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Development Services Manager

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Aerodrome Safeguarding Zone
Plan Area
Planning Agreement
SINC
River Avon Catchment Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
7. The countryside

Policies

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

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

6 RELEVANT PLANNING HISTORY

- 6.1 18/11225 - Scoping Opinion for extension of time for landfilling and ancillary waste management operations. 22/10/2018. Opinion Given
- 6.2 15/10979 - Construction and operation of a plant for the processing of road sweepings and gully waste to recover material suitable for use in landfill restoration. 09/12/2015. Granted Temporary by County
- 6.3 11/97613 - Variation of Condition 3 of Planning Permission 07/90182 to allow extended hours of operation of the Waste Transfer Station on Saturdays (0700-1630). 21/10/2011. Granted Temporary by County
- 6.4 08/92516 - Installation of four landfill gas engines; replacement landfill gas flare; gas scrubbing equipment; control cabin; leachate treatment facility; associated plant within a secure compound. 18/09/2008. Granted by County
- 6.5 07/90183 - Non compliance with condition 3 of planning permission 06-88024 for a revised phasing & restoration programme. 16/08/2007. Granted by County
- 6.6 06/88472 - Development of temporary Waste Transfer Station (WTS). 27/10/2006. Granted by County

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge and Ibsley Parish Council: recommend a shorter extension of time of up to 2026; requests that monitoring of the site is undertaken to ensure compliance with planning permission; and that consideration is given to increased pressure to the road network, especially in combination with housing developments in Alderholt.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution): raise no concerns subject to submission of an amended dust management plan and the imposition of the following noise relevant conditions:

10 REPRESENTATIONS RECEIVED

None. Publicity undertaken by Hampshire County Council.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

Not relevant as Hampshire County Council is the determining authority.

14 ASSESSMENT

14.1 The application site is located within Blue Haze Landfill site located within the centre of Ringwood Forest and accessed from the B3081. The Landfill Site has been in operation since 1999 and now hosts a Waste Transfer Centre, landfill gas utilisation plant, leachate treatment plant and road sweepings and gully waste processing plant.

14.2 This application has been submitted to Hampshire County Council as the Planning Authority for Minerals and Waste. This Authority is a consultee in the process. The application seeks planning permission for a variation of conditions of Planning Permissions 07/90183 to extend the existing temporary permission to landfill and ancillary waste management operations at Blue Haze Landfill Site due to the presence of remaining void because of slow down of importation of waste for landfill meaning the site is not ready for restoration by the current permitted deadline conditioned by Planning Permission 07/90183.

14.3 Alongside this application, the following applications have also been submitted and are also on this agenda:

i) Variation of condition 2 of Planning Permission 08/92516 to extend the time for the use of the landfill gas utilization plant and leachate compound until 2040, consistent with the approved leachate treatment plant until March 2040, which is dealt with under 19/10063; Item 3(h) on this agenda.

ii) Variation of condition 2 of Planning Permission 11/97613 to extend the time for the use of the Waste Transfer Station until 2030, which is dealt with under 19/10064; Item 3(i) on this agenda

iii) Variation of condition 1 of Planning Permission 15/10979 to extend the time for the use of road sweepings and gully waste plant until 2029, which is dealt with under 19/10065; Item 3(j) on this agenda

14.4 The submitted Planning Statement explains that the volumes of non-hazardous waste being delivered to Blue Haze for disposal have reduced over time. The original planning application envisaged a landfill void of approximately 4 million m³ with a waste input including cover soils of 200,000 tonnes per annum. However, over the last 5 years the landfill input rates have decreased from 186,738 tonnes in 2013 to 137,425 tonnes in 2017, with inputs for 2018 anticipated to be approximately 100,000 tonnes. At the end of 2017 the remaining landfill void was estimated at 1 million m³.

- 14.5 In Hampshire, Blue Haze is the only remaining active non-hazardous landfill site and has sufficient void to maintain a landfill disposal route for residual waste to the end of the current contract with Hampshire, Southampton and Portsmouth councils.
- 14.6 It is therefore proposed to extend the period for landfilling operations at Blue Haze until the end of 2029 to ensure that the remaining landfill void is fully utilised as part of an integrated solution to the management of the municipal waste stream.
- 14.7 The operation of the site would remain unchanged with the duration of the operation being extended out to ensure the available landfill capacity is fully utilised and the site is restored to pre-approved levels.
- 14.8 The continued landfilling operations also require the retention of the gas utilization plant and leachate compound until 2040, consistent with the approved leachate treatment plant, which is dealt with under 19/10063. In addition, a further planning application seeks to extend the timescale for operating the waste transfer station until 2030 (19/10064). A separate planning application seeks approval to extend the period for operating the road sweepings and gully waste processing plant until the end of 2029 (19/10065). This operation would assist in the recovery of material suitable for use in the restoration of the landfill.
- 14.9 As to the phasing of the scheme, it is anticipated that the landfill operations will cease in 2029 and the land will be restored by 2031. The phasing plan is also proposed to be altered, due to operational reasons explained in the submitted Planning Statement. The revised phasing of restoration of the land involves works starting within the southern parts of the site and then continuing towards the northern parts of the site, as shown on submitted plan 1215/2062/27. The proposed land restoration includes the provision deciduous woodland scrub, sandy dry heathland and balancing ponds at the north-east and south-west corners of the site.
- 14.10 Furthermore, due to shortage of indigenous soil for the final restoration of the land, it is necessary to import subsoils to Blue Haze. Those soils are proposed to be processed through a small scale mobile soil screening operation. Whilst the plant would generate additional noise, the level of noise would not go above the level of background noise of the site.
- 14.11 As to traffic and highways implications, the site is proposed to operate as originally approved and the current access arrangements are not proposed to be altered. It is anticipated that daily vehicle movement would continue to decrease as volumes of waste decrease.
- 14.12 The existing hours of operation are not proposed to change.
- 14.13 The application also seeks to retain all buildings used in association with the landfill operations.
- 14.14 The site and the associated activities are regulated by Environmental Permit issued by Environment Agency. The Permit ensures that the operations pose no risk of pollution of the environment, harm to human health or detriment to communities.

- 14.15 The proposed development is listed in Schedule 2 of the Environmental Impact Assessment Regulations 2017. Screening opinion was requested from HCC and it was considered that the close proximity of the site and waste travel to sensitive sites, such as the National Park, Cranborne Chase AONB, the SINC's and the SSSIs, the development is an EIA development. Consequently, this application is accompanied by an Environmental Statement.
- 14.16 The variation of conditions 1, 3 and 4 of Planning Permission 07/90183 to extend the time to complete the importation of waste to the landfill until 2029, revise the landfill phasing and phasing of restoration, and the completion of landfill restoration by 2031 would be consistent with Core Strategy policies and objectives and the Hampshire Minerals and Waste Plan. The proposal would affect only a limited area within the Blue Haze Landfill Site and there is no evidence that the proposal would have an adverse impact on the surrounding environment. Because the site is not in close proximity to residential properties, there is no reason to suppose that the continuation of the approved use would adversely affect the amenity of local residents. As such, it is considered that there is no reason to raise an objection to what is proposed.
- 14.17 In respect of comments made by the New Forest District Council Environmental Health, Officers concur with the recommendation and in particular the need for conditions relevant to noise, dust and hours of operation.

Turning to comments made by the Ellingham Harbridge & Ibsley Parish Council, Officers are satisfied that in light of the conditions recommended by Environmental Health in respect of noise, dust and hours of operation as well as no objections raised by HCC Highways, the timeframe of the site operations could be extended as proposed without causing unacceptable adverse impact on residential amenity and the highway network.

15. RECOMMENDATION

Raise no objection; subject to the imposition of the conditions as set out below:

1. No heavy goods vehicle shall enter or leave the site and no plant and machinery shall be operated except between the hours of 0700 to 1800 Monday to Friday (except on recognised public holidays, apart from 25 and 26 December, when the hours are restricted to between 0800 and 1630 for the receipt of domestic and household waste recycling centre waste), 0700 and 1630 on Saturday and 0800 to 1630 on Sunday (for the receipt of domestic and household waste recycling centre waste).

Reason: In the interest of local amenity.

2. Noise from operations on the site (unless otherwise agreed in writing by the Waste Planning Authority in relation to noise caused by initial site preparation works/temporary development) including both fixed plant and mobile machinery shall not exceed 55dB(A) LAeq, 1 hour (freefield) as measured at the façade of the nearest houses and the operators shall take such measures, including insulation of plant and machinery and the provision of acoustic screening as may be necessary to ensure that this noise level is not exceeded.

Reason: To safeguard the amenity of the area.

3. Noise monitoring shall be carried out in accordance with the scheme approved on 16 November 2005 under Planning Permission No. 00060405M.

Reason: To safeguard the amenity of the area.

4. The odour suppression scheme approved 9 May 2006 (06/88024) shall be implemented for the duration of the permission.

Reason: In the interest of local amenity.

5. The scheme for the acoustic protection of Blue Haze Kennels , approved 15 June 2000 under Planning Permission No. 00060405M, shall be implemented for the duration of the permission.

Reason: In the interest of local amenity.

6. An amended dust management plan shall be submitted within 2 months of the date of this permission to take into account the screening activities at the site. This plan shall be agreed by the Minerals Planning Authority in writing and shall be implemented for the duration of the permission.

Reason: To protect public health and residential amenity.

7. The use of screening equipment shall be permitted between the hours of 08:00hrs at 18:00hrs Monday to Friday and 09:00hrs and 13:00hrs on Saturdays, with no screening activities permitted on Sundays or Public Holidays.

Reason: To protect public health and residential amenity

Further Information:

Arleta Miszewska

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

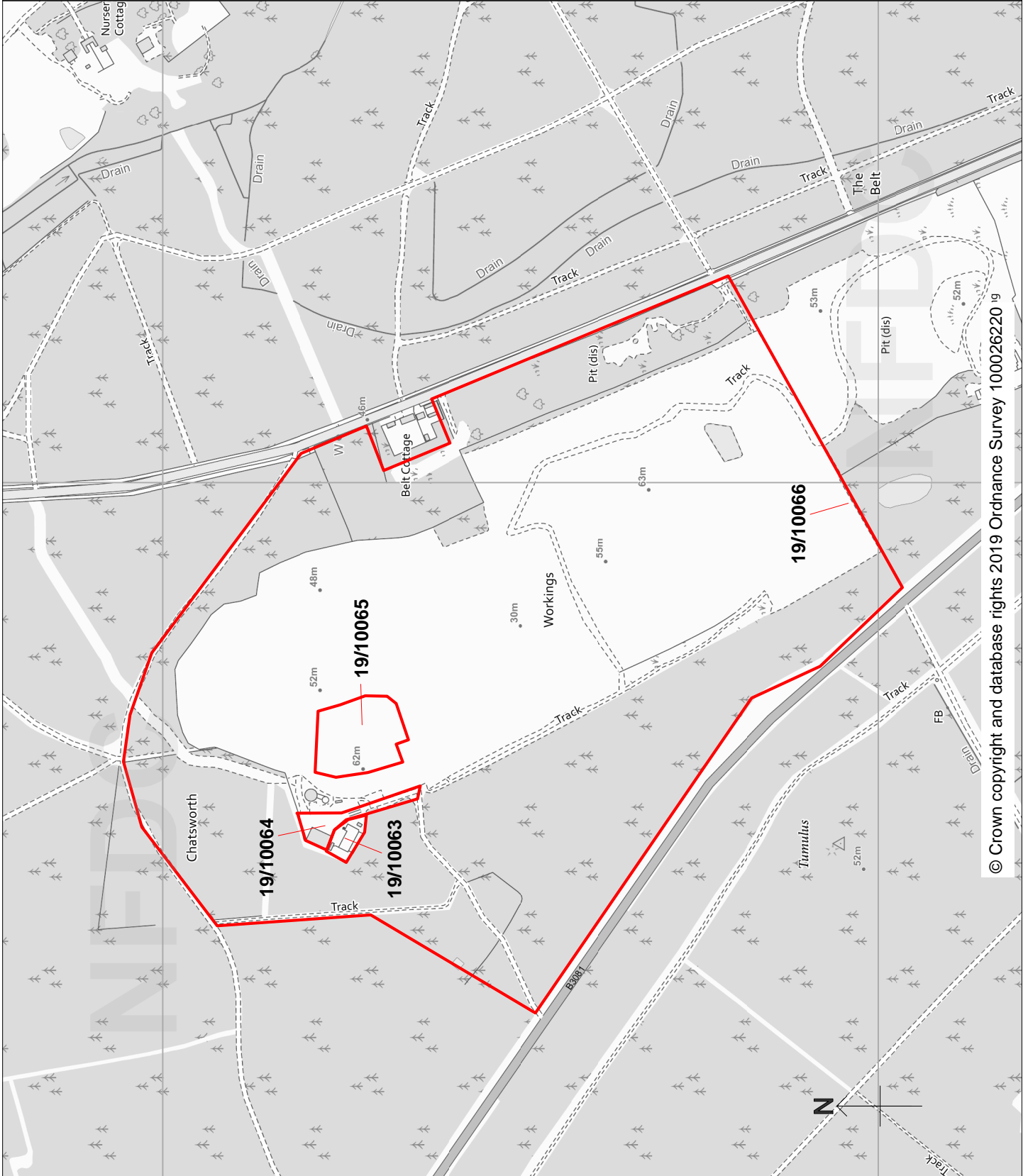
David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
March 2019

Item No: 3h 3i 3j 3k
Blue Haze Landfill Site
Verwood Road
Somerley EHI
19/10063/64/65/66

Scale 1:7500

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



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Planning Committee 13 March 2019

Item 31

Application Number: 19/10125 Full Planning Permission

Site: Land of GUNFIELD, SHOREFIELD CRESCENT,
MILFORD-ON-SEA SO41 0PD

Development: Chalet Bungalow; access & landscaping

Applicant: Mr Stockwell

Target Date: 25/03/2019

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Arleta Miszewska

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Development Services Manager

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

CS1: Sustainable development principles

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 17/10119 - house, detached garage, parking. Refused 23.3.17, appeal dismissed.
- 6.2 17/11777 - house, detached garage, parking. Refused 12.2.18 appeal dismissed.
- 6.3 18/11430 - chalet bungalow; access; landscaping. Granted in error under delegated permission 22.1.19

7 PARISH / TOWN COUNCIL COMMENTS

Comments awaited

8 COUNCILLOR COMMENTS

Comments awaited

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

- 10.1 At the time of writing this report 3 representations have been received raising objections on the following grounds:
- Densification of a peaceful and green place,
 - Variance in the viewpoints of the two Planning Inspectors at Appeals (Mrs J Wilson - 17/3175697 and Mr Benjamin Webb - 18/3198282) around the "prominence" of the Gunfield garden, irrespective of the differences in the designs of the two previous planning applications (17/10119 and 17/11777),
 - Inaccuracies and omissions in planning application,
 - Highway safety,
 - Damage to road, the site is situated on an unadopted road which is not repaired by the Council,
 - Design not in keeping with local properties and detrimental to the character of the area,
 - Impact on privacy of neighbouring houses.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations.

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (1) x £1224 = £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 £13,326.65.

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

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

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 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 current application duplicates a previously submitted application under reference 18/11430. A decision was issued on 22 January 2019, but this decision was issued in error as a delegated decision when it should have been put to the Planning Committee. This application has been submitted at the request of this Council as the previous decision was issued in error. This does not effect the manner in which the application should be determined and is not mentioned as part of the relevant considerations.

14.2 Planning background

14.2.1 A planning application for this proposal was submitted to the Local Planning Authority in December 2017 and refused in February 2018. The reason for refusal included harmful impact on the character and appearance of the surrounding area and an adverse impact on the outlook from Gunfield. Following the Council's decision to refuse planning permission, an appeal was lodged and dismissed in October 2018.

14.2.2 The Planning Inspector dealing with the appeal assessed the proposal under the following criteria:

- whether mitigation could be secured with regard to the effect of the development on habitats sites;
- the effect of the development on character and appearance of the area; and,
- the effect of the development on the living conditions, with particular regard to the outlook of Gunfield.

14.2.3 The Inspector did not concur with the Council's reason for refusal and concluded that "the development would have no adverse effect on the character or appearance of the area or living conditions of neighbours".

14.2.4 However, he noted that the Council's method of securing non-infrastructure related mitigation for adverse effects on European sites was inadequate. Consequently, the Inspector was not satisfied that the effects of the proposed development on European sites could be successfully mitigated. For this reason, the Inspector dismissed the appeal.

14.3 **Application site**

14.3.1 The application site lies within the built up area of Milford on Sea in a residential area. The area is characterised by large detached dwellings in their own grounds although there are some plots which have in recent times been subdivided. The proposal plot would be formed from the southern, triangular part of the garden to the host dwelling, Gunfield and is at a slightly lower level due to the topography of the site. There is an existing timber garage structure and vehicular access to the eastern boundary which is otherwise a mature hedge. There is a timber fence enclosed electricity sub-station to the south and the western boundary is again comprised of mature vegetation. There is also mature vegetation within the site to the extent that the garage is not visible from the house.

14.4 **Proposed development**

14.4.1 This application is a resubmission of the same proposal dismissed in October 2018.

14.4.2 The proposal entails the subdivision of the garden to Gunfield and the provision of a detached two storey dwelling comprising lounge, bed 3, bathroom, utility and open plan kitchen/dining/family room at ground floor level and two bedrooms (one en suite) and a bathroom at first floor level. Parking would be provided on an informal basis utilising the existing access point.

14.5 **Principle of development**

14.5.1 The application site is located within an urban area of the District and therefore the principle of the proposal is acceptable, subject to compliance with the Council's planning policies safeguarding character and appearance of areas, residential amenities, highway safety and ecology.

14.5.2 The matters to be considered include:

- the impact of the development on the character and appearance of the area;
- the impact of the development on residential amenities of the adjacent neighbours;
- car parking provision and highway safety;
- ecology, and in particular the impact of the development on habitats sites.

14.5.3 Since the proposal was determined at the appeal, the spatial context and surroundings of the application site have not changed. Furthermore, the planning policies which underpinned the appeal decision have also not changed and are applicable to this proposal. Therefore, the Planning Inspector's conclusions are material in the consideration of this application.

14.6 Habitats mitigation

14.6.1 The approach by the Council in terms of dealing with habitat mitigation was not accepted by the Inspector, as a result the appeal was dismissed. However, the suggested approach of imposing a condition has been accepted by other Appeal Inspectors and the application has been agreed to proceed on this basis.

14.6.2 A large part of the District and adjoining National Park is designated as European sites as defined in article 8 of The Conservation of Habitats and Species Regulations 2017 ('The Habitat Regulations'). The Habitat Regulations Assessment of the Local Plan concluded that likely significant impacts on the integrity of the European sites, namely the increased recreational usage of the sites generated by the planned for increases in the number of houses in the District during the plan period could not be ruled out unless a satisfactory level of mitigation was provided. The Council has adopted a Mitigation Strategy which allows new residential development to proceed in compliance with the Habitat Regulations. Every planning permission for residential development is conditional upon an appropriate level of mitigation being provided in accordance with the Strategy.

14.6.3 The Council has, for the purposes of this application undertaken an Appropriate Assessment which concludes that permission may only be granted in this case provided appropriate mitigation is secured through a condition. Natural England has confirmed that provided mitigation is secured in accordance with the Council's mitigation strategy, then it agrees that an Appropriate Assessment can conclude that "the proposal should not result in a likely significant effect".

14.6.4 Accordingly, in accordance with the Conservation of Habitats and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.7 Impact on character and appearance of the area

- 14.7.1 Contrary to the Council's view, the Planning Inspector assessing this proposal at the appeal concluded that the proposed dwelling, due to its scale and spatial setting, would not visually compete with the host dwelling at Gunfield. The Inspector noted that the dwelling would also appear consistent with the established layout in Shorefield Crescent and that a scheme of landscaping, including boundary planting, could be secured through a planning condition to ensure that the new dwelling with associated car parking area integrates well with the existing street scene.
- 14.7.2 The Inspector has also found no conflict between the proposed development and the general design guidance set out in the Milford-on-Sea including Keyhaven, Downton and Lymore Village Design Statement Supplementary Planning Guidance 2002.
- 14.7.3 While the Inspector's conclusions contained within his appeal decision differ from Officers' and residents' views, they are material in making a recommendation on this application and refusing the application on the grounds of negative visual impact on the surrounding area would not be reasonable or sustainable.

14.8 Impact on residential amenities

- 14.8.1 As with the previous matter of design, the Inspector assessed the potential impacts of the proposed development on the amenity of adjacent properties.
- 14.8.2 In terms of loss of outlook from Gunfield, the Inspector concluded that due to proposed spacing and differences in scale of the buildings and the site levels, the outlook from Gunfield would not be adversely affected.
- 14.8.3 Furthermore, the Inspector agreed with the Officers' view that the proposed development would not cause unacceptable adverse impacts on privacy of the adjacent properties, despite concerns raised by the residents.
- 14.8.4 As stated above, the spatial context has not changed since the appeal was determined. However, concerns over loss of privacy to Blackthorns and 12 Sharvells Road have been expressed again in respect of this application. In terms of impact on Blackthorns, the proposed dwelling would be located on the opposite side of Shorefield Crescent and some 24 metres away from Blackthorns. Moreover, first floor windows within the proposed dwelling would not directly face this property and would be at an oblique angle. Given the separation distance between the two properties, the presence of the intervening road and the position of windows within the proposed dwelling, Officers maintain their opinion which was shared by the Appeal Inspector that the development would not cause unacceptable adverse impact on the privacy currently enjoyed at Blackthorns, including its outdoor areas.
- 14.8.5 Turning to 12 Sharvells Road, this property would be located over 30 metres away from the proposed dwelling. The northern elevation of the proposed dwelling, which would face 12 Sharvells Road at an oblique angle, would have no first floor windows to overlook this neighbouring property. The proposed dwelling would be located close to the rear parts

of the garden of 12 Sharvells Road rather than close to the property. The proposed dwelling would be visible from the garden of 12 Sharvells Road, however, due to its scale and position of windows, would not cause unacceptable adverse impacts on that property in terms loss of light, outlook or privacy.

- 14.8.6 Based on the above, it is considered that the proposed development would have an acceptable impact on living conditions of the adjacent properties, in terms of light, outlook and privacy.

14.9 **Highways**

- 14.9.1 In terms of highways, objections from residents have been received on the grounds of safety of pedestrians and car users. Further concerns have been raised over the proposed development causing road damage during construction and once completed and that the submitted plans do not show accurately the dimension of the road.
- 14.9.2 This is a proposal for a single dwelling to be accessed from an unclassified road via a widened access. The dwelling would be served by an informal car parking area capable of accommodating at least two cars.
- 14.9.3 Hampshire County Council as the Local Highway Authority has commented on this proposal and raised no objections. The proposed car parking provision would be adequate for the size of the proposed dwelling and in line with the Council's requirements set out in the Parking Standards SPD . The modest intensification of use of the widened access does not raise concerns over highway safety. It has also been concluded that the proposed internal layout is likely to result in cars reversing onto Shorefield Road. However, as this is typical to properties located in Shorefield Crescent, refusing this application on this basis would not be substantiated.
- 14.9.4 Turning to damage to the road from increased usage and during construction has been raised as a concern, while the Local Planning Authority has no control over the methods in which construction works take place, any damage to a road which is not adopted would be a private matter. Private matters fall beyond the scope of planning material considerations and cannot give grounds for refusing planning permission.
- 14.9.5 Based on the above, the proposed development is considered acceptable in terms of highway safety and car parking provision, this view was also shared by the Appeal Inspector.
- #### 14.10 **Other matters raised**
- 14.10.1 A concern has been raised over potential for flooding due to increased amounts of surface water. Whilst this matter falls beyond the scope of planning considerations, drainage requirements would normally be addressed through the Building Regulations.
- 14.10.2 Further concerns have been raised over the lack of a plan showing the difference in levels between the proposal and the neighbouring houses and the fact that the submitted Block Plan (1:500 & 1:1250) misrepresents the actual size and position of buildings and it omits one

building completely. However, the assessment of the proposal included a visit to the site by Officers and the Planning Inspector. The absence of the above mentioned details in the submission did not prevent a comprehensive assessment of this proposal. Officers are satisfied that a plan showing site levels and a more up-to-date location plan were not necessary in order to fully assess the proposal.

14.11 **Other 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.

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 This planning application is identical to that recently rejected and dismissed on appeal. On the basis that the Inspector raised no concerns regarding the effect on the character of the area or the residential amenities of the adjacent properties, the proposal would be acceptable. Officers maintain their view that the Council's method of securing appropriate mitigation through a condition preventing the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard, is appropriate and correct, as explained above. Therefore, the proposed development is recommended for a planning permission subject to conditions.

14.12.2 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	136.2	0	136.2	136.2	£80/sqm	£13,326.65 *
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Subtotal:	£13,326.65					
Relief:	£0.00					
Total Payable:	£13,326.65					

* 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 2019 this value is 1.22

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:

2016-29-08 Site/Block/Location Plan
 2016-29-07 Floor Plans & Elevations
 Planning Statement by Evans & Traves (October 2018)
 Arboricultural Impact Assessment in connection with development at Gunfield, Milford on Sea SO41 OPD by Alderwood Consulting Limited (December 2017)

Reason: To ensure satisfactory provision of the development.

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

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

4. No other first floor windows or roof lights other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

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).

5. The development hereby permitted shall not be occupied until the spaces shown on plan 2016-29-08 for the parking of motor vehicles have been provided. The spaces shown on plan 2016-29-08 for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwelling 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).

6. 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).

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.

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.

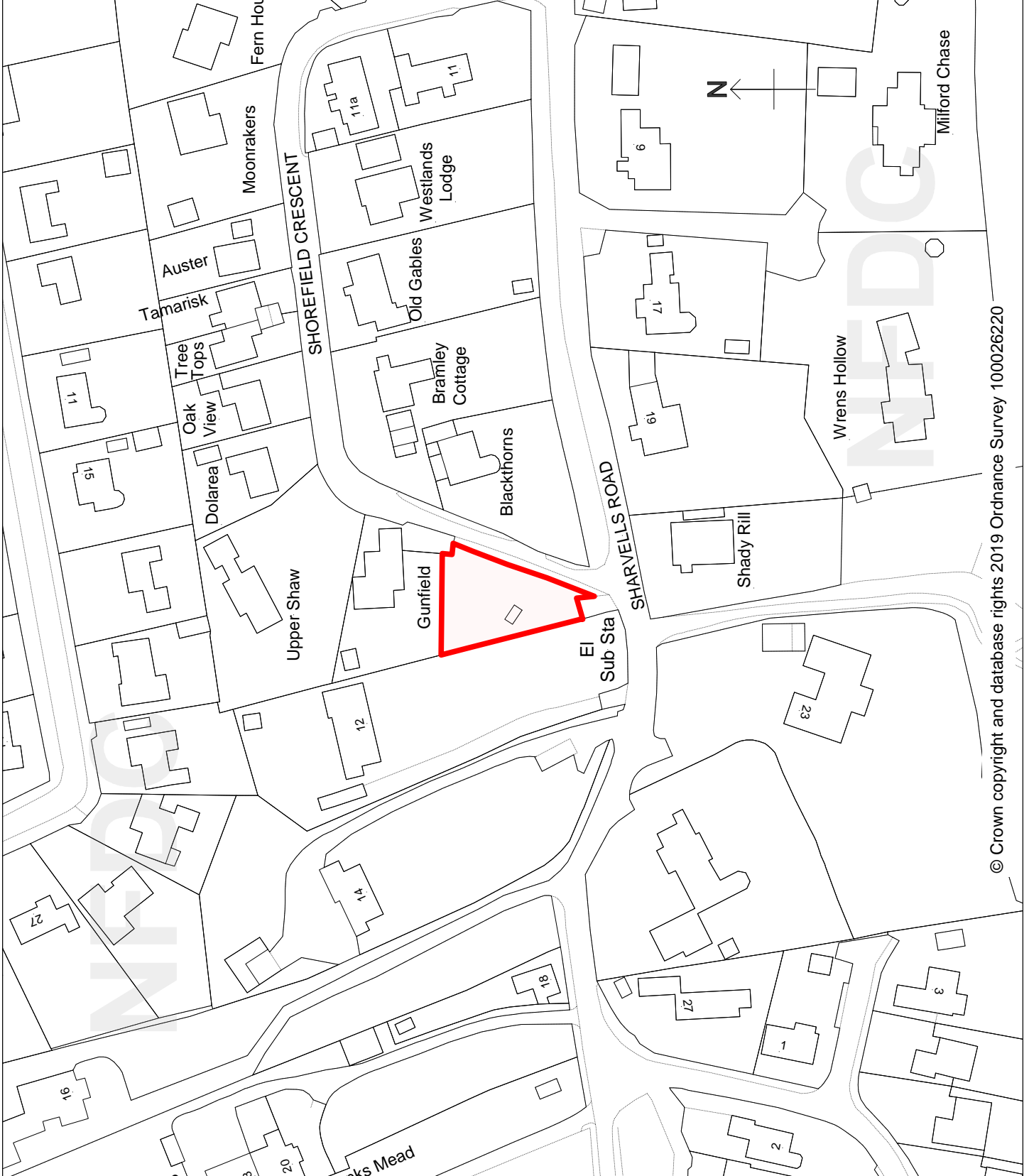
In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

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

Further Information:

Arleta Miszewska

Telephone: 023 8028 5588



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PLANNING COMMITTEE – 13 MARCH 2019

SCHEME OF DELEGATION OF POWERS TO OFFICERS

1.0 INTRODUCTION

- 1.1 The Council operates an extensive scheme of delegation of powers to officers in order ensure that the organisation can operate efficiently and effectively. It is necessary to update the current scheme of delegations.
- 1.2 A recent review of the scheme has identified some changes that need to be made to reflect changes to staffing structures and job titles. In addition, some adjustments have been identified to reflect current working practices. The proposed amended delegations are set out as Appendix 1 to this report.

2.0 CRIME AND DISORDER, ENVIRONMENTAL, EQUALITY AD DIVERSITY AND FINANCIAL IMPLICATIONS

- 2.1 There are none arising directly from this report. Failure to maintain an up-to-date scheme of delegation of powers would however hamper the Council's efficiency.

3.0 RECOMMENDED:

That the Scheme of Delegation of Powers to Officers be updated as shown in Appendix 1 to this report.

For further information contact:

Grainne O'Rourke
Executive Head Governance and Regulation
Tel: 023 8028 5588
E-mail: grainne.o'rourke@nfdc.gov.uk

Background papers:

Attached

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 1	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004	<p>After having ensured that all statutory requirements have been complied with, and after considering all representations received, to approve all types of application submitted under the Acts provided that:-</p> <p>(1) they accord with the provisions of the appropriate development plan documents, other adopted policy guidance or development brief standards</p> <p>(2) they comply with all the relevant adopted local authority standards</p> <p>(3) the decisions would not conflict with any objections received from an elected District Council member within the specified consultation period</p> <p>(4) that a member of the Planning Committee has not requested that the planning application should be determined by the Planning Committee</p> <p>(5) the decision would not conflict with an objection</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer</p>	<p>Council 34 of 17/10/16 PDC 26 of 09/11/16 30 of 12/12/18</p>

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		received from a statutory consultee received within the specified consultation period		
		(6) the decision would not conflict with an objection from the Town or Parish Council received within the specified consultation period		
		(7) in all cases the Service Manager Planning and Building Control considers it prudent to exercise his or her delegated authority, failing which he or she shall report the matter to the Committee		
		Subject to:- (i) the prior completion of such Agreements as the Service Manager Planning and Building Control deems appropriate to secure controls over the development or financial contributions/works for the benefit of the community, in accordance with planning policies and guidance (ii) the imposition of such conditions as the Service Manager Planning and Building Control deems appropriate		

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>Note: Decisions may be made that are not in accordance with policy solely with respect to the requirement for the provision of affordable housing where the development is of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm under Policy CS15 of the Core Strategy.</p>		
PLG 2	<p>Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004</p>	<p>After having ensured that all statutory requirements have been complied with, and after considering all representations received, to refuse all types of application submitted under the Acts where he or she is satisfied that the proposals are contrary to the provisions of the appropriate development plan documents, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance, provided that:</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or , Senior Development Management Officer or Senior Planning Implementation and Enforcement Officer</p>	<p>Council 34 of 17/10/16 PDC 26 of 09/11/16 30 of 12/12/18</p>

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>(1) The decision would not conflict with any representation submitted by an elected District council member within the specified consultation period</p>		
		<p>2) The decision would not conflict with any representations submitted by the Town or Parish Council within the specified consultation period</p>		
		<p>(3) In all cases the Service Manager Planning and Building Control considers it prudent to exercise his or her delegated authority failing which he or she shall report the matter to the Committee</p>		
		<p>Note: Decisions may be made that are not in accordance with policy solely with respect to the requirement for the provision of affordable housing where the development is of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm under Policy CS15 of the Core Strategy.</p>		
PLG 3	Local Government	To decide deemed reasons for	Executive Head, or Chief	Council

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Act 1972 s.101	refusal where notification has been received from the Department of the Environment of an appeal on the grounds of non-determination	Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	34 of 17/10/1 Planning 30 of 12/12/18
PLG 4	Town and Country Planning Act 1990 (s.70A and s.70B)	To decline to determine an application for planning permission (applies where a similar application has been dismissed on appeal within 2 years)	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 5	Planning (Listed Buildings and	To decline to determine an application for relevant consent	Executive Head, or Chief Planning Officer, or	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Conservation Areas) Act 1990 (s.81A and s.81B)		Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Planning 30 of 12/12/18
PLG 6	Planning (Hazardous Substances) Act 1990	<p>To approve applications for hazardous substance consent, to impose conditions and to agree minor amendments to previously approved proposals provided that:-</p> <p>(1) They accord with the provisions of the appropriate development plan documents, other adopted policy guidance or development brief</p> <p>(2) They comply with all the relevant adopted local authority standards</p> <p>(3) The decision would not conflict with any objections received from an elected District</p>	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		Council member within the specified consultation period		
		(4) The decision would not conflict with an objection received from a statutory consultee or Town or Parish Council received within the specified consultation period		
		(5) In all cases the Service Manager Planning and Building Control considers it prudent to exercise his or her delegated authority, failing which he or she shall report the matter to the Committee.		
		To refuse applications submitted under the Act where:-		
		(1) He or she is satisfied that the proposals are contrary to the provisions of the appropriate development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practices and would cause demonstrable harm to an interest of acknowledged importance and		

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>(2) The refusal would accord with the advice of the Health and Safety Executive in respect of the application</p> <p>Provided that:-</p> <p>(1) The decision would not conflict with any representation submitted by an elected District Council member within the specified consultation period</p> <p>(2) The decision would not conflict with any representation received from a Town or Parish Council within the specified consultation period</p> <p>(3) In all cases the Service Manager Planning and Building Control considers it prudent to exercise his or her delegated authority, failing which he or she shall report the matter to the Committee</p>		
PLG 7	Town and Country (General Regulations) 1992 (Regs.3 and 4)	To approve applications submitted under Regulations 3 and 4, after having ensured that all the statutory regulations have been complied with and after	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>considering all representations received provided that the decision:-</p>	<p>Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer</p>	
		<p>(1) Accords with the provisions of the appropriate development plan documents, other adopted policy guidance or development brief</p>		
		<p>(2) Complies with all the relevant adopted local authority standards</p>		
		<p>(3) Would not conflict with any objections from an elected District Council Member or Town or Parish Council received within the specified consultation period</p>		
		<p>(4) Would not conflict with an objection from a statutory consultee received within the specified consultation period</p>		
		<p>(5) In all cases is one which the Service Manager Planning and Building Control considers it prudent to make under his or her delegated authority. Failing which he or she shall report the matter to Committee</p>		

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
		Subject to such conditions as he or she deems it appropriate to impose		
PLG 8	Town and Country (General Regulations) 1992 (Regs.3 and 4)	To approve minor variations to consents issued under these regulations, provided the changes are not material or do not increase the impact of the development on any individual or interested groups	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 9	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990	To deal with minor modifications to approved plans, and to vary or to discharge conditions imposed on consents	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer, or	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Planning Officer, or Development Management Case Officer	
PLG 10	Town and Country Planning Act 1990 (s.55) Town and Country Planning Act (Demolition of Buildings) Direction 1992 Town and Country Planning (General Permitted Development Order) 1995	To determine whether prior approval is required for the demolition of buildings, or whether further details should be submitted on the method of demolition	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 11	Town and Country Planning Act 1990 (s.55 as amended) and Town and Country Planning (General Permitted Development Order) 1995	To decide whether prior approval is required and if so to determine if approval should be given	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 12	Town and Country Planning (General Permitted Development Order) 1995	To determine if prior approval is required and if so to determine if approval should be given for agricultural and forestry development	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 13	Town and County Planning (General Permitted Development) Order 1995, as amended (including the most recent amendment in Statutory Instrument 2013 No 1101)	To make all decisions and to take all actions in respect of prior notification applications. (all existing "prior approval" delegations under the Council's Scheme of Delegation updated to reflect this new delegation) Note: A protocol has been developed to cover this process	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 14	Town and Country Planning Act 1990	To enter into planning obligations in respect of land	Executive Head, or Chief Planning Officer, or	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	(s 106)		Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer, or Development Management Team Leader	Planning 30 of 12/12/18
PLG 15	Town and Country Planning Act 1990 (s 106A and s 106 BA)	Determination of applications for discharge or modification of planning obligations and issue of the notice of decision	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Implementation and Enforcement Officer	
PLG 16	Town and Country Planning Act 1990 (s 106)	To consider applications for the exercise of discretion that is allowed within the terms of a planning legal agreement and to determine the application	Executive Head, or Chief Planning Officer, in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 17	Town and Country Planning Act 1990 (s 171C)	Service of Planning Contravention Notices (requires information on operations on land and persons with an interest in the land, where there is a suspected breach of planning control)	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Leader, or Officer, or Planning Implementation and Enforcement Officer, or Senior Planning Implementation and Enforcement Officer, Implementation Officer, or Site Monitoring Officer, or Senior Development Management Officer or Development Management Officer, or Planning Implementation and Enforcement Case Officer	
PLG 18	Town and Country Planning Act 1990 (s 215)	To serve notices to require proper maintenance of land	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 19	Planning (Listed Buildings and Conservation Areas) Act 1990 s.3(1)	To serve Building Preservation Notices	<p>Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer or Planning Implementation and Enforcement Officer or Site Monitoring Officer</p> <p>Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer, or Senior Conservation and Building Design Officer, or Conservation Officer</p>	<p>Council</p> <p>34 of 17/10/16</p> <p>Planning</p> <p>30 of 12/12/18</p>
PLG 20	Planning (Listed	To serve a Building Preservation	Executive Head, or Chief	Council

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Buildings and Conservation Areas) Act 1990 s.4(1)	Notice by affixing it to the building	Planning Officer, or Service Manager, or Solicitor, in consultation with Executive Head, or Chief Planning Officer, or Service Manager	34 of 17/10/16
PLG 21	Town and Country Planning Act 1990 (s.187A)	Service of Notices for compliance with conditions on planning consent	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer, or Planning Implementation and Enforcement Officer, or Development Management Case	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Officer, Implementation Officer, or Site Monitoring Officer, or Development Management Officer, or Planning Implementation and Enforcement Case Officer	
PLG 22	Town and Country Planning Act 1990 (s.183) Water Industry Act 1991	To determine if it is expedient, and to issue and serve Stop Notices	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 23	Town and Country Planning Act 1990 (s.171E to	To determine whether or not to issue a Temporary Stop Notice.	Executive Head, or Chief Planning Officer, or Service Manager, or	Council 34 of 17/10/16 Planning

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	s.171H) Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005		Solicitor, as instructed by Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	30 of 12/12/18
PLG 24	Town and Country Planning Act 1990 (s.94)	To serve completion notices	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 25	Planning (Listed Buildings and	To authorise execution of works urgently necessary for the	Executive Head, or Chief Planning Officer, or	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Conservation Areas) Act 1990 (s.54(1))	preservation of an unoccupied Listed Building	Service Manager, or Senior Conservation and Building Design Officer, or Conservation Officer	
PLG 26	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(5))	To give notice of intention to carry out the works	Executive Head, or Chief Planning Officer, or Service Manager, or Senior Conservation and Building Design Officer, or Conservation Officer in consultation with the Executive Head, or Chief Planning Officer, or Service Manager or Solicitor	Council 34 of 17/10/16
PLG 27	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.55(2))	To give notice requiring payment of the expenses of the works	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 28	Town and Country Planning Act 1990 (s.191-193)	To determine applications for a Certificate of Lawful Use or Certificate of Lawful Development	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	
PLG 29	Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38)	To determine whether it is expedient to take enforcement action	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer, or Development Management Officer or Planning Implementation and Enforcement Officer or Site Monitoring Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 30	Town and Country Planning Act 1990 (s.172)	Issue and service of enforcement notices	Executive Head, or Chief Planning Officer, or Service Manager, or	Council 34 of 17/10/16 Planning

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)		Solicitor, in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer or Planning Implementation and Enforcement Officer	30 of 12/12/18
PLG 31	Town and Country Planning Act 1990 (s.173A) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Variation to, or withdrawal of, enforcement notice	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Officer, or Senior Planning Implementation and Enforcement Officer	
PLG 32	Town and Country Planning Act 1990 (s.178) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.42 and s.74)	i) Execution of works required by an enforcement notice	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer in consultation with the Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16 Planning 30 of 12/12/18
		(ii) To recover expenses reasonably incurred by the Council	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 33	Town and Country Planning Act 1990 (s.178) Planning (Listed Buildings and Conservation Areas) Act 1990	To sell materials removed in executing works required by an Enforcement Notice	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, or Development Management Team Leader, or Principal Development Management Officer, or Planning	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	(s.42(3) and s.74(3)) Public Health Act 1936 (s.275)		Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	
PLG 34	Town and Country Planning Act 1990 (s.187B) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.44A and s.73(3))	To seek an injunction	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 35	Town and Country Planning Act 1990 (s.97 and 99) Planning (Listed Buildings and Conservation	To make an order to revoke or modify Planning Consent, Listed Building Consent or Conservation Area Consent	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Areas) Act 1990 (s.23) and (s.74(3))		Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or OfficerSenior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	
PLG 36	Town and Country Planning Act 1990 (s.198, 199 and 201)	(i) To make, modify, confirm, decide not to confirm, vary and revoke tree preservation orders	Executive Head, or Chief Planning Officer, or Service Manager	Council 34 of 17/10/16
		(ii) To decide whether a tree preservation order should be made at the request of a District Councillor, when the arboricultural officers do not consider there is justification	Executive Head, or Chief Planning Officer, or Service Manager in consultation with the Chairman and Vice- Chairman of Planning Committee	Council 34 of 17/10/16
PLG 37	Town and Country Planning Act 1990 (s.207)	Issue of notices requiring replanting of trees subject to a Tree Preservation Order	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 38	Town and Country Planning Act 1990 (s.214A)	To seek injunctions to restrain actual or apprehended breach of a Tree Preservation Order	Executive Head, or Chief Planning Officer, or Service Manager, or	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Solicitor	
PLG 39	Town and Country Planning Act 1990 (s.198 and s.211) and Planning (Listed Buildings and Conservation Areas) Act 1990, (s.69)	To determine applications to do works to trees that are subject to protection by a Tree Preservation Order, and to impose such conditions on any consent as he or she deems appropriate	Executive Head, or Chief Planning Officer	Council 34 of 17/10/16
PLG 40	Town and Country Planning Act 1990 (s.211) Planning (Listed Buildings and Conservation Areas) Act 1990, (s.69)	To determine whether or not to object to prior notification of an intention to do works to a tree within a conservation area	Executive Head, or Chief Planning Officer	Council 34 of 17/10/16
PLG 41	Planning (Listed Buildings and Conservation Areas) Act 1990 (s.89) Town and Country Planning Act 1990 (s.330(1) and s.330(2)) Miscellaneous Provisions Act 1976 (s.16)	To require information on interests in land and its use	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Enforcement Officer	
PLG 42	Local Government Act 1972 s.101	Development by County Council of their own land - to respond to consultations	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 43	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990, (including Regulations thereunder) Local Government (Miscellaneous Provisions) Act 1976	To initiate, defend, conduct and settle legal proceedings on behalf of the Council in respect of any of the functions of the Council which are delegated to the Committee	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Local Government Act 1972 (s.101 and s.222)			

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 44	Town and Country Planning (Environmental Impact Assessment) Regulations 1999	To make a decision in respect of any issue required to be made under the regulations	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 45	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue notices of authority to remove all or part of a hedgerow	Executive Head, or Chief Planning Officer, or Service Manager following written consultation with appropriate Town or Parish Councils and Local Ward Members	Council 34 of 17/10/16
		In the event of disagreement between the officers and the town and parish council and/or local ward members, to issue notice of authority to remove all or part of a hedgerow	Executive Head, or Chief Planning Officer, or Service Manager following consultation with the Chairman and Vice-Chairman of Planning Committee	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 46	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue hedgerow retention notices in respect of hedgerows falling within the definition of an important hedgerow	Executive Head, or Chief Planning Officer, or Service Manager following written consultation with appropriate Town or Parish Councils and Local Ward Members	Council 34 of 17/10/16
PLG 47	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To withdraw hedgerow retention notices in respect of hedgerows	Executive Head, or Chief Planning Officer, or Service Manager following written consultation with appropriate Town or Parish Councils and Local Ward Members	Council 34 of 17/10/16
PLG 48	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.7)	To prosecute for the unlawful removal of a hedgerow	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 49	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.8)	To issue notices requiring the planting of a replacement hedgerow	Executive Head, or Chief Planning Officer, or Service Manager	Council 34 of 17/10/16
PLG 50	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.11)	To seek an injunction to prevent the actual or apprehended removal of a hedgerow	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 51	Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Regs.13 and 14)	To seek a warrant to enter premises	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 52	Anti-Social Behaviour Act 2003 (s.68(2))	To determine whether or not to proceed with a complaint	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 53	Anti-Social Behaviour Act 2003 (s.68 (3) (4) and (5))	To decide whether a high hedge is affecting the complainant's reasonable enjoyment of a domestic property and, if so, what action (if any) should be taken to remedy the adverse effect or prevent its recurrence. To issue such notifications, other than remedial notices, required by these sections to give effect to that decision.	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Officer, or Senior Planning Implementation and Enforcement Officer in consultation with the Local Ward Councillor(s)	
PLG 54	Anti-Social Behaviour Act 2003 (s.68 (4) and s.69)	To issue remedial notices	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor as instructed by Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 55	Anti-Social Behaviour Act 2003 (s.68 (8))	To refund the fee paid when a Tree Preservation Order is placed on the hedge subject of the complaint	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Enforcement Team Leader, or , Senior Development Management Officer or Senior Planning Implementation and Enforcement Officer	
PLG 56	Anti-Social Behaviour Act 2003 (s.70)	To withdraw a remedial notice, waive or relax a requirement of a remedial notice	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer or Senior Planning Implementation and Enforcement Officer	Council 34 of 17/10/16 Planning 30 of 12/12/18
PLG 57	Anti-Social Behaviour Act 2003 (s.75)	To institute proceedings where action has not been taken to comply with a remedial notice	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 58	Anti-Social	To execute works required by a	Executive Head, or Chief	Council

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
	Behaviour Act 2003 (s.77)	remedial notice	Planning Officer, or Service Manager, Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer, or Senior Planning Implementation and Enforcement Officer in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	34 of 17/10/16 Planning 30 of 12/12/18
PLG 59	Anti-Social Behaviour Act 2003 (s.77)	To take appropriate action to recover costs reasonably incurred by the Council in securing compliance with a remedial notice	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Council 34 of 17/10/16
PLG 60	Planning Act 2008 Infrastructure Planning (Environmental Impact Assessment) Regulations 2009	To respond to consultations under the Act	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
			Enforcement Team Leader, or Senior Development Management Officer; or Senior Planning Implementation and Enforcement Officer, or Planning Officer	
PLG 61	Town and Country Planning Act 1990 (s.191-193)	To determine applications for lawfulness of proposed use or development in respect of householder applications	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader	Council 34 of 17/10/16
PLG 62	Planning Act 2008 Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, Localism Act 2011 and any amending legislation	To respond to consultations under the Act	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Development Management Officer; or Senior Planning Implementation and Enforcement Officer, or Development Management Officer or Planning Implementation and Enforcement Officer following written	Council 34 of 17/10/16 Planning 30 of 12/12/18

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
PLG 63	Community Infrastructure Levy Regulations 2010	To exercise all powers and duties and to take all necessary action and make all decisions including the making of all determinations and declarations, the service, variation and withdrawal of notices except the following:	consultation with local ward councillors	Council 34 of 17/10/16
		The determination and granting of applications for relief in exceptional circumstances	Executive Head, or Chief Planning Officer, or Service Manager, Planning Implementation and Enforcement Team Leader in consultation with the Chairman of the Planning Committee	
		To make all necessary applications through the courts and to take all such actions as may be necessary for implementation	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, Planning Implementation and Enforcement Team Leader	

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING COMMITTEE

No	Source	Power Delegated	Delegated to	Minute Reference
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FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

AUTHORISATION TO ENTER PREMISES

No	Source	Power Delegated	Delegated to	Minute Reference
PLG Auth1	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compulsory Purchase Act 2004	In respect of any function which is delegated to the Committee, to enter premises for the purposes of the Acts and any amending statutes or regulations made pursuant to the Acts	Executive Head, or Chief Planning Officer, Service Manager, Development Management Team Leader, Principal Development Management Officer, Senior Development Management Officer, Development Management Officers, Development Management Case Officers, , Building Control Manager, Senior Building Control Surveyor, Assistant Building Control Surveyors, District Building Control Surveyors, or Planning Implementation and Enforcement Team Leader, or Senior Planning Implementation and Enforcement Officer, or Planning	Council 34 of 17/10/16

**FUNCTIONS WHICH ARE DELEGATED TO THE
PLANNING DEVELOPMENT CONTROL COMMITTEE
AUTHORISATION TO ENTER PREMISES**

No	Source	Power Delegated	Delegated to	Minute Reference
			<p>Implementation and Enforcement Officer, Implementation Officer, or Site Monitoring Officer, or or Planning Implementation and Enforcement Case Officer, or Principal Planning Policy Officer, Senior Planning Policy Officer, Planning Policy Officer, Senior Conservation and Building Design Officer, Conservation Officers, Landscape Architect, Urban Designer, Landscape and Open Space Project Officer, Solicitor, Committee Administrator.</p>	
PLG Auth2	<p>Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.12)</p>	Authorisation to Enter Premises	<p>Executive Head, or Chief Planning Officer, Service Manager, Committee Administrator, Solicitor, Landscape Architect, Landscape and Open</p>	<p>Council 34 of 17/10/16</p>

FUNCTIONS WHICH ARE DELEGATED TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE

AUTHORISATION TO ENTER PREMISES

No	Source	Power Delegated	Delegated to	Minute Reference
PLG Auth3	Anti-Social Behaviour Act 2003 (s.70)	To enter land for the purposes of the Act and any amending statutes or regulations made pursuant to the Acts	<p>Space Project Officer</p> <p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Principal Development Management Officer, or Senior Development Management Officer, or Planning Implementation and Enforcement Team Leader, or Senior Planning Implementation and Enforcement Officer, or Planning Implementation and Enforcement Officer, or Development Management Officer, or Development Management Case Officer, or Implementation Officer, or Site Monitoring Officer, or or Planning</p>	Council 34 of 17/10/16

**FUNCTIONS WHICH ARE DELEGATED TO THE
PLANNING DEVELOPMENT CONTROL COMMITTEE
AUTHORISATION TO ENTER PREMISES**

No	Source	Power Delegated	Delegated to	Minute Reference
			Implementation and Enforcement Case Officer	