

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 11 MARCH 2020, AT 9.00 AM\*

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Karen Wardle  
email: karen.wardle@nfdc.gov.uk

**PUBLIC PARTICIPATION:**

\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 023 8028 5345 or E-mail: DCAdministration@nfdc.gov.uk

**Claire Upton-Brown**  
Chief Planning Officer

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

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

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## AGENDA

**NOTE: The Planning Committee will break for lunch around 1.00 p.m.**

### **Apologies**

#### **1. 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.

## 2. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land adjacent to Forest Lodge Farm, Fawley Road, Hythe (Application 17/11770) (Pages 5 - 24)**

Variation of condition 21 of Planning Permission 15/10751 to allow revised drainage proposal (retrospective)

**RECOMMENDED:**

Grant the variation of condition

(b) **25-27 Southampton Road, Ringwood (Application 19/11369) (Pages 25 - 40)**

Convert first-storey to residential use; add two additional storeys to create six residential apartments; Improvements to front and rear elevations; Improvements to rear service yard including demolition of existing cold store and rebuild to form new cold store, bicycle and bin store with associated planting

**RECOMMENDED:**

Delegated authority to Chief Planning Officer to be Authorised to Grant Permission subject to the completion of a S.106 Agreement and conditions

(c) **38 Peartree Road, Dibden Purlieu (Application 19/11520) (Pages 41 - 48)**

Single storey side and rear extensions; roof lantern; porch; fenestration alterations

**RECOMMENDED:**

Grant subject to conditions

(d) **1 Fulmar Drive, Hythe (Application 20/10008) (Pages 49 - 58)**

Single-storey rear extension (prior approval application)

**RECOMMENDED:**

Prior approval not required

(e) **Land off Stem Lane and Great Woar Copse, New Milton (Application 19/11249) (Pages 59 - 74)**

Single chapel crematorium; parking; landscaping (Details of appearance, landscaping, layout & scale, development granted by Outline Permission 16/10780)

**RECOMMENDED:**

Grant subject to conditions

- (f) **Druces Acres, Salisbury Road, Ibsley, Ellingham, Harbridge & Ibley (Application 17/11180) (Pages 75 - 98)**

Siting of caravan for an agricultural worker (retrospective)

**RECOMMENDED:**

Refuse

- (g) **Cross Cottage, Salisbury Road, Burgate, Fordingbridge (Application 19/10990) (Pages 99 - 106)**

Car port

**RECOMMENDED:**

Grant subject to conditions

3. **CLUB HOUSE, NEW FOREST WATER PARK, RINGWOOD ROAD, FORDINGBRIDGE - THREE-STOREY EXTENSION; EXTEND SIDE DORMERS; BALCONY; ROOFLIGHTS; GARAGE/STORE - APPEAL DECISION 18/11690 (Pages 107 - 116)**

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

**To:**

**Councillors:**

**Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Rebecca Clark  
Anne Corbridge  
Kate Crisell  
Arthur Davis  
Jan Duke

Barry Dunning  
Allan Glass  
David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Tony Ring  
Ann Sevier  
Beverley Thorne  
Malcolm Wade



**Application Number: 17/11770** Variation / Removal of Condition

**Site:** LAND ADJACENT TO FOREST LODGE FARM, FAWLEY ROAD,  
HYTHE SO45 3NJ

**Development:** Variation of condition 21 of Planning Permission 15/10751 to allow revised drainage proposal (retrospective)

**Applicant:** Vivid Build

**Target Date:** 11/04/2018

**Extension Date:** 18/10/2019

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## 1 UPDATE REPORT

### Introduction

Members will recall that this application was previously considered at the October 2019 Committee. The application relates to a development of 45 dwellings on land adjacent to Forest Lodge Farm and specifically seeks approval of an alternative drainage scheme to the one that was originally granted planning permission in November 2015.

The original October Committee report, which is set out in full at the end of this Update Report, describes all of the key issues and concerns. In summary, there is one main issue for Members to consider, which is whether or not the alternative drainage scheme that is proposed would provide a satisfactory arrangement to deal with surface water drainage, which includes a consideration of whether or not the proposal would increase flood risk to adjacent properties.

### Pre-October Committee Update

After the original October Committee report had been written, but before the Committee meeting itself, the Local Planning Authority received three additional Statutory Declarations, one being from the owner of Forest Lodge Farm, and the other 2 being from regular visitors to the farm. The Statutory Declarations all confirmed that prior to 2017, the buildings at Forest Lodge Farm were dry underfoot and that the only surface water was from rainwater running down the road into the property after heavy rainfall. No groundwater emergence was noted prior to 2017. Since 2017, however, (after the new estate had been built into the ground), water has been noted coming out of the ground behind the main domestic habitation unit at Forest Lodge Farm and through the expansion joints of one of the workshops on that site. It was also noted that a steep bank behind the main dwellings has also partially collapsed.

3 further letters of objection from existing objectors were also submitted immediately prior to the October Committee, reiterating concerns previously raised.

A Section 106 legal agreement in respect of habitat mitigation contributions (See Section 11.27 of the original report) was completed before October Committee.

## **October 2019 Committee**

There was a lengthy debate of this application at the October 2019 Committee. Members noted the objections to the application, particularly the concerns of the owner of Forest Lodge Farm in relation to water ingress, despite the professional advice made available.

Members agreed that the application should be deferred to enable the applicant to undertake further investigations into the reasons why water is flowing / infiltrating into the adjacent property at Forest Lodge Farm; and on the basis of the information gathered from these further investigations to then demonstrate what additional measures are needed to ensure that the situation is managed and the impact appropriately mitigated.

It was recognised by Members that it would be necessary for all parties to meet with planning officers to determine how to resolve the matters of concern.

## **Post October 2019 Committee actions and developments**

On 1st November 2019, a meeting was held at Appletree Court, involving officers from the Council, representatives from the applicant (Vivid), and the main objectors. It was agreed at that meeting that the developer would have a further meeting with the objectors on site at Forest Lodge Farm to consider the development's drainage impact and to discuss possible ways forward in the light of the Committee resolution. It was acknowledged at the meeting that there may be matters that the 2 land owners may wish to discuss that there were not planning matters, and for that reason the Council were not party to the subsequent meeting that took place.

On 29th November 2019, the developer advised the Local Planning Authority that they had held a further meeting with the objector at Forest Lodge Farm. Alongside this, they confirmed that they had asked a separate firm of engineers to review the implementation of both the proposed and consented scheme, along with any required or beneficial changes to both.

On 23rd December 2019, the developer advised the Local Planning Authority that they had a further report undertaken on the suitability of their proposed system, as well as detailing measures that could be added to further deal with water at times of peak rainfall. They indicated that they had asked to have a further meeting with the objector at Forest Lodge Farm in January 2020.

Since that time, the Local Planning Authority have not received any further written update from the developer.

Five months have now elapsed since the previous Committee resolution. Officers do not feel it is appropriate for a determination on this application to be delayed any longer, when the development is largely complete, and given the pressing need to deliver homes within the District to meet the needs of the area. It is clearly regrettable that better progress has not been made in addressing Members' previous concerns, but this is largely outside of officers' control.

Officers have carefully considered the concerns raised by Members at the October Committee. Whilst these concerns are fully understood, ultimately the Committee's decision is one based on a technical matter relating to drainage. The Committee must therefore give significant weight to the professional advice received from the relevant drainage consultees, as well as its own independently appointed drainage consultant. Officers continue to maintain that the proposed

drainage scheme is acceptable and can therefore see no good reason to amend the original recommendation, which is to grant planning permission subject to conditions, as set out in the previous October Committee report. As such, the original recommendation still stands, without amendment.

### **Further Third Party representations**

Since October's Committee, 2 local residents who had objected previously have submitted further written comments, reiterating previous concerns, and expressing concern at the timescales it has taken to deal with this application and to address the concerns raised.

## **2 RECOMMENDATION**

**Grant the proposed Variation of Condition subject to conditions** as set out at the end of this report.

### **ORIGINAL REPORT TO OCTOBER 2019 COMMITTEE**

## **1 SUMMARY OF THE MAIN ISSUES**

The main issue to be taken into account when determining this application is whether or not the drainage scheme proposed in connection with the residential development of the application site would be appropriate. In particular, it is necessary to consider whether the proposed drainage scheme would increase flood risk elsewhere.

This, and all other relevant considerations, are set out and considered in Section 11 of this report, after which a conclusion on the planning balance is reached.

This matter is being considered by Committee due to a Member request and because the officer recommendation is contrary to the views of the Parish Council.

## **2 THE SITE**

2.1 The application site is a former area of farmland between Forest Lodge Farm and Fawley Road. Following the granting of planning permission for 45 affordable dwellings in November 2015, the site has been developed for housing, with supporting infrastructure including public open space and allotments. What has been built, at least in terms of what is above ground, largely reflects what was approved in November 2015. Apart from a 3-storey block of 8 flats, all of the dwellings approved in November 2015 have been built, so that there are now 37 completed dwellings on the application site. However, due to issues that will be discussed in detail below, none of the dwellings are currently occupied. Areas of the site have also been laid out for allotments and public open space, although there are still outstanding works that would need to be implemented before these areas could be used for their intended purposes.

2.2 The development site is bounded by the Seadown Veterinary Surgery on its northern side, while to the north-east is an area of mature broad-leaved woodland. To the east side of the site is the residential dwelling at Forest Lodge Farm and a small paddock, which are visually separated from the site by mature trees and vegetation alongside the site's eastern boundary. There are also mature trees and vegetation

along the site's southern boundary, beyond which is a gravel track that serves Forest Lodge Farm and a small number of dwellings to the south. The western half of the site is either flat or gently sloping. However, there are some pronounced slopes to the eastern half of the site. A saddle of higher ground does extend across to the eastern boundary of the site, but either side of this the land drops away sharply. The site's topography is particularly relevant to this application proposal.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 The application that has been submitted seeks to vary Condition 21 of Planning Permission 15/10751 (as described in the planning history below). That condition states that:-

*"The surface water drainage layout shall be built fully in accordance with Drainage Strategy Drawing BPV-sk1 rev G, the Andrew Malcolm Associates Ltd Micro Drainage Calculations dated 28/08/15, and porous paving detail BPV-sk2. Development shall additionally be carried out in accordance with Geo-Environmental's letter of 10th September 2015."*

The stated reason for this condition was:-

*"In order to ensure that the drainage arrangements are appropriate and in accordance with Policies CS2 and CS6 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."*

- 3.2 In effect, the development that is now proposed seeks approval of an alternative drainage scheme to that which was approved in November 2015.
- 3.3 The drainage scheme approved in November 2015 was based on shallow soakaways. To address specific drainage concerns associated with the topography of the site, the approved scheme also included the provision of a swale in the northern corner of the site, which was designed to ensure that, during times when the design storm rates are exceeded, any surface water runoff would be contained within the site. The scheme also proposed a gravel drain along the site's boundary with Forest Lodge Farm. With this very specific drainage scheme, it was concluded that the approved development would have an acceptable drainage system that would not result in adjacent properties being at increased risk of flooding.
- 3.4 The drainage scheme that is now proposed no longer includes the previously proposed swale feature. Instead, the proposed drainage strategy looks to utilise multiple shallow soakaways to collect surface water flows. The soakaways have been redesigned and would be deeper than previously approved. The gravel drain adjacent to Forest Lodge Farm has been omitted.

### **4 PLANNING HISTORY**

- 4.1 Development of 45 affordable dwellings comprised: 1 three-storey block of 8 flats; 3 terrace of 4 houses; 1 terrace of 3 houses; 9 pairs of semi-detached houses; 4 detached houses; access, roadways & footpaths; parking; public open space; allotments; landscaping and associated works (15/10751) - granted 12/11/15



## 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

### **Core Strategy**

#### Objectives

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

#### Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM5: Contaminated Land
- HYD1: Land at Forest Lodge Farm

### **Saved New Forest District Local Plan First Alteration**

- DW - E12: Protection of landscaped features.

### **Supplementary Planning Documents**

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

### **New Forest District Local Plan Review 2016-2036 Part 1: Planning Strategy Submission Document**

- Policy 1: Achieving Sustainable Development
- Policy 5: Meeting our Housing Needs
- Policy 10: Mitigating the impacts of development on International Nature Conservation sites
- Policy 13: Design Quality and Local Distinctiveness
- Policy 14: Landscape Character and Quality
- Policy 15: Open Spaces, sport and recreation
- Policy 16: Housing type, sizes and choice

### **Hythe & Dibden Neighbourhood Plan**

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework (NPPF) (See Para 11.5 below for details)

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

Hythe & Dibden Parish Council - Recommend refusal - the plans presented do not resolve the significant flooding concerns and the impact on nearby residents. The current proposal does not satisfy the Council that the drainage issues have been resolved effectively; are concerned by conflicting and inaccurate information - for example, boreholes are shown in different places on various documents.

## **8 COUNCILLOR COMMENTS**

Cllr Crisell:- requests Committee consideration - has received representations from local residents who want to be convinced that there will be no detriment to their properties, which for the most part are sited on lower ground.

## **9 CONSULTEE COMMENTS**

The following comments are summarised, with the full comments being available to read online.

9.1 Hampshire County Council (Flood Water Management):- No objection - the information submitted with the application addresses their requirements; however, cannot comment on ground water flooding issues as would require pre and post winter groundwater monitoring to determine if soakaways have had any input on groundwater; confirm soakaways SK6 and SK7 should be removed from made ground and reconstructed at a greater depth within the natural sub-strata.

9.2 Southern Water:- Have no objections to the use of soakaways to dispose of surface water; had initially raised an issue with the proximity of the soakaways to the foul sewer, but confirm that this matter has since been resolved and agreed with Southern Water Services.

9.3 NFDC (Land Drainage):- Both HCC's Flood & Water Management team & Southern Water should be satisfied prior to any approval being granted.

9.4 Natural England:- Concur with the conclusions of the Local Planning Authority's Appropriate Assessment, provided that all mitigation measures are appropriately secured in any permission given.

9.5 Environmental Health (Contaminated Land):- No comment

9.6 Southern Gas Networks:- advise of site's proximity to gas main

## **10 REPRESENTATIONS RECEIVED**

The following comments are summarised, with the full comments being available to read online.

10.1 Letters of objection have been received from 8 local residents. Objections have been raised on the following grounds:- The proposed drainage scheme is inadequate and would not have adequate exceedance overflow capacity; it would not comply with SUDS Guidance; it would result in an increased risk of flooding to neighbouring properties; the drainage scheme would be less effective than the previously approved scheme; the topography and geology of the site would mean that the proposed drainage scheme would pose a particular flood risk to Forest Lodge Farm;

there is a lack of information and investigative evidence to support the drainage scheme that is proposed; the drainage maintenance arrangements are inadequate and do not comply with the NPPF; the scheme since it has been implemented has discharged significant low level volumes of water onto Forest Lodge Farm, with water erupting through the ground; Soakaways SK6, SK7 and SK10 pose a particular problem due to their location at the top of a steep slope and in land where levels have been raised; the proposal could impact on slope stability; concerns about the development's retrospective nature; concerns about construction traffic; concerns about asbestos; Consider that Southern Water do not support the proposals.

10.2 A Statutory Declaration has been submitted (dated July 2018 & supplemented in July 2019) by a local resident, declaring that since development commenced there have been various instances of ingress of water onto Forest Lodge Farm from the application site, causing flooding. This water ingress was not seen to occur before development commenced, at least going back to 2009.

10.3 The owner of Forest Lodge Farm has commissioned an independent drainage report that has been submitted by Herrington Consulting Ltd (in August 2019). This drainage report concludes that the developer has failed to quantify the pre-development (baseline) conditions of the site accurately, with no seasonal groundwater monitoring having been undertaken, meaning that it is not possible to make an accurate assessment as to whether the development would have an adverse impact off-site. The applicant's drainage proposal would potentially enable water to reach the groundwater table at a faster rate than it would otherwise do naturally, which could lead to elevated groundwater levels at this location, resulting in an increased risk of flooding to Forest Lodge Farm. The developer has not provided sufficient evidence to confirm what the impact would be if additional water was drained to the ground; and nor has sufficient evidence been provided to validate their assumption that the risk of flooding has not been increased by the introduction of soakaways at the site. Therefore, it is considered that the proposal is not compliant with the fundamental requirements of the NPPF.

## **11 OFFICER COMMENTS**

### **Introduction**

11.1 As set out above, the main consideration is whether or not the alternative drainage scheme that is proposed to serve the approved development of 45 dwellings on land adjacent to Forest Lodge Farm, would be of an acceptable design, thereby ensuring the development would not increase the risk of flooding elsewhere.

### **Application Context**

11.2 Before considering the impact of the proposed drainage scheme, it is important to provide some context to this application. As set out above, planning permission 15/10751 was granted planning permission in November 2015. The site was then sold on to First Wessex Homes (who are now known as Vivid Homes). They sought to discharge a large number of pre-commencement conditions from July 2016 onwards. Development duly commenced in November 2016. As development proceeded, it became evident during the course of 2017 that the

developer was seeking to develop the site in a manner that would not accord with Condition 21 of Planning Permission 15/10751 (as described in Paragraph 3.1 above) - i.e. they were looking to build out an alternative drainage scheme to what had been approved. The developer were therefore asked to submit a fresh planning application to reflect the drainage scheme they were actually intending building.

- 11.3 The current planning application was submitted in January 2018, by which time the development was already well advanced. Much (but not all) of the proposed drainage infrastructure had already been implemented by this stage, meaning the application was to a large extent retrospective. During the initial consultation process, concerns were raised by both Hampshire County Council's Flood Water Management team and Southern Water, so that in April 2018, when the Local Planning Authority became aware that properties were starting to be marketed for sale, it became necessary to write to the applicants to advise them that no properties on the development should be occupied until planning permission had been granted for this current application / the implemented scheme as proposed to be amended.
- 11.4 Since April 2018, the applicants have proceeded to build out the development to a largely completed state, except for the previously approved block of 8 flats and some of the public open space areas / landscape infrastructure. In accordance with the Local Planning Authority's request, none of the dwellings have been occupied. Meanwhile, the Local Planning Authority has worked closely with the applicants and the key consultees to seek to address the valid concerns that the consultees have raised. In addition, because of third party concerns about how the alternative drainage scheme is affecting the neighbouring property Forest Lodge Farm (which is set at a much lower level than the application site), the Local Planning Authority has sought expert independent advice from Such Salinger Peters, who are an experienced firm of engineering consultants, with a particular specialism in drainage matters. This process has taken a long time to resolve, partly because the issues needing to be addressed have required the submission of additional detailed technical responses.
- 11.5 Clearly, the situation of a largely completed development without a valid planning permission is far from ideal. However, in considering this application and the implemented works, officers have been mindful of the need to deliver homes to meet housing need within the District, particularly the high level of need for affordable homes, but in a way that does not have an adverse impact on the environment.

### **Policy Context**

- 11.6 The National Planning Policy Framework (NPPF) provides the most relevant and up-to-date policy guidance. The guidance is fairly straightforward, with it being clearly stated that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere". With respect to major developments, the NPPF goes on to say that they should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The NPPF then suggests that the systems used should take account of advice from the lead local flood authority, should have appropriate proposed minimum operational standards, and should have maintenance arrangements in place to ensure an acceptable standard of operation for

the lifetime of the development.

## **Drainage and Flood Risk Impacts associated with the Proposed scheme**

### Overview

- 11.7 Firstly, it needs to be made clear that the application site is in Flood Zone 1 - i.e. land with a low probability of flooding from rivers or the sea. Neither the site itself nor immediately adjacent land should therefore be considered to be at risk of flooding from fluvial sources.
- 11.8 It also needs to be made clear that there can be no objection, in principle, to the developer seeking to provide an alternative drainage scheme to that which was granted planning permission in 2015. The drainage scheme approved in 2015 was the subject of careful consideration by the Local Planning Authority, with a conclusion being reached that the proposed drainage scheme would not result in adjacent properties being placed at increased risk of flooding. However, the positive conclusion reached on the 2015 drainage scheme does not alter the fact that alternative drainage proposals may be equally acceptable.

### Consultation with the Lead Local Flood Authority

- 11.9 When the application was initially submitted, Hampshire County Council, as the Lead Local Flood Authority, were of the view that inadequate information had been submitted to demonstrate that the proposed alternative drainage scheme would be fit for purpose. They highlighted a number of areas where they felt additional information was needed. This included a request for an independent Geotechnical Report to be undertaken, detailing any impact the soakaways may have on the steep bank on the eastern side of the development.
- 11.10 In response to the concerns raised by Hampshire County Council, the applicants submitted a Surface Water Drainage Design Report, which was subsequently followed by a Surface Water Drainage Supplementary Design Report and a Geotechnical Interpretive Report. Collectively, these reports set out why the applicants consider their proposed soakaway design (comprising 21 soakaways in total) would be appropriate and would not result in an increased flood risk elsewhere. On the basis of the information contained within these reports, Hampshire County Council were able to conclude that all of their concerns had been addressed, meaning that in their professional view, the drainage scheme was of an acceptable design and would not result in surface water flooding elsewhere.
- 11.11 Subsequently, Hampshire County Council have reviewed the Herrington Consulting Report (referred to in Paragraph 10.3 above) and have advised that they are unable to comment on whether the proposal would lead to an increased risk of ground water flooding (as opposed to flooding from surface water), as there is not the information on pre and post winter groundwater monitoring to be able to reach a definitive conclusion on this point. However, this does not change their basic position that the applicant's drainage proposal is compliant with best practice.

## Independent Expert Drainage Advice

- 11.12 Usually, Officers would be happy to rely solely on the advice of the Lead Local Flood Authority when determining whether or not a proposed drainage scheme is acceptable. However, in this case, representations have been submitted questioning the veracity of the information presented by the applicants, with it being stated that the developing scheme has been discharging significant low level volumes of water onto land at Forest Lodge Farm. Given these representations, and having regard to the steepness of the slopes on the site's eastern boundary and the fact that Forest Lodge Farm is set so much lower than the application site, Officers felt that further expert advice needed to be sought before reaching a conclusion on the acceptability of the applicant's drainage scheme. Hence, the reason Such Salinger Peters (SSP) were appointed to review the case.
- 11.13 SSP's initial review of the applicant's drainage proposals noted that because flow routes from the proposed development are similar to the existing site, there are no problems when it comes to the direction of potential overland surface water flow routes.
- 11.14 SSP's initial review compared the approved 2015 scheme with the proposed alternative scheme. In SSP's view the loss of the swale, and the change to highway soakaways is not considered to cause any detrimental issues with regards to flooding. Indeed, their conclusion is that soakaways are preferable to the originally proposed swale because they enable flows to discharge locally, which more accurately represents the original greenfield drainage mechanism. Therefore, SSP's conclusion is that the drainage strategy now proposed is an acceptable one.
- 11.15 SSP have compared the levels of the approved 2015 scheme against the current scheme, and whilst there are some differences in levels between the 2 schemes, SSP's conclusion is that the changes in levels is not seen as significant enough to incur issues with flooding.
- 11.16 SSP's initial review noted that the boreholes that have been undertaken do not show any evidence of clay strata that would be significant enough to direct water in such a way that would cause flooding issues to the areas surrounding the site. Therefore in terms of underlying ground conditions, SSP's conclusion is that there are not any issues that could create flooding of the development site or the surrounding area.
- 11.17 The one area where SSP's initial review did identify a concern was with the position of 3 of the soakaways (SK6, SK7 and SK10) lying within an area of filled ground. SSP's advice is that for these 3 soakaways, they need to be located within the underlying soils and not the made ground, because if located within made ground there is the possibility of creating a perched water table, which may in turn cause issues with ground instability.
- 11.18 In response to SSP's single point of concern, the applicants have submitted additional information that shows that whilst soakaway SK10 is located within the underlying soil, soakaways SK6 and SK7 have been laid into made ground. These 2 soakaways, therefore, if left as they are, have the potential to create a perched water table, leading to a potential unacceptable impact on the stability of the steep slopes on the eastern side of the development.

- 11.19 To address the concern raised by soakaways SK6 and SK7, the applicants have submitted a further plan which proposes that these 2 soakaways will be relaid to a lower depth that would be below the original ground level. These works will necessitate digging up part of the access road and associated car parking spaces and then making the area good after the soakaways have been laid to their new depth. SSP have confirmed that there should be no issues with the relocation of these 2 soakaways, and that if this work is done, then their concerns about a perched water table and slope stability would be addressed. As such, SSP's conclusion is that the applicant's drainage scheme would be acceptable if soakaways SK6 and SK7 were to be relocated, as is now proposed.
- 11.20 In response to the independent drainage report submitted by Herrington Consulting, SSP have carried out a further review. SSP note that the Herrington Consulting Report does not provide any substantive evidence as to what is causing observed flooding at Forest Lodge Farm. SSP have reviewed the applicant's borehole data, from which they have concluded that the groundwater beneath the development is at significant depth (albeit that it will be subject to seasonal variation), and also that it has a significant gradient across the slope, which is likely to continue into the adjacent property. SSP note that the catchment area of the impermeable areas of the development is very small compared to the total area of land feeding the Becton Sands Formation Aquifer (that extends beneath the application site). As such, their view is that it is 'hard to conceive' that the relatively small increase in direct connectivity of some 5000 square metres of impermeable area will have any significant impact on groundwater levels, given the extent of the Becton Sand Formation catchment. Furthermore, SSP note that the applicant's proposed infiltration system is located some 40 metres plus away from observed groundwater emergence and is 'unlikely to be directly resulting in the emergence of groundwater'. SSP accept that, as always, additional site investigation could have been done to investigate groundwater effects, but this may well not have yielded any further relevant information. SSP's conclusion remains that the applicant's drainage scheme is consistent with industry best practice and that there should be no adverse effects arising from the applicant's proposed drainage scheme.
- 11.21 Officers can see no reason to disagree with SSP's expert drainage advice. Whilst the representations in respect of the development's impact on Forest Lodge Farm are recognised, and whilst the professional views of Herrington Consulting are noted, there is no compelling evidence to show that any cited incidents of water ingress onto this site are a direct consequence of the development for which planning permission is now sought. Instead, the evidence that has been presented in support of the application and which has been assessed by professional drainage experts is felt to adequately demonstrate that the proposed drainage scheme should not increase flood risk elsewhere.

#### Consultation with Southern Water

- 11.22 Southern Water did initially indicate that they could not agree to the proposed surface water drainage layout as there were concerns that soakaways were to be located over foul drainage, which would not comply with their normal standards for adopting foul sewers. However, following discussions between Southern Water and the applicant, Southern Water

have confirmed that they would adopt the foul sewers, with the drainage scheme as proposed. Southern Water have made it clear that they have no objection to the use of soakaways to dispose of surface water from the development site.

- 11.23 SSP in their advice to the Local Planning Authority have also confirmed that the concerns initially raised by Southern Water are not such that the proposed drainage strategy would cause significant issues to the surrounding area.

#### Drainage Maintenance

- 11.24 With respect to maintenance of the proposed drainage assets, a statement has been submitted with the application setting out how the drainage assets will be managed and by whom. Hampshire County Council's Flood Water Management team have reviewed this statement and have confirmed that the proposed drainage maintenance arrangements are acceptable. By implication, therefore, it can be reasonably concluded that the maintenance arrangements are consistent with policy.

#### **Other Relevant Considerations**

- 11.25 Although drainage is the key consideration, it is still necessary to have regard to the wider impacts of the development. Because the above ground development does not differ from what has already been granted planning permission, the development would, in this respect, have no additional impact over and above the impact of the 2015 approved development. The proposal would remain consistent with policy, and would have no greater impact than what has already been granted planning permission.
- 11.26 There is considered to be a need to impose a number of the conditions that were applied to Planning Permission 15/10751 to ensure that relevant condition requirements are still satisfied. This includes a requirement to resolve some outstanding contamination concerns affecting the allotments, as well as some outstanding landscape concerns in respect of the public open space. Also, conditions are necessary to ensure that the 'unimplemented' above ground elements of the 2015 approved scheme are still satisfactorily implemented.
- 11.27 A Section 106 legal agreement has been completed, which ensures that a policy compliant level of affordable housing would be secured, which in this case is 70% of the dwellings. The Section 106 legal agreement also secures the on-site areas of public open space and allotments for their intended purposes, thereby ensuring the development provides the required amount of both these public areas to satisfy policy requirements. A separate Section 106 legal agreement is (at the time of writing) about to be completed, which will ensure that the already paid habitat mitigation contribution of £166,350 (that is needed to meet the requirements of Policy DM3) is secured in respect of this application as well.
- 11.28 Because the application is a Section 73 (variation of condition) application rather than a fresh full planning application, it is not considered necessary to consider 'new' issues such as nitrates, which would be relevant were the application for a completely new full planning permission.



11.29 The proposed development would deliver much needed affordable housing. Policy requires that 70% of the proposed dwellings be for affordable housing, although, as a Registered Social Landlord, the developer is seeking to deliver a scheme that would be 100% affordable housing. As such, the development would deliver significant social benefits that would weight strongly in favour of granting planning permission.

11.30 The LPA 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.

#### 11.31 Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting 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.

## 12 CONCLUSION ON THE PLANNING BALANCE

12.1 The proposed development differs from the scheme that was granted planning permission in 2015 only by virtue of the alternative drainage scheme that is proposed. This alternative drainage scheme has been the subject of extensive consultation. Whilst concerns about the development's impact have been raised by local residents, this must be balanced against the professional expert advice from the Lead Local Flood Authority and a firm of independent consultants (SSP), both of whom have advised that the proposed drainage scheme is an acceptable one that should not increase flood risk elsewhere - i.e. it would be policy compliant. In these circumstances, and given the scheme's significant benefits in providing much needed additional affordable housing, it is considered the balance weighs very much in favour of granting planning permission. As such, the recommendation is to grant planning permission subject to relevant conditions.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

There are no additional issues to those that were considered in respect of Planning Permission 15/10751.

### Local Finance

Under the New Homes Bonus, once all of the dwellings are built, the Council will receive £51,840 in each of the following six years from the dwellings' completion, and as a result, a total of £311,040 in government grant under the New Homes Bonus will be received.

### Human Rights

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.

### 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.

## **14. RECOMMENDATION**

### **GRANT the VARIATION of CONDITION**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: HGP Site Location Plan 14.072.001, HGP Site Plan 16.031.034, Scott White & Hookins - B01130/115 rev C03 Proposed Drainage Sheet 1 of 5, Scott White & Hookins - B01130/116 rev C07 Proposed Drainage Sheet 2 of 5, Scott White & Hookins - B01130/117 rev C07 Proposed Drainage Sheet 3 of 5, Scott White & Hookins - B01130/118 rev C03 Proposed Drainage Sheet 4 of 5, Scott White & Hookins - B01130/119 rev C07 Proposed Drainage Sheet 5 of 5, Simon Jones-Parry - SW Drainage Summary Drawing No 100B, Scott White & Hookins - B01130/214 rev C04 Soakaway Detail, Scott White & Hookins - B01130/312 rev P04 Engineering Layout & Drainage, Scott White & Hookins

- B01130/126 rev P01 Flood Exceedance Flows, Scott White & Hookins - B01130/210 rev P09 Adoptable Drainage Section 104 Layout, Scott White & Hookins - B01130/315 rev P01 Surface finishes, Scott White & Hookins - B01130/309 rev P01 Section 278 Drainage and Contours, Scott White & Hookins - B01130/213 rev C03 Surface Water Manhole Schedule, Scott White & Hookins - B01130/212 rev C04 Foul Drainage Manhole Schedule, Scott White & Hookins - B01130/209 rev P05 Section 104 Rising Main Long Sections, Scott White & Hookins - B01130/203 rev C01 Private Drainage Standard Details, Scott White & Hookins - B01130/202 rev C02 Adoptable Drainage Construction Details, Simon Jones-Parry - Proposed Alterations to Soakaways SK6 & 7 – Drawing No 500A, Simon Jones-Parry - Surface Water Drainage Design Report dated 9 April 2018, Simon Jones-Parry - Surface Water Drainage Supplementary Design Report dated 5 July 2018, Simon Jones-Parry letter dated 11th January 2019 (Drainage maintenance details), Geo-Environmental Geotechnical Interpretive Report dated June 2018 Reference GE17281 - GIRv1LD180622.

Reason: To ensure satisfactory provision of the development.

2. The surface water drainage layout shall be built so as to be fully in accordance with the Simon Jones-Parry SW Drainage Summary Drawing No 100B, the Simon Jones-Parry Proposed Alterations to Soakaways SK6 & 7 Drawing No 500A, the Scott White & Hookins Proposed Drainage Sheets 1-5 (Drawings B01130/115 rev C03, B01130/116 rev C07, B01130/117 rev C07, B01130/118 rev C03 & B01130/119 rev C07), and the Scott White & Hookins B01130/214 rev C04 Soakaway Detail. The approved Soakaway details for SK6 and SK7 shall have been implemented before any dwelling on the approved development is first occupied and all of the approved drainage arrangements shall thereafter be maintained in accordance with the drainage maintenance details set out in Simon Jones-Parry's letter dated 11th January 2019.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policies CS2 and CS6 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.

3. The remediation scheme approved in connection with Condition 6 of Planning Permission 15/10751 must be carried out in accordance with its terms prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. 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).

4. 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, and where remediation is necessary a remediation scheme must be prepared, 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 3 of this planning permission.

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).

5. The scheme for the protection of trees that was approved in connection with Planning Permission 15/10751 - the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14389-AIA-PB and Plan Ref: 14389-BT2 dated 20/05/15 - shall be implemented and maintained for the full duration of the construction of the development hereby approved.

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

6. The development hereby permitted shall not be occupied until the spaces shown on the approved site plan for the parking and garaging of motor vehicles have been provided. The spaces shown on the approved site plan for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

7. The cycle storage / parking provision within the site that was approved in connection with Condition 12 of Planning Permission 15/10751 shall be carried out in accordance with the approved details before the use of the development is commenced and shall be permanently retained thereafter.

Reason To ensure adequate cycle parking provision within the site, in accordance with Policies CS1, CS2, and CS24 of the Core Strategy for New Forest District outside of the National Park.

8. The approved areas for the turning of vehicles on site shall be kept available for their intended purposes at all times.

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

9. The external lighting details that have been approved in connection with Condition 15 of Planning Permission 15/10751 shall be implemented in accordance with the approved details, and no external lighting shall be installed thereafter, outside of the residential curtilages of the approved dwellings, unless details have been first submitted to and approved in writing by the Local Planning Authority.

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

10. The detailed ecological mitigation and biodiversity compensation and enhancement plan that has been approved in connection with Condition 16 of Planning Permission 15/10751 shall be implemented fully in accordance with the approved details.

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

11. The facing and roofing materials to be used on those parts of the development that are still to be implemented / completed shall be in accordance with those details that were approved in connection with Condition 17 of Planning Permission 15/10751.

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

12. The slab levels of the dwellings that are yet to be completed shall accord with those details that were approved in connection with Condition 18 of Planning Permission 15/10751.

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 detailed landscape scheme for the site shall be implemented in full accordance with the landscape details approved pursuant to Condition 19 of Planning Permission 15/10751.

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).

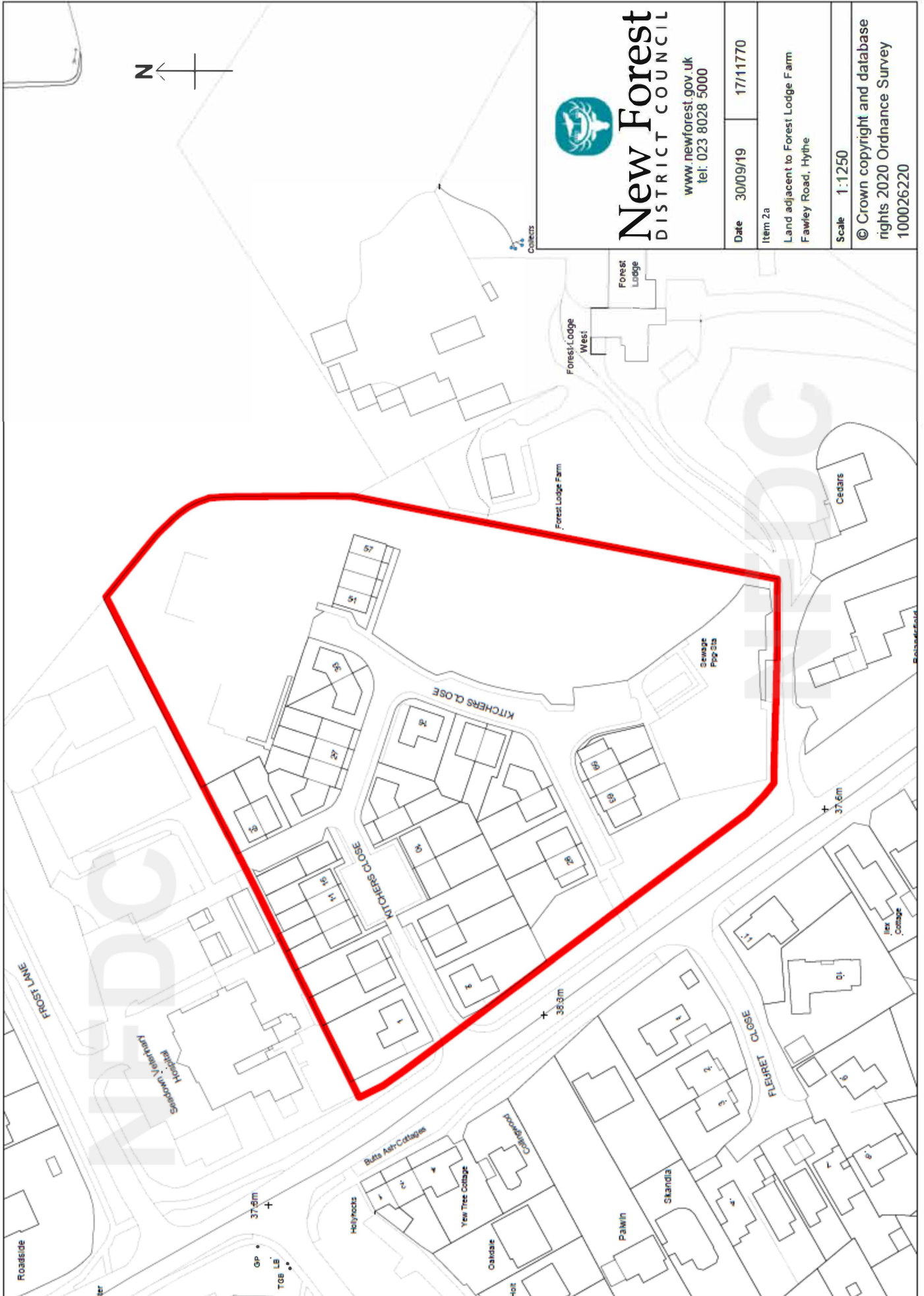
14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

**Further Information:**

Ian Rayner

Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

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

Date	30/09/19	17/11/70
Item 2a	Land adjacent to Forest Lodge Farm Fawley Road, Hythe	
Scale	1:1250	
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**Application Number:** 19/11369 Full Planning Permission

**Site:** 25-27 SOUTHAMPTON ROAD, RINGWOOD BH24 1HB

**Development:** Convert first-storey to residential use; add two additional storeys to create six residential apartments; Improvements to front and rear elevations; Improvements to rear service yard including demolition of existing cold store and rebuild to form new cold store, bicycle and bin store with associated planting

**Applicant:** Mr Urel

**Target Date:** 08/01/2020

## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this planning application:

- Principle of development including 5 year housing land supply
- Impact on Conservation Area
- Highway safety and parking
- Impact on local residential amenities
- Ecological matters

This application is before Committee due to the objection of the Town Council

## 2 THE SITE

The application site comprises two adjacent properties in the same ownership. They are located within Ringwood town centre on the western side of Southampton Road, which, in this part, is a two-way road linking the B3347 to the north, and High Street / Christchurch Road to the south. There is no entry to vehicles accessing the road from the north from the B3347. There is some limited vehicular parking on the public highway opposite. Southampton Road is predominantly lined with commercial (retail) properties on the west side, which have large, modern shopfronts, vertical plain brick facades topped off by flat roofs. The buildings here are tall and generally two storey but some elements are three storey. In addition the property to the south has a 2nd floor roof extension which is partially visible from the street.

The pavement here is wider than normal and the applicants have taken the opportunity to provide an outdoor seating area (on land which appears not to be public highway) to serve the restaurant and adjoining building which has recently been given planning permission under reference 19/11228 for a change of use from shop to café. Whilst the two buildings were formerly separate they are now joined internally as the applicant has removed the dividing wall between the two.

The site lies within the Ringwood Conservation Area, but there are no Listed Buildings in close proximity.

The site has the use of an open service yard /parking court to the rear, accessed off Meeting House Lane. At first floor, the two units are separate, and are generally used for storage purposes related to the café/restaurant uses.

### **3 THE PROPOSED DEVELOPMENT**

The application seeks full permission to convert the existing first storey across the two formerly separate premises to residential use and add two additional storeys to create six residential apartments on three floors above the restaurant/cafe. The front elevation facing Southampton Road will be provided with new windows and doors and a re-painted façade.

There are also proposed enhancement works to the rear service yard to provide a dedicated planting area, bin storage, cycle storage and new replacement cold store, along with re-painted facades. The floor areas are broken down as follows:

First floor - 2 x two double bedroom flats

2<sup>nd</sup> floor - 2 x two double bedroom flats

3<sup>rd</sup> floor – 2 x one double bedroom flats

The first-floor flats will be provided with Juliet style balconies fronting Southampton Road but no outdoor seating areas. The second and third floor flats will be provided with an outdoor seating area which will front onto Southampton Road. The 2<sup>nd</sup> floor block will be mostly hidden from street view by a solid parapet wall. The 3<sup>rd</sup> floor block will be more prominent from street level, however, and will appear as a roof extension. The existing building has a height from street level of 8.4 m (including the existing parapet wall). The 2<sup>nd</sup> and 3<sup>rd</sup> floor extensions will increase the overall height of the building to 12 metres. The second and third floor extensions are staggered back from the front elevation plane of the building to reduce their impact when viewed from the street.

Internally, the plans show new customer toilets and baby change facilities and improved staff welfare facilities contained within the buildings.

Pre application discussions took place and the Case Officer gave generally positive advice that the principle of the development would be acceptable but that the architectural detailing needed to be good quality, reflecting the position of the site in the Ringwood Conservation Area.

#### Amended plans submission

Amended plans have been submitted which set out various alterations to the façade of the building and further improvements to the rear service yard. The plans have been amended to address concerns raised about the original scheme. These have been the subject of a re-consultation exercise which is due to end on 6th March. Any comments will be included in the update sheet. Members are referred to the applicant's planning support statement and the amended plans received on 20th September which set out in more detail the proposed works along with perspective drawings showing how the extension will look from the front and rear.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
<b>19/11228</b> Change of use of premises from A1 to A3 & A5	17/01/2020	Granted
<b>15/10752</b> Use of part of first floor as 1 flat (Prior Approval Application)	08/07/2015	Prior Approval not required
<b>03/78643</b> Use for sales of food and drink for consumption on premises and hot food for consumption off premises (Certificate of lawfulness for existing use) (Class A3)	27/08/2003	Granted
<b>00/69978</b> 2 storey additions & alterations	25/01/2001	Granted Subject to Conditions
<b>00/69295</b> New Shopfront	17/07/2000	Granted Subject to Conditions

#### 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

##### Core Strategy

**CS1** – Sustainable development principle

**CS2** – Design quality

**CS3** – Protecting and enhancing heritage and nature conservation

**CS9** – Settlement hierarchy

- Level 1 – Larger towns and service centres – Totton & Eling, Hythe and Dibden,
- Lymington and Pennington, New Milton and Barton on sea, and Ringwood
- Level 2 - Small towns and employment centres – Fordingbridge, Marchwood
- Level 3 – Defined villages – Ashford, Blackfield & Langley, Bransgore, Everton,
- Fawley, Hardley & Holbury, Hordle, Milford, & Sandleheath
- Level 4 – rural villages (countryside) – Breamore, Damerham, Elingham, Harbridge, Ibsley, Martin, Rockbourne, Sopley, & Whitsbury

**CS10** – Spatial strategy in aff. Housing, settlement hierarchy, employment, accessibility, green belt

**CS13** – Housing types, sizes and tenure

**CS25** – Developer contributions (see later CIL and govt. advice on tariffs)

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

- DM1 Heritage and conservation
- DM2 Nature conservation, biodiversity and geodiversity
- DM3 Protecting and enhancing our special environment

### **The Emerging Local Plan**

The Local Plan Review 2016-2036 is in what can be considered an ‘advanced stage’ in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications ended on 31 January 2020.

It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered to be relevant.

- 1 Achieving sustainable development
- 3 Strategy for locating new development
- 4 Settlement hierarchy
- 5 Meeting our housing need
- 6 Sustainable economic growth
- 10 Mitigating the impact of development on International Nature Conservation sites
- 11 Heritage and conservation
- 13 Design quality and local distinctiveness
- 14 Landscape character and quality
- 16 Housing type, size and choice

### **Supplementary Planning Guidance and other Documents**

SPD Mitigation Strategy for European Sites

SPD Parking standards

SPD Housing design, density and character

SPD Ringwood Conservation Area Appraisal

SPD Ringwood Local Distinctiveness

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Planning and Compulsory Purchase Act 2004**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

### **Habitat Regulations 2017**

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

## Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.  
S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

## **Relevant Advice**

### National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

### National Design Guide 2019

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

**Ringwood Town Council:** Recommend refusal

The Committee had no objection to one additional storey, but considered that the resulting height created by a second additional storey would be out of keeping with the surrounding buildings. Members also supported the Planning Officer's comments with regard to the cycle store and bin shed.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received:

### NFDC Building Control

Recommends that internal layout is changed to ensure that position of kitchens is not an issue for means of escape. Stairwell needs proper ventilation and fire appliance access should be factored in.

### NFDC Conservation

**Initial Comments** - Whilst the building is of limited architectural value, it occupies a key and prominent position within the Conservation Area. Views gained of the new roof extension will be limited. That said the proposals should be improved in terms of detailing of windows, doors, cladding and railing details to ensure a good quality finish.

Rear yard area also important and should ensure that there is better treatment here for cycle and bin storage with appropriate hard and soft landscaping. Overall, there are several design issues and the quality of the proposal should be improved. However, bulk and scale of the proposed extensions are acceptable.

**Further Comments** - have looked through the submitted information and drawings. The design approach shown on the revised drawings has improved greatly. The applicant has clarified and addressed the majority of the issues raised. The application is therefore now supported. There is a need for a set of robust conditions to ensure that quality is carried through into the details and materials on site.

Conditions should cover the following:

- All external materials as samples and not just details
- Large scale drawings of all external windows and doors
- Large scale detail of the canopy and supporting posts.
- Landscape details and materials for agreement.

#### New Forest Ecologist

No objection - notes the agent's comments in respect of potential for bat species - all parties should note that the weight that can be ascribed to such opinion is limited due to lack of professional knowledge, and it should not be relied upon for defence in law. Bats can use crevices and features in even flat roofed buildings. However, would accept that for the purposes of planning the risk and potential of presence is sufficiently low not to require further information at this stage. Notes the immediate environs are urban in nature, although with the River Avon within 500m and open greenspace within 250m, due diligence should be shown.

The location is likely to be suitable for provision for swifts and if the Council were minded to approve would recommend that details of a scheme of swift bricks informed by professional ecological advice at a rate of one per new unit of accommodation be provided either prior to commencement or prior to development processing past demolition phase. Mitigation is also required for protected areas and species in the locality in the normal way.

#### NFDC Environmental Health (Pollution)

**Initial comments** – objects due to lack of detail relating to noise transfer between floors and harm to new residents. Requests acoustic survey and mitigation report. Also concerned about potential cooking fumes, extraction system and potential impact on new flats.

**Further comments** – following receipt of acoustic report and other details, withdraws objection and recommends approval subject to noise limitation conditions and times of plant operation.

#### Hampshire County Council Highways

No objection - Access to the proposed flats is to be from the rear of the building from Eastern Service Road, which is an unclassified road. No car parking is proposed. The suitability of this lack of provision is a matter for the district council to consider as the Local Parking Authority. The provision of well-designed cycle parking is essential for supporting the development of cycling as a practical transport choice. A cycle store for 6 bikes is proposed in the service yard area. For the two end stands to be accessible, the doors of the store will need to extend across the full width. The applicant may wish to amend the application drawings to address this issue.

## Wessex Water Authority

No objection – offers standard advice relating to dealing with surface water drainage and connection to water systems.

*Comments in full are available on website.*

## **10 REPRESENTATIONS RECEIVED**

No comments received

## **11 OFFICER ASSESSMENT**

### Principle of development including 5 year land supply

The site lies within a central town centre location and within the settlement boundary of Ringwood, as shown in the Local Plan Part 2, and is within reach of a range of facilities and alternative transport options. To that end, the site lies in a generally acknowledged sustainable location.

However, paras 7 and 8 of the NPPF define sustainable development as also taking into account economic, social and environmental objectives. All three must be balanced to determine whether or not a development is sustainable and not just its location within a settlement boundary.

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications concluded on 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and, as proposed to be modified, is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five-year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

### Impact on Ringwood Conservation Area including design and site layout

S72 of the Listed Buildings and Conservation Areas Act 1990 places a duty on all Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Paragraph 189 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting, confirming that the level of detail should be proportionate to the asset's importance. Para 192 states that LPAs should take account of the positive contribution that proposals can bring in enhancing local character and distinctiveness. Where development would lead to harm, paragraphs 195 and 196 require development proposals to demonstrate whether the level of harm would be substantial or less than substantial. Where there is harm, this should be weighed against the public benefit. Paragraph 200 notably goes on to state:

*'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements*

*of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.*

Core Strategy policy CS2 has now been added to by Policy 13 of the Emerging Local Plan. Development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive.

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management, and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits, which is also referred to in the National Planning Policy Framework (NPPF) 2019.

The Ringwood Conservation Area Appraisal is also relevant and underlines the need to ensure that development in the Conservation Area is not harmful and where possible brings improvements and reflects local character and distinctiveness. The Appraisal also encourages improvements to often overlooked but potentially ugly service yard areas.

With this proposal, there are considered to be three key issues in terms of the development's design, layout and Conservation Area impact. Firstly, the impact of the proposed roof extensions, secondly the overall impact of the works to the front façade, and thirdly the impact of the works on the rear elevation and service yard area. These are discussed in turn below.

**Roof Extension** - Dealing first with the roof extensions, the Ringwood Conservation Area Appraisal recommends that no buildings within the Conservation Area are greater than 3 storey in height (i.e. there should not be four floors, as would be the case here). However, whilst this advice is relevant, it is also considered that each proposal needs to be judged on its merits, having regard to the immediate context. In this case, there is another building close to the site with a similar roof extension (albeit raising the building to three storeys in total) two doors to the south. The new roof extension will be seen in context with that extension and also with other tall buildings to the north of the site. Coupled with this local context the roof extensions have been angled such that they do not follow the current front facade of the building but are set back. This will result in views of the extensions from the street being more limited. The 2<sup>nd</sup> floor extension will be mostly hidden by the existing parapet wall. The 3<sup>rd</sup> floor extension will, however, project higher than the nearby roof extension and will be seen from street level. This point has been picked up in the objections of the Town Council. However, the 3<sup>rd</sup> floor extension has been set back further and staggered above the 2<sup>nd</sup> floor. This limits significantly the impact.

Given that there are other tall building blocks nearby there are no objections to the 3<sup>rd</sup> floor extension on this occasion. The applicant's agent in their re-submitted plans provides further perspective sketches to provide an indication of local impact. The impact here will be very localised, and both the Case Officer and the Conservation Officer consider the proposal does not harm the Conservation Area and is acceptable in principle. Whilst the Conservation Area Appraisal recommends no four storey buildings, this has to be balanced against the direct impact of the proposal on that part of the Conservation Area. On this occasion a balanced view is taken that there is no harm and the higher building is acceptable, taking into account also the following points.

**Front façade alterations** – the existing front façade has received different treatments between the two premises, being formerly in two different ownerships but originally built in the 1960s as one new building. No. 27 has an exposed brick frontage but No.25 has



had some of its bricks painted white, which results in a strident jarring appearance. The section of walling above the windows has been rendered with a concrete colour finish which underlines the poor appearance. The poor window detailing helps to underline the need for some renovation of this dated and tired elevational treatment. The applicant, following his acquisition of No. 27, has now started to unify the two properties by introducing signage above the shop fronts. This proposal now seeks to take that design approach forward.

The latest plans now show improved window and balcony detailing, along with better details for the roof extensions. The marrying of the two premises together with a new unified paint scheme (removing the strident white painted finish) will greatly assist in 'lifting' the quality of the building overall and will have a beneficial impact on the Conservation Area. This part of Southampton Road is specifically mentioned in the Ringwood Conservation Area as being an element of poor re-development from the 1930s onward. The Appraisal specifically requires proposals to make a positive contribution.

**Service yard and rear facade improvements** – the rear elevation of the building and the appearance of the existing service yard is poor. The rear elevation is cluttered with air conditioning units, flues and vents, along with makeshift structures used in connection with staff facilities and storage. The yard area has a hard and unwelcoming appearance. The proposals as now amended show significant improvements to the rear elevation, by removing the flues, vents and air conditioning units, along with the makeshift structures referred to. The new service yard building is appropriately located to one side and will contain all necessary cold storage and bin and refuse storage under cover, along with an undercover cycle store for the new residents. Added to this, an improvement to the surfacing of the yard, which is currently a mix of tarmac and concrete, with a new unified brick paviour and a dedicated pedestrian route to the flats, together with new landscaping, will significantly improve the appearance of the service yard and this part of the Conservation Area. The proposed new 3rd floor extension will be more noticeable from the rear service yard but again will be seen in context with other tall structures nearby and will not therefore create an incongruous feature out of character with the area.

#### Highway safety and parking

With regard to highway safety, the rear service yard of the premises will still remain, albeit its surfacing will be improved and the appearance of the yard softened with new hard and soft landscape features. The buildings and business uses will retain the rear servicing ability, and there is sufficient room here for vehicles to reverse into the yard, area. The latest plans show a dedicated route for pedestrians to access the rear flats entrance.

With regard to car and cycle parking the site lies in a town centre location within easy reach of a range of transport options and public car parking. The Council's SPD on parking does, however, require 9 car parking spaces to serve the six new flats, along with 10 cycle parking spaces. In this case space at the rear is at a premium and no room is available for car parking. The proposal does, however, make provision for 6 secure cycle parking racks within the new service building. This building could be extended to increase cycle parking, but this would remove the potential for landscaping and make it more difficult for service vehicles to enter and leave the site safely. Government advice is that strict adherence to local parking standards, particularly in town centre locations should be avoided if there are other public benefits that flow from a development proposal. There needs therefore to be a balance between the overall public benefit of the scheme, the location of the site within reach of sustainable travel options, and the need to provide car and cycle parking set out in the 2012 SPD.

## Impact on residential amenities

The plans have a limited impact on nearby flat residents on either side of the application site. No objections have been received. The outlook for all existing residents will be improved at the rear given the improvements set out above. Noise from the existing air conditioning units will be reduced, with a new air con unit located to the rear of the new service yard building. The new flat residents will benefit from outdoor seating space for the four flats on the 2<sup>nd</sup> and 3<sup>rd</sup> floor. The 1<sup>st</sup> floor flats will be provided with a number of Juliet style balconies to overlooking the main shopping street. The earlier expressed concerns of the Council's EHO in relation to the impact of noise and cooking smells on the new flat residents have now been overcome in the amended plans.

## Ecological Impact

### a) Habitat Mitigation and ecological impact off site

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 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. In this case, the applicant has been invited to enter into an Agreement under Section 106 prior to the grant of planning permission or to provide their own mitigation strategy. The applicant has agreed to enter into an agreement and this is currently being prepared. Planning permission will not be issued until the agreement is completed.

### b) Impact on phosphates affecting water courses

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 having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

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, and therefore there is no further requirements on developments.

c) On site biodiversity enhancement

Development Plan policies require on site enhancement wherever possible. In this case, the Council's Ecologist has no objections to this application provided some on site biodiversity enhancements are made and suggests the introduction of 6 no. swift boxes. This can be dealt with via a planning condition requiring these to be in place prior to occupation of any of the units. In addition, the developer will be reminded of the need to take care not to disturb any protected wildlife species such as bats when carrying out works to the roof space. This will be covered by an informative.

## 12 CONCLUSION ON THE PLANNING BALANCE

In summary, the impact on the Ringwood Conservation Area and heritage asset is considered to be beneficial given the improvements to both the front and rear elevations of these buildings which at present have an appearance which do not support the better qualities of the Ringwood Conservation Area. On balance, it is considered that the additional height of new building will not have an adverse impact on the Conservation Area, taking into account the setback nature of the roof extensions, and the limited views of the extensions.

The scheme brings forward 6 no. smaller units of residential accommodation in a sustainable town centre location. This adds to local housing stock at the lower end of the housing market and will, it is considered, enhance and improve the vitality of the town centre.

The site does not provide any car parking for the new flats and underprovides cycle parking. That said the site lies in a sustainable location close to public transport options and public car parking.

Appropriate mitigation can be achieved to offset any harmful off-site impact on protected European sites through additional recreational pressure; any impact from additional nutrient enrichment of the River Avon can be mitigated through CIL; and further biodiversity enhancement can be made through an appropriate planning condition.

Therefore, the balance overall on this occasion is one of approval subject to the conditions as set out below.

## 13 OTHER CONSIDERATIONS

### Crime and disorder

Not relevant on this occasion

### Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £7344.00 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.

## Human Rights

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.

## 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.

## **CIL Summary Table**

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	429	192	237	237	£80/sqm	£24,356.31 *
Restaurants and cafes	175	367	-192	-192	No charge	£0.00 *

Subtotal:	£24,356.31
Relief:	£0.00
Total Payable:	£24,356.31

\* 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 2020 this value is 1.28 (rounded)*

#### **14. RECOMMENDATION**

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the completion within 6 months of the date of this resolution, of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitat mitigation measures, and
- ii) the imposition of the conditions set out below.

#### **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:

PL100 rev B - Site, location and existing floor plans, and proposed site layout

PL101 rev B - Proposed floor plans and section

PL102 rev B - Existing and proposed elevations

PL103 rev B - Existing and proposed elevations and sections

PL104 rev B - Existing and proposed elevations and sections

PL105 rev B - Proposed sections, cold store cycle and bin store

Environmental Noise Impact Assessment SA - 6333 submitted on 20 February 2020.

Reason: To ensure satisfactory provision of the development.

3. Within one month of the commencement of development, samples of the facing and roofing materials to be used, along with large scale plans showing the details of all balconies, screen walls, brise soleil features including any canopy and support posts, and all windows and doors including finished colours and means of opening, to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. The residential development hereby permitted shall not be occupied until the cycle spaces shown on the approved plan have been completed and made available for all new flat occupants. Such spaces shall be kept available in perpetuity to serve the residents of the flats.

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

5. The development shall not be occupied until all new hard surfacing and planting beds have been laid and created in the rear service yard, together with the completion of the new service yard building.

Reason: To ensure appropriate provision is made for servicing and in the interests of the visual appearance and amenity of this part of the Ringwood Conservation Area.

6. Prior to the occupation of any part of the development hereby permitted, the development shall be completed and carried out in accordance with the measures and design details set out within The Environmental Noise Impact Assessment SA - 6333 submitted on 20 February 2020. There shall not be any deviation from this Noise Impact Assessment unless otherwise approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of the amenity of new and existing residents and in accordance with Core Strategy policy CS2.

7. The combined Noise Rating Level from the kitchen exhaust flue, air conditioning units and any other plant or equipment shall not exceed the Background Noise Level between the hours of 07:00 to 23:00 at 3.5 metres from any noise sensitive premises in accordance with BS4142:2014. The plant shall not be operated between 2300-0700 hours.

Reason: In the interests of the amenity of new and existing residents and in accordance with Core Strategy policy CS2.

8. Within 3 months of the commencement of development a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) a specification for new planting including all shrubs and trees (species, size, spacing, location, planting methodology and means of protection and support for new trees);
- (b) areas for hard surfacing and the materials to be used, along with the materials to be used for the new planting bed enclosures;
- (c) any other means of fencing, walling or means of enclosure (including the planting beds);
- (d) a method and programme for the implementation of the landscaping 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).

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

Reason: To ensure 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).

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

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

11. Within one month of the commencement of any part of the development, a scheme for the provision and installation of 6 no. swift bird boxes shall be submitted to and agreed in writing with the Local Planning Authority. The scheme as may be agreed shall be fully implemented prior to the occupation of any of the residential flats hereby approved and maintained as such thereafter.

Reason: To ensure the development makes provision for on-site biodiversity enhancement in accordance with Core Strategy policy CS3 and Local Plan policy DM2.

**Further Information:**

Stephen Belli

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DISTRICT COUNCIL

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Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

March 2020

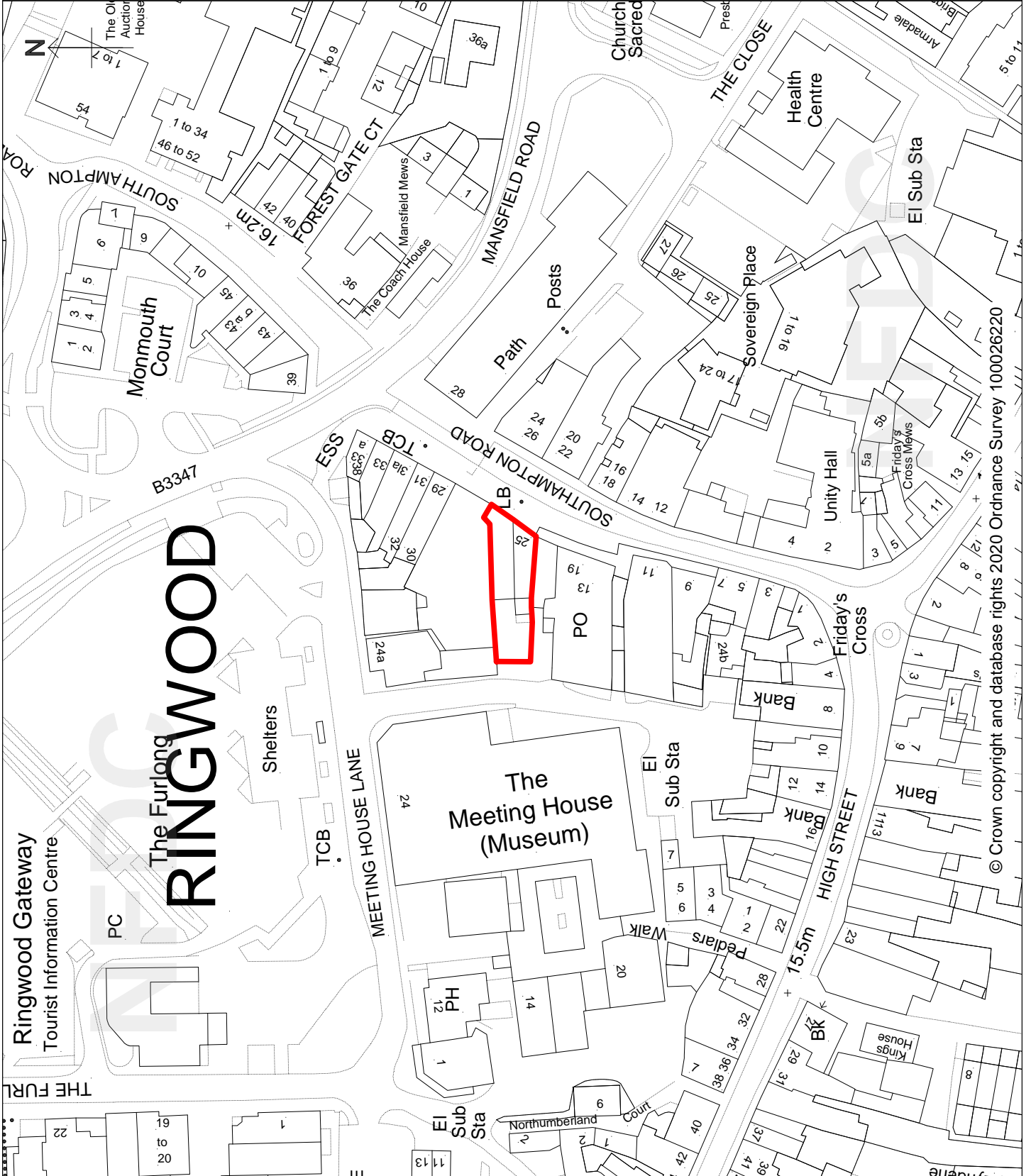
Item No: 2b

25-27 Southampton Road  
Ringwood BH24 1HB

19/11369

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**Application Number:** 19/11520 Full Planning Permission

**Site:** 38 PEARTREE ROAD, DIBDEN PURLIEU SO45 4AL  
**Development:** Single storey side and rear extensions; roof lantern; porch:  
fenestration alterations.

**Applicant:** Mrs Wheeler

**Target Date:** 03/02/2020

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## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report, after which a conclusion on the planning balance is reached:-

- 1) whether it would be an acceptable development in terms of design and impact on the street scene.
- 2) impact on neighbour amenity.

This matter is being considered by Committee as there is a contrary view with the Parish Council.

## 2 THE SITE

The property is a detached bungalow in a row of similarly styled properties. Within the wider area there are a variety of styles and sizes of properties including chalet bungalows and two-storey dwellings. An attached garage is positioned to the side, which extends the built form across the site almost to the side boundary. The front boundary is defined with a high hedge, with the rear boundaries consisting of high fences.

## 3 THE PROPOSED DEVELOPMENT

The proposal is to remove an existing conservatory and garage and to then extend the property by way of single storey extensions to the side and rear, and a new porch to the front. Alterations to the fenestration of the original dwelling are also proposed, but these do not require planning permission.

Before submitting their application, the applicant used the pre-application advice service provided by the Council, and it was recommended by the Planning Officer that additions to the property should be restricted to single-storey only. The plans which were then submitted with the planning application initially proposed a high roof design over the proposed additions but, following negotiations with the agent, revised plans were submitted which significantly lowered the height of the proposed roof. This is the basis on which this application is now being considered.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
03/79765 Rear conservatory	31/12/2003	Granted Subject to Conditions
91/NFDC/47153 Single storey rear addition	19/04/1991	Granted
88/NFDC/40084 Addition of bedroom & en-suite,lounge,dining hall & utility room	11/01/1989	Granted

#### 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

##### Core Strategy

CS2: Design quality

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

No relevant policies

##### The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

##### Neighbourhood Plan

Hythe and Dibden neighbourhood plan

#### 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

##### Relevant Legislation

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

##### Relevant Advice

NPPF Ch.12 - Achieving well-designed places

#### 7 PARISH / TOWN COUNCIL COMMENTS

**Hythe & Dibden Parish Council:** Recommend REFUSAL (Non-Delegated) for the following reasons:

- 1) It is overdevelopment of the site.
- 2) It would be unneighbourly to 40 & 42 Peartree Road.
- 3) The proposed extensions would fill the width of the plot up to the site boundaries and are therefore out of keeping with the street scene.

## 8 COUNCILLOR COMMENTS

No comments received

## 9 CONSULTEE COMMENTS

No comments received

## 10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

One letter of objection was received in respect of the original plans which were submitted with the application. This letter from Hollycott, Whinfield Road, was in respect of the impact on number 36 in terms of loss of light.

Following further consultation with this objector in respect of the amended plans, no further comments were received.

## 11 OFFICER COMMENTS

### Introduction

The following are considered to be the main issues to be taken into account when determining this application.

- 1) whether it would be an acceptable development in terms of design and impact on the street scene.
- 2) impact on neighbour amenity

### Relevant Considerations

#### Street scene and character and appearance of the area

The proposed extensions would be set back into the site and have been designed so that the roof of the main extension would be considerably lower than the roof of the original dwelling. The overall height of the extension would be 3.7 metres. This would be sympathetic to the existing dwelling in terms of design, and would have limited impact on the streetscene. Whilst the proposed side extension would extend to the side boundary, being of a modest height and replacing an existing garage it would still retain the spatial characteristics of the site. There are other properties in the area which are built across the site with subservient additions, and therefore this proposed addition would be in keeping with other properties in the street scene.

Whilst the proposed roof lantern would be partially visible from the road, being situated to the rear and of a lightweight glazed construction it would not have a detrimental impact on the resulting building.

The garden around the property is relatively large with an extended rear garden, along with sufficient area to the front for parking. The proposed side and rear extensions would be relatively modest in width and depth, and combined would not be considered an overdevelopment of the site.

The proposed porch would be modest in size and would be sympathetic to the existing building with limited impact on the street scene.

The proposed fenestration alterations would include additional windows on side elevations. Given that there are high boundary treatments on the side boundaries, there would not be an adverse impact in terms of overlooking from the additional fenestration.

### Materials

The application proposes that the finish of the property be white render. The existing property is red brick. It is the applicant's intent to change this to white render. The roof tiles would match the existing. Rendering the existing property does not require planning permission, and therefore the proposed material is considered acceptable. A condition is recommended for the roof material to match existing.

### Neighbour amenity

The neighbours to the south - 40, 42 & 44 Peartree Road - are sited so that the side boundary of number 38 forms the rear boundary of these properties. The rear elevation of 42 Peartree Road would have a direct relationship with the proposed rear extension. However, being to the south, 42 Peartree Road would not be impacted by the proposed development in terms of loss of light or overshadowing. The proposed rear extension would extend 5.5 metres from the existing rear elevation. 42 Peartree Road has an outbuilding built close to the rear boundary and therefore there is already some built form along this boundary. The eaves of the proposed rear extension would be relatively low, with a height of 2.4 metres, and the roof would be pitched away from the shared boundary and have a height of 3.7 metres. Whilst it is appreciated that these neighbours' gardens are relatively small, the proposed extension would be set away from the shared boundary by 1.5 metres and therefore, with the limited height and degree of separation between the properties, the impact on the outlook of 42 Peartree Road and the two other neighbouring properties would be considered acceptable.

The neighbour to the north, number 36, has windows along the side elevation facing the application site and also benefits from a conservatory to the rear. The proposed extensions would be to the south of this neighbour and therefore consideration has been given to this impact. It is recognised that the proposed side and rear extension would be built close to the shared boundary with this neighbour. However with the low eaves and a ridge height limited to 3.7 metres, the impact on this neighbour in terms of their outlook or loss of light would be acceptable.

## **12 CONCLUSION ON THE PLANNING BALANCE**

For the reasons given above, it is considered that the proposed development accords with the adopted local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The proposal would also accord with the emerging Local Plan. The proposal would be of an appropriate design and would have an acceptable relationship to neighbouring properties. Therefore, conditional permission is recommended.

## **13 OTHER CONSIDERATIONS**

### Crime and Disorder

No relevant implications

### Local Finance

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.

### Human Rights

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.

### 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.

## **14. 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: 1801-12-01, 1801-12-02, 1801-12-03 & 1801-12-04 Revision A

Reason: To ensure satisfactory provision of the development.

3. The external roofing materials shall match those used on the existing building.

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

**Further Information:**

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Claire Upton-Brown  
Chief Planning Officer  
Planning  
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**PLANNING COMMITTEE**

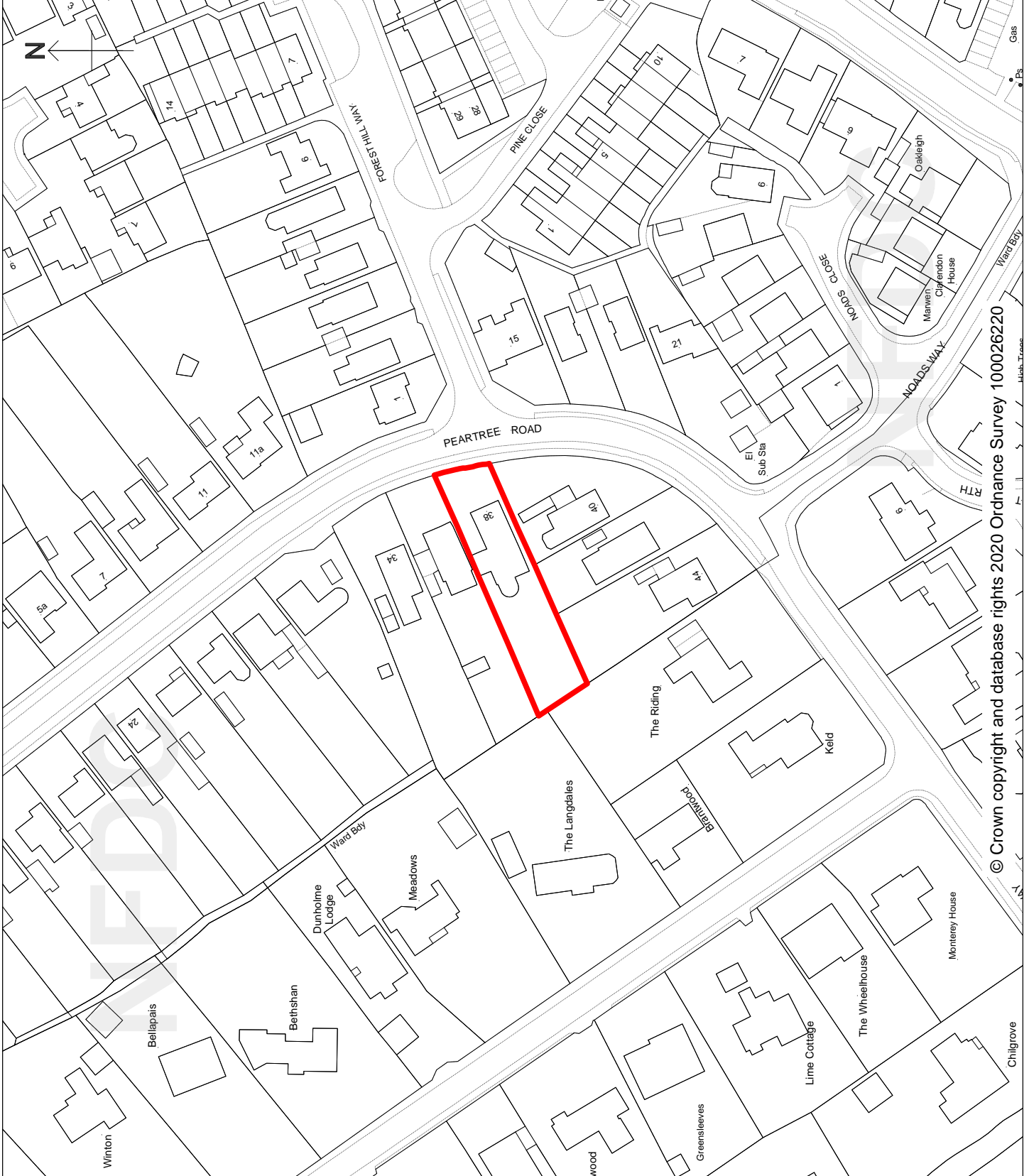
**March 2020**

**Item No: 2c**

38 Peartree Road  
Dibden Purlieu  
SO45 4AL  
19/11520

Scale **1:1250**

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scale.



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Planning Committee 11 March 2020

**Item 2d**

**Application Number: 20/10008** General Permitted Development Extensions

**Site:** 1 FULMAR DRIVE, HYTHE SO45 3GL

**Development:** Single-storey rear extension (Prior Approval Application)

**Applicant:** Mr Ford

**Target Date:** 15/02/2020

**Extension Date:** 14/03/2020

## 1 SUMMARY OF THE MAIN ISSUES

This is a Prior Approval application and not a full planning application. For this particular type of Prior Approval application, which is an "*Application to determine if prior approval is required for a Larger Home Extension*", there is just a single issue that can be considered, which is impact on neighbour amenity.

An assessment of this single issue is set out in Section 11 of this report, after which a conclusion on the planning balance is reached.

This matter is before Committee because there has been an objection from a neighbour and the applicant is an employee of New Forest District Council.

## 2 THE SITE

The application site consists of a detached bungalow forming part of a group of low level bungalows, gable end onto the road with open frontages, most having a driveway to the side to provide off road parking.

## 3 THE PROPOSED DEVELOPMENT

The application proposes a single-storey rear extension which would have a footprint of 6.3 metres by 5.4 metres; the maximum roof height would be 3.5 metres with an eaves height of 2.4 metres, thus meeting the permitted development criteria for a larger home extension on a detached property.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Relevant conditions
81/NFDC/19987 Alterations and addition of a bedroom, shower room and sun room.	21/07/1981	Granted	Not implemented no longer extant	No restrictions on PD
XX/NFR/12597 Revised layout for 44 bungalows and three houses with garages. Plots 60, 61, 36b to 48, 73 to 91, 102 to 110, 159 to 162	25/02/1964	Granted Subject to Conditions	Decided	No restrictions on PD
XX/NFR/12223 8 bungalows and 12 blocks comprising 48 dwellings	26/07/1963	Granted Subject to Conditions	Decided	Cond 6 - No building on land hatched

with 56 car ports and garages with construction of estate road.

green  
(visibility on roads)

XX/NFR/11388 137  
houses and estate roads.

03/12/1962

Granted  
Subject to  
Conditions

Decided

No  
restrictions  
on PD

XX/NFR/10741  
Residential development.

07/03/1962

Granted  
Subject to  
Conditions

Decided

Cond 8 - No  
building in  
front of front  
wall

XX/NFR/01952  
Residential development.

06/11/1952

Granted  
Subject to  
Conditions

Decided

No  
restrictions  
on PD

## 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

### Core Strategy

CS2: Design quality

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### Relevant Legislation

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

### Relevant Advice

NPPF  
Chapter 12: Achieving well-designed places

## 7 PARISH / TOWN COUNCIL COMMENTS

Notified of the application, but no comment received.

Under the specific national legislation, the only people who can formally comment are the neighbours and the only relevant issue for them to comment on is residential amenity.

## 8 COUNCILLOR COMMENTS

Notified of the application, but no comment received.

Under the specific national legislation, the only people who can formally comment are the neighbours and the only relevant issue for them to comment on is residential amenity.

## 9 CONSULTEE COMMENTS

None notified

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received:

1 letter of objection from neighbour - height of the extension would substantially reduce light into kitchen window

## **11 OFFICER COMMENTS**

### **Introduction**

As set out at the beginning of this report, there is just a single issue that can be considered through this Prior Approval application, which is the impact on residential amenity.

However, before considering this single issue, it is first necessary to have considered whether or not the proposed development is permitted development and that the Prior Approval process does apply. This assessment has been carried out, and is set out as an Appendix to this report. The conclusion is that the proposal is permitted development and that the Prior Approval process for larger extensions does apply.

### **The site / proposal**

The site consists of a detached bungalow on an established residential road, being one of a group of low level bungalows. It is at the transition to larger two-storey dwellings which are also on higher level ground, with the immediate neighbour to the east being a chalet bungalow. The plots for these low level bungalows are long and fairly narrow with limited separation each side of the dwellings. There is an existing conservatory on the rear elevation, located on the eastern side of the building which would be removed to facilitate the proposal.

The application proposes a single-storey rear extension which would continue the building line along the eastern elevation and would meet the permitted development criteria for a larger home extension.

### **Relevant Considerations**

To the east of the site is No 1a Fulmar Drive (the objector's property), which is a detached chalet bungalow set on higher ground and positioned further to the rear of its plot. This property has three windows overlooking the application site: one serves the second floor and looks over the top of No 1, another looks out onto the side and roof of No 1, whilst the kitchen window currently looks out onto the roof of No 1's conservatory.

The proposed extension would be positioned 1 metre from the boundary with the adjacent neighbour at No1a Fulmar Drive, having a 2 metre separation from their kitchen window. The neighbour's side elevation kitchen window currently overlooks the top of the boundary fence and onto the roof of the existing conservatory. There are also fully glazed, south facing french windows on the rear elevation providing light into the kitchen and access to the rear garden of No 1a.

The application site is positioned to the northwest of No 1a, which is set deeper into its plot. The proposed extension would be to the west of the neighbour, and there would be some reduction in the light available to the side elevation kitchen window, but by reason of its single storey form and this being a secondary

window, together with the different relative levels of the dwellings, the proposed extension would not unduly compromise the light available to this room.

To the west of the site, No 3 Fulmar Drive is a similar low level bungalow separated by a high close boarded fence. The height of the proposed roof at 3.5 metres would not cause any significant harm to the living conditions of these neighbours by reason of loss of light or overshadowing.

Planning permission was granted for a similar extension in 1981, which although never implemented agreed the principle of development. Policies have moved on since that time, albeit without great changes and this proposal must be considered against the current policies and legislation.

The permitted development fallback position if this proposal fails would be for a 4 metre rear extension across the whole of the rear elevation with the ridge of the existing dwelling being continued along the extension.

## **12 CONCLUSION ON THE PLANNING BALANCE**

Taking into account the above, the concerns raised by the neighbours are not sufficient to warrant a refusal of the prior notification application, and there are no other issues with regard to the other adjacent neighbours. Therefore, it is recommended that prior approval for this development be granted.

## **13 OTHER CONSIDERATIONS**

### Crime and Disorder

No relevant considerations in respect of this proposal

### Local Finance

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.

### Human Rights

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.

### Equality

No relevant considerations in respect of this proposal

### Housing

No relevant considerations in respect of this proposal

Habitat Mitigation

No relevant considerations in respect of this proposal

Other Case Specific Factors

No relevant considerations in respect of this proposal

**RECOMMENDATION:**

Prior Approval Not Required

Further Information:

Rosie Rigby

Telephone: 023 8028 5588

## APPENDIX

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### Notification of Proposed Householder Development Report

DATE APPLICATION VALIDATED: 07 January 2020  
INITIAL PERMITTED DEVELOPMENT CHECKS

#### The site is located within an SSSI

No  
If YES cannot deal with as Prior Notification

#### The site is located on Article 2 (3) Land

No  
If YES cannot deal with as Prior Notification

### CLASS A

#### Permitted development

The enlargement, improvement or other alterations of a dwelling house

Yes      Single storey rear extension

The development exceeds the limits of Paragraph A1 (g) of Class A of Part I of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or the enlarged part of the dwelling house would extend beyond the rear wall of the original dwelling house by **less than** 4 metres in the case of a detached dwelling house, or **less than** 3 metres in the case of any other dwelling house

No  
\*If YES not appropriate for prior notification procedure. Request LDC

#### Development not permitted

##### A.1

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

No

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)

No

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse

No

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse

No

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which -  
(i) forms the principle elevation of the original dwellinghouse, **or**  
(ii) fronts a highway and forms a side elevation of the original dwellinghouse

No

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or  
(ii) exceed 4 metres in height;

Yes Extends 6.3 metres

- (g) the enlarged part of the dwellinghouse would have a single storey and -  
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or  
(ii) exceed 4 metres in height;

No

- (h) the enlarged part of the dwellinghouse would have more than one storey and  
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres or  
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse

No

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres

No Within 2 metres of boundary with eaves height 2.4 metres

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would  
(i) exceed 4 metres in height,  
(ii) have more than one storey, or  
(iii) have a width greater than half the width of the original dwellinghouse

No

- (ja) any total enlargement( being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceed the limits set out in sub-paragraphs (e) to (j)

No

- (k) it would consist of or include -

- (i) the construction or provision of a veranda, balcony or raised platform

NO  
If YES does it have a height in excess of 300mm YES/NO.

If NO complies with Interpretation of Part 1 “raised” in relation to a platform means a platform with a height greater than 0.3m

- (ii) the installation, alteration or replacement of a microwave antenna

NO

- If YES does it comply with Class H - **checklist to complete on pages 4 - 6**

- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

NO

- If YES does it comply with Class G **checklist to complete on pages 4 - 6**

- (iv) an alteration to any part of the roof of the dwellinghouse.

NO

- If YES does it comply with Class B **checklist to complete on pages 4 - 6**

## CONDITIONS

### A. 2

In the case of a dwellinghouse on Article 2 (3) land, development is not permitted by Class A if

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse
- (d) any total enlargement( being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceed the limits set out in sub-paragraphs (b) and (c)

Not applicable

### A.3

Development is permitted by Class A subject to the following conditions –

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be – (i) obscure glazed and (ii) non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part shall, so far as practicable , be the same as the roof pitch of the original dwellinghouse.

Yes (a) Confirmed on application form  
(b & c) Not applicable



## PLANNING HISTORY

PD REMOVED	No		
<b>Planning Ref:</b>			
81/NFDC/19987	21/07/1981	Granted	Not implemented
Alterations and addition of a bedroom, shower room and sun room.			
XX/NFR/12597	25/02/1964	Granted Subject to Conditions	No restrictions on permitted development
Revised layout for 44 bungalows and three houses with garages. Plots 60, 61, 36b to 48, 73 to 91, 102 to 110, 159 to 162			
XX/NFR/12223	26/07/1963	Granted Subject to Conditions	Cond 6 - No building on land hatched green (for visibility displays). Not applicable.
8 bungalows and 12 blocks comprising 48 dwellings with 56 car ports and garages with construction of estate road.			
XX/NFR/11388	03/12/1962	Granted Subject to Conditions	No restrictions on permitted development
137 houses and estate roads.			
XX/NFR/10741	07/03/1962	Granted Subject to Conditions	Cond 8 - No building forward of the front of properties. Not applicable.
Residential development.			
XX/NFR/01952	06/11/1952	Granted Subject to Conditions	No restrictions on permitted development
Residential development.			

## CONSULTATION:

One letter of objection has been received from No1a Fulmar Drive

Number of comments received: 1



**New Forest**  
DISTRICT COUNCIL

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

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**March 2020**

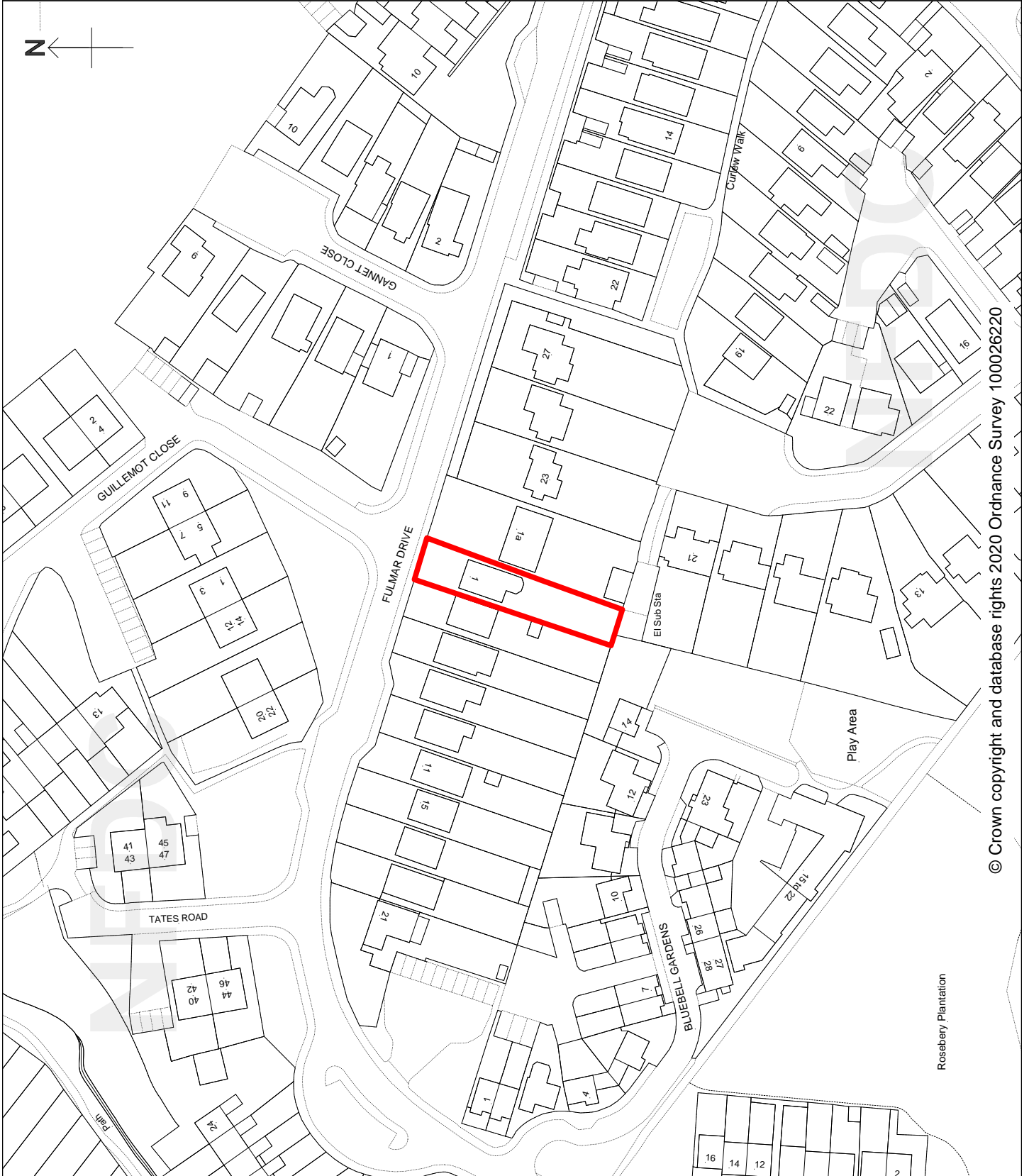
**Item No: 2d**

1 Fulmar Drive  
Hythe SO45 3GL

20/10008

Scale **1:1250**

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



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Rosebery Plantation

**Application Number: 19/11249** Reserved Matters

**Site:** LAND OFF, STEM LANE & GREAT WOAR COPSE,  
NEW MILTON BH25 5ND

**Development:** Single chapel crematorium; parking; landscaping (Details of appearance, landscaping, layout & scale, development granted by Outline Permission 16/10780)

**Applicant:** Westerleigh Group

**Target Date:** 02/01/2020

## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this approval of reserved matters application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Appearance and scale
- 2) Layout and Landscaping
- 3) Air quality
- 4) Noise and light emissions
- 5) Residential Amenity Impacts
- 6) Safe operation of the local highway network
- 7) Tree Impacts
- 8) Site Drainage
- 9) Other Matters

This matter is before Committee at the discretion of the Chief Planning Officer.

## 2 THE SITE

The site is located to the west of New Milton. The land comprises agricultural land with intervening hedgerows and trees in a woodland setting, extending to approximately 4.69 hectares. The site itself is completely bound by mature hedgerows and woodland and lies within the countryside outside the built up area. It is within designated Green Belt and setting of the New Forest National Park. The site is not allocated. Immediately to the south and east of the site is a Site of Important Nature Conservation (Great Woar Copse), also an Ancient Woodland.

## 3 THE PROPOSED DEVELOPMENT

The application is made for the approval of reserved matters relating to appearance, landscaping, layout and scale, following approval of outline planning permission under ref. 16/10780 in October 2016 for a single chapel crematorium and access. The outline permission was granted subject to conditions related to the reserved matters, biodiversity enhancement, landscaping, implementation of access arrangement, noise restrictions, lighting restrictions and restrictive conditions in relation to the use and hours of operation. The principle of a single chapel crematorium and its access, directly from a newly formed point off Stem Lane, has therefore been established by the outline approval.

An Environmental Impact Assessment screening opinion was undertaken under ref 16/10546 in conjunction with this outline scheme and concluded that although the project fell within Schedule 2, paragraph 11(b) of the 2011 Regulations it was not considered to be EIA development.

The reserved matters proposal shows the crematorium over the footprint of the structure indicated by the outline approval. The crematorium building would be of contemporary appearance finished in brick, a standing seam metal roof and grey metal cladding. Formally laid out gardens would be located to the north and a car parking area and a less formal parkland setting to the west. The proposal is supported by full plans and supporting information.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
16/10780 Single chapel crematorium; parking; landscaping (Outline application with details only of access)	11/10/2016	Granted Subject to Conditions	Decided
16/10546 Crematorium (Screening Opinion)	12/05/2016	EIA not required	Decided

#### 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

##### Core Strategy

CS2: Design quality

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

CS5: Safe and healthy communities

##### 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

##### The Emerging Local Plan

Policy 1 Achieving sustainable development

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 13 Design quality and local distinctiveness

Policy 14 Landscape character and quality

##### Supplementary Planning Guidance And Documents

SPD - Parking Standards

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### Relevant Advice

NPPF Chap 12: Achieving well designed places

NPPF Chap 13: Protecting Green Belt land

NPPF Chap 15: Conserving and enhancing the natural environment.

## 7 PARISH / TOWN COUNCIL COMMENTS

**New Milton Town Council** - Acceptable (Delegated).

## 8 COUNCILLOR COMMENTS

*No Comments Received*

## 9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Environmental Health (Pollution - Air Quality) - In response to the updated air quality assessment report the following comments are offered:

- It is noted that the number of cremation services and hours of operation have been conditioned with the previous application 16/10780.
- The air quality assessment has been updated to take into account;
  - An updated stack height of 7m
  - Emissions within the assessment are based on the requirements of an operators Permit which will be required for the plant to operate. The Council will issue the Permit, regularly inspect and regulate the site in accordance with the operators Permit.
  - Operational use is based on the conditions agreed with the previous application 16/10780
- The applicant has advised the operational hours and actual emissions (based on similar sites they operate) are likely to be less than those modelled within the air quality assessment, therefore the air quality assessment represents a worst case scenario.

The model is appropriately undertaken and the predicted outcomes accepted – *'in terms of the impacts on human health, emissions from the proposed cremator plant will lead to negligible increases in pollutant concentrations at nearby existing properties or within the crematorium grounds.'* As such no objection is raised to the application in terms of air quality. Should details of the application change in terms of stack heights or emissions it is likely a further air quality assessment would be required.

With regard to the impact upon air quality from traffic accessing the site, air quality was addressed with the original application (ie pollutants from the additional numbers of vehicles) and the traffic figures were not high enough to justify an air quality assessment.

Environmental Health (Pollution - Noise and Light) - The submitted Noise Impact Assessment, noise measurement calculations and report findings can be relied upon. Noise from vehicles accessing the site would not result in noise issues at residential properties considering the traffic already accessing Stem Lane is the

nearby main route in the locality. The applicant has advised that no work activities involved with grounds maintenance would take place beyond the normal and expected opening hours.

The lighting information provided demonstrates that the lighting scheme will not cause undue loss of amenity to the nearest light sensitive residents. The lighting scheme will need to be followed in its entirety. It would be prudent to fully assess the lighting at night to ensure the correct installation parameters have been met.

Southern Water - No objections. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. All other comments in our response dated 29/06/2016 remain unchanged and valid.

HCC Highways - The proposed access point, access arrangement and the impact of development traffic upon the local highway network have already been approved in principle during the previous outline application process. The following comments therefore are only related to the proposed detail design i.e. site layout. Having reviewed the site layout plan, the Highway Authority is satisfied that there would be no impact upon the operation or safety of the local highway network and recommend no objection, subject to Construction Traffic Management Plan, car parking and cycle parking conditions.

New Forest Ecologist - The ecology report and proposals for biodiversity mitigation and enhancement are acceptable and provided works proceed in accordance with the prescriptions and details in the report, no objections are raised. Also gives informatives on wetland area.

HCC Drainage - The additional information has addressed our concerns regarding Surface Water Management and Local Flood Risk. Therefore, the County Council as the Lead Local Flood Authority has no objection to the proposals. Also give informatives.

NFDC Tree Team - Request updated information on various aspects of the submitted tree information. subject to receipt of the requisite information, no objection to the proposed development, subject to conditions in respect of tree protection and replacement.

NFDC Environmental Design (Urban & Landscape) - Previous comments have been responded to positively, taking the majority of points as revisions to the submitted plans, and leaving remaining issues to be dealt with by condition. A number of oaks should be added to the woodland block adjacent to the access to compensate for the potential loss of T1,2 and 5 and provide successional high canopy tree cover. No objection, subject to landscape conditions to cover details of the pond, a management plan and additional planting and ancillary structures.

NFDC Conservation - The site as shown appears dominated by parking and access, which weakens the envisaged parkland context. The building sits centrally within the proposed parkland and one wonders if this makes best use of the site in exploiting the parkland feel and character. It feels like functional requirements erode and dominate the overall concept for the building and landscape. The design concept shows a frontage colonnade sat upon plain brick pillars. Some window and door arrangements sit uncomfortably in certain elevations and there does not appear to be a common theme in their design. The rear/east elevation has an unfortunate service entrance appearance and the light tower shows its construction detail to this elevation. While one recognises that not

all elevations can be a frontage the more functional elements of the structure could be much better designed. Removal of the large roof cowl may help to simplify the structure and create a much lighter building in the context of its parkland.

Environmental Health (Contaminated Land) - No objection.

New Forest National Park Authority - Comments will be reported

*Comments in full are available on website.*

## 10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Ten representations have been received objecting to the proposal for the following reasons:

- Air quality will be degraded
- Harmful impact on highway safety
- Parking provision (110 cars) is excessive
- Traffic congestion
- Alternative sites need to be considered
- Adverse visual impact
- Green Belt harm
- Harm to the setting of the National Park
- Noise impact from additional vehicles
- A locational requirement for the facility has not been demonstrated
- Additional planting is required to screen the proposal
- The crematorium boundary is set within Great Woor Copse to shield mourners from walkers

Fourteen representations have been received in support of the proposal for the following reasons:

- It is needed by the local community
- Reduces the need to travel further afield
- Creates job opportunities

## 11 OFFICER COMMENTS

### Introduction

The application is made for the reserved matters (appearance, landscaping, layout and scale), following approval of outline planning permission under ref. 16/10780 for a single chapel crematorium and access. The outline permission was granted subject to conditions related to the reserved matters, biodiversity enhancement, landscaping, implementation of access arrangement, noise restrictions, lighting restrictions and restrictive conditions in relation to the use and hours of operation. The principle of a single chapel crematorium and its point of access, directly from a newly formed point off Stem Lane, has therefore been established by the outline approval and therefore the material issues only relate to appearance, landscape, layout and scale

### Relevant Considerations

### Appearance and scale

The reserved matters proposal shows the crematorium over the footprint of the structure indicated by the outline approval. The crematorium building would be of contemporary appearance finished in brick, a standing seam metal roof and grey metal cladding.

The building would be of relatively modest scale, relative to its proposed curtilage. Formally laid out gardens would be located to the north and a car parking area which will take the form of a parkland setting to the west. The roads and parking areas are commensurate with its intended use as a crematorium.

While some comment has been made at the central position of the building and whether it makes the best use of the parkland setting, the position is as indicated by the outline approval in 2016 and is considered to be acceptable. The design concept shows a frontage colonnade on brick pillars, with recessed fenestration arrangements beyond. The colonnade is a functional requirement of the building, wrapping around the two ceremonial elevations, to provide cover for mourners, while providing a sense of transition between inside and out. The cowl/lantern was an indicative feature of the outline approval these have been reduced in scale as part of the reserved matters. It is a functional feature to highlight the building entrance and provide natural light to the building interior. Some minor alterations were made to the facade and parapet walling in response to comments received, but the design and appearance of the building follows its function and is similar to other such structures implemented by the applicant nationwide. Overall, the design and appearance of the building is acceptable and in compliance with the relevant provisions of Policies CS2 and 13.

### Layout and Landscaping

The crematorium building would be located towards the eastern extent of the site, with formally laid out gardens to the north and a car parking area and a less formal parkland setting to the west. The applicant has submitted a landscape appraisal, design and access statement and amended landscape plans seeking to address concerns raised

The proposed development would undoubtedly change the character and appearance of this site with the provision of a building, access road, car parking area and landscaping. However, this was part of the assessment in the grant of outline planning permission the, the existing landscape features that include mature trees and vegetation assist in ensuring the future development will site well in the landscape. There are no private views of the site that would be considered significant (such as views from private homes/gardens). It is considered that the design and materials of the building and ancillary features are acceptable, which would be enhanced through implementation of the proposed landscaping The proposal would not impact significantly or harmfully upon the character of the area or setting of the National Park, in compliance with the relevant provisions of Policies CS2 and CS10.

### Air quality

The nature of the development proposed would involve emission of the products of combustion and representations have been received raising this as a concern. While the matter of air quality was addressed at the outline stage, the applicant has submitted a revised air quality report to address the reduced cremator stack height (to 7m from 15m). It is noted that the number of cremation services (eight) and hours of operation (09:00 to 17:00) are conditioned by the outline approval.



The Environmental Health Section have reviewed the air quality report and conclude that the reduced stack height would function effectively and that the operational use is based on the conditions agreed by the outline approval, the model is appropriately undertaken and the predicted outcomes accepted – *‘in terms of the impacts on human health, emissions from the proposed cremator plant will lead to negligible increases in pollutant concentrations at nearby existing properties or within the crematorium grounds.’* Consequently, no objection is raised by the Environmental Health Section in terms of air quality and its impact on human health. It is noted that emissions within the assessment are based on the requirements of an operators Permit which will be required for the plant to operate. The Council will review the Permit, regularly inspect and regulate the site in accordance with the operators Permit.

With regards to the impact upon air quality from traffic accessing the site, air quality was addressed by the outline application (ie pollutants from the additional numbers of vehicles) and the traffic figures were not high enough to trigger the need for an air quality assessment.

### Noise and Light Emissions

Notwithstanding the fact that the outline permission is subject to conditions 10 and 11 which specify the levels of noise and light emission, the applicant has submitted further information in respect of lighting and noise. The Environmental Health Section have reviewed the reports and in the case of noise; state that the noise measurement, calculation and report findings can be relied upon. The lighting report and drawing show that the lighting scheme will not cause undue loss of amenity to the nearest light sensitive residents. However, the lighting scheme will need to follow in its entirety and the use of the specific lamps set to the correct height and positioned to the correct angles will need to be followed to the exact parameters as set out within the information provided. It would be prudent to fully assess the lighting at night to ensure the correct installation parameters have been met.

With regards to noise from vehicles accessing the site, it is not considered that this would result in noise issues at residential properties in comparison to the traffic already accessing Stem Lane, which is a main route into the town, including the town's largest industrial estate at Queensway.

### Residential Amenity Impacts

The site is set at a sufficient distant from any residential properties to avoid any direct adverse effect on residential amenities by reason of visual intrusion, overlooking or shading. Concerns regarding air quality and noise have been addressed by the sections above. Critically, it is confirmed that there are no residential property is within 210m of the proposed location of the flue, where Section 5 of the Cremation Act 1902 requires that: 'no crematorium shall be constructed nearer to any dwellinghouse than two hundred yards' (183m). No part of the crematorium building would be within 200m of any dwelling. The impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

### Safe operation of the local highway network

The proposed access arrangements to the site were approved by the outline planning permission. However, the County Highway Authority have commented on the detailed design and are satisfied that there would be no impact upon the

operation or safety of the local highway network, subject to Construction Traffic Management Plan and car and cycle parking conditions.

The application states that 110 car parking spaces would be provided and it is queried whether this number is necessary. In this respect it is likely that funerals will overlap resulting in a average requirement for 28 spaces (14 vehicles per service). However, some funerals will undoubtedly be better attended than others, so an over-provision is necessary for those occasions.

The Highway Authority have also commented on suggestions raised by notified parties to the reserved matters proposal, that the impact to the local highway network was not correctly assessed at the outline stage. They explain that the methodology used at the outline stage to assess the potential traffic generated by a new development compares the trip rates estimated by the developer against the trip rates from the computer program - TRICS (Trip Rate Information Computer System) Database. Unfortunately, there is no trip rate data for crematoria land use, so the developer was required to estimate trips by extrapolation from traffic surveys on existing sites with same land use. The developer estimated the traffic using data from comparable crematoria, which they operate around the country. Given that the survey data presented was logical and with no evidence to the contrary, the proposal was considered reasonable and acceptable. Having reviewed the highway comments made in respect of the outline application, it is still concluded that the proposal would not cause severe impact on the highway network.

It should be noted that the facility would be accessed directly from Stem Lane, a main route into the town, which currently serves the town's main industrial area and where traffic congestion is not an identified problem. It is also pointed out that there would be no more than eight daily services at the crematorium, which would be conducted throughout the day between 09:00 and 17:00. Traffic accessing the site would therefore predominantly be outside of peak periods and flowing at a steady rate throughout the day.

#### Tree Impacts

The proposed development entails removal of several trees to facilitate access to the site. The development would also be close to mature trees within Great Woar Copse to the south, which could be impacted by activity on the development site. The Tree Officer raises no objection, subject to conditions in respect of tree protection and replacement. They have requested updated information on various aspects of the submitted tree information, which the applicant has been requested to provide.

#### Ecological impacts

The submitted ecological survey and tree survey demonstrate the development would have no trans boundary impacts upon adjoining natural resources, notably Great Woar Copse SINC. The Council's Ecologist has assessed the ecology report and proposals for biodiversity mitigation and enhancement, considering them to be acceptable. Provided the works proceed in accordance with the prescriptions and details in the report, no objections are raised. A condition is recommended to ensure the biodiversity enhancements and mitigation are delivered.

#### Site Drainage

The submitted information has addressed the County Council's concerns regarding Surface Water Management and Local Flood Risk. A condition is recommended to ensure the development is implemented in accordance with

the agreed drainage details.

Where possible development proposals should include improvements to existing habitats, and/or creation of new areas of wildlife value for example ponds etc associated with sustainable drainage schemes. Given the location of the site in a rural landscape, and the amount of land available, a comprehensive approach to dealing with water on site could be achieved, meeting Policies CS2 and CS4, which state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible.

### Other Matters

With regard to the comments of notified parties, which are not addressed above that alternative sites need to be considered, that a locational requirement for the facility has not been demonstrated or the Green Belt harm, these issues were all considered at the outline stage. At that stage it was acknowledged that the proposed development is inappropriate development within the Green Belt, although the applicant demonstrated the very special circumstances to warrant a departure from Green Belt Policy, including an assessment of alternative sites and a locational requirement for the development here. The principal of this development has been accepted on this site and furthermore there is nothing within the reserved matters application to indicate that a different conclusion should be arrived at.

The crematorium boundary is not set within Great Woar Copse, but additional planting is proposed within the site itself to shield mourners from walkers within the copse. Details of the additional planting are indicated on the Landscape Masterplan, which shows provision of a woodland edge planting mix to reinforce the southern boundary.

## **12 CONCLUSION ON THE PLANNING BALANCE**

The proposed development would have no significant adverse impact upon the character and appearance of the area, air quality, adjoining amenity or nature conservation interests. The impact on the Green belt was a matter for the outline application and is not a matter that can be revised through an Approval of Reserve Matters application. There is support for the proposal, which would be of benefit to the community and provide a limited number of job opportunities. These matters weigh in favour of the proposal, which is recommended for approval.

## **13 OTHER CONSIDERATIONS**

### Crime and Disorder

None

### Human Rights

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.

### 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, victimization 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.

## **14. RECOMMENDATION**

### **Grant Subject to Conditions**

Reserved matters of appearance, landscaping, layout and scale, specified in condition 1 of outline permission reference number 16/10780 dated 10th October 2016.

### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans and documents:
  - Drawing number 150949-STL-XX-00-DR-A-01004-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-01001-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-01002-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-01003-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-01005-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-02002-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-02003-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-02004-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-02005-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-03001-S1-P14
  - Drawing number 150949-STL-XX-ZZ-DR-A-V0001-S1-P14
  - Drawing number 770-LS-01 - Landscape Setting Plan
  - Drawing number 770-MP-01 Rev P - Landscape Masterplan
  - Drawing number 770-MP-02 Rev E - Landscape Masterplan (Entrance)
  - Drawing number 770-SW-01 Rev E - Detailed Structural PlantingPlan
  - Drawing number 770-SW-02 Rev D - Detailed Structural PlantingPlan
  - Drawing number 500 - Drainage Layout
  - Drawing number 501 Rev D - Drainage Layout
  - Drawing number 502 Rev C - Drainage Layout

- Drawing number 503 Rev C - Drainage Layout
- New Forest Crematorium Design and Access Statement by Stride Treglown (September 2019)
- Addendum to LVIA for New Forest Crematorium by Indigo (September 2019)
- Hard Materials Palette Sheet Rev B (September 2019)
- Phase 1 Preliminary Risk Assessment (Desk Study) for New Forest Crematorium by Clarkebond (March 2018)
- Phase 2 Ground Investigation for New Forest Crematorium by Clarkebond (June 2018)
- Groundsure 1 Phase 1 Desk Study by Clarkebond
- Arboricultural Impact Assessment by Treework Environmental Practice (September 2019)
- Ecological Mitigation and Management Plan (Final Document Revision 2) by ECOSA dated September 2019
- TECHNICAL NOTE; WB04771-CLK-XX-XX-TN-C-0002 (P02); dated: 20/12/2019,
- Flood Risk Assessment and Drainage Strategy; Report N: WB04771 - FR01; dated: 26/09/19
- Flood Risk Assessment V3 (Final) Parts 1-6 for New Forest Crematorium by Clarkebond (April 2018)
- DRAINAGE LAYOUT DRAWING SHEETS: 1, 2 & 3; Drawing No: 501, 502 & 503; dated: 03/2018 & 02/2019
- The New Milton External Lighting' dated 24<sup>th</sup> September 2019
- Drawing no. QD2836/E0001 Rev. P3 entitled 'External Lighting Proposals' dated July 2018 [Produced by QED Engineering Limited]
- Air Quality Assessment for New Milton Crematorium by Air Quality Consultants (August 2018)

Reason: To ensure satisfactory provision of the development.

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

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

3. The works hereby approved shall be undertaken in strict accordance with the Ecological Mitigation and Management Plan (Final Document Revision 2) by ECOSA dated September 2019, 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).

4. The development shall be implemented in accordance with the detailed drainage drawings and details on the proposed drainage system specified in TECHNICAL NOTE; WB04771-CLK-XX-XX-TN-C-0002 (P02); dated: 20/12/2019, Flood Risk Assessment and Drainage Strategy; Report N: WB04771 - FR01; dated: 26/09/19 and DRAINAGE LAYOUT DRAWING SHEETS: 1, 2 & 3; Drawing No: 501, 502 & 503; dated: 03/2018 & 02/2019. 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.

5. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing, as well as 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

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

Reason: In the interests of highway safety

7. Before commencement of development, details of the design of the cycle parking facility including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for users of the development at all times.

Reason: To promote sustainable mode of travel.

8. The lighting scheme for the development hereby approved shall be implemented fully in accordance with the New Milton External Lighting' dated 24<sup>th</sup> September 2019 and the drawing no. QD2836/E0001 Rev. P3 entitled 'External Lighting Proposals' dated July 2018 [Produced by QED Engineering Limited], unless the prior written approval of the Local Planning Authority is forthcoming.

Reason: To safeguard the amenities of the locality in relation to light pollution in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. Grounds maintenance (such as grass cutting and tree works) shall only be permitted between 09:00–17:00 Monday to Saturday. No such activity shall take place on Sundays or Bank 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.

10. No works or development shall take place until an Arboricultural Method Statement and an updated Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations. Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

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

11. No development or site clearance shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A plan showing the location of service routes, utilities including the position of soakaways and any pumping equipment;
- A plan showing the location of site compound and mixing areas;
- A plan showing the location of contractor parking;

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, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

12. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

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

13. Before development commences, and notwithstanding the submitted plans, further details 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), including revisions to woodland planting at the access and a preferred species list for the memorial garden;
  - (c) details of the pond: its form, construction (including inlet and outlet headwalls) and planting;
  - (d) other means of enclosure, ancillary structures, gates, bin store and screens;
  - (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)

14. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and further details approved under condition 13 prior to occupation of the building for its intended purpose 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).

15. Before the development is occupied a management plan: to cover ultimate landscape design intentions, maintenance operations to achieve that vision and memorialisation strategy, shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall be managed only in accordance with the agreed 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).

### **Further Information**

Jim Bennett

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**New Forest**  
DISTRICT COUNCIL

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**PLANNING COMMITTEE**

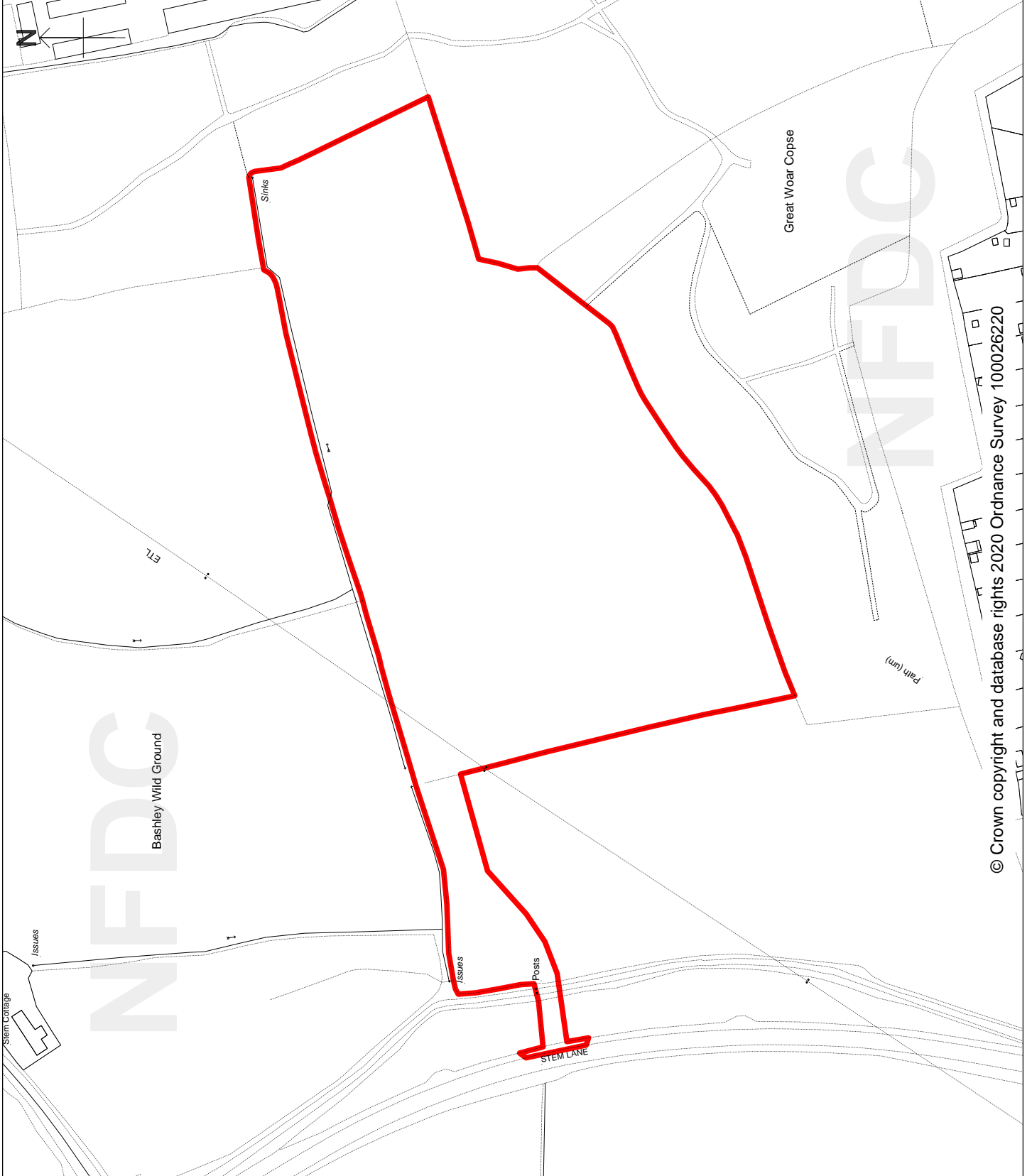
**March 2020**

**Item No: 2e**

Land off Stem Lane  
and Great Woor Copse  
New Milton BH25 5ND  
19/11249

Scale 1:2500

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



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**Application Number: 17/11180** Full Planning Permission

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

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

**Applicant:** Mrs Hutchison

**Target Date:** 20/11/2017

**Extension Date:** 11/01/2019

## UPDATE REPORT

1. This application was considered by the Planning Committee on the 9th January 2019. Delegated authority was requested from the Planning Committee to the Service Manager Planning Development Control to grant a temporary 3 year planning permission following the relocation of the mobile home to an amended position on or before the 30 April 2019. Due to adverse weather conditions, the applicant failed to comply with the Committee's resolution to move the caravan by the end of April 2019, although it was eventually relocated during the second week of May 2019. The failure to complete the re-location within the timescale means that the delegated powers that the Committee granted have fallen away and that the matter needs to be reported back to Committee for a decision. The original Committee report of 9th January is re-produced below. In reviewing the case it has become apparent that the situation has changed since the matter was last considered by the Planning Committee
2. When the Committee last considered the application the applicant had set up an agricultural business and through submission of documentation, had demonstrated that there was an intention and ability to develop the business and that there was a functional requirement for a permanent presence on site. The previous resolution was based on the stated and observed livestock numbers on the holding in January 2019, which were:
  - 25 alpacas - (17 females, 5 males and 3 cria),
  - 21 pigs - (7 sows, 2 boars, 2 young females, 2 young male weaners and 8 smaller weaners),
  - 68 poultry (40 laying hens, 13 Ducks, 3 Rhea and 12 Geese).
  - 2 dairy goats
  - 9 lambs
  - 18 horses and ponies
3. Since January 2019, the site has been visited by the Case Officer on several occasions in respect of moving the caravan and regarding installation of an appropriate sewage treatment plant, which received Building Regulation approval on 10th September 2019. During these visits, the applicant was advised that, in relation to any subsequent application for a permanent agricultural dwelling, the Council would need to see evidence that the business plan contained within the Reading Agricultural Consultants Appraisal, which supported the temporary application was being adhered to. In particular, the applicant was advised that horse numbers on the holding (twenty) must be reduced, to relieve pressure on the land. This was on the basis that the Council's Agricultural Advisor (Bruton Knowles) had advised that the number of horses on site at the time of their site visit was unsustainable in terms of managing a viable agricultural business on the land.

4. In the intervening months, further information has been submitted by notified parties, suggesting that agricultural activity has diminished on the holding and that horse numbers remain high on the site. It was apparent from further case officer visits to the site that horse numbers were still high and that alpaca numbers had reduced.
5. A site visit was undertaken on 14th February 2020, where the case officer was updated on operations and livestock numbers. In terms of livestock there were:-
  - 3 alpacas (two of them crias)
  - 18 pigs and piglets,
  - no poultry, goats or sheep.
  - 23 horses
6. Significantly there were still 23 horses on the site, some of which were occupying the birthing shelter approved under ref. 18/10237, which was intended for use by alpacas. The birthing shelter was considered by Committee on 9th January 2019 and approved on 11th January 2019 for a period of 3 years from this date. When queried over the significant reduction in the number of alpacas on the site, the applicant stated that they had been re-located to a site in Lytchett Matravers, Dorset where they are being housing under cover. It is understood that the applicant is in dispute with the owner of some 10 horses on the site, which dictates that they cannot be removed from the site. Notwithstanding this situation, it is clear that the site is predominantly being used for equestrian purposes and that alpacas and other livestock numbers have been significantly reduced.
7. The case for a temporary dwelling on the site was made on the basis that a permanent presence is required to care for up to 17 pregnant females throughout the year (increasing to 60+ at the end of three years), as alpacas are vulnerable when birthing and pin-pointing that the point of labour for these animals is difficult. In the absence of alpacas from the site and a now less than clear intention to develop the agricultural business, there is no longer an established need for a permanent presence on the site.
8. In light of the information and evidence before Officers following the initial resolution to approve, it no longer appears that the Druces Acres holding is being operated on the basis of a bonafide agricultural operation, for which there is a need for a permanent residential presence.

### **Conclusion**

9. The applicant has set up an agricultural business. On the face of it, there was an intention to develop this business, based on the previous level of activity and the applicant's Business Plan and Appraisal, which were considered by Members at the Committee meeting of 9th January 2019. However following the resolution of Members to approve the proposal in January 2019 and in light of the discussion above, the applicant no longer appears to be following the submitted Business Plan, as livestock numbers have significantly dwindled on site, the majority of alpacas have been removed and horse numbers increased.
10. The application was previously justified on the basis that a permanent presence was required on the site to manage the particular needs of the alpacas.

- 11** Following the almost total removal of alpacas from the site and reduction of other livestock, your officers are no longer persuaded that a permanent residential presence is required here. In the absence of an agricultural need for a dwelling there is no justification for the siting of a mobile home in the countryside. Strong policies and guidance exists to ensure that development is located in sustainable locations, in the absence of an agricultural justification there is no justification for locating residential development in this unsustainable location. Furthermore in visual terms the siting of a mobile home is unacceptable in this sensitive countryside location. Consequently, the recommendation is now one of refusal, due to the failure to establish an essential need and the harm the caravan has on the appearance and character of the area.
- 12** If Members are minded to support the recommendation to refuse, enforcement action will be taken to secure removal of the caravan.
- 13** In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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.

#### **14. REVISED RECOMMENDATION**

##### **Refuse**

##### **Reason(s) for Refusal:**

1. The evidence before the Council has failed to demonstrate an essential need for a rural worker to live permanently at their place of work in the countryside. The development is therefore inappropriate residential development within the open countryside, contrary to Planning Policies DM20 and DM21 of the Sites and Development Management Development Plan Document, Planning, Policy CS10 of the New Forest District outside the National Park Core Strategy (October 2009), and the provisions of the National Planning Policy Framework (2019).
2. By reason of its temporary appearance, for which an essential need has not been demonstrated, the siting and design of the mobile home is visually incongruous and inappropriate in its setting to the detriment of this sensitive rural location lying within the countryside, contrary to Policies CS2, CS3 and CS10 of the Core Strategy New Forest District outside the National Park, Policies 2, 13 and 14 of the Emerging Local Plan Review (2016-2036) and Policy DM20 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

#### **ORIGINAL REPORT TO JANUARY 2019 COMMITTEE**

##### **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

## **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside  
Flood Zones 2 and 3

## **3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

### **Local Plan Part 1: Core Strategy (2009)**

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

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

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

### **National Planning Policy Framework (NPPF)**

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

## **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

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

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

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

## **6 RELEVANT PLANNING HISTORY**

- 6.1 EN/17/0466 - Enforcement file opened in respect of the siting of a mobile home for residential purpose without planning permission - 20/10/17
- 6.2 18/10237 - Birthing Shelter/Store (Retrospective). - Item 3b on this Agenda
- 6.3 17/10989 - birthing shelter and store - Granted 13.11.17
- 6.4 16/11717 - 7 Field shelters (retrospective) - 17/05/17 Granted

- 6.5 13/11607 - Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 10/04/2014 Granted
- 6.6 13/10862 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 22/10/2013 Withdrawn
- 6.7 13/10670 Agricultural barn; (Agricultural Prior Notification Application) - 07/08/2013 Details not required to be approved

## 7 PARISH / TOWN COUNCIL COMMENTS

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

- It was proposed to recommend to refusal with the following comments:-
  - There are no up-to-date, accurate and scaled block plans showing the relationship between the proposed new location for the mobile home along with the other buildings on site.
  - Policy DM20 stipulates that an agricultural workers' mobile home should not exceed 100m<sup>2</sup>, where this structure vastly exceeds this.
  - There is no established business on this site. The business plan and associated consultant document indicates that there may be an established business in three years time, and accounts must be thoroughly analysed for the viability of this agricultural business.
  - NFDC Landscape Team are still not in support of this application, as the proposal fails to meet policy CS2 of the Local Plan.
  - HCC Highways have not been able to assess the impact on the highway system as they state there is insufficient information within the application.
  - The Parish Council note the correspondence between the applicant and the case officer and are dismayed to see the intent to build a permanent property on this site. The Parish Council also note the case officer is minded to consent this application and we would like to have the opportunity to discuss with him what conditions would be applied. As a minimum conditions should include:-
1. an agricultural tie for the mobile home to the applicant by name and to the specific business detailed within this application;
  2. the mobile home must be removed should the business fail to achieve the business viability targets set, at the end of the business plan period in three years time;
  3. screening to be erected on the southern and eastern sides in a style similar to the shelters already on site.
- Several very pertinent issues concerning this retrospective application have been raised by local residents in their commentaries to NFDC. Without restating them, the Parish Council would like NFDC to understand that the Council endorses them.

## 8 COUNCILLOR COMMENTS

None

## 9 CONSULTEE COMMENTS

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

A labour assessment is provided in the RAC Appraisal which indicates that by year 3 there will be a requirement for a full time worker in respect of the enterprises proposed in that appraisal. The enterprises referred to by the RAC Appraisal do have functional need requirements such as those associated with birthing and farrowing. Both the RAC Appraisal and the Willis & Co letter refer to appeals that have been allowed for proposals for temporary dwellings for alpaca enterprises. However, appeal decisions, involving proposals for temporary dwellings where alpaca enterprises have either been the sole or primary enterprise, have also been dismissed. In respect of the West Wight Alpacas decision, it is noted that the Inspector heard veterinary evidence and considered British Alpaca Society guidance and concluded that there was no demonstrable essential need for a rural worker to live on site all year round. In Alpaca Meadow, the Inspector considered evidence from an experienced commercial alpaca farmer and British Alpaca Society guidance and concluded that the business did not have an essential need for a worker to be present on site on a full time basis. On balance, the functional needs of the enterprise as proposed could be met by either a residential presence on site or near the site. However, as the nature of the proposed business activity is uncertain, they are unable to reach a conclusion in respect of functional need.

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



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

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

- 9.2 Landscape Team - This development is inappropriate, contrary to policy and is not supported by sufficient evidence, justifying the harm to landscape character or visual amenity. Simply relocating an inappropriate structure further away from the road does not overcome the objections raised, and the proposal still fails to meet CS2 of the Local Plan. The applicants' agent says that a large amount of planting has been undertaken, obviously that has minimal impact to date, but it might be worth annotating on plan to demonstrate a commitment to providing a level of mitigation to overcome the landscape harm that this enterprise has created (provided it is appropriate - reflecting and enhancing local landscape character by way of species used, and arrangement of).
- 9.3 Hampshire County Council Highway Engineer - No objection and no conditions. Further information regarding access location, access visibility splays and refuse collection arrangements was received in an email dated 23 October 2018 from the agent, which stated that "*the applicant intends to continue to use the existing access onto the A338*"; "*There is a large concrete apron and excellent visibility splays in each direction*"; "*Domestic refuse will be brought to the concrete apron adjacent to the A338 for collection*". An amended layout plan (Plan No..ZH-01) has also been submitted showing the siting of caravan moved to the eastern end of the track approximately 180 metres away from the A338 Salisbury Road. This eliminates the risks of visibility at the access being blocked due to parking on/near the junction of site access with the A338. Having checked collision data recorded in the last five years on the section of the A338 fronting the site entrance. The result shows that no accident was recorded in the last 5 years. Having regard to the above and given that the level of traffic related to the proposed development is not significant and has already taken place, the proposal would not cause severe adverse impact upon the surrounding highways.
- 9.4 Natural England - no objection, noting that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified

adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

## **10 REPRESENTATIONS RECEIVED**

10.1 Representations have been received from twelve separate parties, objecting to the proposal on the following grounds:

- There is no requirement for an agricultural worker to be sited on site 24/7
- This is a way of getting a permanent dwelling on the site in the countryside, which would set an undesirable precedent
- The siting and design of the mobile home is out of character with the area at the entrance to Druces Acres and will harm visual amenity.
- Any decision to use Ibsley Drove as a point of access to the land at Druces Acres should be open to public consultation
- This land should be used as grazing land as it is unsuited to commercial activities that has caused a significant change in the landscape
- The land is unsuitable in terms of size to accommodate the planned increase of the alpaca herd to 64, as well as pigs, poultry and horses. The planned growth of the business is unrealistic in relation to the land holding
- The majority of the land is taken up with horses and the rest is best described as hobby farming.
- The business plan submitted with the application is a mixture of proposals and assumptions for the future mixed in with the present day situation. Actual audited accounts from the last 4 years might give a clearer picture
- Concern is raised regarding access to the site, and in particular plans to encourage retail trade and commercial activity in light of the access onto a notoriously dangerous section of the A338
- There are smallholdings/rural businesses in the immediate vicinity, already established around existing permanent dwellings that provide business and employment of the nature contemplated by the applicant. How many do we need?
- The siting of the mobile home will impact on the neighbouring properties by virtue of noise, visitors associated with the business, lighting and change of rural aesthetic

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

None

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

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

possible, a positive outcome.

This is achieved by

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

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

## **14 ASSESSMENT**

### **14.1 The Site and Proposal**

14.1.1 The site lies within the countryside outside the New Forest north of Blashford Lakes, adjoining Salisbury Road (A338) to the west. The site is currently used as a small scale agricultural enterprise farm, of approximately 6.9 hectares (17.05 acres) and is down to pasture, with some equestrian use evident. Buildings and structures on site include an agricultural storage barn, 7 field shelters and a range of other structures, including 7 pig arcs and timber poultry housing. A building of timber construction has recently been erected, comprising a range of 5 birthing stalls and storage. A separate planning application has been submitted in respect of it, also on this agenda. (Item 3b).

14.1.2 This application seeks consent for the siting of a caravan for an agricultural worker for a temporary period of three years. Following submission of the application, a caravan was sited close to the entrance to the smallholding and is in situ and occupied by the applicant and her children. This application proposes to locate the present unauthorised caravan to the rear of the site. The caravan is approximately 87 sq m in area comprising; entrance hall, open plan kitchen diner and living room,

four bedrooms, a shower room and a bathroom. It is understood that the property was purchased by the applicant and her parents in 2013 and is held in the Trust for her children and has been run first as a smallholding and subsequently as an agricultural business.

- 14.1.3 An agricultural appraisal was submitted by Reading Agricultural Consultants (RAC) in December 2017 seeking to outline the circumstances of the applicant and justify the proposal for the temporary siting of a caravan in this location. Following dialogue with the Local Planning Authority the applicant submitted amended plans revising the position of the caravan, in a less prominent location, closer to the eastern boundary of the site.

## **14.2 Policy Context**

### **14.2.1 The Local Plan Part 1: Core Strategy (2009)**

Policy CS21: Rural Economy of Local Plan Part 1, sets out strategy for the rural economy which includes allowing 'developments essential to support a rural workforce, including agricultural worker's dwellings and rural community facilities'.

### **14.2.2 The Local Plan Part 2: Sites and Development Management (2014)**

Policy DM20: Residential development in the countryside, states that residential development in the countryside will only be permitted in certain circumstances including where it is an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21. Policy DM20 also states that development should be of 'an appropriate design, scale, and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.'

Policy DM21 states that new permanent dwellings will be allowed to support existing agricultural/forestry activities on well established agricultural or forestry enterprises where certain criteria are met, including a clearly established existing functional need; the need relating to a full-time worker; the unit and the agricultural activity having been established for at least three years, profitable for at least one of them, currently financially sound, and have a clear prospect of remaining so; and the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area. Where the need is established, Policy DM21 requires the dwelling to be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings.

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

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

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

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

i) At paragraph 83 that:

‘Planning policies and decisions should enable:

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

ii) ii) At paragraph 79 that:

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

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

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

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

suggested will require a permanent presence on site.

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

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

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

- Alpacas - 17 breeding females, 5 stud males, 3 cria (born 2018)
- Pigs - 7 sows and 2 boars. 2 young females retained as breeding sows, 2 young male weaners and 8 smaller weaners to be sold finished for slaughter prior to Christmas 2018. Two sows will farrow in the coming weeks, each expected to produce between 7-10 live young.
- Poultry - 40 laying hens, 13 Ducks, 3 Rhea, 12 Geese.
- Goats - 2 dairy goats, 1 kid, 1 male. All of these goats will be finished for slaughter in early 2019. To be clear, there are no plans to establish a milking enterprise.
- Sheep - 9 lambs, born Spring 2018, being raised for meat. They will be finished for slaughter before the end of 2018. This is a 'one-off' which may or may not be repeated in future years.
- Horses - 18 horses and ponies. Not a primary part of the enterprise. Some are for personal recreational use. 4 have been sold and will be going in the coming weeks. Historically, the horses and ponies summer grazed on rented land elsewhere. At the present time, there is too much land for the Alpacas, Pigs, Goats and sheep, so the horses are able to consume the surplus pasture on the land. As the agricultural business expands as set out in the submitted business plan, the number of horses and ponies will be reduced - they will either be sold, or grazed on rented land (and are not be part of the applicants business plan).
- In terms of the requirements of national planning guidance and Local Plan requirements, the applicant's appraisal concludes that:
  - (i) the applicant's previous employment history, and the fact that the enterprise has already been started, provides clear

- evidence of a firm intention and ability to develop the enterprise concerned;
- (ii) there is an essential need for a full-time worker to be available at the site at most times;
  - (iii) budgets indicate that the business will be profitable within three years and is evidence of having been planned on a sound financial basis;
  - (iv) the identified need cannot be fulfilled by another existing dwelling on the unit and no other existing accommodation in the area is suitable and available to meet the functional needs of the enterprise.

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

#### **14.4 Case Officer's Assessment of Proposal**

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

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

The Council is asked to consider the viability of the proposed business as set out within the applicant's appraisal, which made no reference to horses being on the land. In August 2018 the applicant's agent confirmed that there were 18 horses on the site, but that these are part of a lifestyle activity and not part of the business plan. While it is agreed that a holding of 6.9 hectares could support the number of alpacas and other livestock listed, the Council's consultant questioned whether it is sustainable to keep 18 horses together with the other livestock listed on the holding for a sustained period. The rule of thumb for horse grazing is one animal per acre, where this holding is 17 acres. Consequently the Council's consultant was unable to conclude that criterion (i) has been met, as while there may be an intention by the applicant to develop the business, their ability to develop the enterprise concerned would be compromised by the level of stocking and over-use of grazing/pasture particularly by horses, which do not form part of the business plan. The applicant's agent has suggested that horse numbers will be reduced over time to take pressure of the land, in order to develop the business, either by selling them or finding alternative grazing, which will take pressure off the land.

The Council's consultant considered that there is evidence of a firm intention to develop a rural enterprise mix at Druces Acres, with investment in the land, services, fixed equipment, buildings and structures, and stock and evidence and proactive marketing of

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

**(ii) functional need**

The enterprises referred to by the applicant's Appraisal do have functional need requirements particularly those associated with birthing and farrowing. The applicant's case for a temporary dwelling is made on the premise that a permanent presence is required on site for the purposes of animal husbandry. More specifically the case is made to justify the proposal on the basis that a presence is required, currently to care for up to 17 pregnant females (increasing to 60+ at the end of three years) who have a gestation period of over 300 days. Alpacas are particularly vulnerable when birthing and pin-pointing the point of labour for these animals is difficult. Appeals have been dismissed and allowed for dwellings associated with alpaca related businesses, as referred to by both RAC and Bruton Knowles. The outcome of the appeals referenced shows that evidence has been accepted to both support and counter the notion that a permanent presence is required on site in order to manage alpacas. However, the evidence provided is stacked much more heavily in favour of the applicant, where twenty eight appeal decisions are referred to for alpaca businesses of a similar size and model to the current proposal, where a functional need for a permanent presence has been demonstrated. It is reflected in these appeal decisions that alpacas are high value livestock and that their mating and birthing are neither seasonal nor predictable, which requires an on site presence. While the Council's consultant has referred to two appeal decisions where a functional requirement has been dismissed by Inspectors, the applicant's agent has pointed out that one of these decisions was subsequently approved by the Local Authority in question.

The applicant's Appraisal also refers to site security and the applicant



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

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

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

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

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

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

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

## 14.2 Landscape and Character Impacts

14.2.1 Paragraph 79 of the NPPF makes it clear that local planning authorities should avoid new isolated homes in the countryside. Policies CS2 and CS3 of the Core Strategy relate to Design Quality and Protecting our Special Environment. Policy DM21 of the Local Plan Part 2 states that

where the need is established, the dwelling should be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings.

- 14.2.2 The mobile home is currently sited on the western boundary of the site, directly adjacent to Salisbury Road, where it is highly visible due to the lack of any other structures or meaningful landscaping or vegetation, making the caravan highly obtrusive in its setting. In light of the guidance offered by Policy DM21, where it is concluded that a functional need for a temporary dwelling has been established (which is concluded above), officers requested the siting of the mobile home to be revised so it was better related to other buildings on the site. The applicant was first requested to consider re-siting the mobile home in a less obtrusive location, closer to existing structures on the site on 7th August 2018, but declined due to a desire to control movements into the site at the gate in the interests of security, bio-security and accessibility to services. The applicant has only recently (19th October 2018) offered to amend its siting.
- 14.2.3 The revised site is close to the eastern boundary of the site where it is close to the main barn and birthing shelter and also benefits from its proximity to mature trees and hedgerows, which assist with screening to the east and south east. The applicant has also planted hedgerow whips on the eastern and southern boundaries of the site close to the revised siting position. While the recent planting will take time to establish, in time it will mature and bolster screen planting of the site. The new planting, in conjunction with the mature trees, hedgerow and proximity of the mobile home to existing structures mean that the revised siting of the mobile home would be less visually intrusive than its current location.
- 14.2.4 The Council's Landscape Team consider that simply relocating an inappropriate structure further away from the road does not overcome the objections raised, and that the proposal still fails to meet CS2 of the Local Plan. The applicant's agent points to the recent planting undertaken, which will eventually assist with screening. The planting has minimal impact to date although the Landscape Team have requested a landscape plan to demonstrate a commitment to providing a level of mitigation to landscape harm. The applicant has been requested to provide a landscape plan to demonstrate what planting exists, has recently been carried out and what may be proposed to assist with landscape mitigation. The outcome of this request will be reported to Members.
- 14.2.5 Notwithsatnding the comments of the Landscape Team, the revised siting of the mobile home itself is considered better related to existing structures and natural screening on the site boundaries, away from the prominent Salisbury Road frontage. While the materials, colour and temporary nature of the mobile home give it a somewhat incongruous appearance, planning permission is sought only on a temporary basis to cover the trial period. The proposal complies with the Advisory Note on the Implementation of Local Plan Policies CS21 & DM21 being for a temporary dwelling, essential to support a new farming activity, where it should normally, for the first three years, be provided by a caravan, a wooden structure or other temporary accommodation, which can be easily dismantled or removed from the site. By way of mitigation the applicant has implemented boundary planting and has agreed to the erection of screening on the southern and eastern sides in a style similar

to the shelters already on site. A landscape condition is recommended to ensure details of such screening on appropriate boundaries are submitted to the Council for approval.

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

#### 14.3 Highway Impacts

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

#### 14.4 Residential Amenity Impacts

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

#### 14.5 Phosphate Control in the River Avon

The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon

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

#### 14.6 Appropriate Assessment and Habitat Mitigation

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

#### 14.7 Other Matters

14.7.1 With regard to comments that there are smallholdings/rural businesses in the immediate vicinity, already established around existing permanent dwellings that provide business and employment of the nature contemplated by the applicant and that further such businesses are not required. The application is not for a business, it is for a dwelling, albeit justified by a business plan. However, the Planning Authority could not resist a proposal on grounds of increased competition or proliferation of agricultural business activity.

14.7.2 Regarding the comment that the mobile home is greater in area than the 100 sq.m referred to by Policy DM20, the mobile home in situ is 14.1m x 6.17m, which has a footprint of 87 sq.m. These dimensions are adequate in respect of accommodating temporary rural workers and their dependants and the size of the mobile home complies with the floor space provisions of Policy DM20.

14.7.3 The applicant does not hide their intent to eventually build a permanent property on this site. A temporary rural worker's dwelling is the first step to a permanent rural worker's dwelling. The procedure undertaken thus

far accords with national and local planning policies. Following any approval for a temporary dwelling and on the basis of a business plan for a trial period, normally of three years, an application for a permanent dwelling would need to be considered on its own merits, under a new application.

14.7.4 With regard to comments over the accuracy of plans showing the relationship between the proposed new location for the mobile home along with the other buildings on site. The submitted block plan is to scale (checked by the case officer on site) and is sufficient to determine this application. The mobile home is not close to the Oak trees, being well removed from their canopies, and would have no adverse effect on their root protection areas.

14.7.5 The proposal does not include any proposals to use Ibsley Drove as a point of access to the land at Druces Acres.

#### **14.8 Conclusion**

14.8.1 The applicant has set up an agricultural business. On the face of it, there is an intention and ability to develop this business, a functional requirement for a permanent presence, an adequate business plan and a lack of alternative accommodation locally. While there are some reservations over the appearance of the mobile home in the landscape, the unit is of a form and type that may be considered acceptable for a temporary agricultural worker's dwelling, in accordance with the guidance offered by the Advisory Note on the Implementation of Local Plan Policies CS21 & DM21.

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

### **15. RECOMMENDATION**

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

#### **Proposed Conditions:**

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

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

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

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. The development shall not be commenced until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that

there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

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

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

#### **14. RECOMMENDATION**

##### **Refuse**

##### **Reason(s) for Refusal:**

1. The evidence before the Council has failed to demonstrate an essential need for a rural worker to live permanently at their place of work in the countryside. The development is therefore inappropriate residential development within the open countryside, contrary to Planning Policies DM20 and DM21 of the Sites and Development Management Development Plan Document, Planning, Policy CS10 of the New Forest District outside the National Park Core Strategy (October 2009), and the provisions of the National Planning Policy Framework (2019).
2. By reason of its temporary appearance, for which an essential need has not been demonstrated, the siting and design of the mobile home is visually incongruous and inappropriate in its setting to the detriment of this sensitive rural location lying within the countryside, contrary to Policies CS2, CS3 and CS10 of the Core Strategy New Forest District outside the National Park, Policies 2, 13 and 14 of the Emerging Local Plan Review (2016-2036) and Policy DM20 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

Further Information:

Jim Bennett

Telephone: 023 8028 5345 (Option1)

#### **14. RECOMMENDATION**

##### **Refuse**

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**Further Information:**

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**PLANNING COMMITTEE**

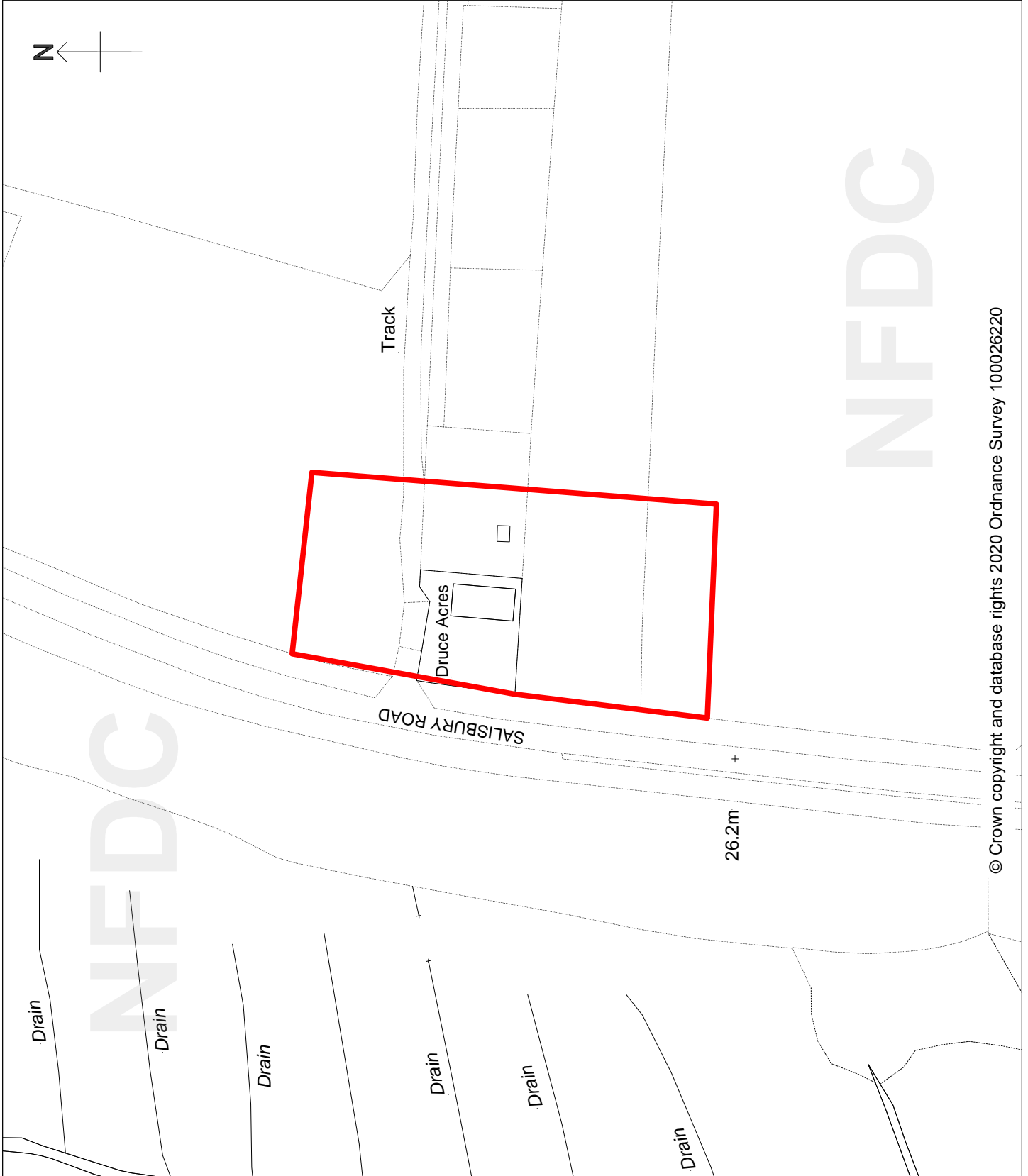
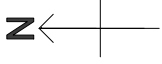
**March 2020**

**Item No: 2f**

DRUCES ACRES, SALSBURY ROAD, IB  
ELLINGHAM, HARBRIDGE & IBLSEY  
BH24 3PP  
17/11180

Scale 1:1250

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**Application Number: 19/10990** Full Planning Permission

**Site:** CROSS COTTAGE, SALISBURY ROAD, BURGATE,  
FORDINGBRIDGE SP6 1LX

**Development:** Car port

**Applicant:** Mr Etherington

**Target Date:** 01/11/2019

**Extension Date:** 13/12/2019

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## UPDATE REPORT

This application was considered by the Planning Committee at the meeting of the 8th January 2020. The application was deferred to seek amended plans showing the carport in a location further from Cross Cottages as the Committee was concerned about the impact of the proposed development on the setting of the listed building. The application has been amended re-located the building further from Cross Cottage and amending the design to propose a smaller more traditionally designed building. The original Committee report is re-produced below.

The proposed building has been moved away from Cross Cottage in its amended location the proposed building would respect the setting of the listed building.

Whilst the application was not deferred to seek amendments to the design of the building the applicant has amended the design to address the issues identified in the original reason for refusal. The design is now a more traditional design The entrance has been reversed and the roofline has been broken which has addressed concerns about its bulk, scale and mass adjacent to the listed building. Although some very limited harm may result to the setting of the listed building, given the amended location and design the proposed development is now considered to be acceptable.

The recommendation is now to grant planning permission subject to conditions.

## REVISED 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: Site location plan, other plans dated the 24th January 2020, elevations and floor plans, block plan, 1:250 scale plan and section plan.

Reason: To ensure satisfactory provision of the development.

3. No development shall take place above slab level until the samples or exact details of the facing and roofing materials, the stone bases and the top brackets for the supporting posts 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 and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. No development shall take place above slab level until a sample panel of Hampshire overlap boarding showing the design and joint details of the boarding has been made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

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

## **ORIGINAL REPORT TO JANUARY 2020 PLANNING COMMITTEE**

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### **1 SUMMARY OF THE MAIN ISSUES**

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The impact of the development on the character and appearance of the area
- 2) The effect of the proposal on the setting of the listed building and adjoining listed buildings
- 3) The impact of the development on neighbour amenity

This matter is being considered by Committee due to a contrary view expressed by the Parish Council

### **2 THE SITE**

The application site falls within the countryside and the area covered by the Fordingbridge Village Design Statement. The property is a Grade II Listed detached thatched cottage which is situated close to the busy main through road, which is rural in character with fields opposite and farm buildings to the side (also a Listed Building) and rear.

**3 THE PROPOSED DEVELOPMENT**

Detached garage and log/tool store

**4 PLANNING HISTORY**

None relevant to this proposal

**5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

**Core Strategy**

CS2: Design quality

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

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

DM1: Heritage and Conservation

DM20: Residential development in the countryside

**The Emerging Local Plan**

Policy 13: Design Quality and Local Distinctiveness

S03: Built Environment and Heritage

**Supplementary Planning Guidance and Documents**

SPD - Fordingbridge Town Design Statement

**Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

**Relevant Advice**

National Planning Policy Framework (2019)  
Chapter 12: Achieving well-designed places

**6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

**Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

**Relevant Advice**

National Planning Policy Framework (2019)  
Chapter 12: Achieving well-designed places

## 7. PARISH / TOWN COUNCIL COMMENTS

### **Fordingbridge Town Council**

Recommend permission under PAR 3 as it is in keeping with the house.

## 8. COUNCILLOR COMMENTS

No comments received

## 9. CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Environmental Health Contaminated Land, Appletree Court - no concerns

NFDC Conservation - objection- visually harmful

***Comments in full are available on website.***

## 10. REPRESENTATIONS RECEIVED

No comments received

## 11. OFFICER COMMENTS

### **Introduction**

The main issues for consideration for this application are as follows:

#### 1). The impact of the development on the character and appearance of the area

Cross Cottage appears on a historic map dated 1872 and has a possible association with Burgate Cross Farm, it could be likely that Cross Cottage could have been the earlier farmhouse for the farm. Viewed from the road, the cottage and the barn are the most visible aspects within the street scene, the cottage is currently screened by a hedge which is a soft boundary between the house and the farm and makes a positive contribution to the street scene. The relationship between the two buildings is important to the character of this small hamlet and therefore retaining the visual link without hindrance is important to the character of the area.

There is currently a leylandii hedge which provides a level of screening although these trees would assist in screening the proposed garage to a degree, views of the proposal would still be apparent from the road. Furthermore, the planting could not be guaranteed to remain in place and the imposition of a planning condition to retain and maintain the existing trees would not be reasonable.

#### 2). The effect of the proposal on the setting of the listed building and adjoining listed buildings

The proposed garage would be situated in a highly visible position, the space between the cottage and the barn has a key role to play in creating the setting to the listed building and its historic context. The proposed development will interrupt the relationship of the cottage with the barn which is considered to be unacceptable.

The proposed garage will lead to less than substantial harm to the character of the designated heritage asset, the harm has been weighed against the public benefits of the proposal, as an alternative location has been suggested which is less harmful to the setting of the listed buildings and their visual importance, it would appear that in this case the public benefit does not outweigh the harm.

Amended plans were requested to move the proposed garage to the side of the cottage or to the rear and reduce the overall height in order to overcome initial concerns. Amended plans have been received and while the proposed plans have reduced the overall height, the footprint has been enlarged and the position remains the same. The amended plans have not overcome the initial concerns and therefore the application is recommended for refusal.

### 3). The impact on neighbour amenity

Due to the spatial characteristics of the site and the adjacent properties, the garage and log/tool store design, location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would cause no material detriment to the privacy, light and outlook available to the adjacent neighbours.

## 12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of consultees and interested 3<sup>rd</sup> parties. On this occasion, having taken all these matters into account, it is considered that there are significant issues raised which leads to a recommendation of refusal for the reasons set out above.

## 13. OTHER CONSIDERATIONS

### Crime and Disorder

No relevant implications

### Local Finance

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.

### Human Rights

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.

## 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.

### **14. Refuse**

#### **Reason(s) for Refusal:**

1. By reason of its forward position, scale and form, the proposed garage would be an unduly prominent feature and intrusive form of development in the street scene which would erode the spatial characteristics of the site to the detriment of the character and appearance of the area. In addition, the proposals would adversely affect the relationship of this cottage with the neighbouring listed barn. While the level of harm would be less than substantial, it is considered that the scale of harm would not be outweighed by any public benefit. As such it would be contrary to Policy CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan Part 2: Sites and Development Management Plan and the Core Planning principles of Chapter 12 and 16 of the National Planning Policy Framework.

#### **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.
- 2 In this case all the above apply, the application was acceptable as submitted, negotiation have resulted in amended plans having been submitted in order to try and overcome initial concerns
- 3 This decision relates to amended/additional plans received by the Local Planning Authority on 13th November 2019

#### **Further Information:**

Jacky Dawe  
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**PLANNING COMMITTEE**

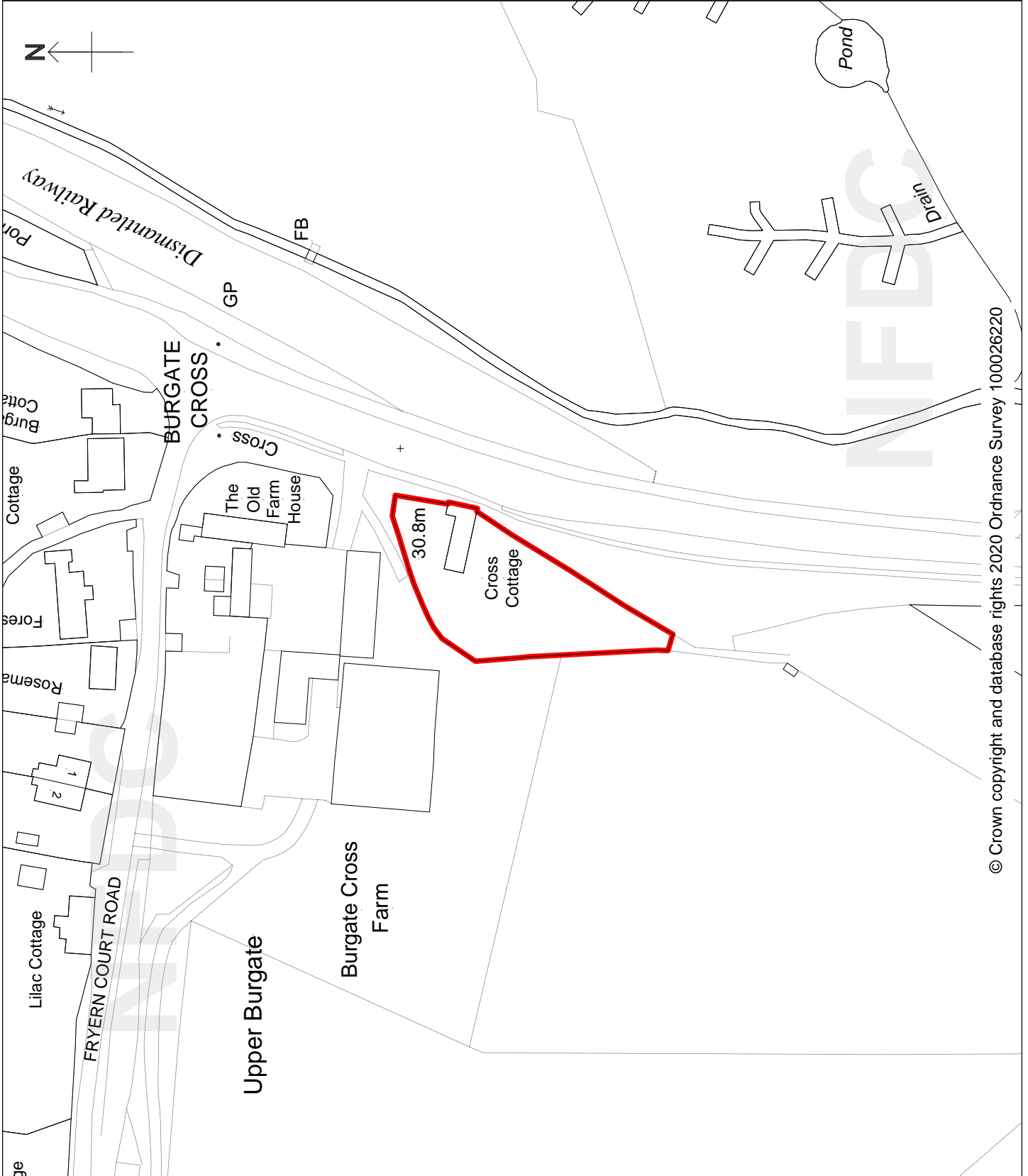
March 2020

Item No: 2g

Cross Cottage  
Salisbury Road  
Fordingbridge SP6 1LX  
19/10990

Scale 1:1250

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PLANNING COMMITTEE – 11 MARCH 2020

Agenda Item 3

APPEAL DECISION 18/11690

**Three-storey extension; extend side dormers; balcony; rooflights; garage/store Club House, New Forest Water Park, Ringwood Road, Fordingbridge SP6 2EY**

Members will recall this planning application was the subject of a report to the August 2019 Planning Committee. The application was deferred from the April meeting to allow the applicant to clarify the proposal and provide additional details and justification. The application was refused at the subsequent August meeting for the following reasons

- 1. The proposal is for a 60% floorspace increase to an existing manager's accommodation unit within this rural business based in the open countryside. Special consideration of any residential accommodation in the countryside is required to ensure that any development is sustainable as required by the National Planning Policy Framework 2019 (NPPF), Core Strategy policy CS1, and Local Plan part 2 policy NPPF1 and DM20. In this case the site already benefits from a significant amount of staff and manager accommodation and it is considered that there is no overriding justification or essential need to support such a large percentage increase in accommodation at this site. Occupation of the manager accommodation by a second family unit is not considered to constitute sustainable development.*
- 2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with NPPF section 12, policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2, which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.*

Members are referred to the attached appeal decision and costs decision and will note the appeal was dismissed. The costs appeal was also refused by the Planning Inspectorate. The Council in its determination of the application was not found to be unreasonable.

In dismissing the appeal the Inspector made the following points

- The relevant policy in this case was DM20 (floorspace extension to countryside dwelling) and not tourism Policy DM13 as alluded to by the appellant.
- The additional extended family accommodation was not sustainable in this location and there was no overriding need for additional manager floorspace. The Inspector took note of the current level of staffing floorspace available to serve the business.
- Provision of an extended family dwelling (to cater for the adult son and partner) would lead to additional traffic to access every day services and the needs of any occupiers and was clearly unsustainable.
- The inspector did not consider this was a mixed use with commercial and residential as had been claimed. Some home office/business use was normal for many dwellings.

- Whilst DM20 does allow for more than a 30% increase the exceptional circumstances required were not demonstrated in this case.
- The Inspector considered the design of the new extension to be wholly inappropriate leading to a top heavy, unbalanced building with a dominant and incongruous roof form including the extended triple dormers on both roof slopes. The result was a disproportionate and bulky enlargement in depth, width and height.
- The fact that the site was less obvious from general public view did not disguise what was poor design which would have an adverse impact on the local area and would be clearly seen by those visiting the site as patrons of the waterpark. The proposal was considered to be harmful to the character and appearance of the host property and the character of the wider surrounding area.
- The inspector understood the isolated nature of the business and the need for manager accommodation (which had already been adequately met). Support for local rural businesses in the NPPF, however, is not unqualified and must take into account local impact when assessed against existing development and any essential need and justification.
- In the costs decision the Inspector found the Council, through its determination, including the case officer report and appeal statement had properly justified the reasons for refusal which were clearly and precisely set out. The Council had responded to the various points made by the appellant's agent and given him every opportunity to revise and present their plans. The Council were entitled to refuse the application and defend the appeal and has not acted unreasonably in doing so.



---

## Appeal Decision

Site visit made on 9 January 2020

**by S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

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**Appeal Ref: APP/B1740/W/19/3238093**

**New Forest Water Park Club House, Ringwood Road, Fordingbridge  
SP6 2EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Jury against the decision of New Forest District Council.
  - The application Ref 18/11690, dated 21 December 2018, was refused by notice dated 14 August 2019.
  - The development proposed is rear extension to club house.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The refusal reasons on the decision notice and the officer report do not refer to any policies of the emerging New Forest District Local Plan 2016 - 2036 Part 1: Planning Strategy (LPP1). The Council's statement of case confirms that the LPP1 has been examined in Summer 2019, and was found to be sound, subject to modifications. The Council has stated that consultation on the proposed modifications has commenced, and that it is likely that the LPP1 will be adopted in Spring 2020. The Council has confirmed that Policy CS2 of the New Forest District (outside the National Park) Core Strategy 2009 (CS) and Policy DM20 of the Local Plan Part 2: Sites and Development Management 2014 (LPP2) are saved as part of the emerging LPP1. Given the advanced stage of the LPP1, it can be given considerable weight in the determination of the appeal. I have dealt with the appeal accordingly.

### Application for costs

3. An application for costs was made by Mr Mark Jury against New Forest District Council. This application is the subject of a separate Decision.

### Main Issues

4. The main issues are:
  - Whether the appeal site is a suitable location for additional residential accommodation, having regard to the accessibility of services and to the reliance on private motor vehicles and to local and national planning policy for the provision of housing; and

- The effect of the development on the character and appearance of the host property and surrounding area.

## **Reasons**

### *Location*

5. The appeal site is located within countryside to the west of the A388 Ringwood to Fordingbridge Road. It encompasses the three Hucklesbrook Lakes, formed from old gravel extraction pits, and now used for water-based recreation. The New Forest Water Park (NFWP) is associated with the northern two lakes and the southern lake is used for fishing. Built development associated with the NFWP is mainly focussed at the north-western end of the northern lake where there is a large customer car park accessed via a track leading off the A388.
6. There are a group of buildings adjacent to the lake and the car park. The largest of these is the two/three storey 'clubhouse' building, which includes the customer reception area and indoor and outdoor customer facilities, including bar, restaurant and outdoor seating. The ground floor is given over to storage and workshop facilities relating to the business, together with changing facilities and a customer shop. Manager living accommodation is located within the first and second floors.
7. During my site inspection I observed that the other adjacent buildings appeared to be used for storage, workshop and living accommodation purposes. I also acknowledged the presence of a number of static and touring caravans within the immediate vicinity of the building and car park complex.
8. The site lies in open countryside where local and national planning policies restrict isolated homes, subject to certain exceptions, including where there is an essential need for a rural worker to live permanently at or near their place of work. The planning application officer report confirms that the existing first and second floor living accommodation was approved under planning permission Ref 53713 dated 9 March 1994 which permitted a first floor addition with rooms in roof to form owner's accommodation. This permission was subject to a planning condition stating that "The residential accommodation hereby approved shall only be used by the owner/manager of the New Forest Water Park and their dependents whilst it is in operation" with the reason being, "The site lies in an area where additional units of residential accommodation are not normally permitted". The Council therefore acknowledged that there was an essential need for on-site residential accommodation to support the water sports business, but that it should be restricted to that which is necessary to manage the business.
9. Having regard to the above, notwithstanding the appellant's view to contrary, I find that LPP2 Policy DM20 is relevant to the consideration of the appeal scheme, since a residential unit of owner/manager accommodation has been approved within the clubhouse building. During my site inspection, I observed that 2 rooms within the manager's accommodation were used as offices and that there were items within the lounge that suggest it could be used to hold meetings.
10. However, notwithstanding this, I found that, essentially, the accommodation is arranged as residential accommodation. It is not unusual for bedrooms to be used as home offices, and in this instance, this would support the residential

use as owner/manager accommodation. Whilst the lounge may in practice be used as a meeting room, I am not persuaded that it is essential to use this room as such, given the large amount of customer lounge/family room floorspace within the remainder of the first floor, which could readily be used for meeting purposes. I observed that there is no separate kitchen within the manager's accommodation. However, the Council has confirmed that the original planning permission included a kitchen within the approved living accommodation, and the owner's choice to utilise the restaurant kitchen does not alter the ability to install an additional kitchen within the approved owner/manager residential floorspace.

11. Policy DM20 accords with the sustainability principles of the Framework by only allowing residential development in the countryside provided it accords with certain criteria, including limited extensions to existing dwellings, which should not normally provide for an increase in floorspace of more than 30%. The figures contained within the planning application officer report confirm that the internal floor area of the approved owner's accommodation, excluding any stairwell, is 110 square metres, and that the proposed floorspace increase to this accommodation would be around 66 square metres, resulting in an increase of 60%. As such, this would be contrary to Policy DM20 a). The Council has used the floor area approved under planning permission Ref 53713 as the existing floorspace, and I find this to be reasonable within the remit of Policy DM20.
12. Policy DM20 allows for larger residential extensions in exceptional circumstances, which include where it meets the genuine family needs of an occupier who works in the immediate locality. However, no details of exceptional circumstances have been provided. The appellant asserts that the extension is required to improve the standard of the accommodation to reflect the current residential needs of the occupiers which have arisen as the owner's grown up children have remained living at home and have become paid managers of the business in their own right. However, it has not been demonstrated that there is an essential need for the extended family to live on the site in connection with the operation of the business. No business case has been advanced in this respect. Both parties have referred to the existence of permanent and temporary residential accommodation elsewhere within the appeal site, and I observed such during my site inspection. I have not been provided with the detailed planning history in this respect, and the appellant has not demonstrated why the appeal scheme is required to accommodate the extended family in addition to the accommodation elsewhere on the site.
13. Policy DM20 states that development should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts. I find that the location of the site away from facilities and services is such that the additional residential occupation of the manager's accommodation by the owner's son and family would lead to increased traffic movements to and from the site by private motor vehicles associated with an additional family unit, noting that the planning condition restricts the occupation of the residential accommodation to that by the owner/manager and their dependents. I am not persuaded by the appellant's assertion that building onto the existing property is more sustainable than building afresh elsewhere, since no demonstrable need has been proven for the owner's son and his family to reside on site in connection with the running of the business

nor why they cannot be accommodated within any of the existing residential accommodation elsewhere on the site.

14. The appellant asserts that LPP2 Policy DM13 is the relevant policy for the determination of the application. However, I find that, whilst this policy seeks to support the local tourism industry, in respect of development outside the defined built-up areas, it relates to development to provide visitor accommodation and/or facilities. The policy does not refer to residential accommodation occupied in connection with the management/running of such enterprises. For the aforementioned reasons, I find that Policy DM20 is the appropriate policy having regard to the nature of the appeal proposal.
15. For the above reasons, I conclude that the appeal site is not a suitable location for additional residential accommodation, having regard to the accessibility of services and to the reliance on private motor vehicles and to local and national planning policy for the provision of housing. The proposal would therefore conflict with CS Policy CS1 and LPP2 Policies NPPF1 and DM20, which amongst other things, require new development to take place in environmentally, socially and economically sustainable locations with a good range of services and facilities and accessible by both car and other transport modes in order that reliance on the private car is minimised, including very tightly restricting new housing development in the countryside, in accordance with the presumption in favour of sustainable development contained within the Framework.

#### *Character and appearance*

16. The appeal scheme would comprise a substantial addition to the rear of the building over ground, first and second floor levels, approximately doubling the rear projecting element of the building. The result would be a disproportionate enlargement of the building which would appear unduly bulky due to a combination of its depth, width and height. When viewed from the southwest and northeast in particular, the proposal would unbalance the existing well-proportioned character of the building, whereby the front and rear three storey elements are of a similar depth, height and scale.
17. The proposed massing of the extension would result in the rear part of the building appearing over-dominant and incongruous in relation to the remainder of the building. This impact would be exacerbated by the high position and small size of the rear cropped element of the roof, and the overhanging nature of the first and second floor elements of the extension, which serve to accentuate the top-heavy character of the extension. Furthermore, the proposed triple dormer windows would also accentuate the mass and visual dominance of the roof element of the extension.
18. The dormers would occupy a considerable amount of both side roof slopes of the extension, and they would dominate these sections of the roof, due to a combination of their width, depth and position in close proximity to the roof ridge. As such, they would appear visually prominent and result in these roof slopes having a cluttered appearance, in contrast to the existing single dormers which sit subserviently, and discretely, within the roof slopes. The dormers would appear discordant and over-dominant in relation to the first floor windows below, due to their wider, bulkier design and three-paned, triple window glazing. This would serve to draw attention to the roof of the extension, emphasising its top-heavy appearance. Accordingly, notwithstanding



the use of sympathetic materials, the proposal would have a materially harmful impact on the character and appearance of the host property.

19. Whilst the proposal would be located within an existing group of buildings, and would not have a significant impact upon wider views of the site from beyond the treed backdrop, it would nonetheless impact on the character of the area within close proximity of the building. Notably it would be visible in views from the main customer carparking area adjacent to the building and the approach to the water park reception from the car park.
20. For the above reasons, I conclude that the proposed extension would have a detrimental impact on the character and appearance of the host property and the wider surrounding area. As such, it would not accord with Policy CS2 of the CS and Policy DM20 of the LPP2, in so far as these policies require new development to respect the character and scale of the existing building, be well designed to respect the character, identity and context of the area's countryside, and be appropriate and sympathetic to its setting in terms of its scale and appearance. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.

### **Other Matters**

21. The appellant advises that the NFWP is a successful business, providing a recreational facility of regional significance having regard to water-based sport. I acknowledge that the nature of the business is such that, by necessity, it is located in an isolated countryside location and that the Framework gives support to a prosperous rural economy, including the sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism and leisure developments.
22. However, this is not unqualified, and such developments must be sensitive to their surroundings. Having regard to the existing amount of built development on the site, and the aforementioned lack of justification of an essential need for the additional residential accommodation in relation to the business needs of the water park, together with the harm I have identified to the character and appearance of the building and surrounding area, I find that the conflict with the development plan is not outweighed by other considerations including the Framework.

### **Conclusion**

23. For the reasons given above, I conclude that the appeal should be dismissed.

*S Leonard*

INSPECTOR



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## Costs Decision

Site visit made on 9 January 2020

**by S Leonard BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 February 2020**

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### **Costs application in relation to Appeal Ref: APP/B1740/W/19/3238093 New Forest Water Park Club House, Ringwood Road, Fordingbridge SP6 2EY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Mark Jury for a full award of costs against New Forest District Council.
  - The appeal was against the refusal of planning permission for rear extension to club house.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Guidance advises that parties who pursue an appeal unreasonably without sound grounds for appeal, may have an award of costs made against them. It confirms that awards against local planning authorities may be either substantive, relating to the planning merits of the appeal, or procedural, having regard to behaviour in relation to completing the appeal process. The applicant is seeking a full award of costs on substantive grounds.
4. The Guidance states that examples of unreasonable behaviour by local planning authorities which may give rise to a substantive award of costs include: failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The applicant contends that the appeal was only necessary because the Council has not shown that they considered the application in a reasonable and objective way and it needed independent scrutiny as a result. The applicant asserts that the Council has not provided sufficient evidence to substantiate the reasons for refusal, and, in respect of the first refusal reason, having regard to the nature of the existing and proposed residential accommodation, has

wrongly related the proposal to Policy DM20 of the Local Plan Part 2: Sites and Development Management 2014 (LPP2). The applicant also contends that the Council has not properly addressed the degree of sustainability of the proposal nor the how it relates to the amount of other existing accommodation on the site.

6. I find that the refusal reasons set out in the decision notice are complete, precise, specific and relevant to the application. They clearly state which policies of the New Forest District (outside the National Park) Core Strategy 2009 (CS) and LPP2 policies that the proposal would be in conflict with. The refusal reasons have been adequately substantiated by the Council in the planning application Officer Report and the Council's Statement of case. The Council has responded to the various points raised by the applicant during the planning application and the appeal process, including the matter of whether Policy DM20 is relevant to the determination of the planning application and appeal. The Council also enabled the appellant to submit revised plans and additional supporting information in order to inform the planning committee prior to the application being determined.
7. In determining the appeal, I have found that LPP2 Policy DM20 is the relevant policy, rather than LPP2 Policy DM13, and my reasons for so doing are explained in the decision letter. I also find that the Council has adequately addressed the sustainability issue, which is incorporated into Policy DM20, and has clearly shown how the concerns regarding the proposal relate to the existence of other residential accommodation on the site, which could potentially be used to accommodate the owner's son and his family. These matters are also referred to in my decision letter.
8. Accordingly, I find that the Council was entitled to refuse the application and defend the appeal and has not acted unreasonably in so doing.

### **Conclusion**

9. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*S Leonard*

INSPECTOR

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