

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 JANUARY 2021, AT 9.30 AM*

Place: SKYPE MEETING - ONLINE

Enquiries to: Email: karen.wardle@nfdc.gov.uk
Tel: 023 8028 5071

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 Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk no later than 12.00 noon on Monday, 11 January 2021. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

Claire Upton-Brown
Chief Planning Officer

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

AGENDA

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

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 9 December 2020 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land at Solent Industrial Estate, Caird Avenue, New Milton (Application 20/11029) (Pages 5 - 20)**

The erection of a Class E foodstore (1,862sqm gross) with associated access, car parking and landscaping

RECOMMENDED:

Refuse

(b) **Hubert Lodge, 2 South Street, Hythe (Application 20/10770) (Pages 21 - 28)**

Display 2 x monolith boards; 4 x Hanging B&B style signs; 2 x adverts placed on railings; 1 x Welcome Sign; 1 x Welcome Centre Entrance sign for a 2 year period or when all units are let/sold whichever is the sooner. (Application for Advertisement Consent)

RECOMMENDED:

Grant Advertisement Consent

(c) **13 Orchard Way, Dibden Purlieu (Application 20/11005) (Pages 29 - 34)**

Porch; first-floor extension; pitched roofs to front and rear dormer; fenestration alterations

RECOMMENDED:

Grant subject to conditions

(d) **21 Ellery Grove, Lymington (Applicaton 20/11107) (Pages 35 - 40)**

Single-storey rear extension; shed

RECOMMENDED:

Grant subject to conditions

(e) **12 Vimoutiers Court, Fordingbridge (Application 20/11174) (Pages 41 - 46)**

Proposed conversion of an existing double garage and construction of a rear extension to form a 1no. bedroom annexe

RECOMMENDED:

Grant subject to conditions

(f) **Northfield, Lower Pennington Lane, Pennington (Application TPO/20/0726) (Pages 47 - 58)**

Felling of 10x Monterey Pine trees, 6x Monterey Cypress trees, 1x Oak tree, 1x Horse Chestnut tree and 1x Elm tree

RECOMMENDED:

Grant subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Please note that all planning applications give due consideration to the following matters:

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.

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.

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.

- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing “RTS” (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council’s Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council’s Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To: Councillors:

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

Councillors:

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

Application Number: 20/11029 Full Planning Permission

Site: Land at SOLENT INDUSTRIAL ESTATE, CAIRD AVENUE, NEW MILTON BH25 5QA

Development: The erection of a Class E foodstore (1,862sqm gross) with associated access, car parking and landscaping.

Applicant: Aldi Stores Limited

Agent: Planning Potential

Target Date: 21/12/2020

Case Officer: Vivienne Baxter

1 SUMMARY OF THE MAIN ISSUES

The key issues to be taken into account when determining this application are:

- 1) the principle of development
- 2) the impact of the development on existing retail
- 3) whether there is an alternative town centre site
- 4) impact on the character and appearance of the area- including trees and landscaping
- 5) impact on the highway
- 6) ecology
- 7) impact on the residential amenities of nearby properties
- 8) minerals working
- 9) BREEAM and sustainability
- 10) contamination and drainage

This application is to be considered by Committee as was the previous scheme.

2 SITE DESCRIPTION

The site is a little over 1.0 hectares in size and lies within the built-up area of New Milton to the east side of Caird Avenue.

The site is relatively flat and currently much of it is grassland having been restored from mineral workings which continues to the north-east of the site. The northern and eastern sections of the site are currently in use as parking and open storage in association with the mineral workings. There are also a couple of small Portakabin office buildings within the site.

Although the number of trees is limited to the western road boundary of the site, there is a blanket tree preservation order covering the whole site and wider Solent Industrial Estate.

Opposite the site to the west is an existing Tesco supermarket with associated petrol filling station, Click and Collect service and hand car wash. The Tesco supermarket shares the same access roundabout as the industrial estate to the north of the application site although there is a pedestrian access onto Caird Avenue towards its southern boundary.

3 PROPOSED DEVELOPMENT

The application proposes the provision of a new Aldi supermarket building with associated car parking, and landscaping. The proposed building would create 1,862m² (gross) of retail floor space along with 121 parking spaces including 5 disabled, 8 family and 2 electric car charging spaces and 5 Sheffield hoops for secure cycle parking.

A new vehicular access would be provided to serve the site and a pedestrian link to a new crossing point on Caird Avenue (opposite the pedestrian access to Tesco). The access road would run along the southern boundary of the site with potential to continue to the east pending development of the adjacent allocated site. The application includes a detailed landscape plan which includes new tree planting in part to compensate for the loss of existing trees.

The building would be set back into the site with parking to the front with the main entrance to the store looking across the site. The parking layout would be provided with a landscaped boundary with a clearly defined pedestrian access to the store.

The building is of single storey construction with a mono-pitched roof, orientated such that the highest elevation is facing the main road. Full height shop glazing is provided to the south elevation identifying the main entrance to the corner and enhancing the building's interaction with the car park. This glazing wraps around the western corner of the building to increase its prominence. The main entrance is further defined by a simple cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building.

The proposed building would consist of a grey brick plinth and two different shades of grey cladding panel with a natural coloured render. Within the building there would be retail floor space with storage, welfare facilities and service delivery area. The development seeks to achieve a reduction in CO emissions compared to building regulations compliant development through the incorporation of the principles of the Energy Hierarchy and the combination of passive measures including building fabric design improvements and the utilisation of zero and low carbon technology. An excellent BREEAM rating is being targeted for the development.

The drawings also indicate new signage within the site although these would be subject of advertisement consent should planning permission be forthcoming.

At the Planning Committee of the 27 May 2020 application 19/11244 was refused planning permission on the grounds that i) a sequentially preferable sites exists within the town centre and that it has not been demonstrated that it is unsuitable or unavailable ii) lack of quality landscaping iii) lack of a contribution towards the provision of a cycling and walking link

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/11244 Construction of a Class A1 food store (1,862sqm gross), with associated access, car parking and landscaping	27/05/2020	Refused	Decided
18/10094 New access; landscaping and associated works	24/04/2018	Withdrawn by Applicant	Withdrawn

09/95023 54 dwellings; 10,191 square metres of B1 Use; 6,430 square metres of B2 use (Outline Application with details only of access) 20/10/2010 Granted Subject to Conditions Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR9: Development on land within a Minerals Safeguarding Area or Minerals Consultation Area

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON5: Retail development and other main town centre uses

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

NMT5: Land east of Caird Avenue - Business and employment development

Emerging New Milton Neighbourhood Plan

NM3 - land east of Caird Avenue

NM4 - Design Quality

NM12 - Promoting walking and cycling

NM15 - Employment

Supplementary Planning Guidance And Documents

SPG - Landscape Character Assessment

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Section 197 Trees

Town and Country Planning Act 1990

Relevant Advice

NPPF Ch. 6 - Building a strong, competitive economy

NPPF Ch.7 - Ensuring the vitality of town centres

NPPF Ch.11 - Making effective use of land

Chap 12: Achieving well designed places

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

ACCEPTABLE (Non-Delegated) subject to the ecological enhancement suggestions made by Mr B Lord online, and adequate management plan.

(Mr Lord has raised an objection to the proposal, commenting specifically on the ecological appraisal, building design and drainage.)

7 COUNCILLOR COMMENTS

Cllr Reid (Hordle)

supports the application - proposal is in accordance with an up to date plan, additional food outlets will be required during the plan period in view of the level of new housing provision, previous reasons 2 and 3 for refusal can be conditioned

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health (Contaminated Land)

No objection subject to conditions

Southern Water

Comment Only

Scottish and Southern Electricity Networks

Offer advice

Southern Gas Networks

Offer advice

HCC Surface Water

Proposal is acceptable subject to approval in principle from the Highway Authority

NFDC Tree Team

Condition required for tree pits

NFDC Drainage

Proposal should be submitted to HCC Flood and Water Management Team

Environmental Health (Pollution)

No objection subject to conditions

NFDC Environmental Design (Urban & Landscape)

No objection subject to conditions. Previous landscape objections have been overcome

NFDC Ecology

No objection subject to condition and submission of a biodiversity net gain report

Natural England

Comments from previous scheme still apply. (No objection subject to a biodiversity mitigation and enhancement plan)

BCP Council

Refer to previous comments (sequential test should be applied, Christchurch and Highcliffe centres should be considered)

Highway Authority

No objection subject to conditions and obligations

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received. Two comments have been received supporting the proposal but raising concerns in respect of traffic generation and/or the impact on the town centre. A letter of support suggests that the proposal has inadequate disabled parking given the level of blue badge holders in the area.

The New Milton Residents' Association have undertaken a poll of their own which concluded that 29% of residents object to the proposal, 6% have no opinion other than expressing traffic concerns and 65% recommend that it should be approved. Their overall conclusion is that the application should be approved.

For: 50

- failure of Co-op demonstrates that the town centre can't support two supermarkets
- shopping journeys can be combined
- job creation
- many residents within walking distance
- current access for HGVs in Caird Avenue work well
- New Milton has little choice
- adding competition would reduce cost of a weekly shop
- delivery vehicles in town centre would be more disruptive
- existing stores are unable to meet demand
- Co-op site is not viable
- insufficient parking in town centre
- would be good for New Milton
- extension of consumer choice is welcomed
- much needed given new houses proposed in the area
- increased footfall in New Milton
- Town Centre site would be detrimental to Morrisons
- cycle path now included
- if refused it would be a great loss and inconvenience to local residents
- previous landscaping issue has been resolved
- having a vibrant High Street is living in the past
- high street names should be encouraged
- food stores in Lymington are out of working class family budgets
- will enable scruffy trees to be replaced with attractive shrubs
- most fruit and veg sold by Aldi is grown in the UK
- would minimise parking difficulties in the Town Centre
- town centre site would be dangerous due to number of large delivery vehicles
- would minimise trips to Christchurch
- cycle and pedestrian improvements can be secured by condition
- Bradbeers need to redevelop their own site

Against: 11

- increased traffic generation
- Tesco roundabout is at capacity
- dust from adjoining site combined with emissions
- Co-op site would be preferable
- lorries already use north end of Caird Avenue
- noise from Caird Avenue is already disruptive
- not needed so close to Tesco
- Ashington Park/Caird Avenue traffic problems
- New Milton has sufficient food stores

- proposal would damage the town centre
- traffic calming measures are needed
- amount proposed to upgrade the roundabout is insufficient to improve safety
- cycle paths too narrow
- litter generation
- no mitigation to increased air pollution
- heavy emphasis on non-native shrubs
- more bat/bird boxes should be provided
- building should incorporate more environmentally friendly details such as rainwater recycling, solar panels and accommodation for wildlife
- car park should be surfaced in ultra-porous material

Further objections have been raised from the two owners of the current and former supermarkets within the town centre; Bradbeers and Morrisons make the following objections:

- New Milton has been in decline since the Co-op closed
- no material change in circumstances to demonstrate that the Co-op site isn't suitable and therefore the sequential test fails
- no up to date health check of town is unacceptable given Covid-19
- Bradbeers have demonstrated that reuse of the former Co-op would be an acceptable solution
- letters of support are likely to be in support of the principle of Aldi, not the location
- there are alternative layouts in the town centre which would work in addition to those put forward by the applicant
- a new town centre building need not have a blank elevation to Station Road
- proposal misses out opportunity to improve and regenerate the town centre

10 PLANNING ASSESSMENT

Principle of Development

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

The site is covered by a specific policy allocation in the Local Plan Part 2. Policy NMT5 relates to Land east of Caird Avenue and allocates the site for employment development as well as six, site-specific criteria relating to provision of and improvements to vehicular access; provision of pedestrian/cycle access and links to the existing and cycleway network. In particular, provision of a footpath from the southern part of the site to link with Carrick Way and the provision of appropriate landscape buffers between the employment and residential uses, along the eastern site boundary and between the development and the southern boundary of the site in order to screen the development from the countryside and views from the A337.

By way of context, Policy NMT4 of the Local Plan Part 2 allocates land to the north of the application site for residential development and Policy NMT6 allocates land to the east of the site for residential development specifically to meet local housing need. Neither of these sites are subject of planning applications or permissions for redevelopment at this stage.

The site allocation, NMT5, extends significantly beyond the boundaries of the site to the extent that providing the first criteria relating to improvements to the 'Tesco roundabout' and access through the site from that roundabout would not be

appropriate given the distance between the site and the roundabout. However, the provision of an additional access south of this roundabout and provision to continue access to the NMT6 allocation to the east are dealt with in a satisfactory manner. The provision of a pavement along the new access road would also suffice as part of the anticipated footpath link through the wider site allocation from Caird Avenue to Carrick Way. The policy also requires improvements to the junction of Caird Avenue and the A337 and the applicant has agreed to contribute £20,000 towards improvements at the roundabout in this location. This is referred to in more detail in the highways section below.

Policy ECON02 of the Local Plan part 1 relates to the retention of employment sites and consideration of alternative uses. The supporting paragraph 7.14 states that non-employment uses can only be considered acceptable if there are significant and specific material considerations in the public or local community interest for retail in this location.

The New Milton Neighbourhood Plan is also a material consideration. The New Milton Neighbourhood Plan Policy NM3 allocates this site for a food retail scheme subject to the appropriate sequential test. The Neighbourhood Plan has not been to Referendum and can not be given full weight in decision making.

Although the proposal addresses some of the requirements within policy NMT5, it is not an employment use and would be contrary to other elements of the policy and ECON05. Consideration has to be given to the sequential test in order to ascertain whether or not any alternative sites are available.

Retail impact

Para. 89 of the NPPF refers to the use of a locally set threshold for requiring a retail impact assessment where proposals do not accord with an up to date plan. The Local Plan Part 2 specifies that retail developments over 1,000m² will be subject to a retail impact assessment. This threshold is maintained in the emerging plan Para 7.40.

The NPPF states that planning applications for retail uses out of town centres should be assessed against the impact of the proposal on:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

Para 89 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, then it should be refused.

Trade Diversion to the Aldi Store

The Aldi store will have a gross floor area of 1,862 sq. m. The net sales area is 1,315 sq. m net, suggesting a net to gross ratio of around 71%. The convenience goods turnover adopted is based on 80% of the store's net sales floor space being devoted to food and grocery products and 20% of the sales floor space will be devoted to comparison goods. The applicant estimated convenience goods trade diversion (£12.1 million in total) will be diverted from following sources:

- Tesco, Caird Avenue, New Milton £3.63 million (30%)
- Lidl, Lymington Road, New Milton £1.82 million (15%)
- Sainsbury's, Lyndhurst Road, Christchurch £1.21 million (10%)
- Aldi, Somerford Road, Christchurch £1.21 million (10%)
- Waitrose, Lymington £1.21 million (10%)
- Other Lymington £0.78 million (6.5%)
- Morrisons, Station Road, New Milton £0.73 million (6%)
- New Milton town centre £0.24 million (2%)
- Christchurch town centre £0.18 million (1.5%)
- Elsewhere £1.09 million (9%)

Representations by Peacock & Smith and Bradbeers suggest the applicant has under-estimated trade diversion from New Milton town centre (i.e. only 6% of turnover from Morrisons and 2% from the rest of the town centre). Peacock and Smith suggest that the reduction in turnover from Morrisons, already an under performing store, would be 14.9%. Bradbeers, referring to their comments on the previous submission in this respect, suggest this under-estimate is demonstrated by a comparison with the applicants suggested trade diversion from Waitrose in Lymington (10%) and Sainsbury's and Lidl stores in Christchurch (11%). Bradbeers argues trade diversion from New Milton town centre should be between 15% to 20% of the Aldi store's turnover, not 8% as suggested by the applicant.

The Council's retail advisor previously suggested that the level of trade diversion from Lymington (£1.99 million) does appear to be high compared to the trade diversion from New Milton (£0.97 million) and suggests the applicant has under-estimated trade diversion and impact on New Milton town centre. The proposed Aldi store is likely to draw most of its trade from other large food stores closest to the application site. This is a reasonable assumption on the basis that like tends to compete with like and the proposed Aldi store is expected to have a relatively localised catchment area.

If all the Aldi store's turnover (£12.1 million) was diverted from facilities in New Milton (which is unlikely), and this trade diversion was distributed pro-rata based on turnover between Tesco, Lidl, Morrisons and other town centre then the trade draw from the town centre would be 22% (£2.66 million). Clearly trade will also be diverted from Lymington, Highcliffe and Christchurch Proposed Aldi at Caird Avenue, New Milton.

Officers have concluded that the proportion of turnover diverted from New Milton town centre is likely to range between 10% and 15%. As a worst case, 12% (£1.45 million) could be diverted from Morrison and 3% (£0.36 million) from the rest of the town centre. On this basis the proportional impacts would increase as follows:

- Morrisons -4.5% to -9.0%
- Another town centre -4.7% to -7.0%

The Council's retail consultants have concluded from the detail within the retail impact assessment that the existing supermarket (Morrisons) within the Town Centre should continue to trade viably, the reduction in turnover of other convenience goods sales is unlikely to cause small convenience stores to close and would not result in significant adverse impact in terms of loss of customer choice or the increase in the shop vacancy rates. Whilst there would be a reduction in convenience goods shopping within New Milton, it would be less than 2% and as such, would be more than off-set by population and expenditure growth on comparison goods. About the planned investment within the town centre, this is considered below.

It is noted that an adjoining Local authority (BCP) have suggested that Highcliffe District Centre and Christchurch Town Centre should be included in this sequential test. However, it is not considered that other centres would serve the same catchment area as the proposed site. In this respect, Highcliffe has a Tesco Express and Co-op supermarket which are less than 4km away from a large Sainsbury's, Lidl and Aldi supermarkets on the outskirts of Christchurch to the west. The Christchurch town centre itself has a Waitrose and Marks and Spencer Food Hall with further smaller stores (Tesco/Co-op) outside of the town centre elsewhere in the town. It is not considered that the centres of Highcliffe and Christchurch would be adversely affected by the proposal.

Whether there is an alternative town centre site/the Sequential Approach

The sequential approach to site selection for main town centre uses is set out in paragraphs 86 and 87 of the NPPF. The application site is in an out-of-centre location. If the Council is satisfied the proposed development will not have a significant adverse effect on town centres, then the availability of suitable sites within and on the edge of designated centres should be considered. The NPPF (paragraph 90) states that where an application fails the sequential test it should be refused.

The NPPF and PPG provide limited guidance on the appropriate area of search for sequential sites, but it is widely accepted that sequential sites should serve the same or similar catchment area when compared with the application site. The proposed Aldi store is likely to have a relatively localised catchment area, with most trade coming from New Milton. Potential sequentially preferable sites within or on the edge of New Milton town centre should be considered. Other town centres would not serve the same catchment area as the application proposals.

The availability of alternative town centre sites needs to be considered NPPF (paragraph 86) refers to sites "expected to become available within a reasonable period of time". It is not clear what is a "reasonable period of time". There are no longer references in the PPG relating to "a reasonable period of time between 2 to 5 years". It is for the decision maker to decide what is a reasonable period relevant to the specific planning application.

The applicants identified six potential opportunities in New Milton, as follows:

- New Milton Station;
- Manor Road/Station Road;
- Osborne Road/Station Road;
- Station Road/Spencer Road (including former Co-op);
- Station Road/Elm Avenue; and
- Old Milton Road/Crossmead Avenue.

These sites were referred to in detail in the previous report for application 19/11244 and it was concluded that the only suitable alternative was the Station Road/Spencer Road site which incorporates the former Co-op store.

Station Road/Spencer Road

The site is identified for development in the New Milton Neighbourhood Submission Plan (Site D – Station Road/Spencer Road). The site includes the former Co-op unit and surface car park. The plan envisages high density development with retail at ground floor with residential and office uses on upper floors. The applicants do not appear to dispute the Co-op unit and car park are available within a reasonable period but are sceptical that other adjacent units on Station Road are also available. However, Bradbeers has provided copy of the lease agreement for adjacent units that appears to confirm vacant possession can be achieved in 12 months. The lease

effectively reserves the right of the owner to comprehensively redevelop the site within the short term. The applicants suggest Aldi has considered this site in terms of reconfiguration of the existing unit or redevelopment and have put forward four different options, two of which utilise the existing building (1 and 3) and two which involve demolition and a new building (2 and 4).

In considering the previous scheme, the Council's retail consultant indicated that an option which included the acquisition of Number 87 Station Road, currently occupied by HSBC, could work having regard to the desired retail configuration for Aldi. As indicated above, vacant possession of this unit appears to be feasible within 12 months and the extended site should therefore be available. In terms of the options put forward by the applicant, options 3 and 4 involve the use of no.87. Option 4 would be for demolition and redevelopment of the site which would introduce car parking to the Station Road frontage and a new retail building to the eastern side of the site. A layout plan has been provided for this option which suggests that in town scape terms, whilst there would be some set back from Spencer Road, the corner of the building would be very close to the bend and would not sit comfortably in the street which is largely residential at this end. Option 3, utilising and extending the former Co-op and current HSBC buildings would appear to be the only viable option as put forward by the applicant. The applicant's retail statement suggests this option would not provide a form of accommodation which would suit Aldi's business model (with flexibility) and is discounted for this reason, combined with the concern that the 68 parking spaces would not be sufficient.

The lack of parking is supported by a car park accumulation analysis indicating that 92 spaces would be required for this central location. Whilst 92 spaces are more akin to the recommended level of parking for a retail proposal of the size indicated in Option 3 (96 spaces), being in a Town Centre location, it is highly likely that people would combine trips to other town centre locations. The site is also adjacent to the NFDC public car park the applicants have not sought to negotiate joint or exclusive use of any of the spaces available within the car park. New Milton is served by buses, a train station and several pay and display car parks, one of which is immediately adjacent to the site, accessed off Spencer Road; there are also Traffic Regulation Orders in the area. On this basis, and a shortfall of parking spaces would not be of significant concern from a highways point of view.

The possibility of utilising the adjacent public car park has been discounted by Aldi in view of difficulties with trolleys and the disadvantage of some customers having to pay for their car parking. They go on to advise that whilst this is similar to a current situation in Romsey, Aldi are discussing relocation options in order to avoid this situation.

An objection received on behalf of Bradbeers indicates a further alternative option which could provide 98 parking spaces although it is noted that this option does not include the HSBC and would be over two floors. Further, it advises that the Romsey situation is just part of a more comprehensive redevelopment proposal within the town centre.

Officers are satisfied that the service arrangements shown in the applicant's Option 3 are suitable/safe. Since the previous submission, the layout has been amended to provide a single store entrance within 30m from Station Road providing a safe and not excessive route from the main shopping street. The access would be wide enough for trolleys and whilst not ideal for a food store operator, could work operationally.

Based on the evidence provided by the applicant and Bradbeers, officers are not convinced this opportunity is unsuitable or unavailable to accommodate a standard format discount food store. On this basis, the sequential test is not been satisfied and therefore the proposal is contrary to paragraph 90 of the NPPF and policy ECON05 of the Local Plan Part 1: Planning Strategy.

Impact on the character and appearance of the area - including trees and landscaping

The site is on the edge of the settlement of New Milton and would create the first site with built form as you enter New Milton. The area is characterised by mature vegetation that plays a significant role in creating a sense of space and contributing to the overall character of the area and is a transitional site between the town and open countryside. There is a significant level of planting to the front of the Tesco store opposite the site which has matured to ensure that the Tesco building sits comfortably within the environment and from wider views. The site is elevated and therefore is highly visible from the main A337. However, there is a mature tree belt along its southern boundary which partially screens the site in longer distance views.

The application proposes a single building of both considerable size and height, the building would be surrounded by hard surface to provide access and parking to the site. The proposed development would have an urban appearance to it and would be a stark change in character to that of the adjoining countryside. It is therefore critical that development of this form and scale is complimented by significant landscaping to ensure that the development can be accommodated on the site in a way that reflects its edge of settlement location. Further it is critical that the development is designed and landscaped in a way that ensure that when viewed from the adjoining countryside it does not appear as a harsh, urbanised form of development.

The site is included within a wider area covered by an Area Tree Preservation Order, protecting all trees regardless of species. Within the application site, 42 trees have been surveyed and none are considered to be of high, category A quality with 8 being of a very poor quality (category U). The proposal involves the loss of 17 trees along the road frontage (western boundary of the Area TPO) in order to facilitate the proposed access arrangements. Six of these are in very poor condition. Three of the trees, towards the south of the site are Monterey pines, are category B but have been pruned away from the nearby power lines. A section of hedgerow, approximately 70m in length from the southern corner of the site would also be removed.

The proposed replacement tree planting does not involve any planting along the road boundary but 17 are proposed along the western/southern side of the new access into the car park together with 8 to the opposite side of the access. A further 13 trees are proposed to the eastern and northern boundaries of the site, 14 within the car park and two trees set behind the replacement hedge at the front of the site.

At present, the site is largely screened from Caird Avenue by the protected trees although glimpses through to the Green Belt and countryside beyond are obtained in certain places. The loss of several of these boundary trees would result in much of the site being exposed to wider views although the proposed additional tree planting would provide not only a setting for the building in landscape terms but a dappled view of the proposed building across the site from Caird Avenue. The building would be 23m from the boundary at its closest point, rising to 54m where it would be most exposed. Between the building and access point onto Caird Avenue, new tree planting is proposed which cumulatively, would help to mitigate the impact of the proposed store building. These trees would be a mixture of common oak, mountain ash, field maple and fruit trees.

Policy NMT5 requires the provision of appropriate landscape buffers to three sides of the site; to the east between the employment and residential uses, the southern boundary to the countryside and the western boundary to Caird Avenue. The emerging New Milton Neighbourhood Plan at Policy 3 seeks to allocate this site for a mixed use with green infrastructure with an effective landscape buffer to screen the site. It should be noted that the proposed site does not utilise all of the NMT5 allocation which extends some 130m east and 105m north of the application site. However, the submitted landscaping plan has satisfactorily addressed previous concerns through the inclusion of additional native hedge and tree planting to the eastern and southern boundaries boundary of the site. The site area is slightly larger than previously in order to allow additional space for landscaping to the south of the site. A fence is proposed to the east in addition to the planting although this is now a paladin fence rather than a close boarded one which would be less intrusive in this location.

Impact on the highway

The application has been supported by a Transport Assessment providing details of how accessible the site is in relation to cycling/walking routes and public transport links together with how inclusive access would be obtained to the site, for users of the supermarket. It is supplementary to the plans indicating the proposed access details, parking layout and delivery/servicing arrangements for the scheme and includes some trip generation figures.

The proposal involves the creation of a new access point onto Caird Avenue, just to the south west of the pedestrian access into the Tesco car park opposite. The access demonstrates visibility of 24.m x 41.4m to the south west and 2.4m x 47.4m to the north east following the consideration of traffic survey data. Subject to this being achieved, the Highway Authority has raised no objection to the new access. Together with the provision of a new pedestrian refuge to the north east of the proposed vehicular access, the proposal complies with the relevant section of policy NMT5 and emerging New Milton Neighbourhood Plan policy 3.

Policy NMT5 also requires the provision of an access road through the site from the Tesco/supermarket roundabout to provide access to land to the east, allocated for developed in Policy NMT6. However, whilst the site does not extend as far north as this roundabout, provision to access land to the east is indicated at the end of the proposed new access to the south of the site. This is considered acceptable given it would safeguard future access to this land.

The proposed retail floor space would generate a need for 94 parking spaces. The proposal exceeds this level providing more than 20 spaces in excess of the recommended amount. Of these parking spaces, 8 parent and child, 5 disabled and 2 with electric charging points are specified (with potential for further electric charging points in the future). The cycle parking provision includes adequate spaces for the public. The submitted supporting documentation advises that staff cycles would be stored within the building and on this basis, the Highway Authority raise no objection to the parking provision and whilst there is over provision there is no planning objection to the additional provision in this location.

The Draft Staff Travel Plan provides details of the likely number of staff and proposed trading hours of the store as well as indicating measures proposed to minimise car dependency for both staff and customers, for example providing details of buses in store as well as the provision of cycle parking spaces and facilities for staff to keep items associated with cycling. The proposed Plan demonstrates how the development would promote modes of transport other than the car and therefore would deliver sustainable development.

Policy NMT14.2 of the Local Plan Part 2, promotes a new cycle route from the A337 to Ashley Road, requiring non-highway land to implement the southern section adjacent to Caird Avenue linking through to Carrick Way. Whilst works are not included in HCC programme of works this is not a reason to not collect a contribution. What is relevant is whether this improvement is considered necessary to deliver sustainable development and without would result in the development being refused. The current proposal would provide a pedestrian crossing from the site to the western side of Caird Avenue to link with the existing shared cycle/footway along the A337 and as such your officers are of the view that this would promote cycling and walking to the site. However, it is also important that cycling and walking is encouraged between this site and the nearby residential areas, Ashley schools and town centre and therefore a contribution should be sought towards providing this link as part of wider development within this area.

A new retail store in this location is likely to increase pedestrian activity on this side of Caird Avenue where there is currently no footpath available. However, the proposal also includes the provision of a pedestrian refuge between the footpath through the car park and the opposite side of Caird Avenue where there is a footpath. Whilst it may not be possible to secure the provision of the entire footway (NMT14.8) through the current proposals, it is important that the route would not be prejudiced, and the proposals demonstrate this.

Following discussions with the applicant, the Highway Authority has requested a financial contribution towards improving the junction of Caird Avenue with Lymington Road (A337). As indicated within the background papers for the Local Plan Part 2 these works would involve the provision of a 2-lane approach from the east and the extension of a 2-lane approach on Caird Avenue and would help to mitigate against an accident cluster which has been identified at this junction. The applicant has indicated that they are happy for this to be included in a suitably worded S.106 Agreement.

Ecology

There are no ecological designations which cover the site although there are two SINCS (to the N/NE) within half a kilometre. It is not considered that the proposal would have a significant effect on the Dorset Heaths, New Forest or Solent Natura 2000 sites.

Survey work undertaken confirms that the trees on site offer negligible roosting for bats and whilst there have been no roosts identified within 2km of the site, the treeline to the south offers a commuting and foraging resource for bats. There is scope to improve the site for bats through landscape design and the provision of bat boxes. The provision of trees within the car park would assist in achieving this.

The newly adopted Local Plan includes a requirement for applications of this size to provide a report with regard to biodiversity detailing the ecological baseline, habitats proposed to be retained and any new habitats which would be created. This level of detail can be provided to discharge a suitably worded condition.

Impact on the residential amenities of nearby properties

The details provided for the BREEAM assessment include noise reports for the plant and other equipment. Whilst it is noted that at present, the nearest noise sensitive properties are several hundred metres away, there is an allocation for residential development immediately east of the site boundary. Given the proximity to existing residential properties, it is concluded that deliveries associated with the proposal

would not result in significant noise impact to them. However, in view of the NMT6 allocation, it is considered appropriate to include a condition restricting night-time deliveries to reflect the restriction at the nearby Tesco store.

Minerals working

The site is predominantly grassland although it was an historic minerals extraction site. The wider New Milton Sand and Ballast site currently operates minerals processing, storage and distribution, including a public sales area across their wider site area and this benefits from a lawful use without any restrictive conditions relating to site arrangement or mitigations. There are planning permissions for waste uses although these are further from the site to the north of the wider area. It is considered that the proposal would not adversely impact these current practices as the wider site has adequate space in order to accommodate the relocation of buildings or alterations to accesses if required.

The Minerals Authority has not responded to the current proposals but previously raised no objections to the scheme, noting that the applicant should be aware of the implications of being sited adjacent to an existing use which can generate significant levels of noise and dust/dirt.

BREEAM and sustainability

Building Research Establishments Environmental Assessment Method (BREEAM) covers 9 categories of sustainable design. These are Management Health & Wellbeing; Energy; Transport; Water; Materials; Waste; Land Use and Ecology and Pollution. Each of these topics have a certain number of credits (from 9 for waste to 31 for energy), totalling 140. In order for the proposed building to meet the policy requirement of 'excellent', a minimum of 70% of these credits are required.

The assessment is a two-stage process and the submitted documentation indicates that at this Initial Design Stage, the current proposal could achieve a 72.7% score with the possibility of this increasing to 75% (depending on land use/ecology, materials and waste scores) at the Post Construction Review. The proposal is therefore considered to comply with policy IMPL2 of the Local Plan Part 1 in this respect.

Contamination and drainage

The site is within a former landfill area and in order to minimise harm to human health, conditions have been recommended about contamination. The site is not at risk from flooding being within Flood Zone 1. The proposed development is also considered to be 'less vulnerable' and there are no objections to the principle of such development in this area in relation to flooding.

However, assessments undertaken in respect of ground conditions have concluded that soakaways are not appropriate in this area due to there being very low drainage potential. The alternative to this is to discharge storm water to a watercourse to the north of the site and surface water generated by the new access road discharged to a ditch to the south. The existing highway drain also connects to this ditch. (awaiting further comment from HCC drainage re: highway comment)

Developer Contributions

As part of the development, the applicant has agreed to provide the following through the completion of a suitably worded Section 106 agreement:

- £20,000 towards improvements to the junction of Caird Avenue with the A337 in order to improve safety
- a Full Travel Plan prior to occupation

11 CONCLUSION

The proposal has been amended following the previous refusal and is now considered acceptable having regard to matters such as retail impact, design and materials, BREEAM, contamination and the landscaping of the site in order to provide an adequate landscape setting for the building. However, whilst additional material has been provided in order to demonstrate the sequential test, officers have concluded that the town centre site is a sequentially preferable location.

12 RECOMMENDATION

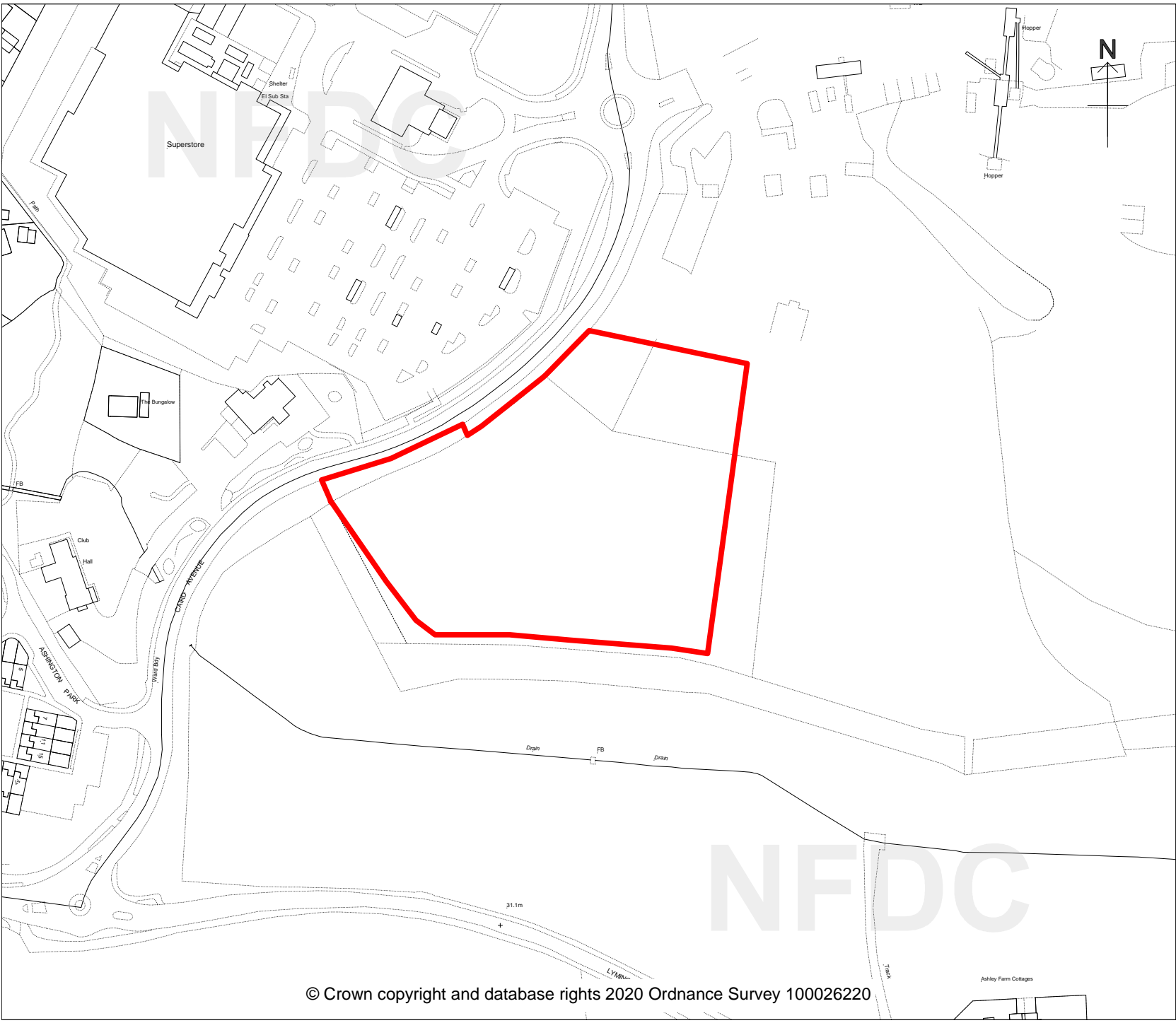
Refuse

Reason(s) for Refusal:

1. The proposal does not meet the sequential test as set out in paragraphs 86-90 of the National Planning Policy Framework as it is considered that a sequentially preferable site exists within the town centre and it has not been demonstrated that it is unsuitable or unavailable. The proposal is therefore contrary to Policy ECON05 of the Local Plan 2016-2036 Part 1: Planning Strategy and Paragraph 87 89 – 90 of the NPPF (2019).

Further Information:

Vivienne Baxter
Telephone: 023 8028 5442



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New Forest

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

PLANNING COMMITTEE

January 2021

Item No:
Land at Solent Industrial Estate
Caird Avenue
New Milton BH25 QA
20/11029

Scale 1:2000
N.B. If printing this plan from
the internet, it will not be to
scale.

Application Number: 20/10770 Advertisement Consent

Site: HUBERT LODGE, 2 SOUTH STREET, HYTHE SO45 6GS

Development: Display 2 x monolith boards; 4 x Hanging B&B style signs; 2 x adverts placed on railings; 1 x Welcome Sign; 1 x Welcome Centre Entrance sign for a 2 year period or when all units are let/sold whichever is the sooner. (Application for Advertisement Consent)

Applicant: Churchill Retirement Living

Agent: Planning Issues Ltd

Target Date: 15/09/2020

Case Officer: Judith Garrity

Extension Date: 15/01/2021

1 SUMMARY OF THE MAIN ISSUES

This application is for advertisement consent so the only issues that can be considered are:-

- 1) Impact on visual amenity
- 2) Impact on public safety.

This matter is before the Planning Committee due to a contrary Parish Council view.

2 SITE DESCRIPTION

This application site is a prominently located on the corner of St John's Street and South Street in the centre of Hythe, with vehicular access onto South Street. The site extends to the rear of dwellings at 8, 8A and 10 South Street. It is bounded on its north-eastern side by St John's Street and on its north-western side by Lidl supermarket and its associated car park.

The site abuts the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed buildings.

3 PROPOSED DEVELOPMENT

This application seeks Advertisement Consent to display 2 x monolith boards; 4 x Hanging B&B style signs; 2 x adverts placed on railings; 1 x Welcome Sign; and 1 x Welcome Centre Entrance sign.

All of the signs would be non illuminated.

The consent is sought for a 2 year period or when all of the units are let or sold whichever is the sooner. The proposed signs are as follows:-

The monolith boards (sign 9) would be located on the corner of the site. It is V shaped and would be 5 m high overall. Each of the two signage boards would be 4000 x 1854 mm in size.

The hanging B & B signs (signs 6, 7 & 8) would each be mounted on a sign post of an overall height of 2.7m with the sign being 815mm x 610 mm in size. There would be 2 located each on the South Street and St Johns Street frontages.

The advert boards on the railing (signs 4 & 5) would be on each of the South Street and St Johns Street frontages. These signs would be 1490 x 450mm in size

The Welcome sign (sign 2) would be located adjacent to the entrance on the South Street frontage. The sign would be 2.2 m high overall with the signage board 1200mm high and 1000 mm wide.

The Welcome entrance sign (sign 1) is already in place and attached to the building on the South Street elevation. The sign is 420mm x 297 mm in size.

The originally submitted scheme has been revised to omit one welcome sign on the railings (sign 3) 2 adverts placed on railings (Signs 4 & 5) and 2 flags on poles of 4.6 m high on each frontage (sign A) .

4 PLANNING HISTORY

16/11639 - 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping - Granted 11 May 2017.

17/11646 – 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping. Refused. 14/03/2018. Appeal Allowed. 2nd April 2019.

18/10307 Use as 9 residential flats; associated external alterations; parking; landscaping. Granted 15th October 2018.

19/10070 Variation of Condition 2 of Planning Permission 17/10943 to allow amended plans AD_115, AD_110, PR-011 & AD_100 to allow a new electricity sub station. Granted 15th October 2019.

19/10880 - Variation of condition 2 of planning permission 17/11646 to allow alterations to doors; windows; porches; balconies; smoke vent; brick pier support to undercroft parking; buggy store; path; 2 single dormer windows on south east elevation. Granted 12th February 2020.

19/10949 - Display of 11 no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent). Withdrawn on 11th February 2020.

20/10199 - Provision of 4 car parking spaces in relation to development of Hubert Lodge, 2 South Street Granted 5th May 2020.

20/10139- 1 x Site Safety Hoarding with text advertisement (Application for Advertisement Consent) Granted 22nd May 2020. These advertisements were required to be removed within 3 months of the completion of the development or by 31st August 2021, whichever is the sooner date.

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Hythe and Dibden Neighbourhood Plan

Policy D1

Policy D3

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Original Comment:

Comment: PAR 4: Recommend REFUSAL for the following reasons:

- 1) The signs, especially number 9, are bulky, out of keeping and will have a negative impact on the street scene.
- 2) The Council are concerned about the amount of advertising so close to an important Conservation Area and note that there is no timescale for removing any advertising, which will have a negative impact on neighbouring properties.
- 3) The larger signs, in particular, will be a significant distraction to drivers on a busy and dangerous junction which is also an access into the village centre for cyclists and pedestrians.
- 4) In a built up area with smaller roads and spaces, such advertising is more overbearing than other sites so needs to be reflective of the wider street scene. The Council does not feel the application reflects this concern.

Revised Comment:

Comment: PAR 4: Recommend REFUSAL.

While noting the changes made since the previous application, the Committee still considered this application for advertising is not suitable for this site. The previous concerns raised have not been suitably addressed overall. The signs remain bulky and overbearing and continue to be an unnecessary intrusion on the street scene and in particular the neighbours next door and opposite the site, who have been notably impacted by this development. There is also continued frustration from the local residents, who are against this proposals, at what has been allowed and what has now been proposed.

The advertising proposed is still considered to be a significant distraction for this site for motorists driving down this road which has seen a recent notable accident. It is a very well used route to the village centre as well as being impacted by parking issues on both sides and a very tight and dangerous junction with St Johns Street. For such a compact location, any advertising will be overtly significant and with pedestrians, cyclists and motorists using this access throughout the day the Committee feels that signage could be a distraction that may lead to a serious incident.

The two year time period is also too long for the impact on the street scene, neighbouring properties and the overall location on the edge of an important conservation area. If this site is to feel part of the street scene, maintaining unattractive and large advertising contradicts this. It is not necessary for this types of advertising or such a significant period of time, especially on such a compact area of the village. A period of six months after development would be more sympathetic.

Overall the Committee fully objects to this advertising on this site due to the points raised and welcome NFDC to object to this application on such grounds.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways: No objection (to original signage proposed)

Conservation Officer : No objection. Clarification of the time period for the display and the reduction in signage around the site has overcome previous concerns.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 3

- previous flags, signs and hoarding were erected without permission;
- excessive noise during construction period and impact on parking;
- impact on conservation area and locality;
- traffic hazard at junction;
- distraction for motorist and signs could cause accidents to traffic and pedestrians;
- welcome sign already erected;
- time period should be limited to 6 months;
- Lidl was not allowed as much signage; and signage not safe in bad weather

10 PLANNING ASSESSMENT

As this application seeks advertisement consent the only issues that can be taken into consideration are visual amenity and public safety.

Impact on visual amenity

Consideration of visual amenity of the proposed signage on the area includes any impact on the character and appearance of the Hythe Conservation Area and the setting of any listed buildings within the area.

Policy ENV3 of the Local Plan Part 1 Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting. The site is located adjacent to the Hythe Conservation Area and close to a number of Listed Buildings. Policy DM1 of Development Plan Part II relates to the heritage impacts of development proposals and seek to protect the character of conservation areas.

As a result of the location of the site, the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective being to preserve the setting of listed buildings and the character or appearance of the Conservation Area.

The proposed signage would consist of various non illuminated signs to advertise and market the approved development which is currently under construction. The signage would be positioned along the frontage of the site. It is reasonable to expect signage to market a new development on a temporary basis. However the signage needs to preserve the character and appearance of the Conservation Area and the setting of listed buildings.

The monolith sign which consists of a V shape sign made up of 2 boards are the most prominent of the advertisements proposed. These V shape sign would be located on the corner of South Street and St Johns Street and would be a V shape so the sign would be seen when approaching from both directions. This sign would be located a maximum of 2 m forward of the new building at this point and would not be any further forward than the angled frontage of the approved building onto St Johns Street. Furthermore the signage would be seen against the backdrop of the 2 /3 storey building. The V Shaped sign is therefore considered to be of an appropriate scale. Given its relationship to the existing building the V shaped sign would not appear overly prominent within the street scene.

The size of the signs proposed, their design, height, and location relative to the street frontage, together with their lack of illumination would not have a detrimental impact on the visual amenity of the site within the street scene nor the character and appearance of the Conservation Area and would preserve the setting of listed buildings. The proposed signage would not appear harmfully intrusive, having regard to their temporary nature.

The period of time that the signage to be displayed would be limited to 2 years or when the last unit is let or sold whichever is the earlier date. This is considered to be a reasonable and realistic period to allow for the effective marketing of the development. It is not of an excessive length of time and can be controlled by condition.

Therefore, the proposed advertisements would not cause demonstrable harm to the visual amenities of the area and would protect the character and appearance of the Hythe Conservation Area and the heritage assets located within it, and in particular listed buildings located near the application site.

Impact upon public safety.

The Highway Authority have raised no objection to the signage proposed as originally submitted. They were not re-consulted on the revised signage proposals which removed 3 signs on railing and 2 flags.

The proposed signs would be located alongside the frontage of St Johns Street and South Street. The proposed signs would not be illuminated and so driver distraction would be minimised such that there would be no adverse effect on public safety nor would the signs proposed prejudice highway or pedestrian safety.

11 OTHER CONSIDERATIONS

The following comments are made in response to the matters raised by third parties that are not covered in the planning assessment set out above.

Any excessive noise during the construction period and impact on parking is not a matter for consideration as part of this advertisement consent.

A 6 month period for display of the signage as suggested by the Parish Council is considered to be unreasonably restrictive as it is not a realistic time period to market the development and sell the units.

It is acknowledged that the welcome sign is already erected. This is a small sign on the building and the fact that consent for this one sign may be sought in retrospect is not a reason to refuse advertisement consent in itself.

The signage erected will need to meet safety standards. Standard condition 2 requires any structure used for the purpose of displaying advertisements to be maintained in a safe condition.

Each case is considered on its own merits. The signage approved at Lidl - which is located adjacent to the site - was for permanent display and not for a temporary period of marketing. This is materially different from the current application which is for temporary signs to market the site and sell the units.

12 CONCLUSION

In light of the above, it is considered that this application for advertisement consent would not be detrimental to visual amenities or public safety. The proposal complies with the design and amenity related provisions of the National Framework and Development Plan and accordingly advertisement consent is recommended to be granted for a temporary two year period.

13 RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

6. The signage hereby approved shall be removed within 2 years of the date of this consent or when all of the units are let or sold whichever is the sooner date.

Reason: As the approved advertisements are only acceptable for a temporary period in the interest of visual amenities of the area and to conserve the character and appearance of the Hythe Conservation Area and the setting of heritage assets located near the application site.

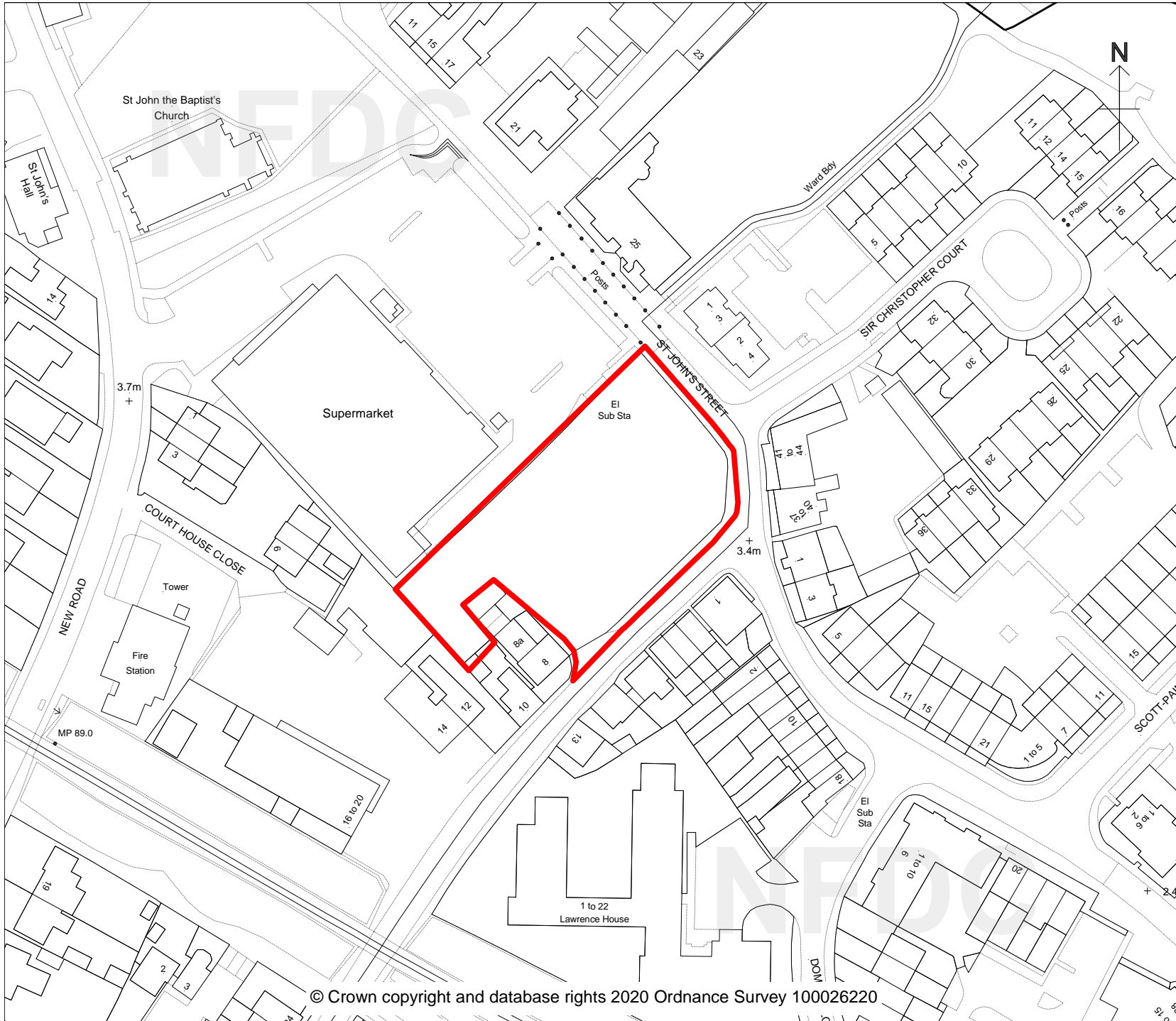
7. The development permitted shall be carried out in accordance with the following approved plans: 10085HY 270 REV B

Reason: To ensure satisfactory provision of the development.

Further Information:

Judith Garrity

Telephone: 023 8028 5434



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New Forest

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

PLANNING COMMITTEE

January 2021

Item No:

Hubert Lodge
 2 South Street
 Hythe SO45 6GS
 20/10770

Scale 1:1250

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

Application Number: 20/11005 Full Planning Permission

Site: 13 ORCHARD WAY, DIBDEN PURLIEU SO45 4AP

Development: Porch; first-floor extension; pitched roofs to front and rear dormer; fenestration alterations

Applicant: Mr J Hartley-Binns

Agent:

Target Date: 19/11/2020

Case Officer: Rosie Rigby

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character of the area
- 2) Impact on neighbour amenity
- 3) Impact on Highway safety and parking

This application is to be considered by Committee because it has been called in by Councillor Alex Wade.

2 SITE DESCRIPTION

The application site consists of a detached chalet bungalow on an established residential road within the built up area of Dibden Purlieu. Orchard Way has a mixture of architectural styles. No 13 forms part of a group of chalet bungalows which have distinctive cat slide roofs with dormers. Opposite are two-storey dwellings, whilst there are also bungalows in the vicinity. The road bends away from the front of Nos 11 to 15, leaving a relatively wide grassed area with tarmac links to the dwellings' front driveways. The property has previously benefited from single storey front and rear extensions.

3 PROPOSED DEVELOPMENT

The application seeks consent for a first floor front extension to add another two first floor bedrooms which alters the roof form, pitched roofs to extended front dormers, pitched roofs to rear dormers, a porch, and fenestration alterations.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
05/86343 Single-storey extension	14/12/2005	Granted Subject to Conditions
97/NFDC/61946 Single-storey addition	10/09/1997	Granted
XX/NFR/05510 46 dwellings with construction of roads.	17/05/1957	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016 - 2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
Policy ENV3: Design quality and local distinctiveness
SO3: Built environment and heritage

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: Recommend PERMISSION but would accept the decision reached by the DC Planning officers under their delegated powers.

7 COUNCILLOR COMMENTS

Cllr Wade:

- I support this application as there are no issues raised by neighbours, and its design, size and appearance appear to be in keeping with the streetscene, with a variety of properties in the road. I do not believe this proposal will have a negative impact on the streetscene and is in keeping.
- Requests consideration be given for this application to be reviewed by the Committee.

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. The principle of the development is acceptable subject to compliance with policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area and residential amenity.

Design, site layout and impact on local character and appearance of area

The property forms one of three dwelling that were originally of similar design . The proposed first floor front extension would result in an alteration to the appearance of the dwelling, in part this would reflect the front elevation design of the properties to either side. The raising of eaves height on the front elevation would result in an asymmetrical, deep shallow-pitched as seen from the side elevation. Within the immediate area of the site properties have been extended in a variety of ways with irregular shapes to both front and side elevations. The applicant has drawn attention to development to the front of premises in Peartree Avenue, where Nos 6 and 20 have been granted permission for front extensions and following an investigation of the wider area there are examples of different roof forms in the vicinity and although

the side elevation would look different to other properties it has been considered not be unacceptable due to the character of the area and the mix of architectural designs.

The porch would be an acceptable addition that would not appear out of keeping in the context of the streetscene.

Residential amenity

The proposed first floor addition would be positioned to the south-west of the adjacent neighbour at No11 Orchard Way, and there would be a degree of additional overshadowing. However, this would not be to such an extent to have an unacceptable impact on the neighbouring property and justify a refusal. The additional windows at first floor level would both serve bathrooms, and therefore it would not be unreasonable to expect these to be obscure glazed. If planning permission were to be granted a condition could be imposed to ensure that these are obscure glazed and only opening above 1.7 metres above floor level in perpetuity to protect the privacy of adjacent neighbours. The boundary treatments between properties mean the alterations to the windows at ground floor level would not affect the privacy of neighbours. The porch and the alterations to the dormer roofs would be minor developments which would cause no material detriment to the living conditions of neighbouring properties.

Parking

The proposal would increase the number of bedrooms to 4. The requirement set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 recommends an average provision of 3 on-site car parking spaces for a four+ bedroomed property. In this case, although there is limited on-site parking provision this is not significantly below the recommended provision and there is space to park off the road on the Hampshire Highways adopted land forming the approach drive to the property. As such, no harm is likely to be caused to highway safety.

11 CONCLUSION

Overall the proposed development would have an acceptable impact on neighbour amenity and the street scene. The proposal would be consistent with the policies and objectives of the Local Plan 2016 - 2036 Part 1: Planning Strategy, Local Plan Part 2: Sites and Development Management Development Plan and National Planning Policy Framework with planning balance in favour of development and as such the application is recommended for permission.

12 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: 1 of 3, 2 of 3 & 3 of 3.

Reason: To ensure satisfactory provision of the development.

3. The first floor bathroom windows on the left and right side elevations of the approved building shall be :

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

Rosie Rigby

Telephone: 023 8028 5437



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

PLANNING COMMITTEE

January 2021

13 Orchard Way
 Dibden Purlieu
 SO45 4AP
 20/11005

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Application Number: 20/11107 Full Planning Permission

Site: 21 ELLERY GROVE, LYMINGTON SO41 9DX

Development: Single-storey rear extension; shed

Applicant: Mr & Mrs Perrin

Agent: Salt & Heather LTD

Target Date: 16/12/2020

Case Officer: Julie Parry

Extension Date: 14/01/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on local character and appearance of the area in terms of scale and design
- 3) Impact on neighbour amenity in terms of outlook, loss of light and privacy
- 4) Use of the property.

This application is to be considered by Committee because of a contrary view to the Town Council

2 SITE DESCRIPTION

The property is a traditionally styled two storey semi detached dwelling within the built-up area of Lymington. The property has been extended over the years with a two storey rear extension along with a single storey side addition and porch. The properties in this road are of a similar style and size, with some having been extended to the rear, including the adjoining neighbour. To the front and side of the property, the garden is laid with gravel to allow for parking, with sheds being sited on both the side and rear of the site.

3 PROPOSED DEVELOPMENT

The application seeks planning permission for a single storey extension to the rear of the property and a small shed to be built within the garden to the side of the property. An additional door has been included on the side elevation towards the front of the property.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
98/NFDC/64177 Ground floor addition	03/08/1998	Granted Subject to Conditions
89/NFDC/42554 Addition of a porch	17/08/1989	Granted

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

Supplementary Planning Documents

SPD - Lymington Local Distinctiveness

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Refusal

The drawings show an additional external door which demonstrates an intention for secondary access and therefore potential for separate upstairs accommodation, and for this property to be divided into two flats in the future.

The application does not reflect the applicant's full intention.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Environmental Health (Contaminated Land): No comment

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Objections

Two letters of objection have been received from the neighbour at number 19 and their representative Mr Cain from Planning Base Ltd, and one letter of objection has been received from the neighbour at number 26.

The reasons for these objections are as follows:-

Loss of light and visual impact on number 19
Use of property as two separate living areas, creating a second residence.
Excessive parking requirements

Comment

One letter of comment from the neighbour at number 24 regarding the creation of a second residence

Support

The applicant has written to address concerns raised by neighbours, explaining that the front of the dwelling is not a self-contained property and that a lodger uses shared facilities.

10 PLANNING ASSESSMENT

Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area, residential amenity and highways matters.

Scale and Design, with resulting impact on local character and appearance of area

The proposed extension would be to the rear of the property and be modest in size and height. The external finish would consist of a brick plinth and timber cladding with a tiled roof. Being to the rear of the property this proposed addition would not be visible within the street scene and would therefore have limited impact on the local area.

The proposed shed would replace an existing structure and would have a maximum height of 2.9 metres, sloping down towards the shared boundary with number 23 to a height of 1.9 metres. This modest timber shed would be an acceptable form of development which, given its limited size and position on the plot, would have an acceptable impact on the street scene.

The plans also show the inclusion of a second front door installed on the side elevation towards the front of the property. This additional external door at ground floor would meet the criteria for permitted development and, as such, would not require planning permission. This additional door, which has already now been installed, would not have a detrimental impact on the resulting property.

Residential use

There have been a number of objections in respect of the use of the property and whether it could be subdivided to form two properties. Following the historic alterations, the property already benefits from two internal staircases. The proposed internal layout to the front of the property shows a change of the lounge to a utility room and the addition of a further external front door. There are internal connections within this layout with no subdivision of the dwelling.

The representative for the neighbour at number 19, Planning Base Ltd, have identified a legal case *Gravesham Borough Council v Secretary of State for the Environment and O'Brien (1982)P&CR142* where it was established that a distinctive characteristic of a dwellinghouse was its ability to afford day to day living facilities. McCulloch J in the High Court in considering the definition of a dwellinghouse, concluded that not every case was to be determined by having regard only or even primarily to the use to which the building was put. The neighbour suggests that based on this case if the application is approved then it is clear that the front of the property would have all the fixtures and fittings required to be classed as a single dwelling. They conclude that it is evident that, by fact and degree analysis, that a separate dwelling will be created by virtue of this proposal being

approved. The applicant has written to address concerns raised by the neighbours and the neighbour's representative in respect of the possible subdivision to two properties. They have confirmed that there is no intention to subdivide the plot and that the front of the property is used by a lodger as part of the residential unit. Having a lodger to live in part of the property would not amount to a change of use.

There is no reason to conclude that the property has been subdivided into two separate units of accommodation and therefore there has been no material change of use which would require planning permission in its own right. It must also be noted that the planning application relates to a rear extension and a shed with the internal alterations not requiring planning permission.

Residential amenity

Both number 21 and the adjoining neighbour have been extended to the rear with two storey additions and currently the rear elevation of these properties is level. The proposed single storey rear extension would extend the built form 4 metres from the rear wall. The eaves height would be 2.4 metres, with a roof pitched away from the shared boundary to a ridge height of 3.1 metres.

The neighbour at number 19 has objected to the proposed extension in terms of loss of light and an adverse visual impact on their property. This neighbour does have rear windows which would be in close proximity to the shared boundary. However, given the low eaves height and with the roof pitched away from the boundary the impact on their outlook would not be unacceptable. The rear of the properties are north facing and therefore there would not be a loss of light.

The proposed shed would be adjacent to the boundary with number 23, which is positioned to the east. This would replace an existing shed and would be modest in both size and height and, as such, would not have a detrimental impact on this neighbour's amenity in terms of loss of light or visual intrusion.

Highway safety, access and parking

Objections have been raised in respect of parking and the number of cars on the site. The proposed alterations would not make changes to the existing parking availability on the site, which is in addition to unrestricted parking on the roadside. Therefore, there would not be a highway safety concern. The erection of a single storey extension and shed would not generate the need for further parking provision on the site.

11 CONCLUSION

The proposed development would be sympathetic to the existing property and would have an acceptable impact on neighbour amenity and the streetscene. The proposal would be consistent with the policies and objectives of the Local Plan 2016 - 2036 Part 1: Planning Strategy, Local Plan Part 2: Sites and Development Management Development Plan and the National Planning Policy Framework, with the planning balance being in favour of development. As such, the application is recommended for permission.

12 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.

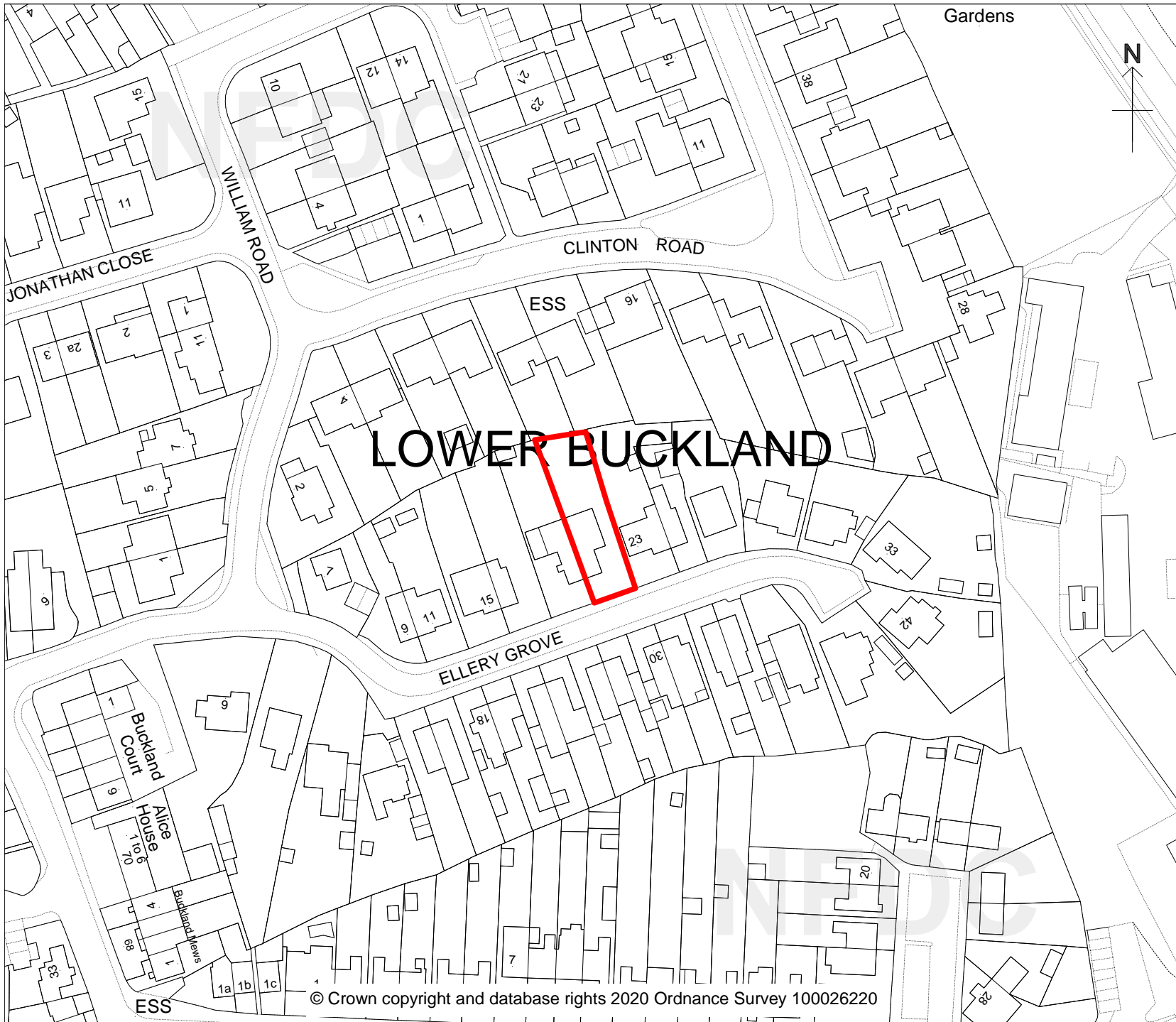
2. The development permitted shall be carried out in accordance with the following approved plans: SO1A & PO10A

Reason: To ensure satisfactory provision of the development.

Further Information:

Julie Parry

Telephone: 023 8028 5436



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New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

January 2021

21 Ellery Grove
Lymington SO41 9DX

20/11107

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the internet, it will not be to
scale.

Application Number: 20/11174 Full Planning Permission

Site: 12 VIMOUTIERS COURT, FORDINGBRIDGE SP6 1NN
Development: Proposed conversion of an existing double garage and construction of a rear extension to form a 1no. bedroom annexe
Applicant: Ms Hogg
Agent: Fields of Architecture
Target Date: 25/12/2020
Case Officer: Kate Cattermole
Extension Date: 15/01/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) impact on the street scene and character of the area
- 2) neighbour amenity

This application is to be considered by Committee because there is a contrary view to Fordingbridge Town Council

2 SITE DESCRIPTION

Vimoutiers Court is a courtyard development off Normandy Way, consisting of detached houses with garages, and is situated in the built up area of Fordingbridge and just outside the boundary of the Fordingbridge Conservation Area.

The application site consists of a detached house with the main garden area to the side and rear of the dwelling. The dwelling has a small front garden immediately in front of the house. A detached double dual pitched garage is sited adjacent to the northern boundary of the site facing the road with a small shed sited immediately to the rear of the building. The garage is attached to the neighbouring property's double garage. There are two parking spaces to the front of the garage, and a communal parking area for visitors alongside these which are in front of the garden boundary wall of the application site.

The land levels across the garden slope down to the eastern boundary of the garden which is demarcated by a brook. Beyond the brook is an area of woodland that forms a landscape feature as identified in the Local Plan, and is covered by saved policy DW-E12 of the New Forest District Local Plan First Alteration (2005). The brook also forms the boundary of the site with Fordingbridge Conservation Area.

3 PROPOSED DEVELOPMENT

The proposal is to convert the existing double garage into ancillary living space, and replacing the garage doors with windows. Single rooflights are also proposed on the front and rear roofslope. A flat roofed extension is proposed to the rear of the existing garage, in part replacing the existing shed, with a roof lantern over. The proposal would comprise a double bedroom, bathroom, kitchen and living area.

The car parking spaces within the double garage, would be lost as a result of these proposals. Two parking spaces would be retained to the front of the converted garage, and a further parking space created to the front of the dwelling but this parking space could be provided without the benefit of formal planning permission.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
08/92079 Rear Conservatory	12/05/2008	Granted Subject to Conditions	Decided
79/15295 16 dwellings; garages; construction of pedestrian/vehicular access	28/07/1980	Granted Subject to Conditions	Decided
77/08879 Residential development and construction of pedestrian/vehicular access	26/06/1979	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness
 Policy ENV4: Landscape character and quality
 Saved policy DW-E12 from the New Forest District Local Plan First Alteration (Adopted 2005)

Local Plan Part 2 Sites and Development Management Development Plan Document

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

Supplementary Planning Documents

SPD - Fordingbridge Town Design Statement

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend refusal under PAR4 on the grounds that although the building size and footprint is of an acceptable size and design, the Council is concerned that an independent residential dwelling is being created.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Wessex Water: No objection

Historic England: No comment

Conservation: No objection

Natural England: LPA need to be satisfied that the conversion would not result in its use as a separate dwelling, as otherwise would require the benefit of a Habitats Regulations Assessment.

9 REPRESENTATIONS RECEIVED

None received

10 PLANNING ASSESSMENT

Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, that it is appropriate and sympathetic to its setting in terms of scale, height and appearance and shall not cause unacceptable effects by reason of visual intrusion or other adverse impact on local character. The principle of this development in the built up area is therefore acceptable subject to meeting these policy criteria.

Pre application advice was sought, prior to the application being submitted.

The proposed accommodation would be self contained and a statement confirms that it would be used as an annexe to the main dwellinghouse. The proposal would allow the owners to remain living on site in their old age supported by members of their family, whilst retaining some independence. Fordingbridge Town Council have concerns that the resulting building could form a separate dwelling. An appropriately worded condition can ensure that the annexe is only used in conjunction with the main dwelling house as a single unit. This would address their concern and if it was proposed in the future to sever the annexe from the main dwelling, a further planning application would be required. Natural England have identified that if the building was intended as a separate dwelling, a Habitats Regulation Assessment would also be required to assess the impact on water quality of the River Avon and recreational pressures on designated sites.

Street scene and character of the area

The external alterations to the existing garage would be visible within the street scene, however the fenestration changes are modest, the front rooflight would not be overly prominent and the overall dimensions and form of the garage would be retained.

The proposed extension to the rear would be a small addition which could be easily accommodated within the garden curtilage, and the resulting development would be appropriate for this location.

The boundary of the Fordingbridge Conservation Area abuts the rear of the site however the proposals would not have a harmful impact on its setting, as the site is well screened and the proposals are modest in scale. For similar reasons there would be no impact of the proposals on the woodland landscape feature beyond the brook.

Neighbour amenity

The only neighbour to be affected by the proposed development would be 14 Vimoutiers Court. Taking into account the position of the dwelling house in relation to the neighbours boundary and the proposed extension coupled with the single storey form and modest dimensions of the proposed rear extension, there would be no adverse impact upon neighbour amenity.

Parking

There were no restrictions attached to the original consent for the dwelling, requiring the garage to be retained for parking purposes. As such, the conversion of the garage to ancillary living space and consequent loss of this parking could be undertaken without the benefit of planning permission.

Ecology

The presence of woodland and the brook in close proximity to the site would provide a hospitable environment for protected species. However the existing garage was built as part of the original development, and apart from the insertion of rooflights the proposal would not require significant intervention into the existing roof of the garage. Therefore there are no ecological implications of the proposals.

Developer Contributions

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	35.9	27.9	8	8	£80/sqm	£822.15 *
Subtotal:	£822.15					
Relief:	£822.15					
Total Payable:	£0.00					

11 CONCLUSION

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained with the National Planning Policy Framework (2019) and other Local Plan policies

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

300-01-01 Rev B
300-02-1
300-03-1
300-05-01
300-05-02
300-06-01
300-11-01 Rev B
300-08-01
Design & Access Statement P20-007-02 #agent email dated 18 November 2020

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The development hereby approved shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of the site as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed by the Local Planning Authority.

Reason: To provide the Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area, contrary to Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

Kate Cattermole
Telephone: 023 8028 5446



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Tel: 023 8028 5000
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Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

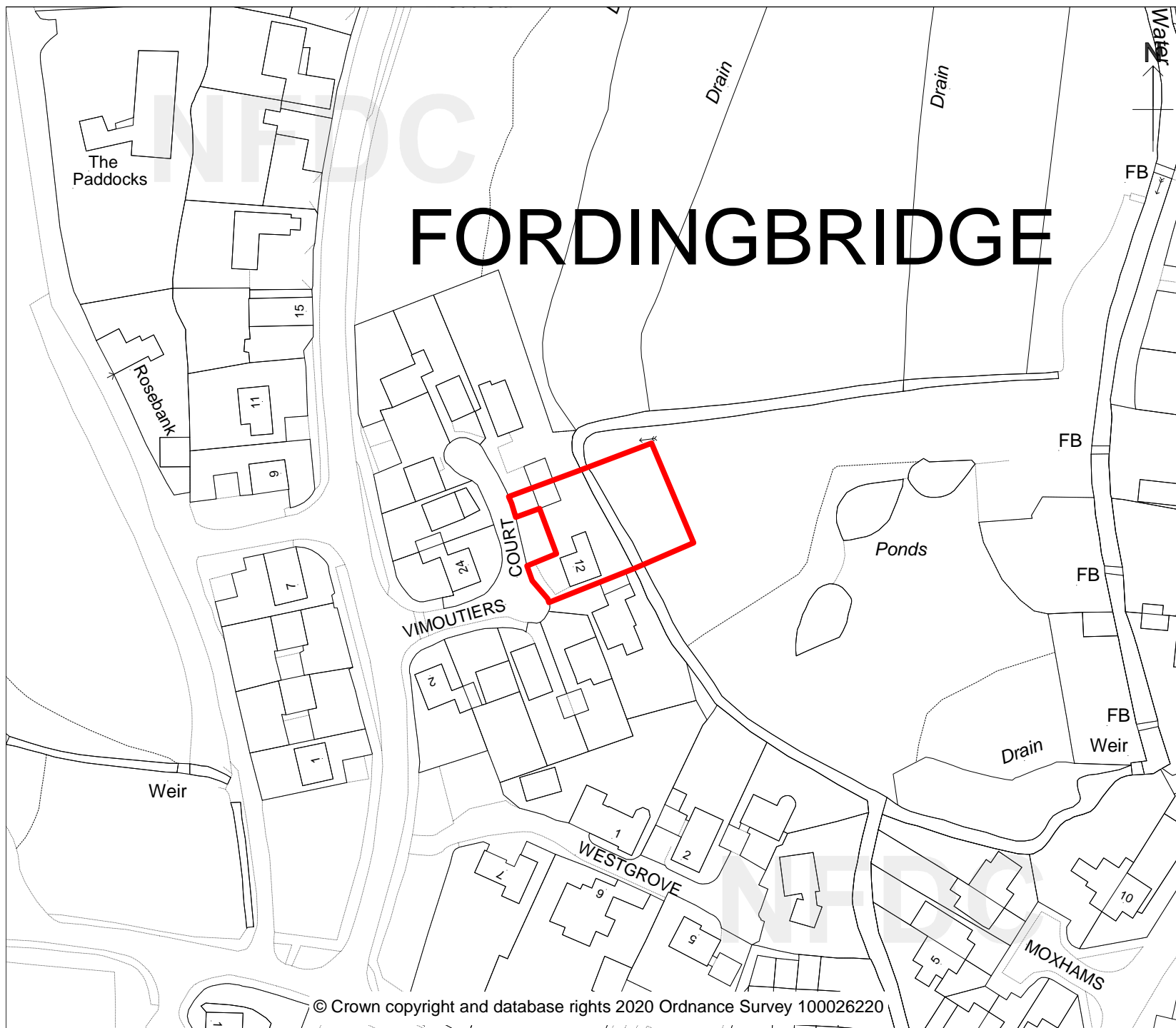
January 2021

12 Vimoutiers Court
Fordingbridge
SP6 1NN
20/11174

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the internet, it will not be to
scale.

FORDINGBRIDGE



Tree Works

Application Number: TPO/20/0627

Site: NORTHFIELD, LOWER PENNINGTON LANE, PENNINGTON
SO41 8AN

Proposed work: Felling of 10x Monterey Pine trees, 6x Monterey Cypress trees, 1x Oak tree, 1x Horse Chestnut tree and 1x Elm tree.

Applicant: Mr N Hayden

Agent: Hayden's Arboricultural Consultants

Case Officer: Hannah Chalmers

1 SUMMARY OF THE MAIN ISSUES

The key issues are

1. Condition and safety of the trees
2. The affect this proposal will on the amenity and character on Lower Pennington Lane

2 SITE DESCRIPTION

Northfield is located just outside the Lymington settlement boundary as now shown in the adopted Local Plan 2016-2036 and within the South West Hampshire Green Belt. The site is accessed from Lower Pennington Lane.

The site is part of a horticultural nursey site and the line of trees subject to the application and growing along the western boundary of the site, adjacent to Lower Pennington Lane. These trees are situated on a bank/ground level above the ground level of the highway.

These trees are part of group of trees that are subject to a Woodland Tree Preservation Order which is part of TPO/0025/17 Northfield, Lower Pennington Lane, Pennington.

3 PROPOSED WORKS

Felling of 10x Monterey Pine trees, 6x Monterey Cypress trees, 1x Oak tree, 1x Horse Chestnut tree and 1x Elm tree

4 TREE WORK HISTORY

A tree work application was made in 2017 application number TPO/17/0881. This application was made by a land agent for the site using a tree condition report that was produced by Hayden's Arboricultural Consultants. The application was granted consent although the works did not get carried out. Eight of the trees identified in this report (the applicant only applied to remove 2x trees in this group as part of TPO/17/0881 application) for removal have been included in this application along with the 5 trees identified in the 2017 report as requiring further investigation. See table 1

Table 1

Tree No	Species	Proposed work TPO/20/0627	Works granted consent/advised in 2017	Arborventure Assessment of tree	NFDC assessment of tree (Recommendation)
A001	Elm	Fell	None	Retain	This tree is small and overall has a limited life expectancy given it will succumb to Dutch Elm Disease. Removing and replanting will have a greater benefit in the longer term. (Grant – condition replacement)
G001	Group	Remove dead acacia tree	None	Agree with assessment	Dead tree – exempt works condition replacement planting. (Exempt – condition replacement)
T002	Monterey Pine	Fell	Clear ivy and reinspect	Retain no evidence of decay, remove deadwood and monitor	Extensive thinning in the crown of this tree
T006	Holm Oak	Prune back from overhead cables	None	Agree with assessment	Reasonable works (Grant)
T009	Monterey Pine	Tip back western aspect over adjacent road by 1.5m – monitor	Yes - Tip back western aspect over adjacent road by 1.5m	Agree with assessment	Reasonable works (Grant)
T010	Monterey Cypress	Fell	Climbing inspection and crown clean	Retain and reduce in height by 6m in order to retain T009 & T011	There are a number of split and hung up branches within the crown of this tree. This tree is also suffering with Coryneum canker. Although this tree could be reduced and retained this would remove all amenity value that the tree currently provides and would only extend the time this tree could be safely retained. Removing this tree and replanting will be more sustainable in the longer term. (Grant – condition replacement)

T013	Monterey Pine	Remove deadwood and storm damaged branches. Remove 2x lowest branches overhanging the road.	Yes - Removal of storm damaged branches and 2x lowest branches over road.	Agree with assessment	Reasonable works. (Grant)
T014	Monterey Pine	Fell	Fell recommended in 2017 report	Agree with assessment	Fallen tree would be considered exempt for application works. Condition replacement planting. (Grant – condition replacement)
T015	Monterey Cypress	Fell	Yes – Fell	Agree with assessment	Tree with poor form, low vigour and severe decline. (Grant – condition replacement)
T016	Monterey Pine	Remove sub-dominant stem overhanging road.	Remove sub-dominant stem overhanging road. Recommended in 2017 report	Agree with assessment	Reasonable works (Grant)
T017	Monterey Cypress	Fell	Fell recommended in 2017 report.	Agree with assessment	Tree showing poor structural vigour with dieback throughout canopy – fell and condition replanting. (Grant – condition replacement)
T018	Oak	Fell	Fell recommended in 2017 report	Agree with assessment	Dead so exempt works (Exempt - condition replacement)
T019	Horse Chestnut	Fell	Fell recommended in 2017 report	Retain as the tree is not posing a risk to the highway.	This tree is of poor structural condition. Consent granted in 2017 for the removal of this tree. (Grant – condition replacement)
T021	Monterey Pine	Fell – due to the removal of adjacent trees this tree will be exposed and is likely to result in failure.	None (removal of deadwood)	Retain	Asymmetrical crown shows that this tree has grown as part of a group and the adjacent trees have impact to structural form of the tree. Removal of the adjacent trees will impact

					<p>this tree and increase the likelihood of failure.</p> <p>(Grant – condition replacement).</p>
T022	Monterey Pine	Fell – previous failure in leader, large wounds.	Reduce crown by 0.5m in height and remove lateral branch extending over field.	Retain and reduce by 6m in order to retain T021	<p>This tree has already had a major failure in the leader and this has left the tree exposed to decay. Reducing this tree by 6m would remove most of this amenity this tree provides to the area.</p> <p>(Grant – condition replacement).</p>
T024	Monterey Pine	Fell – Decay fruiting bodies on tree – <i>Sparasis crispa</i> & <i>Phaeleous schweinitzii</i>	Further investigations required	Agree with assessment	<p>Given the presence of 2 significant decay fungi at the base of this tree and its proximity to the adjacent highway – recommend removal.</p> <p>(Grant – condition replacement)</p>
T025	Monterey Pine	Fell	Yes – Fell	Agree with Assessment	<p>Tree has poor form, large pruning wounds and showing signs of significant decline.</p> <p>(Grant – condition replacement)</p>
T026	Monterey Pine	Fell – due to removal of adjacent trees	Further investigations/re moval of ivy	Retain – no decay, canopy taller than adjacent trees, reinspect after removal of adjacent trees.	<p>Has poor form low vigour. If the tree was in better health I would of objected to the removal of the tree but this tree is in clear decline.</p> <p>(Grant – condition replacement)</p>
T027	Monterey Cypress	Fell	Fell recommended in 2017 report	Agree with assessment	Agree with assessment made on the tree.
T028	Monterey Pine	Fell – Tree in decline removal of adjacent trees will compromise safety of tree	Climbing inspection and investigation of cavities	Retain – currently in a low risk area and could be reduced	<p>Asymmetrical crown shows that this tree has grown as part of a group and the adjacent trees have impact to structural form of the tree. Removal of the adjacent trees will impact this tree and increase the likelihood of failure.</p> <p>(Grant – condition</p>

					replacement).
T029	Monterey Cypress	Fell – poor health, coryneum canker present.	Remove ivy and further monitoring	Agree with assessment	Poor from and in significant decline. (Grant – condition replacement)
T030	Monterey Pine	Fell – Tree in decline, poor structural union and heavy lean over highway	Remove ivy and remove poorly attached sub-dominant stem.	Agree with assessment	This tree has significant dieback in the crown. The tree has a heavy lean over Lower Pennington Lane which appears to be progressive. Fell and replant.

5 POLICIES

Lymington Local Distinctiveness Plan

Relevant Legislation

Town and Country Planning (Tree Preservation) (England) Regulations 2012

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

Objection

7 COUNCILLOR COMMENTS

Cllr Andrew Gossage - Objection

- Tree works are excessive
- This application has been submitted to facilitate an access to the land of Northfields.
- Any trees removed replaced with suitable planting

Cllr Jacqui England – Objection

- Works are excessive and unnecessary
- Questions the validity of the submitted tree report given the report made in 2017.
- The trees are landmark group and should be removed in a phased works with replacement planting.

8 **CONSULTEE COMMENTS**

NFDC Ecologist

“As identified in the Tree Survey Report there are numerous woodpecker holes and areas of deadwood, rot holes and lifted bark which could have potential to support nesting birds but also roosting bats. I cannot see that an assessment of bat roost potential has been undertaken for these trees. I would be minded to raise an objection until such a time that, as a minimum, a ground level assessment of bat roost potential has been undertaken of the affected trees (and any subsequent surveys shown to be necessary are undertaken).”

9 **REPRESENTATIONS RECEIVED**

64 – objections

Including

PALLS (Pennington and Lymington Lanes Society)

Lymington Society.

Summary of points made

- These trees are important landscape trees are part of the local area distinctiveness and should be retained
- These trees provide a benefit to wildlife and should be retained.
- Trees should be retained to help mitigate the impact of Climate Change.
- The trees help reduce local flooding and should be retained.
- These trees contribute to people’s wellbeing and should be retained.
- The applicant’s report is biased (as it was made on behalf of the landowner) and therefore not a reasonable assessment of the trees.
- The validity of the submitted tree health and safety report has been questioned as a report made in 2017 stated these trees had a longer life expectancy.
- The trees are in good condition and do not require removal.
- This application to remove the trees are part of a larger development scheme.
- In support of objections 2 independent professional opinions have been submitted

10 ASSESSMENT OF APPLICATION

Amenity

This is a line of trees consisting mainly of mature Monterey Pines and are highly prominent to Lower Pennington Lane. The works proposed in this application will have a significant impact on the amenity of the area. The local importance of the verdant character of Lower Pennington Lane has been recognised in the Lymington Local Distinctiveness SPD and these trees are noted as “landmark pines”. However, the defining elements of the Rural lanes are “varied green verges and ditches; with hedgerow boundaries and mature native trees”. There only two native trees subject to proposal – a small oak with poor form and dead and a small Elm tree. The remaining trees proposed for removal are all non-native species

Justification for proposed works

T006	Holm Oak	Tip back branches to give 1.5m clearance of cables.
T009	Monterey Pine	Tip back western aspect of canopy over adjacent road.
T010	Monterey Cypress	Fell
T014	Monterey Pine	Fell
T015	Monterey Cypress	Fell
T017	Monterey Cypress	Fell
T018	English Oak	Fell
T019	Horse Chestnut	Fell
T021	Monterey Pine	Fell
T022	Monterey Pine	Fell
T024	Monterey Pine	Fell
T025	Monterey Cypress	Fell
T026	Monterey Pine	Fell
T027	Monterey Cypress	Fell
T028	Monterey Pine	Fell
T029	Monterey Cypress	Fell
T030	Monterey Pine	Fell
G001	1x dead Acacia	Fell

Based on the supporting evidence in the submitted Tree Survey carried out by technically able and Arboricultural Association Approved arboricultural consultant.

Most of the trees to be removed are identified as having significant defects that, given their proximity to the highway and residential dwellings. However, 3x trees (T021 Monterey Pine, T026 Monterey Pine and T028 Monterey Pine) are identified for removal due to increased likelihood of failure as the result of the removal of companion trees.

There is a high level of local objection to this proposal and 2 Local groups have provided written statements from different independent Arboriculturalists. John Shutler Tree Services has provided a general letter stating that there is scope for alternative management to some of the trees proposed for removal although this letter has not provided specific details on each tree. Arborventure has also given a second opinion and has directly disagreed with some of these works on specific trees. I have included this in a table above. Neither of these qualified, experienced, professionals (both approved by the Arboricultural Association) have disputed the grounds for the removal of several of the trees subject to this application.

Loss or damage arising from refusal or granting consent subject to conditions

New Forest District Council should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions for up to any damage that occurs within 12 months from the date of the decision. NFDC should take this factor into account alongside other key considerations, such as the amenity value of the trees and the justification for the proposed decision.

Consideration of protected species

As identified in the Tree Survey Report there are numerous woodpecker holes and areas of deadwood, rot holes and lifted bark which could have potential to support nesting birds but also roosting bats.

Therefore, any contractor carrying out works to these trees should make a detailed assessment of the trees for bats. If bats are considered likely to be affected by any works then the contractor would need to notify Natural England. This can be emphasised through and informative in the decision notice.

11 CONCLUSION

The large Monterey Pine trees are estimated to be 80-100 years old and were most likely planted as a shelter belt for the horticultural nursery. They are now reaching the end of their life expectancy. The characteristic growth of these trees is to form long, heavily end-weighted, branches. There are limited pruning points on Monterey pine trees due to this branch formation making managing them through pruning difficult. The condition of these trees has deteriorated to such an extent that pruning these trees will not significantly extend the time they can be safely retained. Exposing mature trees to new wind loading stressors (by removal of adjacent trees) often results in failure from the retained trees. This is particularly likely in Monterey Pine trees due to their characteristic growth form as mentioned above.

The Monterey Cypress trees are likely to have been planted around the same time as the pines. These trees have low vigour, suffering from coryneum canker and the individuals identified for removal have suffered storm damage in the past.

Given the submitted report and my own assessment of the trees 16 out of the 19 trees require removal on the grounds of safety. A further 3 trees could be retained and heavily reduced in order to reduce the likelihood of failure (from new wind loading caused by exposure by the removal of the adjacent trees). However, this would result in these trees having poor form and the loss of most of the amenity they

currently provide. Retaining these trees would also inhibit the establishment of replacement tree planting. In the longer term this line of trees would be further eroded.

Although I accept the removal of these trees will have a negative impact on the amenity of the area. The condition of these trees is too poor, their proximity to the Highway and domestic dwellings means there is a foreseeable risk that these trees could cause damage to third parties and the highway. The most reasonable course of action is to condition high quality replacement planting scheme and ensure that these new trees are successfully established. Any new tree planted in this area will be automatically protected as this land is covered by a Woodland Tree Preservation Order.

12 RECOMMENDATION

Grant Consent

Proposed Conditions:

1. A total of **19** replacement trees consisting of **10 Sessile Oak trees and 9 Scots Pine trees** are to be planted before **31/03/2022** within the curtilage of Northfield, Lower Pennington Lane, Pennington, Lymington SO41 8AN in the same vicinity as the original trees. The replacement trees to be of minimum stock size 8-10cm girth at 1m above ground level when planted.

If within a period of 2 years from the date of planting the trees (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies, another tree of the same size and species shall be planted in the same place or in accordance with a variation for which the Local Authority give their written consent

Reason: To ensure that any loss of amenity through the removal of trees is mitigated for future generations and to preserve the character of the local area.

Informative to include with decision

As you are probably aware, all bat species and their roosts are fully protected in Britain under the Wildlife and Countryside Act 1981(as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to:

- Intentionally kill, injure, or take a bat.
- Intentionally or recklessly damage, destroy, or obstruct access to any structure or place used for shelter or protection by a bat.
- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for that purpose.

If bats use your trees or proposed works may have an impact on bats or their roosts, an offence could be committed. It is your responsibility, along with the person who will undertake the work, to observe the law and make sure no offence is committed.

If you consider that there is potential for the tree(s) to be used by bats, we recommend that a bat survey of the tree(s) is undertaken by a consultant (a list of bat consultants can be obtained from English Nature). If bats or bat roosts are found to be present, a licence from Defra may be required for the work to be undertaken legally. This licence simply permits works which effect bats or their roosts which are otherwise unlawful.

However if you consider that there is a low probability of bats using your tree(s), we recommend that you consider the following advice prior to starting the works:

Timing of tree works:

- To reduce the chance of disturbing a bat roost it is important to avoid the summer (breeding season) and winter (hibernation) months.
- Works to trees with potential for bats is best done from late August to early October when young bats are mobile and on the wing, female bats are unlikely to be pregnant and the hibernation season has not yet begun.
- March to April is also a suitable time, **though consideration should also be given for nesting birds as these are also protected by law.**
- Crown pruning and minor tree works can also be completed over the winter months. The removal of potential roost sites during this time should be avoided, as some bat species hibernate in trees.

Best practice methods:

- Keep tree work to a minimum retaining all potential roosts where possible.
- A precautionary inspection of the tree(s) by the tree surgeon looking for signs of bats should be carried out before starting work. This should include an inspection of all holes and niches using a torch and preferably an endoscope. If bats or signs of bats are found no work should start and English Nature should be contacted for further advice.
- Where possible avoid cross cutting in proximity to cavities or hollows.
- Limbs with internal fissures should be pruned carefully to maintain integrity of features as potential roost sites.
- Any sections felled containing cavities should be lowered carefully and left on the ground (preferably for 24 hours) with the openings clear, allowing anything inside an opportunity to escape.
- Split limbs that are under tension may need to be wedged open to prevent their closure when pressure is released, potentially trapping bats.
- If ivy covers areas of a tree's trunk or branches there is roosting potential behind it; potential roosts in the tree may also be hidden behind it. Dealing with ivy covered trees depends on the amount of ivy. If there is a thick mass of ivy growth it may be practical to consider felling the tree on the basis that the thickness of the foliage will soften the fall and reduce the shock. This tree can then be inspected on the ground and if possible left for 24 hours, before section cutting. If the tree is only partially covered, pruning or sectioning may be more appropriate. If the works are not

urgent cutting the ivy at its base and completing the work when the ivy is dead, thus reducing the bat roosting potential should be considered. However where stems of ivy create a dense mass against the trunk there will always be roosting potential.

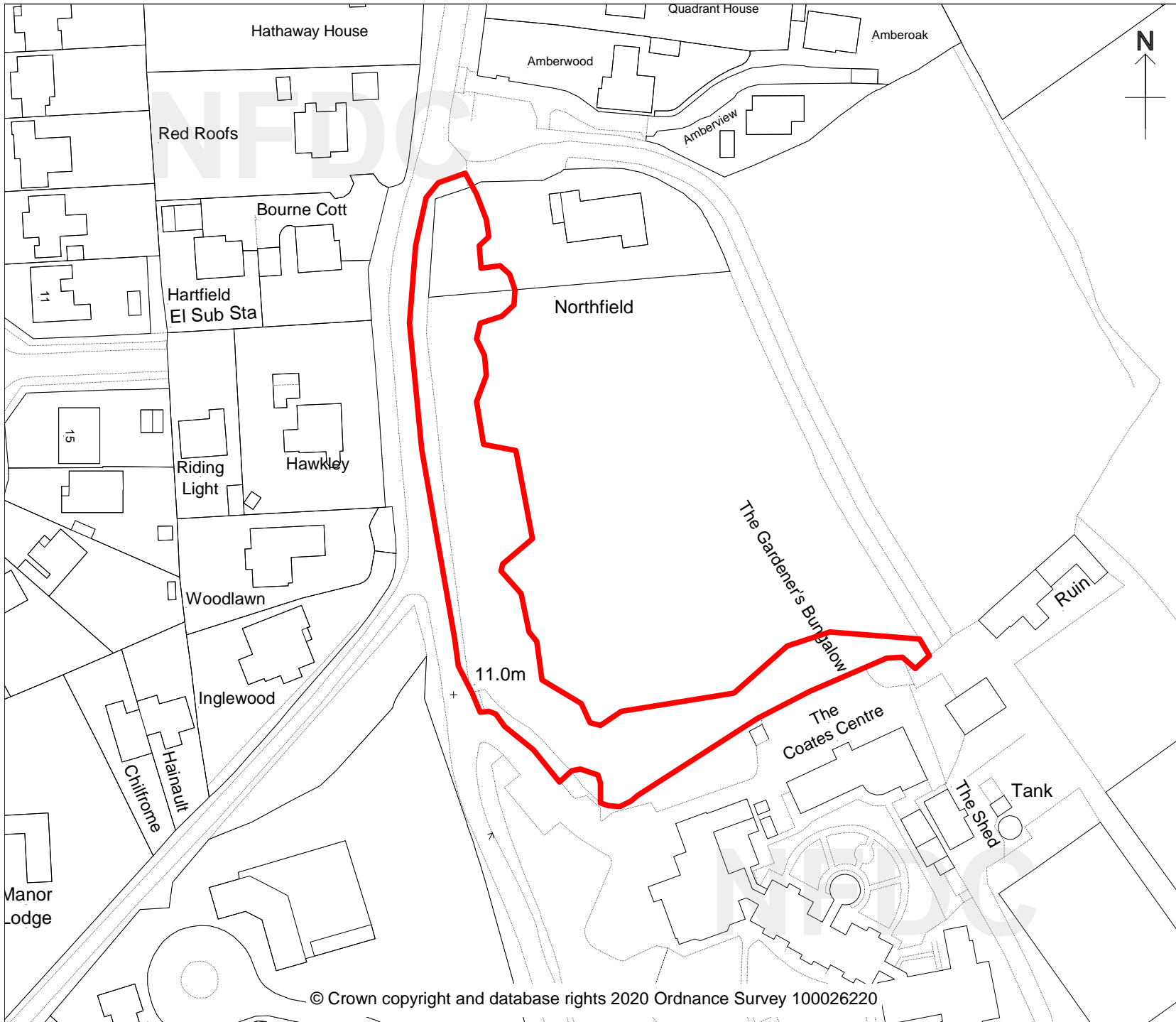
If bats or evidence of bats are found at anytime, all works must stop immediately and English Nature contacted for further advice.

For further information contact:

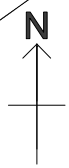
Hannah Chalmers

Senior Tree Officer

023 8028 5588



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New Forest

DISTRICT COUNCIL

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 Planning
 New Forest District Council
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PLANNING COMMITTEE

January 2021

Northfield
 Lower Pennington Lane
 Pennington, Lyminster SO41 8AN
 TPO/20/0627

Scale 1:1250

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