

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: TUESDAY, 4 MAY 2021, AT 2.00 PM*

Place: MICROSOFT TEAMS - 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 Thursday, 29 April 2021. This will allow the Council to provide public speakers with the necessary joining instructions for the Microsoft Teams Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Teams 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

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

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

AGENDA

NOTE: The Planning Committee will have a comfort break around 3.30 pm.

Apologies

1. DECLARATIONS OF INTEREST

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

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

2. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **47-49 High Street, Fordingbridge (Application 20/11439) (Pages 7 - 20)**

Extension and alterations to an existing shop and 5 bedroom flat to form a shop at ground floor level and 4x flats (1x 1-bed, 2x 2-bed, 1x 3-bed), with associated external alterations

RECOMMENDED:

Refuse

(b) **47-49 High Street, Fordingbridge (Application 20/11440) (Pages 21 - 26)**

Extension and alterations to an existing shop and 5 bedroom flat to form a shop at ground floor level and 4x flats (1x 1-bed, 2x 2-bed, 1x 3-bed), with associated external alterations (Application for Listed Building Consent)

RECOMMENDED:

Refuse Listed Building Consent

(c) **5 Sycamore Court, High Street, Fordingbridge (Application 20/11281) (Pages 27 - 32)**

Rebuild the roof turret with weatherproof material due to it causing issues

RECOMMENDED:

Grant subject to conditions

(d) **Eling Wharf, Eling, Totton (Application 21/10173) (Pages 33 - 40)**

Permanent retention of pallet storage building

RECOMMENDED:

Grant subject to conditions

(e) **Site L, Pond 1, East Road, Marchwood Industrial Park, Marchwood (Application 21/10131) (Pages 41 - 52)**

Development and setting out of four plots within Site L for the purposes of B8 open storage use; each plot will comprise of a one-storey building, car parking, cycle storage, fencing and B8 open storage space. Approval of reserved matters - layout, scale appearance and landscaping pursuant to condition 1 of Outline Planning Permission (12/99485).

RECOMMENDED:

Grant subject to conditions

(f) **21 Wykeham Place, Lyminster (Application 21/10326) (Pages 53 - 58)**

Single-storey side extension; trellis

RECOMMENDED:

Grant subject to conditions

- (g) **Maple Field Farm, Martin Road, Martin (Application 20/11417) (Pages 59 - 68)**

Convert redundant Agricultural Buildings into two holiday units; bay windows; pergolas; demolish existing polytunnel

RECOMMENDED:

Refuse

Please note, that the planning applications listed above may be considered in a different order at the meeting.

3. 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 Microsoft Teams.

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, with this published agenda.

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 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 using the "raise hand" feature in Microsoft Teams. Requests will be managed by the Chairman with support from Democratic Services. Please remember to "lower hand" when you have finished speaking.
- The chat facility should not be used unless raising a point of order or providing the wording for a motion.
- 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 Microsoft Teams 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 Microsoft Teams 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

This page is intentionally left blank

Application Number: 20/11439 Full Planning Permission

Site:	47-49 HIGH STREET, FORDINGBRIDGE SP6 1AS
Development:	Extension and alterations to an existing shop and 5 bedroom flat to form a shop at ground floor level and 4x flats (1x 1-bed, 2x 2-bed, 1x 3-bed), with associated external alterations.
Applicant:	ADS Surveys Ltd
Agent:	Atlas Planning Group
Target Date:	06/04/2021
Case Officer:	Jim Bennett
Extension Date:	13/05/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs;
2. Impact on the character and appearance of the area, including Fordingbridge Conservation Area and the Listed Building
3. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
4. Flood Risk and Drainage
5. Impact on highway safety, including matters relevant to car parking;
6. Impact on ecology and in particular protected species;
7. Habitat Mitigation

This application is to be considered by Committee as the recommendation is contrary to the reasons for refusal offered by Fordingbridge Town Council.

2 SITE DESCRIPTION

The site lies within the built-up area of Fordingbridge and is within the Fordingbridge Conservation Area. The Site, Number 47-49 High Street is a grade II listed, two storey building with shop to the ground floor. The building dates from the early 18th century, and was altered in the 19th century, along with a two-storey flat roof extension to the rear. The listed building is situated prominently within the Fordingbridge Conservation Area on the High Street, within the Primary Retail Frontage. The ground floor of the premises was formerly occupied by Martins for retail purposes and the first and second floors occupied as a self-contained 5 bedroom flat.

3 PROPOSED DEVELOPMENT

The application is made for conversion of approximately 40% of the ground floor to residential, the remainder of the ground floor retained for retail purposes. Extensions and alterations are also proposed to provide a total of 4 no. flats on the site. The extension would be a two-storey structure, projecting south of the existing

building, of contemporary form and materials. A pitched roof would be added to the existing two storey, flat roofed structure to the rear. No car parking provision is made on site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11440 - Extension and alterations to an existing shop and 5 bedroom flat to form a shop at ground floor level and 4x flats (1x 1-bed, 2x 2-bed, 1x 3-bed), with associated external alterations (Application for Listed Building Consent)	See item 2b		
05/83638 - Flood defences	17/05/2005	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3 - Design quality and local distinctiveness

Policy ECON5: Retail development and other main town centre uses

Policy ECON6: Primary, secondary and local shopping frontages

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

Relevant Advice

NPPF Chap 6: Building a strong competitive economy

NPPF Chap 6: Ensuring the vitality of town centres

NPPF Chap 11: Making effective use of land

NPPF Chap 12: Achieving well designed places

NPPF Chap 14: Meeting the challenge of climate change and flooding

Plan Policy Designations and Constraints

Flood Zones

Built-up Area

Landscape Feature

Town Centre Boundary

Primary Shopping Area

Local Shopping Frontage

Avon Catchment

Fordingbridge Conservation Area

Listed Building Grade: Grade II 552.16.045

Supplementary Planning Guidance And Documents

SPD - Parking Standards
Fordingbridge Conservation Area Appraisal
SPD - Fordingbridge Town Design Statement

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - recommend refusal under PAR4 because of the loss of retail space, the effect on neighbouring properties, the issues with car parking and the concerns raised by the conservation officer.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Design Team (Conservation) - The proposed works to the ground floor would be a benefit to the significance of the listed building as it would reinstate a sense of division, more common in historic buildings, and would help to divide up the space. No objections to the proposed works at first and second floor level.

Concern is raised over an additional roof light on the front elevation when there is already an existing roof light and the simple roof slope would start to appear cluttered. No details have been provided to demonstrate whether the roof light can be installed without the loss of historic fabric. There is a lack of detail on services proposed and their route through the building, there are no details on proposed ducts, vents, flue, fire proofing measures and sound attenuation requirements. It is important that these do not impact upon the fabric or significance of the listed building. Repair schedules and method statements for the fabric and structure of the listed building are also required.

The proposal for the additional walls on the ground and first floor are not considered to have a harmful impact upon the significance of the listed building in terms of loss to historic fabric and there would be a reinstatement of a plan form, which has been lost. However, the proposed units of accommodation as well as the shop unit would result in a more intensive use for the listed building. More bathrooms and kitchens are proposed, which results in more services. Fire regulations and sound attenuation would be required. It is therefore important to understand whether the proposal to sub-divide the listed building, in relation to the number of residential units, is the optimum viable use for the heritage asset as laid out in the NPPF.

The proposal for a pitched roof to replace the existing flat roof is acceptable. A pitched roof is a more traditional design and would help to soften the appearance of the flat roof. The design and form of the windows are clearly modern in appearance. However, these still need to be traditionally designed and detailed. The top light opening windows are unacceptable and we would need to see joinery details to comment further on the windows and doors.

The proposed rear extension to create Apartment 4 would be two storeys in height and located to the rear of the listed building. The listed building has already been extended and any further extensions are not supported. The listed building would appear over-extended to the rear and overwhelmed by extensions. The rear extension for Apartment 4 would be awkwardly located, appearing incongruous.

It is considered that the proposal would lead to less than substantial harm to the significance of the designated heritage asset. The NPPF advises that such harm is to be weighed against the public benefits of a proposal, including securing its optimum viable use. However, great weight should be given to the asset's conservation. The character and appearance of the conservation area would not be preserved or enhanced. The proposal would therefore conflict with the Act, the NPPF and local planning policies.

Environmental Health Section (Pollution) - No objections, subject to a construction management condition. The proposed refuse area is in close proximity to a proposed residential dwelling so it would be advised to house these receptacles accordingly to reduce the impact of noise and odour on the residential dwellings

Wessex Water - No objections, but give informatives

Historic England - No comments on this planning application, but have logged the associated Listed Building Consent Application which will be passed to our Inspector of Historic Buildings and Areas for consideration.

Waste Management (NFDC) - Consideration needs to be given for adequate waste & recycling storage, as well as the siting of a bin/sack collection area with easy and close access to the high street.

Council Ecologist - The application site lies within the Hampshire Avon Catchment where there are issues in relation to the provision of additional overnight accommodation and phosphates from wastewater. The Interim Phosphates Calculator has been completed and shows that the development would result in a phosphate surplus of 0.37 kg per year, as such mitigation is required to demonstrate nutrient neutrality. The Eclipse Ecology bat survey report identifies the need for financial contributions towards the provision of recreational mitigation measures as set out in Policy ENV1.

The bat survey report identifies that the buildings have negligible potential to support roosting bats. The assessment has been made by a licenced bat ecologist. The overgrown rear garden is assessed as having potential to support low numbers of common reptile species, namely slow worm. No objections to the proposed development, subject to securing the avoidance and mitigation measures detailed in Section 7 of the report. These relate to the precautionary methods of working with respect to bats and reptiles and best practice works covering up large excavations at night to avoid entrapment of animals such as hedgehog. These should be secured via condition with evidence (letter report from the ecologist) being submitted as evidence on completion of works.

The bat survey report is in draft – with queries remaining in the report surrounding the amount of habitat retention to the rear and no recommendations have been made with regard to ecological enhancements in line with the requirements of the Local Plan and NPPF. It is suggested that 3 swift boxes are provided.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- The PDA statement advises that the existing garden space will allow occupiers to enjoy communal garden space, but the plans do not show how far this communal garden space is to extend.

- A soakaway is to be utilised for surface water drainage, it is not shown where this will be sited and what effect this will have on neighbouring properties considering that when the River Avon bursts its banks, the floodwater extends into the bottom of the garden.
- The applicant relies on the District Council having only delivered 43% of the housing required in the three years to 2019 and that planning approval should be granted. However, after NFDC adopted the Local Plan 2016-2036, the Housing Delivery Test for the period 2016/17 - 2018/19 was re-calculated. NFDC achieved a score of 108%, so there should be no longer a presumption in favour of the development and planning approval.
- The PDA statement refers to there being no windows to the side elevation of the properties at 45 High Street, however 1 River Mews (the end, lowermost house) has windows into the kitchen and living area along this elevation and there would be a loss of sunlight, daylight, a loss of privacy and a huge impact on outlook. It is also believed that the rooflights at first floor level will be affected negatively by the proposals.
- The rooflights to the bedrooms of apartment 3 overlooking the High Street are shown wider on the floor plans than the elevation.
- The development does not have any vehicular access for occupants upon completion or during the construction period.
- The bin store is been positioned across the kitchen window of 1 River Mews and would prohibit opening of this window.
- Construction of the development and its subsequent occupation will lead to noise and disturbance to neighbouring properties.
- A balustrade or rail is to be fixed to our external wall, which has no cavity and damp ingress is a problem.
- The biodiversity planting against our solid external wall will cause damp.
- Out of character with its surroundings, including streetscene and landscape
- Apartment 4 is not an apartment but a house, the addition of which would impact on the density of building and construction in this location.
- The proposal is unsympathetic to neighbouring properties in terms of layout, scale, height, appearance, density and landscaping:
- This is not a highly sustainable location for residential development: there is pedestrian access only; there are no planned infrastructure improvements envisioned within the locality to highways, schools and healthcare provision.
- This development fails to support or consolidate local services in Fordingbridge.
- More rubbish will attract vermin that is already a problem

For: 0

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within Fordingbridge's built-up area, where there is a presumption in favour of new housing. However, the site was formerly in commercial use within a Primary Shopping Frontage. The benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections, at the end of which a conclusion on the planning balance is reached.

Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs

Policy ECON05 places emphasis on retaining a good range of Main Town Centre Uses, where complementary to the retail function and would enhance the overall vitality of the centre. Residential development is not defined as a Main Town Centre Use within a Primary Shopping Frontage.

Policy ECON06 states that within the designated Primary Shopping Frontages, proposals for the change of use of ground floor shops (Class A1) and financial and professional services premises (Class A2) to other uses that require planning permission or are subject to Prior Approval, will only be supported where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the shopping frontage as a whole.

The emphasis of these policies is to ensure that the commercial vitality and function of local shopping frontages is retained and where appropriate enhanced. The proposal would result in the partial loss (approximately 40%) of a ground floor commercial unit and would result in a much more significant loss of the retail floorspace. Retail floorspace would be limited to a very small area to the front of the unit, constituting a significant reduction when compared to the amount of retail space currently available. While the buildings are currently vacant, they are within the defined primary shopping frontage and offer premises which could attract a wide range of appropriate Main Town Centre Uses. While modest loss of retail floorspace might be acceptable, to facilitate a residential development, such a significant loss is not supported. A presumption is placed against the loss of commercial premises in Primary Frontages, except where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Residential development to the extent proposed would not be complimentary.

Overall, it is felt that what is proposed would unacceptably compromise the vitality and viability of the Primary Shopping Frontage and Area. Furthermore, insufficient justification has been submitted with the application to demonstrate that the premises are unviable in their existing use. The proposed development would result in the inappropriate introduction of ground floor residential use within Fordingbridge's Primary Shopping Frontage, that would unacceptably compromise the future viability and vitality of the area. As such, the proposal would be contrary to Policies ECON05 and ECON06 of the Local Plan Part 1.

Impact on the character and appearance of the area, including Fordingbridge Conservation Area and the Listed Building

The impact of the proposal on the character and appearance of the Fordingbridge Conservation Area, listed building and the public realm need to be considered under the provisions of Policies ENV3 and DM1. There is a duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) also requires special regard to be paid to preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework 2019 (NPPF) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

While the level of retail floor space lost would be contrary to retail policies, the proposed works to the ground floor would be a benefit to the significance of the listed building as it would reinstate a sense of division, more common in historic buildings, and would help to divide up the space. There are no alterations to the plan form within the historic part of the listed building at first and second floor levels and the subdivision of the modern rear extension would not have an impact upon the significance of the listed building.

Concern is raised by the Conservation Team over an additional roof light on the front elevation when there is already an existing roof light and the simple roof slope would start to appear cluttered. An option of having the roof light to the rear should be explored as an alternative solution, subject to historic fabric not being lost. No details have been provided to demonstrate whether the roof light can be installed without the loss of historic fabric. Further concerns are raised by the Conservation Team and Historic England over the lack of detail on joinery, repairs and services proposed for the building. These matters are considered as part of the associated Listed Building Consent application

The proposed rear extension to create Apartment 4 would be two storeys in height and located to the rear of the listed building, running along the boundary to Number 51. It would be linked to the listed building by the existing single storey rear element, and due to its proposed location in relation to other rear extensions, there would be walkway leading alongside the staff room/WC extension, and then at an approximate right angle to the side of Apartment 4. The listed building has already been extended in the past with sizeable extensions to the rear. It is considered that the proposal to further extend by way of a two-storey extension would dominate the listed building. The listed building has already been significantly extended and any further extensions are not supported by the Conservation Team, they would appear over-extended to the rear, incongruous and would overwhelm the principle building. Furthermore, the proposed level of accommodation, in addition to the shop unit would result in a more intensive use for the listed building and result in an overdeveloped form of development on this site.

As a result, it is considered that the proposal would lead to less than substantial harm to the significance of the designated heritage asset. The NPPF advises that such harm is to be weighed against the public benefits of a proposal, including securing its optimum viable use. However, great weight should be given to the asset's conservation. The character and appearance of the conservation area would not be preserved or enhanced. The proposal would therefore conflict with the Act, the NPPF and local planning policies.

The proposed development would cause less than substantial harm to the fabric and appearance of the listed building and fail to preserve or enhance the character and appearance of the Fordingbridge Conservation Area, by virtue of its design, mass, siting and appearance. The proposed development would be overdeveloped and dominated by a large and incongruous addition to the rear of the listed building, causing less than substantial harm to the fabric and appearance of the listed building, by virtue of its design, mass, siting and appearance. Furthermore, insufficient information has been submitted to establish the level of intervention required to the fabric of the listed building. Consequently, the proposal would be contrary to the provisions of Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 192 of the NPPF.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

There are side windows in the properties at 45 High Street facing the development, but the fenestration arrangements of the proposal dictate that adjoining would not suffer any loss of privacy, as the facing windows could be obscure glazed to prevent overlooking. The siting and scale of the proposed main structures would not have any significant overbearing or adverse impact on neighbours. However, the proposed bin store is shown positioned very close to the kitchen and lounge windows of 1 River Mews, which would result in loss of light, noise and disturbance and may prohibit opening of these windows. The relationship of the bin store to the adjoining windows is unneighbourly at best and is symptomatic of the overdeveloped form of development sought here.

Concerns are raised that the fixture of a balustrade and planting against a party wall will cause damp ingress. Had the proposal been recommended for approval, the applicant would have been requested to clarify and amend this elements if necessary.

Comments of notified parties are concerned with the level of disruption caused by building works, particularly as the site is constrained by access and proximity to adjoining occupiers. Had permission been granted the submission of a construction environmental management plan could have been conditioned to ensure that the works would be undertaken to minimise disturbance of neighbours.

The premises has a substantial garden area leading down to the river and the application states that is would be made available communally. The amenity space afforded to the new dwellings would not be of such limited extent that would result in an unacceptable level of provision in respect of the living conditions of future occupiers given this town centre location.

The proposed change of use would have direct impacts upon adjoining occupiers in respect of noise, loss of light and ability to utilise existing windows contrary to Policy ENV3 of the Local Plan Part 1.

Impact on highway safety, including matters relevant to car parking

No off-street parking would be provided for the proposed dwellings, which would not meet with the Council's Parking Standards SPD recommended standard. However, as a proposal within a sustainable town centre location in close proximity to shops and public services and considering the modest size of units proposed, a reduced standard is acceptable in this instance and a refusal on the basis of a lack of parking cannot be substantiated albeit that the lack of off-street parking is a further symptom of the overdeveloped and intensive form of development sought here.

Flood Risk and Drainage

Part of the application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. However, the footprint of the existing and proposed buildings is well

beyond the indicative flood zones some 9m away to the south. Had the recommendation been one of approval, the applicant would have been requested to clarify more precisely how surface water drainage would be discharged and what affects it may have on neighbouring properties.

Impact on ecology and in particular protected species

As of 7th July 2020, the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development.

The bat survey report identifies that the buildings have negligible potential to support roosting bats. The Council's Ecologist raises no objections to the proposed development, subject to securing the avoidance and mitigation measures detailed in Section 7 of the report and additional biodiversity enhancements via condition.

Habitat Mitigation

a) Recreational Impacts

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission was to mitigate that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. This matter could be secured by legal agreement (s.106 or unilateral undertaking) prior to issuing any decision notice. The applicant has been contacted with regard to securing the necessary habitat mitigation measures, via s.106 or unilateral undertaking, which has not been forthcoming. In the absence of a completed legal agreement, the application has failed to secure the requisite habitat mitigation, which must be introduced as a reason for refusal.

b) Air quality monitoring

The applicant has been contacted about securing the necessary air quality monitoring contribution, as required by Policy ENV1, via s.106 or unilateral undertaking. In the absence of a completed legal agreement, the application has failed to secure the requisite air quality monitoring contribution, which must be introduced as a reason for refusal.

c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England have recently drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan sets out mitigation measures for new development up to the end of March 2020, and thereafter relies on the delivery of the Wessex Water River Avon Outcome Delivery

Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, a further reason for refusal must be introduced.

It is noted that the applicant has submitted a nitrogen budget calculation for the proposal and suggests use of the Grampian style condition typically used in the nitrate neutrality areas (the Solent). This application does not impact the Solent and the Grampian condition has not been adopted for the Avon Catchment, which is impacted by phosphate, rather than nitrate.

Other Matters

The District Council is content to rely on the level of housing provision proposed by the adopted the Local Plan 2016-2036, rather than rely on a housing development which is unacceptable for the reasons outlined above.

Had the Planning Authority been minded to approve this development, it would have been subject to CIL and other payments which would, in part, assist with the support and consolidation of local services.

The location of the bin store is unacceptable, as outlined above, but the possibility that the development would create more rubbish and attract vermin cannot substantiate a reason for refusal. An appropriately designed and sited bin store could resolve this issue.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	277.94	207.62	70.32	70.32	£80/sqm	£7,205.10 *
Shops	68.82		68.82	68.82	No charge	£0.00 *
Subtotal:	£7,205.10					
Relief:	£0.00					
Total Payable:	£7,205.10					

11 CONCLUSION

While benefits may be delivered by the form of development proposed in terms of housing provision and bringing a vacant building back into use, it is considered that those benefits are outweighed by the less than substantial harm caused to the fabric and appearance of the listed building, to the character and appearance of Fordingbridge Conservation Area, to the vitality and viability of Fordingbridge Town Centre, adjoining amenity and protected European habitats. The National Planning Policy Framework 2019 (NPPF) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Accordingly the proposal is recommended for refusal.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in the inappropriate introduction of ground floor residential use within Fordingbridge's Primary Shopping Frontage, that would unacceptably compromise the commercial viability and vitality of the frontage and area. As such, the proposal would be contrary to Policies ECON05 and ECON06 of the Local Plan Part 1 - 2016-2036.
2. The proposed development would result in a large, overdominant and incongruous addition to the rear of the listed building, causing less than substantial harm to the fabric and appearance of the listed building and harm to the character and appearance of Fordingbridge Conservation Area, by virtue of its design, mass, siting and appearance. As such, the proposal would be contrary to the provisions of Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 192 of the NPPF.
3. The proposal would have direct impacts upon adjoining occupiers in respect of noise, loss of light and ability to utilise existing windows leading to a detrimental impact on their residential amenity and contrary to the amenity related provisions of Policy ENV3 of the NFDC Local Plan Part 1 Planning Strategy 2016-2036.
4. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site, would not be adequately mitigated and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the SPD - Mitigation Strategy for European Site.

5. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in additional units of residential accommodation which will have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), River Avon Ramsar site and River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). A precautionary approach is required to be adopted and in the absence of an Appropriate Assessment being carried out an adverse impact on the integrity of the SAC, Ramsar and SSSI cannot be ruled out. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

Further Information:

Jim Bennett

Telephone: 023 8028 5443



New Forest DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

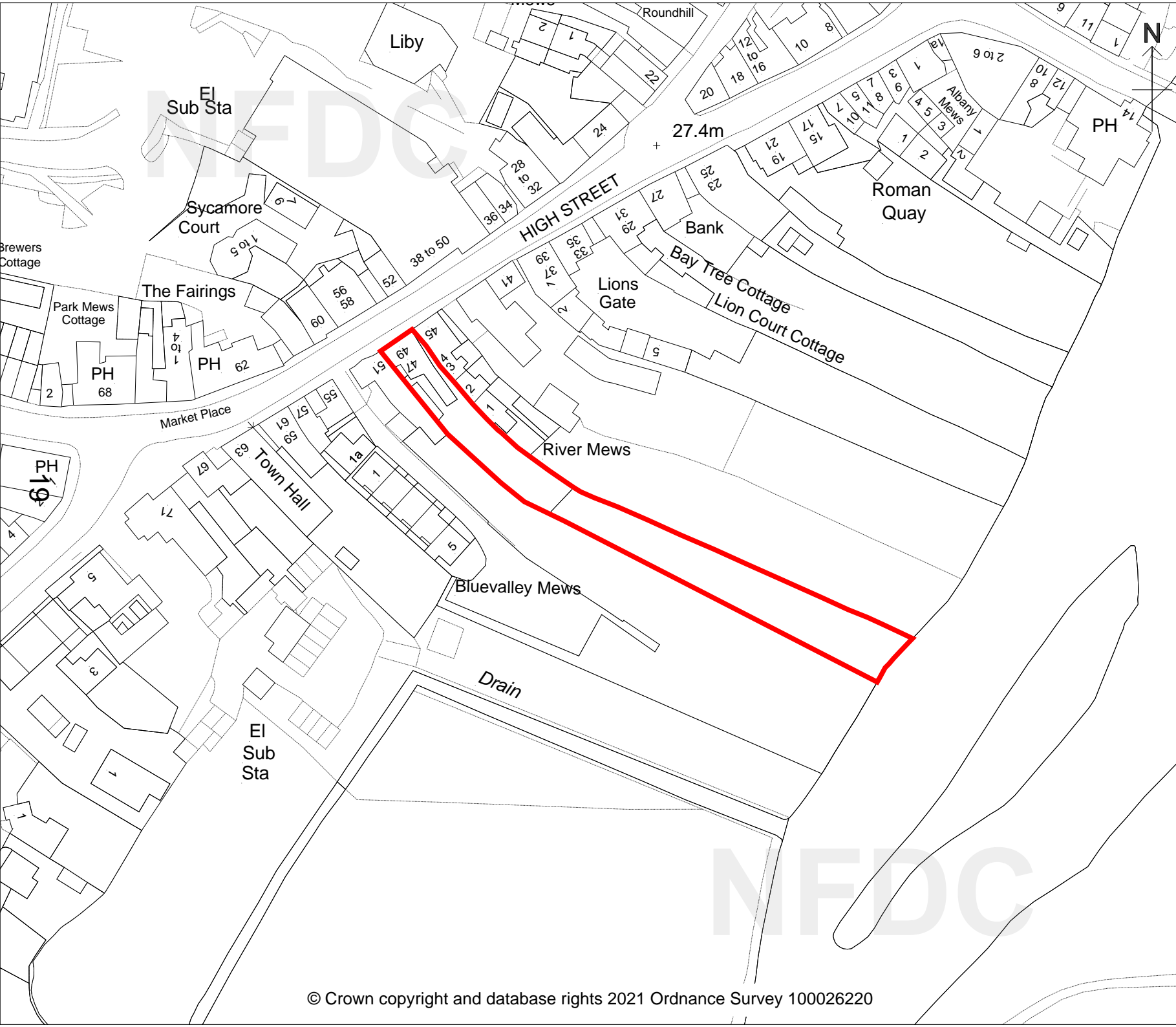
May 2021

47-49 HIGH STREET
FORDINGBRIDGE SP6 1AS

20/11439

Scale 1:1250

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



This page is intentionally left blank

Application Number: 20/11440 Listed Building Alteration

Site: 47-49 HIGH STREET, FORDINGBRIDGE SP6 1AS

Development: Extension and alterations to an existing shop and 5 bedroom flat to form a shop at ground floor level and 4x flats (1x 1-bed, 2x 2-bed, 1x 3-bed), with associated external alterations (Application for Listed Building Consent)

Applicant: ADS Surveys Ltd

Agent: Atlas Planning Group

Target Date: 06/04/2021

Case Officer: Jim Bennett

Extension Date: 13/05/2021

1 SUMMARY OF THE MAIN ISSUES

The key issue is:

1. Impact on the fabric and appearance of the Listed Building

This application is considered by Committee as the recommendation is contrary to the reasons for refusal offered by Fordingbridge Town Council.

2 SITE DESCRIPTION

The site lies within the built up area of Fordingbridge and is within the Fordingbridge Conservation Area. The Site Number 47-49 High Street is a grade II listed, two storey building with shop to the ground floor. The building dates from the early 18th century, and was altered in the 19th century, along with a two-storey flat roof extension to the rear. The listed building is situated prominently within the Fordingbridge Conservation Area on the High Street, within the Primary Retail Frontage. The ground floor of the premises was formerly occupied by Martins for retail purposes and the first and second floors occupied as a self-contained 5 bedroom flat.

3 PROPOSED DEVELOPMENT

The application is made for listed building consent to convert approximately 40% of the ground floor to residential, the remainder of the ground floor retained for retail purposes. Extensions and alterations are also proposed to provide a total of 4 no. flats on the site. The extension would be a two storey structure, projecting south of the existing building, of contemporary form and materials. A pitched roof would be added to the existing two storey, flat roofed structure to the rear.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11439 - Extension and alterations to an existing shop and 5 bedroom flat to form a shop at ground floor level and 4x flats (1x 1-bed, 2x 2-bed, 1x 3-bed), with associated external alterations (Planning Application)	See item 2a		
05/83638 - Flood defences	17/05/2005	Granted	Decided

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

Relevant Advice

NPPF Chap 12: Achieving well designed places

NPPF Chap 16: Conserving and enhancing the historic environment

Plan Policy Designations and Constraints

Fordingbridge Conservation Area

Listed Building Grade: Grade II 552.16.045

Supplementary Planning Guidance And Documents

Fordingbridge Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - Recommend refusal under PAR4 because of the loss of retail space, the effect on neighbouring properties, the issues with car parking and the concerns raised by the conservation officer.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Design Team (Conservation) - The proposed works to the ground floor would be a benefit to the significance of the listed building as it would reinstate a sense of division, more common in historic buildings, and would help to divide up the space. No objections to the proposed works at first and second floor level.

Concern is raised over an additional roof light on the front elevation when there is already an existing roof light and the simple roof slope would start to appear cluttered. No details have been provided to demonstrate whether the roof light can be installed without the loss of historic fabric. There is a lack of detail on services proposed and their route through the building, there are no details on proposed ducts, vents, flue, fire proofing measures and sound attenuation requirements. It is important that these do not impact upon the fabric or significance of the listed building. Repair schedules and method statements for the fabric and structure of the listed building are also required.

The proposal for the additional walls on the ground and first floor are not considered to have a harmful impact upon the significance of the listed building in terms of loss to historic fabric and there would be a reinstatement of a plan form, which has been lost. However, the proposed units of accommodation as well as the shop unit would result in a more intensive use for the listed building. More bathrooms and kitchens are proposed, which results in more services. Fire regulations and sound attenuation would be required. It is therefore important to understand whether the proposal to sub-divide the listed building, in relation to the number of residential units, is the optimum viable use for the heritage asset as laid out in the NPPF.

The proposal for a pitched roof to replace the existing flat roof is acceptable. A pitched roof is a more traditional design and would help to soften the appearance of the flat roof. The design and form of the windows are clearly modern in appearance. However, these still need to be traditionally designed and detailed. The top light opening windows are unacceptable and we would need to see joinery details to comment further on the windows and doors.

The proposed rear extension to create Apartment 4 would be two storeys in height and located to the rear of the listed building. The listed building has already been extended and any further extensions are not supported. The listed building would appear over-extended to the rear and overwhelmed by extensions. The rear extension for Apartment 4 would be awkwardly located, appearing incongruous.

It is considered that the proposal would lead to less than substantial harm to the significance of the designated heritage asset. The NPPF advises that such harm is to be weighed against the public benefits of a proposal, including securing its optimum viable use. However, great weight should be given to the asset's conservation. The character and appearance of the conservation area would not be preserved or enhanced. The proposal would therefore conflict with the Act, the NPPF and local planning policies.

Historic England - The level of supporting information provided with this application falls short of that which is required to assess proposals or reach a determination. Information is particularly lacking in relation to the grade II building interior, its significance and the potential impact of proposals on this. Paragraph 189 of the National Planning Policy Framework advises local planning authorities should require an applicant to describe the significance of any heritage assets affected by development proposals. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise. Determination of the application should be delayed, and the applicant given the opportunity to provide the necessary supporting information. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirement of paragraphs 189 of the NPPF. Plan and NPPF.

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Impact on the fabric and appearance of the Listed Building

The impact of the proposal on the fabric and appearance of the listed building need to be considered under the provisions of Policies ENV3 and DM1. There is a duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) also requires special regard to be paid to preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework 2019 (NPPF) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

While the level of retail floor space lost would be contrary to retail policies, the proposed works to the ground floor would be a benefit to the significance of the listed building as it would reinstate a sense of division, more common in historic buildings, and would help to divide up the space. There are no alterations to the plan form within the historic part of the listed building at first and second floor levels and the subdivision of the modern rear extension would not have an impact upon the significance of the listed building.

Concern is raised by the Conservation Team over an additional roof light on the front elevation when there is already an existing roof light and the simple roof slope would start to appear cluttered. An option of having the roof light to the rear should be explored as an alternative solution, subject to historic fabric not being lost. No details have been provided to demonstrate whether the roof light can be installed without the loss of historic fabric. Further concerns are raised by the Conservation Team and Historic England over the lack of detail on joinery, repairs and services proposed for the building.

The proposed rear extension to create Apartment 4 would be two storeys in height and located to the rear of the listed building, running along the boundary to Number 51. It would be linked to the listed building by the existing single storey rear element, and due to its proposed location in relation to other rear extensions, there would be walkway leading alongside the staff room/WC extension, and then at an approximate right angle to the side of Apartment 4. The listed building has already been extended in the past with sizeable extensions to the rear. It is considered that the proposal to further extend by way of a two-storey extension would dominate the listed building. The listed building has already been significantly extended and any further extensions are not supported by the Conservation Team, as this would appear over-extended to the rear, incongruous and overwhelm the principle building. Furthermore the proposed level of accommodation, in addition to the shop unit would result in a more intensive use for the listed building and result in an over-developed form of development.

As a result, it is considered that the proposal would lead to less than substantial harm to the significance of the designated heritage asset. The NPPF advises that such harm is to be weighed against the public benefits of a proposal, including securing its optimum viable use. However, great weight should be given to the asset's conservation. The character and appearance of the conservation area would not be preserved or enhanced. The proposal would therefore conflict with the Act, the NPPF and local planning policies.

The proposed development would be overdeveloped and dominated by a large and incongruous addition to the rear of the listed building, causing less than substantial harm to the fabric and appearance of the listed building, by virtue of its design, mass, siting and appearance. Furthermore, insufficient information has been submitted to establish the level of intervention required to the fabric of the listed building. Consequently, the proposal would be contrary to the provisions of Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 192 of the NPPF.

Other Matters

With regard to the reasons for refusal specified by Fordingbridge Town Council, the Local Planning Authority cannot legitimately refuse an application for listed building consent on the basis of the loss of retail space, the effect on neighbouring properties and concerns over car parking. A listed building application can only assess the impacts of the proposal on the fabric and appearance of the listed building, the other matters raised are considered under the associated planning application under ref. 20/11439, also on this agenda.

11 CONCLUSION

While benefits may be delivered by the form of development proposed in terms of housing provision and bringing a vacant building back into use, it is considered that those benefits are outweighed by the less than substantial harm caused to the fabric and appearance of the listed building. The National Planning Policy Framework 2019 (NPPF) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Accordingly the proposed listed building consent is recommended for refusal.

12 RECOMMENDATION

REFUSE LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. The proposed development would result in a large, overdominant and incongruous addition to the rear of the building, causing less than substantial harm to the fabric and appearance of the listed building, by virtue of its design, mass, siting and appearance. Furthermore, insufficient information has been submitted to establish the level of intervention required to the fabric of the listed building. Consequently the proposal would be contrary to the provisions of Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 192 of the NPPF.

Further Information:

Jim Bennett
Telephone: 023 8028 5443



New Forest DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

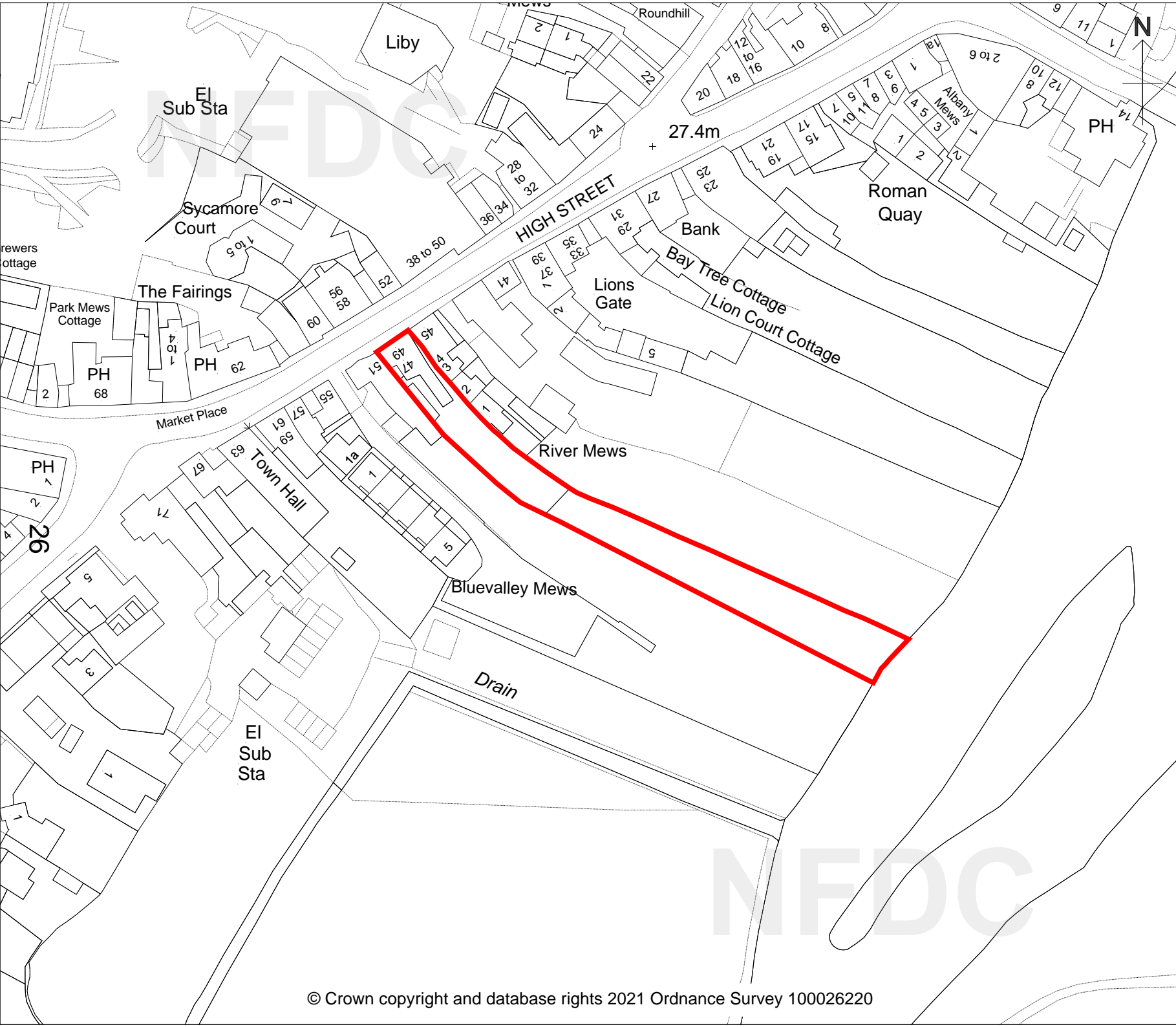
May 2021

47-49 HIGH STREET
FORDINGBRIDGE SP6 1AS

20/11440

Scale 1:1250

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



Application Number: 20/11281 Full Planning Permission

Site: 5 SYCAMORE COURT, HIGH STREET,
FORDINGBRIDGE P6 1RQ

Development: Rebuild the roof turret with weatherproof material due to it causing issues

Applicant: Siclair Property Ltd

Agent: Castlemore Ltd

Target Date: 01/03/2021

Case Officer: Vivienne Baxter

Extension Date: 05/05/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the development
- 2) impact on the character and appearance of the Conservation Area and nearby Listed Buildings
- 3) impact on the residential amenities of the area

This application is to be considered by Committee because there is a contrary view from the Town Council.

2 SITE DESCRIPTION

The site lies within the built-up area of Fordingbridge in the Town Centre and Fordingbridge Conservation Area. The land contains a late 20th century block of flats (2 and 3 storey) with associated parking and is accessed through the long stay section of the main Town Centre car park. There are two protected trees within the site.

3 PROPOSED DEVELOPMENT

The proposal is for the replacement of the existing turret on the three-storey element of the building with a maintenance free structure of the same design. The existing lead roof and plywood structure would be removed and reinstated following replacement of the vertical louvred sections.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
99/66987 7 flats	25/08/1999	Granted Subject to Conditions	Decided
NFDC/98/63878 5 dwellings	15/04/1999	Granted Subject to Conditions	Decided

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

Supplementary Planning Guidance And Documents

SPG - Fordingbridge - A Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Advice

Chap 12: Achieving well designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

Constraints

Aerodrome Safeguarding Zone

Meteorological Safeguarding

Archaeological Site

Avon Catchment Area

Conservation Area: Fordingbridge Conservation Area

Tree Preservation Order: 1403/T1

Plan Policy Designations

Town Centre Boundary

Built-up Area

Primary Shopping Area

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend refusal under PAR4 on the basis of the conservation issues as mentioned by the conservation officer.

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

Conservation Officer

Object on the basis that the replacement material is not natural and will not 'weather' in the same way as timber would.

Environmental Health (Pollution)

No comments

9 **REPRESENTATIONS RECEIVED**

None

10 **PLANNING ASSESSMENT**

Principle of Development

It is understood that the existing timber turret is in a poor state of repair and the top floor flat is experiencing water ingress during periods of wet weather. It is considered that the principle of replacing the turret is acceptable.

Design and impact on the Conservation Area and Listed Buildings

The proposed turret would be identical to the existing one in terms of its design, but the material of the vertical louvred sections would be man-made rather than natural. In this respect, it is noted that both Conservation Officer and Town Council have raised an objection on the grounds that the proposed material would not weather down as would a natural one and would fade in a manner which would not be uniform.

Whilst the building is within the Conservation Area, it is not readily visible from within the Conservation Area and cannot be seen from the High Street due to the buildings fronting the road, many of which are listed. To the west of the site is the main town centre car park through which the site is accessed. The boundary of the site also marks the western extent of the Conservation Area in this part of Fordingbridge. The building and its turret can be seen from outside of the Conservation Area in this direction although these views are filtered by the presence of the two protected trees (sycamore and yew) which are along the western boundary of the site.

To the south, the building can be seen in the context of the traditional listed buildings whilst to the north, the context is of modern buildings including the nearby Co-op supermarket. The overall building appears large against the traditional buildings although as the proposed replacement turret would be no larger than the existing structure, it is not considered to have an adverse impact on the setting of these buildings.

Similarly, it is accepted that the proposed material would weather differently to timber although it is also noted that the existing turret has not weathered in a uniform manner with some parts rotten and others not.

Residential amenity

The proposed replacement turret would improve the level of amenity currently enjoyed by the top floor flat in that proper repairs can be made to prevent further water ingress.

11 CONCLUSION

The proposal would result in a turret of exactly the same proportions as the existing and would maintain the lead roof. The turret measures 1.8m wide and is 1.1m tall, seen in the context of a building which is three stories high and over 14m from ground to the top of the turret. It is not considered that the proposed change to the material of the vertical sections would have a significant impact on the character or appearance of the Conservation Area nor adversely affect the setting of the nearby Listed Buildings.

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: 20/1551/01 rev.A, photographs, Heritage Asset Statement.

Reason: To ensure satisfactory provision of the development.
3. The replacement louvre materials shall be white 'plastic wood' as manufactured by Kedel unless an alternative material is previously agreed in writing prior to the commencement of works.

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.

Further Information:

Vivienne Baxter
Telephone: 023 8028 5442



New Forest DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

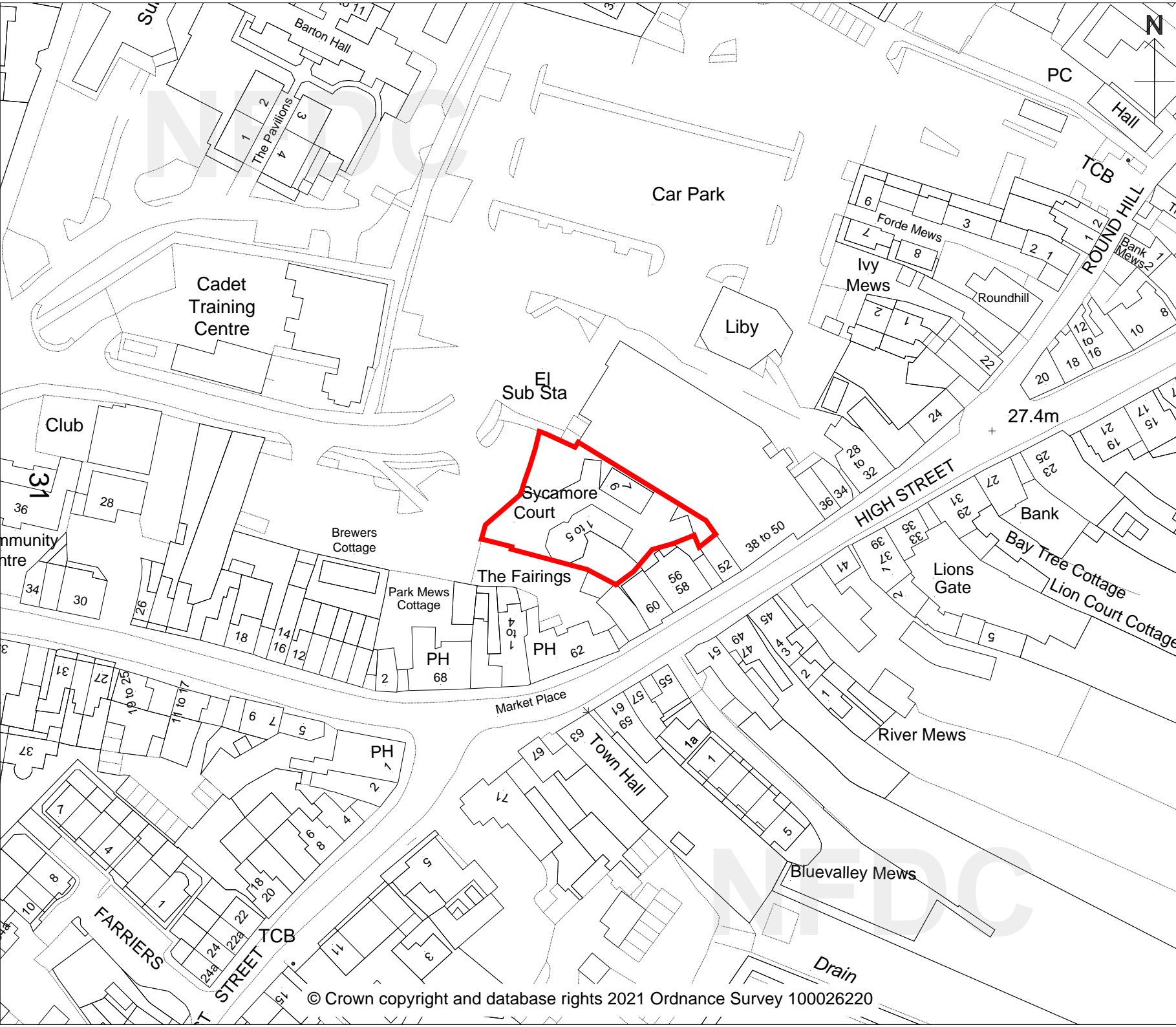
May 2021

5 SYCAMORE COURT, HIGH STREET
FORDINGBRIDGE P6 1RQ

20/11281

Scale 1:1250

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



This page is intentionally left blank

Application Number: 21/10173 Full Planning Permission

Site: ELING WHARF, ELING, TOTTON SO40 4TE

Development: Permanent retention of pallet storage building

Applicant: Associated Pallets LTD

Agent: Mr Farmer

Target Date: 05/04/2021

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle
- 2) Amenity considerations and Impact on the character of the surrounding area
- 3) Ecology considerations

This application has been called to Committee by Cllr David Harrison due to concerns in respect of the impact on the amenity of nearby residents.

2 SITE DESCRIPTION

The application relates to an existing industrial building located at Eling Wharf. The subject building constitutes an open-fronted building which has a footprint of approx. 78 square metres and a height of just under 4 metres. The building is situated close to the eastern boundary of the site with Eling Lane. The building is set at a higher level than the lane, however it is screened in part from the lane by an existing roadside hedge and by pallets stored in open storage around the building.

3 PROPOSED DEVELOPMENT

The application seeks the permanent retention of the existing pallet storage building.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11214 Permanent retention of pallet storage building	02/02/2021	Withdrawn by Applicant	Withdrawn
16/11173 Variation of Condition 1 of Planning Permission 14/10006 to allow building to remain until 31st August 2019	24/10/2016	Grant Temporary Permission	Decided
14/10006 Retention of pallet storage building (Variation of Condition 1 of Planning Permission 11/98078 to allow continued siting until 31st August 2016)	12/02/2014	Grant Temporary Permission	Decided

11/98078 Retention of pallet storage building (Variation of Condition 1 of planning permission 94729)	07/02/2012	Grant Temporary Permission	Decided
11/97382 Business and residential development	28/07/2011	EIA Required	Decided
09/94729 Retention of pallet storage building	17/12/2009	Grant Temporary Permission	Decided
06/88561 Retention of storage building for temporary period of 3 years	09/10/2006	Grant Temporary Permission	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
 Policy ECON1: Employment land and development
 Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
 TOT11: Eling Wharf

Relevant Advice

NPPF & NPPG

Constraints

Plan Area

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The building in question has been in situ since 2006 and was granted temporary planning permission for 3 years. Since that time further temporary applications have been made and granted, the last expiring in August 2019

RECOMMENDATION PERMISSION but would accept the decision reached by the District Council's Officers under their delegated powers

7 COUNCILLOR COMMENTS

Cllr David Harrison - It isn't suitable for this to be located so near to residential properties, when the site itself is so large it could easily be accommodated elsewhere. I receive a number of complaints about noise, whether it be fork lift trucks, pallet guns or other things associated with the industry.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land, Appletree Court

Environmental Health are aware of noise complaints associated with the use of this building, mostly linked with the use of a nail gun and pallet dismantler. However, it is

currently understood that such operations and equipment are imminently due to be re-located to another building within Eling Wharf and therefore this application now only relates to the storage of pallets within this building. It is understood that storage activity has occurred for some considerable time within this building without cause for complaint.

Overall, no objection is raised to the retention of building for the storage of pallets only providing that a suitable condition in relation to the hours of use (similar to that previously imposed on temporary permissions) to mitigate any impact on the local amenity.

9 REPRESENTATIONS RECEIVED

Two third party representations have been received, objecting to the proposal on grounds including visual impact of the building, noise and disturbance caused by vehicle movements within the site and adverse impact on the character of the area.

10 PLANNING ASSESSMENT

Principle of Development

The application relates to an existing industrial building located at Eling Wharf. The subject building constitutes an open-fronted building which has a footprint of approx. 78 square metres and a height of just under 4 metres. The building is situated close to the eastern boundary of the site with Eling Lane. The building is set at a higher level than the lane, however it is screened in part from the lane by an existing roadside hedge and by pallets stored in open storage around the building. The nearest residential property in Eling Lane is set 17 metres to the west side of the building.

Temporary planning permission was first granted for this building in 2006, and further successive temporary permissions have been approved in 2009 and 2012 - the reason for temporary consents on each occasion was to allow for further consideration of the development's impact.

Further temporary consent was granted in 2014 and the most recent temporary permission was granted in October 2016.

The application that has now been submitted seeks to retain the pallet storage building on a permanent basis.

The application site forms part of a much larger site that Policy TOT11 of the Local Plan Part 2 allocates for a mixed use development. In time, it is anticipated that this application site could be redeveloped for residential purposes in line with Policy TOT11. However, such redevelopment is not likely to happen in the short to medium term, and as the proposal relates to the retention of an existing building and an existing use, it is not felt the proposal would prejudice the aims of Policy TOT11.

In determining this application, the local planning authority must have regard to the government's guidance in the use of planning Conditions, and in particular to the use of Conditions to impose time limited/temporary permissions. Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

The guidance makes clear it will rarely be justifiable to grant a succession of temporary permissions (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

In this case, the subject building constitutes an industrial use building within an established working wharf, where such development can be considered acceptable in principle subject to there being no undue adverse impacts in respect of amenity or on the character and appearance of the surrounding area.

The building has now been on site and in use for approximately 15 years without demonstrable detriment to amenity or to the character of the surrounding area. It is therefore considered a permanent planning consent can be considered acceptable and accordant with the provisions of the local plan, including Policy ECON1 (Employment land and development).

Amenity Considerations and Impact on the Surrounding Area

The visual impact of the proposed building has not changed since temporary planning permission was last granted. It is relatively well screened from the road, and taking into account its relatively modest size, it is considered the retention of the building would have no undue adverse impact on the visual amenities of the area and nor is it considered that its retention would have an undue impact on the light and outlook of neighbouring residential properties.

However, two third party representations have been received, objecting to the proposal on grounds including visual impact of the building, noise and disturbance caused by vehicle movements within the site, together with concerns in respect of adverse impact on visual amenity within the surrounding area.

The subject building is a utilitarian structure that is situated within an existing working industrial wharf, where such structures are to be expected and has been *in situ* for approximately 15 years. The building is relatively modest in size and taking into consideration the significant screening effects of the natural boundary shrub, hedge and tree screening along Eling Lane. The appearance of the building is not considered discordant with the character and appearance of the area, taking into consideration the overtly industrial nature of the site upon which it is located.

A representation of objection from Cllr Harrison has been received citing noise nuisance related to the industrial use of the land. However, since temporary planning permission was granted for the use of the building in 2009, the building itself appears to have been used without giving rise to recent complaints of noise nuisance (as confirmed in the consultation response of the EHO). It should be noted that wider concerns regarding noise issues from the industrial use of the land are not considered in this case to constitute a reason by which the retention of this existing building should be refused. However, because there were noise issues arising from this building before 2009, it is considered appropriate to continue to impose the previous noise condition in line with that imposed previously.

Additionally, the applicant has agreed that a Condition can be imposed to ensure that the use of the retained building is for pallet storage only, with no repair and/or construction of pallets taking place, as the applicant has an alternative building further into the wharf site (to the east of the pallet storage building and therefore further away from residential properties). It is considered this new Condition will act to further mitigate residential noise and amenity concerns.

Ecology considerations

As the proposal is for the continued use of an existing building and involves no ground breaking works, there are considered to be no ecological or contamination concerns, noting also that the Council's Environmental Health Officer has raised no concerns.

Developer Contributions

None relevant

11 CONCLUSION

The retention of the building on a permanent basis is considered acceptable in planning policy terms, taking into consideration the principle of the proposed development, amenity considerations, impact on the character of the surrounding area and ecological considerations.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Drawing number 3131PL dated 05.02.2021

Reason: To ensure satisfactory provision of the development.

2. The rating level of the noise emitted from the development hereby approved shall be at least 10dB lower than the existing background level (LA90) at the boundary of the nearest noise sensitive properties.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

3. The retained building (hereby approved) shall be used only for the storage of pallets and for no other purpose. No power tool(s), plant or equipment shall be operated within the building.

Reason: In the interests of the amenity of nearby residents, in accordance with the requirements of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.

Further Information:

Warren Simmonds

Telephone: 023 8028 5453



New Forest DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

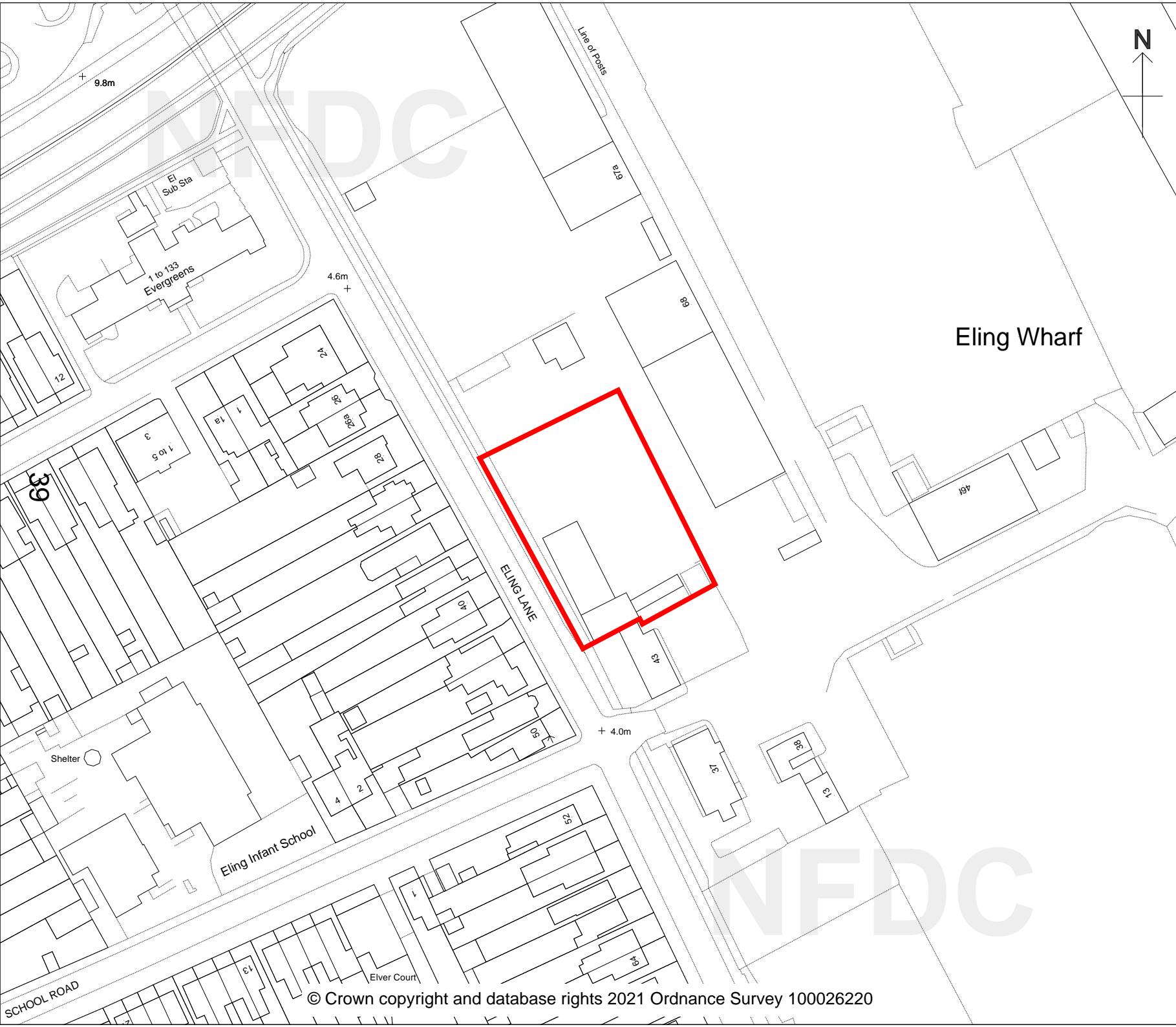
May 2021

ELING WHARF, ELING
TOTTON SO40 4TE

21/10173

Scale 1:1250

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



This page is intentionally left blank

Application Number: 21/10131 Reserved Matters

Site: SITE L, POND 1, EAST ROAD, MARCHWOOD INDUSTRIAL PARK, MARCHWOOD SO40 4BJ

Development: Development and setting out of four plots within Site L for the purposes of B8 open storage use; each plot will comprise of a one-storey building, car parking, cycle storage, fencing and B8 open storage space. Approval of reserved matters – layout, scale appearance and landscaping pursuant to condition 1 of Outline Planning Permission (12/99485).

Applicant: Associated British Ports

Agent: Adams Hendry Consulting Ltd

Target Date: 05/05/2021

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Consideration of the layout, scale appearance and landscaping pursuant to Condition 1 of Outline Planning Permission (12/99485)
- 2) Impact on the character of the surrounding area
- 3) Highway safety
- 4) Public health and amenity considerations

This application is to be considered by Committee due to Marchwood Parish Council objection to the proposals under Paragraph 4 of the Council's Scheme of Delegation.

2 SITE DESCRIPTION

The application site is situated at the southern corner of the Marchwood Industrial Estate and formerly comprised a large pond (or lake) which extended to approximately 4 hectares, together with adjacent developed areas to the north and west sides of the pond.

In February 2013, outline planning permission was given for the partial infill of the pond (planning reference 12/99450), whilst at approximately the same time the Local Planning Authority also granted separate outline planning permission for industrial and storage development on the pond infill areas under planning permission 12/99485.

Since the works to partially infill the pond have been completed, the site has been partially hard surfaced to varying degrees (see submitted Existing Site surfacing plan) and using a variety of materials in different areas across the site. Fencing has been erected, sub-dividing the site into areas (which approximately represent the areas now proposed) and it appears a variety of open storage uses have been/are being undertaken on certain areas of the site.

3 PROPOSED DEVELOPMENT

The application is a reserved matters application for *'Development and setting out of four plots within Site L for the purposes of B8 open storage use; each plot will comprise of a one-storey building, car parking, cycle storage, fencing and B8 open storage space. Approval of reserved matters - layout, scale appearance and landscaping pursuant to condition 1 of Outline Planning Permission (12/99485)'*.

The proposed development comprises the development and setting out of four plots within Site L for the purposes of B8 open storage use. Each plot is to comprise of a single storey building, car parking, cycle storage and B8 open storage space. Vehicular access to plots L2.3, L3, and L4/L5 will be from South Road (Approved Access A), whilst vehicle access to plot L6 will be from Central Crescent (Approved Access B). Each plot is to be hard surfaced and an additional area for planting and landscaping is designated at the eastern edge of the site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10638 Approval of reserved matters - appearance - pursuant to condition 1 of outline permission (12/99485) is sought for Unit 5a as shown on the drawings enclosed with the application	15/09/2020	Granted	Decided
19/10326 South road and footpath, erection of 2.4 metre high fencing, and associated landscaping. Approval of reserved matters - layout, scale, appearance and landscaping pursuant to condition 1 of outline permission (12/99485).	20/06/2019	Granted Subject to Conditions	Decided
16/11099 Variation of Condition 4 of Planning Permission 12/99450 to allow landscaping in stages	13/10/2016	Refused	Decided
16/11098 Variation of Condition 5 of Planning Permission 12/99485 to allow landscaping in stages	13/10/2016	Refused	Decided
12/99485 Flexible employment uses B1(b) & (c), B2 & B8 including open storage; associated parking; landscaping on partially infilled pond (Outline Application with details only of access)	19/02/2013	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
Policy ECON1: Employment land and development
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards
Policy STR1: Achieving Sustainable Development
Policy STR6: Sustainable economic growth

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
DM5: Contaminated land
MAR5: Marchwood Industrial Park

Relevant Advice

NPPF & NPPG

Constraints

Plan Area
Pipelines
Flood Zone
Planning Agreement
SSSI IRZ Air Pollution
Landfill (Former)
Historic Land Use

Plan Policy Designations

Employment
Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: PAR4

Marchwood Parish Council would like to raise an objection to the application and would like it referred to the Development Control Committee if the case officer is minded to approve the application.

Despite the passage of time between the outline permissions of 12/99485 and this application it would appear that the current application appears to have been hastily prepared. Noting the application contains an area where B2 use should be restricted when a restriction against B8 use would make more sense.

In any case the Parish Council would be unhappy for any part of the site to be allocated within class use B8 Storage or Distribution and it objects to the application on this basis.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Building Control

No adverse comments

Environment Agency

No objection, subject to a Condition.

HCC Highways

Response not yet received

Environmental Health

Environmental Health continues to express significant concern over the granting of such an unrestricted B8 use in close proximity to residential properties, particularly plot L6 which lies approx. 40m to the north of properties in Gardiner Close. A similar site located within the industrial estate which is also used for open storage has caused substantial noise issues; therefore, it is desirable that some form of mitigation is implemented to reduce any potential impact in this instance.

Whilst the options for mitigation are limited within the confines of this reserved matters application, there are options for the installation of an acoustic fence along the Southern and Western boundaries of plot L6 where it is noted that a 2.4m metal meshed fence is currently proposed. A suitably designed and maintained acoustic barrier of an equivalent height would afford a degree of attenuation from site activity to those living in Gardiner Close and should be considered to preserve the amenity of the area. Consequently, it is recommended that the applicant engages with an acoustic consultant to provide a suitable specification and design for an acoustic fence.

Contaminated Land officer

Conditions to cover land contamination remediation requirements are already covered under the outline consent.

Marchwood Power Ltd (PensPen Contractor)

No objection

Scotia Gas Networks Ltd (SGN)

Standard letter of advice (no objection)

Scottish & Southern Electricity Networks(SSEN)

Standard letter of advice (no objection)

Southern Water

No objections

Environmental Health (Pollution)

Comment Only

Natural England

Natural England has no comments to make on this application

Ecologist

No comments from an ecological perspective

HCC Surface Water

Given that the surface water condition was consulted on and discharged in 2019 (12/99485), and providing that the current proposals do not amend any of the previously agreed drainage information, we do not have any comments.

9 REPRESENTATIONS RECEIVED

No third party representations were received

10 PLANNING ASSESSMENT

Principle of Development

Background to the reserved matters application

The principle of the development of the site for flexible employment uses B1(b) & (c), B2 & B8 including open storage; associated parking; landscaping on partially in filled pond has previously been established by the granting of outline planning permission under planning reference 12/99485 (Outline Application with details only of access).

Whilst the outline consent included indicative proposed site layout(s) which included large industrial buildings, these were illustrative only as the outline consent only had regard to 1. the principle of the proposed uses of the land and 2. the means of access to the land. All other matters (i.e. appearance, landscaping, layout and scale) constituted reserved matters to be considered as part of a future application.

However, in this case as part of the outline application, matters of landscaping were considered and formed part of the outline approval (and Conditions relating thereto), securing additional landscaping adjacent to East Road and the key southern edges of the site to mitigate the visual impact of the development. Such landscaping was shown on both alternative layout plans for the outline consent, and the provision of additional soft landscaping in these areas was secured by Condition.

Also secured by Conditions on the outline consent were matters including:

- A biodiversity and landscape management / maintenance plan for the retained pond and area of enhanced landscaping
- Drainage and Flood Risk measures/mitigation
- Land contamination investigation & remediation
- No external lighting (unless otherwise agreed)
- No B2 use(s) within a defined specified (yellow shaded) area closest to dwellings

In terms of the approved accesses, the details for the outline consent show the main part of the application site served by a vehicular access onto East Road (one of the main existing industrial estate roads). A secondary point of access is onto Central Crescent. At the time of considering the outline application the Highway Authority raised no objection to these points of access, which were therefore be treated as acceptable from a highway safety perspective. The Highway Authority was also satisfied that the level of traffic that would be generated by the proposed development could be safely accommodated on existing roads without the need for additional highway works / transportation contributions (the Highway Authority pointed out at the time that based on contributions collected previously, the site would still benefit from a 'credit' in vehicular movements).

Since the works to partially infill the pond have been completed, the site has been incrementally/partially hard surfaced to varying degrees (see submitted Existing Site surfacing plan) and using a variety of materials in different areas across the site. Fencing has been erected, sub-dividing the site into areas (which approximately represent the areas now proposed) and it appears a variety of (unauthorised) open storage uses have been/are being undertaken on certain areas of the site.

A subsequent reserved matters application in 2019 (planning reference 19/10326)

for 'South road and footpath, erection of 2.4 metre high fencing, and associated landscaping. Approval of reserved matters - layout, scale, appearance and landscaping pursuant to condition 1 of outline permission (12/99485).' was approved and included the planting and landscaping which has subsequently been implemented.

A further reserved matters application seeking the retrospective approval of reserved matters for the appearance of an industrial building (unit 5a) following the outline consent (12/99485) was granted in September 2020. The building (unit 5a) was constructed in 2015 and is located at the junction of South Road with East Road. The overall length of the building measures 42m, the width is 21m and the height of the roof 11m (9m to the eaves). The building has limited fenestration, mainly at first floor level and within the roof. The external materials include corrugated metal cladding (grey and navy blue).

Unit 5a and its curtilage are not included in the current reserved matters application.

The current reserved matters application

The proposed layout of the site is for the provision of four separate plots of varying sizes, with each plot containing a modular/prefabricated style building, 6no. vehicle parking spaces for staff, a cycle storage shelter for staff and an area of uncovered impermeable hardstanding for open storage.

Each of the four buildings are proposed to be goosewing grey in external colour and each will have a gross external floorspace of approx. 24 square metres and internal building floorspace of approx. 21 square metres. As such, a total gross floorspace across the four buildings of approx. 96 square metres is proposed. Each building will have a flat roof and will be approx. 3m tall, including a raised foundation measuring approx. 0.43m. The proposed building heights are thereby significantly within the maximum building heights set by Condition 19 of the outline planning permission.

No lighting is proposed as part of the reserved matters application, however the applicant confirms that in accordance with condition 16 of the outline permission (12/99485), precise details of any external lighting to be installed across the site shall be submitted to and approved by the Council prior to installation.

In terms of reserved matters applications, while there is some scope for developers to change their schemes from that indicated at the outline stage, the essence of the proposal must remain the same. Much depends on the terms of the original application and the status of the documents/plans submitted with it, or the interpretation of conditions other than those dealing with standard reserved matters that have been imposed.

In this case the outline consent has already established (granted) in principle the development of the land by its use for flexible employment uses of any combination of B1(b) & (c), B2 & B8 including open storage uses; together with associated parking; landscaping on the partially in filled pond land. There were indicative/illustrative site layout plans submitted with the outline consent, but the final matters of what would be constructed and where were reserved for later consideration (with the exception of the area restricted to no B2 uses, set out in the approved outline plans).

The current application differs from the indicative/illustrative plans submitted with the outline application as the proposed buildings are reduced to small modular single storey units and the use of the sub-divided areas of the site is predominantly B8 open storage use. However, the proposed B8 open storage use is included as one of

the flexible uses approved under the outline planning consent and is therefore acceptable in principle - the outline consent did not impose any general restriction or limitation on the proportion or ratio of employment uses approved, but established the principle of the uses specified (i.e. B1(b) & (c), B2 & B8 including open storage.

Indeed, it is worthy of note that the officer report for the outline application commented;

"The submitted illustrative layouts show 2 different ways in which 14,376 square metres of floorspace could be accommodated on the application site. In truth, neither of the illustrative layouts are likely to be pursued in practice."

In summary, the current reserved matters application is considered accordant with the development approved in principle under 12/99485 in that it proposes a specified employment use detailed (and approved) by the outline planning consent.

In dealing with a reserved matters application, the Council as local planning authority can only have regard to the reserved matters being sought and cannot revisit the underlying principles of the development granted by the outline planning consent.

Impact on the character of the surrounding area

Taking into consideration the location of the application site within an established industrial estate location, and taking into consideration the existing landscaping provided and additional landscaping intended (to be further imposed by Conditions*) to improve the screening of the application site within the surrounding area, it is not considered the proposed would adversely affect the character of the surrounding area.

*Additional landscaping is to be provided along eastern boundary of plot L4-L5. The area to be landscaped is shaded light green on Figure 3. The detail and implementation of the landscape planting scheme in these areas to be secured through a planning Condition (see proposed Conditions).

Whilst the height of building(s) on the site is controlled through Condition 19 of the outline consent (No building approved pursuant to this planning permission shall have an eaves height of in excess of 16.1 metres AOD in height, nor a ridge height in excess of 18.1 metres AOD in height.) in the interests of the residential and visual amenities within the surrounding area, it is considered an appropriate restriction should be imposed on the height of stored goods/materials in the most sensitive part of the site in terms of proximity to adjacent residential uses - i.e. the part of the site which is shown shaded in yellow on the approved outline drawings (drawing 962-LM-01 B refers, whereby Condition 17 of the outline consent states this area shall not be used for any B2 use - Reason: To protect nearby residential properties from potential adverse noise and odours impacts arising from a general industrial B2 use and to comply with Policy CS2 of the Core Strategy for New Forest District outside the National Park).

Within this more sensitive yellow shaded area it is considered reasonable and necessary to restrict the height of stored goods, containers and other materials to no more than 10 metres above ground level. The agent for the application has accepted the imposition of this Condition.

Highway safety

The principle of the employment use of the land was established by the outline planning consent whereby the Highway Authority raised no objection and made no requirements in respect of Highway improvements in the local area.

Whilst a formal consultation response from HCC has yet to be received (at the time of writing of this report), the proposal is not considered to be detrimental in terms of Highway safety.

Public health and amenity considerations

Land contamination investigation and remediation requirements are set out within the Conditions of the outline planning consent (Conditions 10 to 15 inclusive). These Conditions remain relevant and continue to apply to the intended use/development of the land.

In terms of amenity considerations, the area shaded yellow within the outline approved plans (whereby no B2 uses are permitted - Condition 17 of the outline consent refers) remains in force, however for the purposes of this reserved matters application, no B2 uses are proposed.

The comments of the EHO are noted whereby he expresses significant concern over the granting of an unrestricted B8 use in close proximity to residential properties, particularly plot L6 which lies approx. 40m to the north of properties in Gardiner Close. However, safeguards have already been put in place through Condition 17 of the outline planning consent, which restricts B2 uses within the yellow shaded area of the approved plan *'To protect nearby residential properties from potential adverse noise and odours impacts arising from a general industrial B2 use'*.

Officers consider it would be overly onerous on the applicant to require an additional acoustic consultant assessment and report, and potentially an acoustic fence along the perimeter of plot L6, particularly as issues of residential amenity were previously considered (and appropriate Conditions imposed) at the time of the outline application. It is considered unreasonable and beyond the scope of a reserved matters application for the approval of matters relating to layout, scale appearance and landscaping to reconsider/revisit previously considered (at outline) issues of amenity impacts afresh.

In the eventuality that undue amenity impacts result, separate legislation outside of planning is available through which to pursue a remedy.

Developer Contributions

Not applicable on Reserved Matters application.

11 CONCLUSION

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and any 3rd parties. The application is considered to raise no significant concerns, and the planning balance is for approval.

13 RECOMMENDATION

Grant Subject to Conditions

Reserved matters of layout, scale, appearance and landscaping specified in Condition 1 of outline permission reference number 12/99485 dated 19th February 2013.

Proposed Conditions:

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

ABP/1381/MIP/L/11 (Existing Site Surfacing) dated 30.03.21
ABP/1381/MIP/L/12 (Proposed Site Surfacing) dated 30.03.21
ABP/1381/MIP/L/10 (Ground Levels) dated 02.03.21
ABP/1381/MIP/L/07_B (Building Plan and Elevations - Plot L6) dated 02.03.21
ABP/1381/MIP/L/04 (Building Plan and Elevations - Plot L2.3) dated 01.02.21
ABP/1381/MIP/L/05 (Building Plan and Elevations - Plot L3) dated 01.02.21
ABP/1381/MIP/L/06 (Building Plan and Elevations - Plots L4 & L5) dated 01.02.21
ABP/1381/MIP/L/07 (Building Plan and Elevations - Plot L6) dated 01.02.21
ABP/1381/MIP/L/01 (Location Plan) dated 19.01.21
ABP/1381/MIP/L/02 (Application Area) dated 26.01.21
ABP/1381/MIP/L/03 (Proposed Site Plan) dated 01.02.21
ABP/1381/MIP/L/08 (Proposed Fencing Plan & Detail) dated 26.01.21
ABP/1381/MIP/L/09 (Gates Plan/Details) dated 27.01.21

Reason: To ensure satisfactory provision of the development.

2. Before development commences a scheme of landscaping for the additional landscaping areas of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - (a) any existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The development shall be carried out in accordance with the submitted documents (Site L – Ground levels plan, titled Figure 10: Ground Levels, as submitted by Adams Hendry, Drawing no. ABP/1381/MIP/L/10 and dated 02.03.2021) and the following mitigation measures it details:

- Finished floor levels for plot L2.3 shall be set no lower than 3.99 metres above Ordnance Datum (AOD)
- Finished floor levels for plot L3 shall be set no lower than 4.85 metres above Ordnance Datum (AOD)
- Finished floor levels for plot L4 and L5 shall be set no lower than 5.00 metres above Ordnance Datum (AOD)
- Finished floor levels for plot L6 shall be set no lower than 3.82 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants

5. Within the part of the site which is shown shaded in yellow on the approved drawings (drawing 962-LM-01 B of the outline consent under reference 12/99485), no goods, containers or other materials shall be stored above a height of 10 metres above ground level.

Reason: In the interests of amenity and the character and appearance of the area

Further Information:

Warren Simmonds

Telephone: 023 8028 5453



New Forest DISTRICT COUNCIL

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

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

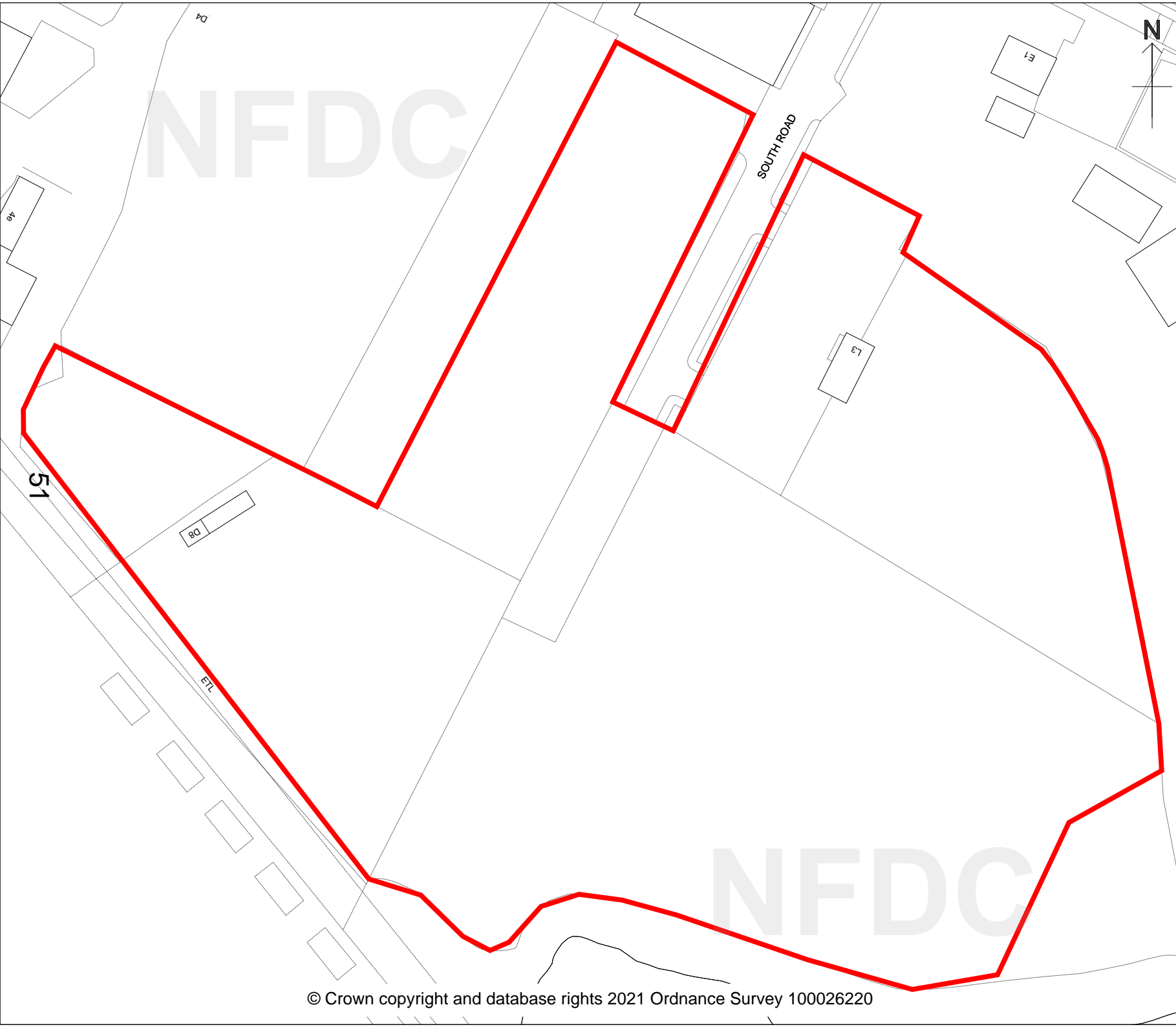
PLANNING COMMITTEE

May 2021

SITE L, POND 1, EAST ROAD
MARCHWOOD INDUSTRIAL PARK
MARCHWOOD SO40 4BJ
21/10131

Scale 1:1250

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



This page is intentionally left blank

Application Number: 21/10326 Full Planning Permission

Site: 21 WYKEHAM PLACE, LYMINGTON SO41 3QT

Development: Single-storey side extension; trellis

Applicant: Mr & Mrs Durban

Agent: Salt & Heather LTD

Target Date: 11/05/2021

Case Officer: Kate Cattermole

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene and character and appearance of the area
- 2) Residential amenity

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

2 SITE DESCRIPTION

The application site consists of an end of terrace mock Georgian house, situated within the built up area of Lymington and backing onto the Lymington Conservation Area. The development was built late 1960s and blocks of terraces with open frontages are arranged facing onto Wykeham Place. By reason of its position within this development, the application site has a larger than average garden area which is positioned primarily to the side of the dwelling. The dwelling backs onto Belmore Lane and a 1.2m high brick wall forms the rear and side boundary of the site. This brick wall forms a continuous rear boundary for the Wykeham Place development, where it borders both Belmore Lane and Powlett Road. Other properties within this development have rear conservatories which are visible from both Belmore Lane and Powlett Road.

3 PROPOSED DEVELOPMENT

Single storey side extension and trellis attached to top of rear wall alongside Belmore Lane.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
XX/LYB/10259/5 Erection of 19 terrace houses, 29 garages and retention of "Belmore" and "Little Belmore" (in accordance with additional plan No. 354/14 dated 16.5.67).	16/06/1967	Granted Subject to Conditions	Decided
XX/LYB/10259 Erection of 25 dwellings, garages and construction of access road.	06/04/1966	Granted Subject to Conditions	Decided

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

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

PAR4: Recommend Refusal.

- Proposed parking would involve driving across a public grass verge.
- Design demonstrates a lack of consideration and is an over-development for the site which is on the edge of a Conservation area.
- The street scene is severely impacted.
- Neighbouring amenity and character of the area also negatively impacted.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways: comment only

Archaeologist: Due to lack of archaeological evidence on nearby sites, no justification in this case for any archaeological conditions to be imposed

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.
2 Comments:

- Lymington Society does not object to proposed extension but raises concern with the proposed new access and dropped kerb
- no neighbour impact
- number of conservatories on rear of dwellings so view from road has already been negated
- opposite side of road a large modern dwelling being built

10 PLANNING ASSESSMENT

Principle of Development

Originally the application included a proposal to create a parking area to the rear of the dwelling, accessing directly onto Belmore Lane and the installation of a dropped kerb. This would also have involved an alteration to the existing rear wall. However, the application has been subsequently amended to remove this element from the proposal and now only is for a

side extension and trellis attached to the existing boundary wall. As the re routing of the garden wall to create a parking space no longer forms part of the application, no further assessment is required of this element of the proposal.

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 and residential amenity.

Impact on the street scene and character and appearance of area

The proposed single storey side extension would be set back from the front elevation, and by reason of its siting and a front boundary wall that runs between the application site and the adjacent terrace (which is at right angles to the application site), views of the extension from Wykeham Place would be limited. However, views of the rear and side of the application site are achievable from Belmore Lane. Notwithstanding this, the proposed extension would be a relatively modest extension which would be constructed of matching materials, and the roof pitch matching the main roof of the terrace, and as such this would form an acceptable addition to the dwelling. Furthermore, the side garden is a reasonable size which could accommodate the proposed extension. The rear boundary borders onto the Lymington Conservation Area, but the proposed extension would have no greater impact on the Conservation Area than other extensions on the rear of this and the adjacent terrace.

Due to the height of the wall, views into the site are visible from public vantage points. The proposal also includes adding trellis panels to sit inside the wall which runs alongside Belmore Lane, which would project an additional 600mm above the wall and would be interspersed with planting . The trellis would be a relatively light weight structure and would not detract from the existing street scene and would preserve the character of the adjacent Conservation Area..

Residential amenity

The side garden of the application site is bordered by the blank flank wall of the adjacent terrace house, 1 Wykeham Place. The proposed extension would be set away from the boundary with this neighbour, and by reason of its siting and single storey form would not affect their amenities.

The trellis by reason of its location within the site would be well away from the neighbouring properties and therefore would also not impact on neighbour amenities.

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. Permission is therefore recommended.

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:

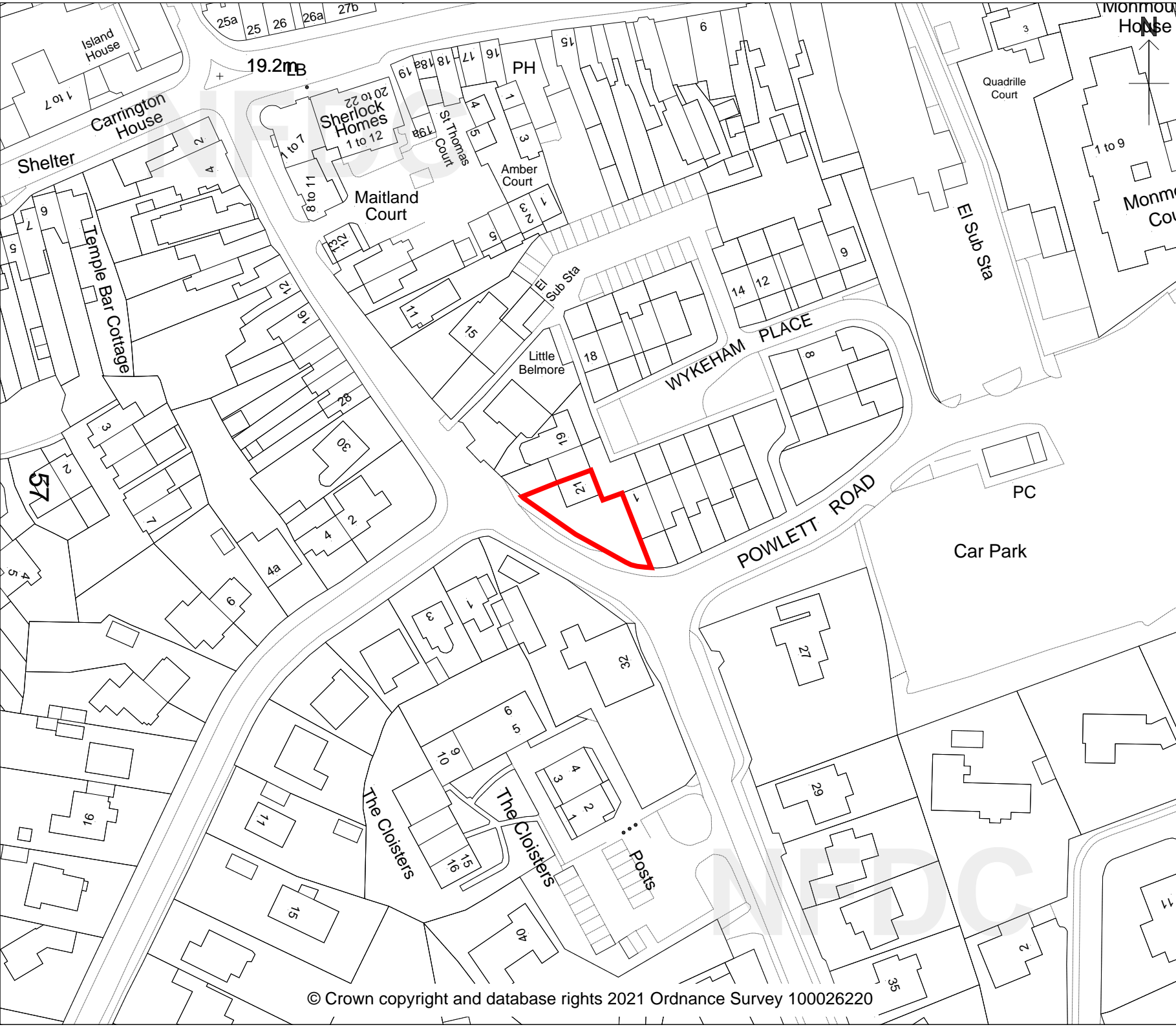
- SO1 Existing Plans dated Dec 21 as deposited with the Local Planning Authority on 16 Mar 2021
- PO1 Proposed Plans dated Dec 21 as deposited with the Local Planning Authority on 19 Apr 2021
-

Reason: To ensure satisfactory provision of the development.

Further Information:

Kate Cattermole

Telephone: 023 8028 5446



New Forest

DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

May 2021

21 WYKEHAM PLACE
 LYMINGTON SO41 3QT

21/10326

Scale 1:1250

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

This page is intentionally left blank

Application Number: 20/11417 Full Planning Permission

Site: MAPLE FIELD FARM, MARTIN ROAD, MARTIN SP6 3LR

Development: Convert redundant Agricultural Buildings into two holiday units;
bay windows; pergolas; demolish existing polytunnel

Applicant: Mr & Mrs Snelgar

Agent: Richard Ashton RIBA

Target Date: 10/02/2021

Case Officer: James Gilfillan

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the building, site, area and AONB
- 2) Impact on habitats and Appropriate Assessment.

The application is to be considered by Planning Committee due to a contrary view of the Parish Council

2 SITE DESCRIPTION

The site is on the north side of Martin Road at the west end of the village. It is opposite the Martin Club, a community hall. The site is largely surrounded by open countryside and falls within Cranbourne Chase AONB.

There is a single storey redundant barn and small polytunnel on site left over from previous agricultural and horticultural uses that have vacated the site.

The site is accessed from an unmade track that extends along the west edge of the field, serving a dwelling to the west and fields beyond. A Public Right of Way extends along the track. The track joins Martin Road adjacent to the south west corner of the site

3 PROPOSED DEVELOPMENT

Convert redundant Agricultural Buildings into two holiday units; bay windows; pergolas; demolish existing polytunnel

4 PLANNING HISTORY

2021: Application under regs 75-77 of the Habitats Regulations for consideration of need for an appropriate assessment to support temporary use of fields for camping (GPDO Part 4 class B) was refused. (21/10036)

Proposal	Decision Date	Decision Description	Status	Appeal Description
15/11447 Retention of single-storey timber dwelling for agricultural worker	17/02/2016	Refused	Appeal Decided	Appeal Dismissed
11/97845 Continued siting of temporary dwelling for an agricultural worker	09/02/2012	Refused	Appeal Decided	Appeal Allowed with Conditions
11/97547 Continued temporary siting of cabin for an agricultural worker	07/10/2011	Withdrawn by Applicant	Withdrawn	
10/95283 Continued siting of temporary dwelling for an agricultural worker	16/11/2010	Refused	Appeal Decided	Appeal Dismissed
09/93944 1 office/packing storage building; 2 shade tunnels; 1 polytunnel; access; hardstanding	11/12/2009	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
 Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
 Policy ENV3: Design quality and local distinctiveness
 Policy ENV4: Landscape character and quality
 Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Local Plan Part 2: Sites and Development Management 2014

DM13: Tourism and visitor facilities
 DM20: Residential development in the countryside
 DM22: Employment Development in the Countryside

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
 SPG - Residential Design Guide for Rural Areas

Relevant Legislation

The Conservation of Habitats and Species Regulations 2017

Relevant Advice

NPPF 2019

Constraints

NFSFRA Surface Water and Fluvial
SSSI IRZ
Area of Outstanding Natural Beauty
Groundwater Protection Zone
Plan Area
Meteorological Safeguarding
Aerodrome Safeguarding Zone
Avon Catchment Area

Plan Policy Designations

Countryside

6 PARISH COUNCIL COMMENTS

Martin Parish Council: PAR4 Object to the impact of the development on the character of the area, features of nature conservation interest, highway safety, AONB dark skies status, residential amenity and flood risk. They also highlight the requirements of a condition seeking removal of building should it no longer be required for agricultural purposes.

7 COUNCILLOR COMMENTS

Cllr Edward J Heron - Objects to the failure of the Habitats Regulations Assessment to assess this scheme, repeating that for camping (proposed for the adjoining field) and the failure to support the application with an assessment demonstrating that the building is no longer suitable for agricultural purposes.

Cllr Heron has confirmed he would be content with a delegated decision for the reasons as set out in this report

8 CONSULTEE COMMENTS

HCC Rights of Way- Object to the conflict between construction vehicles and the Public Right of Way

Environment Agency - No objection subject to vehicles not being parked within 8m of a water course across the front of the site.

Cranborne Chase AONB - Object to the impact on the character and appearance of the AONB, most particular the dark skies status and the colour of external features such as flues. Concerns over conflict with highway and pedestrian safety and the loss of the building for agricultural purposes.

9 REPRESENTATIONS RECEIVED

Letters of representation have been received

For: 0

Against: 8

Objecting for the following reasons (summary)

- to the retention of buildings required for removal if redundant for agricultural use, poor appearance of the site and the approach of the applicant,
- lack of public transport,

- additional vehicle movements and impact on highway safety and road quality,
- no further need for such holiday accommodation,
- potential use as a residential property and planning creep,
- loss of agricultural employment,
- inappropriate design and landscape setting for the location,
- impact on features of Nature Conservation Interest.

10 PLANNING ASSESSMENT

Principle of Development

The buildings are already in situ. Their original use has ceased, and they have been used in the last year in conjunction with a campsite being operated on the adjoining field, within the applicant's control.

The NPPF directs LPA's to prepare policies and make decisions to support a prosperous rural economy. It states at para 83 (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

At para 84 *inter alia* it recognises decisions may have to support schemes outside existing settlements, in locations not well served by public transport.

Local Plan Part 2 Policy DM13 allows for visitor accommodation where it is being provided through the conversion of existing buildings, that are of an appropriate scale and appearance to its rural setting and structurally sound, so it can be re-occupied without major rebuilding. This is cross referenced to and re-iterated by Policy DM22

The buildings subject to the application are of sufficient structural integrity to be able to accommodate the proposed use. Whilst new partition walls and openings are proposed, they are not fundamental to the structure of the buildings and are directly related to enhancement of the quality of the building for the intended use.

Comments received from residents highlight a condition on the 2009 permission for the barn and other structures across the site, (09/93944) requiring removal, in the event they become 'redundant' from agricultural use the reason for the condition being;

"Planning permission has been granted for these buildings on the basis that they meet an agricultural need. The buildings would be inappropriate to this countryside location if not needed for agricultural purposes."

The condition was very explicit as to which buildings it was referring to, the polytunnel and two shade tunnels. Whilst the buildings remain in place the agricultural justification for them no longer exists. However, consideration needs to be given as to the acceptability of the retention and re use of these building with respect to their proposed use for holiday accommodation in this countryside location. Furthermore, in any event this application needs to be considered on its merits and in line with the relevant Development Plan policies, described above, which were adopted after the 2009 consent and accordingly considered on its merits.

Comments received question whether the barn is redundant or not, or whether it could be put to alternative agricultural use. Neither DM13 or DM22 include 'redundancy' as a test as to whether re-use can be considered and accepted. Furthermore, it was evident from the dismissed appeal for retention of the 'Essential Agricultural Workers' dwelling on the site, that the agricultural use on the site was not viable.

Anecdotal suggestions that there is no need for the proposed use has been presented by comments received. Such a commercial consideration is not before the Council, nor has the council sought to review the prevalence of holiday accommodation locally in order to assess whether it is harming the character of the area or the availability of housing.

The application seeks conversion to use as self-contained holiday accommodation. Such a use would fall within use Class C3 of the Use Classes Order 2020, it would be appropriate to ensure the use remains as holiday lets by imposing a condition as an unrestricted residential use would not be appropriate in relation to relevant policy guidance. However, restricting the duration of stays or to a summer 'holiday' season would not be reasonable or appropriate. Based on recent restrictions on travel (Covid-19) there has been greater demand for such accommodation throughout the year. It would be a matter of fact and degree, under review, whether any over-winter lets or seasonal workers staying in the accommodation for longer periods would breach the use as holiday lets and not one that it would be considered necessary to limit by condition.

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

When under consideration, the buildings subject to this application were considered appropriately designed for the context and character of the area. The alterations proposed and effect of conversion to a residential use would inevitably give the building a more domestic appearance and include the trappings of residential occupation, such as flues, vents, aerials or satellite dishes, some of which could be controlled by condition or would not be readily visible or appreciated from outside the site.

External materials proposed to be used in the extensions would match those existing, compatible with the appearance of the building and in the case of removing the existing white UPVC, would enhance the appearance of the building.

Removal of the Poly tunnel and shade tunnels would enhance the appearance of the site as they have become unkempt and the site around the barn poorly maintained and generally untidy. However, removal is a requirement of previous permissions in any event, so minimal weight is given to such improvements.

Access and space for parking is largely as existing. Whilst a parking layout is shown on the site plan and adequate parking space can be accommodated it would be unnecessary to formalise a layout, leaving it to visitors to park as appropriate and retain the openness of the space.

Division of land around the site to enclose gardens which would not be readily reflective of agricultural sites and if the wrong form of enclosure was used would not compliment the character of the area. The application form references hedges and fences, without precision or detail shown on the plans, however this could also be subject to a condition to ensure appropriate design was secured.

Policies STR 2 and ENV4 refers to the special qualities and purposes of the Cranbourne Chase AONB and their settings need to retain and protect landscape character through sensitive development and specific reference is made to areas of intrinsically dark skies (Policy ENV4(iv)). There are existing buildings on the site although their existing agricultural use would have limited fenestration and light pollution from an agricultural use would be minimal. Additional fenestration is proposed but this is not unreasonable within its context. Furthermore, External lighting could be very subtle and low level bollard style, significantly reducing the

potential for light spillage beyond the site and any likely impact on Dark Skies within the AONB. A condition could be imposed securing details of the colour of external features to minimise visual intrusion

The maturity and size of trees and hedge along the roadside, southern boundary, would obscure views into the site for much of the year, limiting the effect of the changes proposed on the appearance of the street scene and character of the wider area.

Those trees and hedgerow that are either on the boundary or outside the site, are outside the control of the applicant and so should not be affected or removed. The position and scale of the buildings works proposed would preserve their health and retention.

Habitat mitigation

Policy ENV1 of the recently adopted Local Plan Part 1: Planning Strategy, sets out that all residential development, including that proposing overnight holiday accommodation, in the district would give rise to likely significant effects on designated Avon Valley European sites, alone and in combination with other such residential development.

Recreation habitats mitigation:

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

Phosphates Mitigation

The applicant and their ecologist's report set out that wastewater would be captured and tankered away, that does not adequately deal with this issue or provide suitable mitigation that can be secured. Mitigation cannot be taken into account at screening stage for Appropriate Assessments as such in this instance an Appropriate Assessment of the Conservation of Habitats and Species Regulations is required.

It is the view of the applicant that an Appropriate Assessment is not required. The applicant believes the scheme can be screened out due to the distance of separation from protected habitats and the approach of capturing foul water in septic tanks and porta-loos before tanker collection and disposal off site by the employed contractor as appropriate to their permit. Natural England and the NFDC Ecologist do not concur with this view and consider that the conclusion of the applicant's ecologist in their Habitats Regulations screening report are not acceptable.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of that site's conservation objectives having regard to

phosphorous levels in the River Avon. However, Natural England have recently drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan sets out mitigation measures for new development up to the end of March 2020, and thereafter relies on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar sites) are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, a further reason for refusal must be introduced.

Air Quality mitigation:

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

On Site Biodiversity and protected species

The nature of the proposals would have negligible impact on species on and around the site. Landscape planting associated with 'gardens', boundaries and general landscape setting of the site could improve the diversity of plant species.

Highway safety, access and parking

The access is existing and served the agricultural use. The scale of the proposals would not give rise to a significantly different number of vehicle manoeuvres to conflict with highway safety, despite concerns from residents regarding high vehicle

speeds into the village. To a certain extent visitors using the site are unlikely to be familiar with the site and access so would be inclined to travel at lower speeds in order to identify their destination.

Equally the likelihood of conflict with pedestrians on the Public Right of Way would be very low and at slow speeds. Furthermore, due to the scale of construction works involved in the proposed conversion, the number of large vehicles visiting the site and the extent and duration of the works would negate the need for footpath diversion or formalised traffic management being employed.

Residential amenity

The location of the site and scale of use at 2 x 2 bed holiday units would minimise the potential for noise disturbance to be any greater than any other residential property in the area. Given the previous use for agriculture, it is likely there was higher potential for disturbance at unsociable hours of the early morning

There would be no impact of overshadowing, overbearing or overlooking arising from the development and its proposed alternative use.

Flooding

The stream passing the front of the site, beside the road, could flood across the application site. However, the building and the majority of the site is outside the area predicted to flood. Concerns regarding the position of parked cars and vulnerability in the event of a flood is given little weight.

11 CONCLUSION

The scheme has economic benefits of bringing a redundant building back in to use, with minor employment generated, social benefits for visitors and their support of local services and minor environmental benefits of reuse of an existing building.

However, the scheme would give rise to likely significant effects on the integrity of features of nature conservation interest in the River Avon European sites, that have not been and cannot be adequately mitigated. As such the proposals are unacceptable for these reasons and refusal of planning permissions is therefore recommended.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1: Planning Strategy 2020

2. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in new units of residential accommodation which will potentially have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), the Avon Valley Special Protection Area and the River Avon Ramsar site. A precautionary approach is required to be adopted and, in this case, an Appropriate Assessment has been carried out, with it not being possible to rule out adverse impacts on the integrity of the SAC, SPA and Ramsar site. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District (outside of the National Park).

Further Information:

James Gilfillan

Telephone: 02380 28 5797

NFDC



New Forest
DISTRICT COUNCIL

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

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

PLANNING COMMITTEE

May 2021

MAPLE FIELD FARM, MARTIN ROAD
MARTIN SP6 3LR

20/11417

89

Maplefield Farm



67.7m

Springdale

Vine Cottage

Jasmine Co

Martin Club

Honey Pound

West End Cottage

Meadows Edge

67.1m

Westerly

Juniper Cottage



Scale 1:1250

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