

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 13 JULY 2022 AT 9.00 AM\*

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

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
Tel: 023 8028 5071

## **PUBLIC PARTICIPATION:**

Members of the public may watch this meeting live on the [Council's website](#).

\*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](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

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

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# AGENDA

## **Apologies**

### **1. MINUTES**

To confirm the minutes of the meeting held on 8 June 2022 as a correct record.

### **2. DECLARATIONS OF INTEREST**

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

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

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land adjacent Westlands, Sky End Lane, Hordle (22/10381) (Pages 5 - 18)**  
Construction of 3 houses with associated access, parking and landscaping

**RECOMMENDED:**

Refuse

- (b) **Fairfield, Cooks Lane, Calmore, Totton (Application 22/10268) (Pages 19 - 34)**

2 detached dwellings; conversion of Fairfield to 2 semi-detached dwellings; demolition of existing garden/barn

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion of a S106 legal agreement (or Unilateral Undertaking) and the imposition of the conditions set out in the report.

- (c) **15-17 High Street, Hythe (Application 22/10424) (Pages 35 - 46)**

Two-storey building comprising of shops, two flats and a garage (Retrospective)

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) and the imposition of the conditions set out in the report.

- (d) **12 The Furlong, Ringwood (Application 22/10546) (Pages 47 - 54)**

External Seating areas to be used in conjunction with Arboro Lounge (Retrospective)

**RECOMMENDED:**

Grant Subject to Conditions

- (e) **12 The Furlong, Ringwood (Application 22/10547) (Pages 55 - 60)**

Display non illuminated letter sign to planters (Application for Advertise Consent) (Retrospective)

**RECOMMENDED:**

Grant Advertisement Consent

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

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

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

##### Human Rights

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

##### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**To: Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Anne Corbridge  
Kate Crisell  
Allan Glass

**Councillors:**

David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Barry Rickman  
Tony Ring  
Ann Sevier  
Malcolm Wade

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Planning Committee 13 July 2022

**Application Number:** 22/10381 Full Planning Permission

**Site:** LAND ADJACENT WESTLANDS, SKY END LANE, HORDLE

**Development:** Construction of 3 houses with associated access, parking and landscaping

**Applicant:** Mr & Mrs Hayward

**Agent:** Spruce Town Planning Ltd

**Target Date:** 28/06/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the proposed development
- 2) Scale, design, materials and impact on the surrounding area/countryside
- 3) Amenity considerations
- 4) Access, parking and Highway safety
- 5) Flood risk
- 6) Ecology and BNG

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Hordle parish council, and by reason of the location of the application site within the SS8 Strategic Site allocation.

## 2 SITE DESCRIPTION

The application relates to a parcel of land of approximately 0.27 hectares situated adjacent (on the north side) of Sky End Lane in Hordle.

The site comprises of an undeveloped parcel of land that has previously been used as a paddock to the west of the property known as 'Westlands'. The application site is approximately rectangular in shape and is served by an existing access (five bar timber gate) onto Sky End Lane. The roadside boundary of the site is a mixture of mature hedgerow, trees and timber post and rail fencing. The neighbouring buildings to either side are residential in use comprising mainly detached 20th century houses.

To the north of the site is land currently used as a campsite and stables, but is also included in the allocated land under policy SS8 (shown as 'residential' in the Concept Masterplan for the Strategic Site allocation).

The land forms part of the wider Strategic Site allocation set out under policy SS8 (Land at Hordle Lane, Hordle) of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

### 3 PROPOSED DEVELOPMENT

The application proposes the development of the land by the construction of 3no. detached four bedroom houses (with attached double garages) facing onto Sky End Lane, each set back from the road and sited approximately centrally within their respective plots with private gardens to the rear. It is proposed the existing access will be re-sited for use by plot 1 and a new access onto Sky End Lane created to serve plots 2 and 3.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
84/NFDC/26182 Erection of a dwelling and garage and construction of a pedestrian/vehicular access.	15/05/1984	Refused	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 ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy IMPL3: Monitoring

Strategic Site 8: Land at Hordle Lane, Hordle

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

#### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

#### **Supplementary Planning Guidance And Documents**

SPD - Hordle Village Design Statement

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

#### **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

### **Constraints**

Tree Preservation Order: TPO/0014/18/A1

### **Plan Policy Designations**

New Housing Land Allocations  
Green Belt  
Built-up Area

## **6 PARISH COUNCIL COMMENTS**

### **Hordle Parish Council**

Par 4 - we recommend refusal.

The Parish Council considers this application to be over-development of the plot, with large dwellings having relatively little amenity/ garden space.

The Council also considered the cramped design of the scheme to be out of character with the rural street scene.

In addition, the field is prone to flooding in the winter months which has a knock-on effect to the Sky End Lane and the Council is also concerned about the removal of the beech hedgerow and the effect of this on the ecology of the area.

The narrowness of the lane is also a concern, particularly given the limited parking/ turning area for each plot which could cause overspill parking.

The Parish Council requests this application be refused.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Ecologist**

*Objection - 'I would therefore currently object to the application, the PEA supporting the application provides an approach for a precautionary method of working with respect to dormice, however, given the high likelihood of their presence I do not think that this alone is sufficient.'*

### **HCC Highways**

The Highway Authority have no objections to this application. Furthermore, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the works on the Highway.

### **HCC Children's Services**

Require the provision of a contribution towards the provision of additional school places.

### **NFDC Tree Team**

No Objection Subject to Condition(s)

### **NFDC Policy officer**

*' It is confirmed that whilst the site is within the Built Up Area boundary and outside of the Green Belt designation, it is within the allocation boundary for Strategic Site SS8 'Land at Hordle Lane, Hordle'. Therefore, it will need to take account of the relevant requirements specifically set out in Policy SS8 as well as other policies contained in the Local Plan that relate to the Strategic Sites.'*

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Thirty nine representations were received from third parties, of which:

For: 1

Against: 38

Grounds for objecting to the application include:

- overdevelopment
- out of character/not in-keeping with surrounding area
- detrimental in terms of Highway safety
- generation of additional traffic
- adverse wildlife impacts
- impact on trees
- insufficient local school and other infrastructure
- drainage issues in winter
- sewage system capacity concerns
- noise, air and light pollution
- adverse impact on adjacent campsite
- no affordable housing provision
- piecemeal development, not considered as a whole with wider proposals

## **10 PLANNING ASSESSMENT**

### Principle of Development

The land forms part of the wider Strategic Site allocation set out under policy SS8 (Land at Hordle Lane, Hordle) of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

Policy SS8 allocates the Land at Hordle Lane, central Hordle (as shown on the Policies Map) for residential development of at least 160 homes and public open space, dependent on the form, size and mix of housing provided.

The master planning objectives for the site, as illustrated in the Concept Master Plan, are to create a sympathetic village development whilst maintaining a clear visual separation between the two halves of Hordle by:



- a. Enhancing land along the stream and tree belt that forms the western boundary of the site (designated Green Belt and outside the settlement boundary) as a natural recreational greenspace area and wildlife corridor, incorporating sustainable drainage measures to manage water course flood risks and surface water run-off.
- b. Provision of a north-south pedestrian access through the site, including from Stopples Lane connecting to Everton Road and Strategic Site 9: Land east of Everton Road via the public right of way at the northern site boundary.
- c. Orientating development in the northern half of the site towards the main recreational greenspace with access from Hordle Lane, providing opportunities for pockets of higher density development within a village setting.
- d. Protecting and enhancing the rural character of Hordle and Vicarage Lanes through the location of open greenspace, appropriate access and crossing points as well as additional hedgerow and tree planting.
- e. Providing homes with gardens at a density appropriate to the rural settlement edge in the southern area of the site, with primary access off Hordle Lane and secondary access from Vicarage Lane.
- f. Define a high quality rural and Green Belt edge to the village along Sky End Lane to soften the transition to open countryside designated as Green Belt.

The proposal relates to a relatively small part of the wider SS8 allocation site, constituting a parcel of land of approximately 0.27 hectares situated adjacent (on the north side) to Sky End Lane in Hordle.

It is set out within the introductory supporting text to all the strategic site allocations (Local Plan Part One) and in particular that set out at 9.36 to 9.38 expects that piecemeal development should be avoided and at the very least such smaller parcels of a strategic site that may come forward separately are treated as part of that overall site and should contribute proportionately to the stated requirements of the SS8 policy.

Within the adopted Local Plan, Site Concept Master Plans have been prepared for each Strategic Site Allocation to demonstrate how the identified minimum number of homes can be accommodated in a manner compliant with the Local Plan policy requirements and standards, including the provision of natural recreational greenspace for habitat mitigation and the provision of public open space etc.

The Site Concept Master Plans are informed by a landscape assessment and consideration of biodiversity potential, they illustrate how development can fit its landscape (or townscape) context and deliver a net environmental gain (subject to appropriate detailing and implementation).

It is important in this case to note that the development of the parcel of land forming the application site could only be considered acceptable in principle where it accords with the provisions, aims, objectives and requirements of Policy SS8 and relevant associated policies - otherwise, the proposal could not be considered to be acceptable in principle.

## Coordinated development

The adopted local plan makes clear that applications for the piecemeal development of smaller parts of larger strategic sites are unlikely to meet the requirements of a Strategic Site Allocation policy unless they clearly demonstrate:

1. How they form part of a coherent overall scheme in design terms, based on either the Strategic Site Allocation Policy Site Concept Master Plan, or on an alternative master plan for the site as a whole. Jointly prepared master plan frameworks or Design and Access Statements, and equalisation arrangements for the provision of infrastructure and services and land for habitat mitigation that are agreed with the other site interests will help to demonstrate a coordinated approach.
2. That access arrangements for the application site are coherent for the strategic site as a whole, and will be permeable in relation to access and movement for the site as a whole, including for road traffic, without the imposition of ransom strips; and
3. How the site would make a proportionate contribution to the facilities, services, infrastructure, open space and recreational habitat mitigation requirements of the allocation site as a whole. This may necessitate the provision of land for, and must not prejudice the delivery and implementation of, the infrastructure, facilities, open space and habitat mitigation that is necessary for the Strategic Site Allocation as a whole as well as for the development site itself.

As the proposal would constitute a piecemeal form of development, in accordance with criterion 3 (above), then any development of the land will need to make proportionate contributions and if not, the applicant would need to set out a convincing argument as to why these are not provided.

'Proportionate contributions' in this case would constitute:

- a pro-rata quantity of on-site affordable housing provision (i.e. 50% of dwellings to be affordable housing);
- a proportionate contribution towards any educational needs identified by Hampshire County Council with respect to education provision;
- the proportionate provision of on-site Public Open Space (POS - formal, informal and play);
- the provision of on-site Alternative Natural Recreational Greenspace (ANRG) in accordance with the provisions and requirements set out within saved Core Strategy policies CS7 and local plan policy ENV1.

With respect to ANRG and POS provision, policy ENV1 requires 8ha per 1000 population - for the proposed development (3 x 4 bed houses = 11.25 people) this would equate to 1,200 sq.m (0.12ha) of ANRG and POS to be provided within the application site. However, this would still not accord with the requirements of the Council's Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document (SPD) which seeks to mitigate the recreational pressures arising from residential development within the NFDC Plan Area which would otherwise have a potentially harmful impact on the internationally important nature conservation sites within the New Forest.

The Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document (SPD) provides guidance explaining the principles for how alternative natural recreational greenspace and open spaces should be designed as an integral part of a development site (set out in Appendix 4 of the SPD).

The SPD also includes requirements in respect of the dimensional criteria for ANRG spaces, whereby the ANRG main space should be spacious enough to offer a sense of being in the countryside, at least part of the provision should consist of a space (or extend an existing qualifying green space) of at least 120m across in all directions i.e. a 60m radius can be drawn on it without undue interference from other uses or development.

#### ANRG on smaller sites within a larger strategic site

The supporting text to Policy ENV1 sets also out for situations where ANRG is proposed on smaller individual sites within a larger strategic site, to ensure that the delivery of ANRG is co-ordinated and concurrent with the overall housing delivery of the site. This will involve an appropriate design solution and enforceable landowner agreements being in place relating to the quantum, location and timing of mitigation provision.

The application site constitutes a small parcel of land on the southern periphery of the SS8 allocation. It is within the area identified for 'Residential' development (as detailed within the Concept Master Plan and is bounded on the north by a much wider area of allocated 'Residential' land, the primary access to which is shown as being from Vicarage lane to the north east.

The application site would be accessed directly via Sky End Lane to the immediate south, via three separate private accesses. Should the remainder of the SS8 Residential allocation to the immediate north come forward as envisaged in the Concept Master Plan, the rear (north) boundaries of the three proposed dwellings would back directly onto adjoining new residential development with no public or other internal connectivity between the application site and the adjoining development.

In these respects there would appear to be no feasible prospect of the current application being capable of delivering proportionate contribution(s) with respect to public open space, play or alternative natural recreational greenspace (ANRG) in accordance with the requirements of ENV1 and the requirements and dimensional criteria for ANRG set out within the Council's Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document (SPD).

Thereby, the proposed development would fail to achieve an appropriate form of coordinated development and would not form part of a coherent overall scheme in design terms, based on the Strategic Site Allocation Policy SS8 Site Concept Master Plan.

Additionally, the proposal would not make a proportionate contribution to the facilities, services, open space and recreational habitat mitigation requirements of the allocation site as a whole, contrary to the provisions of chapter 9 of the adopted Local Plan 2016-2036 Part One: Planning Strategy and the Council's Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document (SPD - adopted 5th May 2021).

#### Affordable housing provision

Whilst the application is for 3 new dwellings and would (in isolation) be beneath the threshold of 11 dwellings that is set out as a trigger for the provision of affordable housing (as defined within local plan policy HOU2), in this case the proposal forms part of the wider strategic site allocation of at least 160 homes and public open space at Land at Hordle Lane, Hordle (policy SS8). Consequently, the development

should make a proportionate contribution towards the provision of affordable housing across the whole site allocation at the rate of 50%, in accordance with HOU2.

The application as submitted is for 100% market housing and consequently would fail to make appropriate provision in respect of affordable housing, contrary to the requirements of policies HOU2 and IMPL1 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

#### The Coal Yard planning approval

The applicant has made reference to planning approval which was granted in August 2020 for the construction of 10 (open market) dwellings with associated parking, access and landscaping on land at The Coal Yard, Vicarage Lane (application reference 19/10007) and seeks to draw parallels between that approved scheme and the current application, as both sites are within the wider SS8 strategic site allocation.

The Coal Yard development did not provide affordable housing or POS/ANRG or other proportionate contributions with regard to the provisions of local plan policy SS8 - however, the Coal Yard site application fundamentally differs from the current application as the site constitutes previously developed land (PDL). In this respect it does not need to rely on the SS8 site allocation to any degree to be considered acceptable in principle and was capable of coming forward in isolation and separately from the main allocation as a stand alone development.

In contrast, in the absence of the SS8 strategic site allocation, the current application site would constitute undeveloped land in the countryside and Green Belt whereby new development would be unacceptable in principle - unless it is accordant with the provisions and policy requirements of the strategic site policy SS8.

#### Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated this will be published later in 2022 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years.

In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

However, in the case of this application the proposal is for a very modest level of housing provision and it is considered the fundamental discordance with the primary policy requirements of policy SS8 in respect of achieving coordinated development weighs against the proposal.

#### Scale, design, materials and impact on the surrounding area/countryside

The three proposed dwellings are considered to be of a scale, layout and design that is appropriate to the character of the surrounding area. The proposed dwellings are

of good quality individual design and, taking into consideration the wider context of the application site (forming part of the strategic site allocation for at least 160 homes), are considered to be of an appropriate density and would be provided with a proportionate amount of outdoor amenity space.

By reason of the layout of the proposed dwellings, being set back relative to the southern boundary with Sky End Lane, and retaining established hedgerows (save for the creation of new access points) and trees, it is considered the proposals would appropriately preserve the existing rural character of Sky End Lane and the character of the wider surrounding green belt and countryside.

#### Amenity considerations

The application proposes three detached dwellings sited approximately centrally within proportionate plots. By reason of the separation distances (both internally within the proposed development and externally relative to the closest neighbouring properties) and general relationships between the proposed dwellings and the adjoining dwellings and uses, it is considered the proposed development would not result in adverse or undue amenity impacts such as overlooking, overshadowing etc.

#### Access, parking and Highway safety

Hampshire County Council (HCC) is the relevant Highway Authority for the area and have provided the following consultation advice:

*'The Highway Authority have no objections to this application. Furthermore, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the works on the Highway.'*

The proposals meet the required levels of on-site parking provision for the proposed development (as set out within the adopted NFDC Parking Standards SPD) of 3 on-plot car parking spaces and 2 cycle spaces for each 4 bed dwelling.

Consequently, notwithstanding concerns raised by the parish council and in third party representations, it is considered the proposed development would be provided with a suitable form of access, parking and turning facilities and would not be prejudicial in terms of Highway safety.

#### Flood risk

The application site is not within Environment Agency Flood Zones 2 or 3 and is not identified as being at risk of flooding within the New Forest Strategic Flood Risk Assessment (NFSFRA).

It is considered that third party concerns with respect to potential surface water flooding during the winter months could be satisfactorily addressed (via a planning condition) by the provision of a suitable and appropriately designed surface water drainage system (SuDS) that is designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and making additional provision to ensure there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

## Ecology, habitat mitigation and off-site recreational impact

The application is supported by an Ecology Assessment report which has been considered and assessed by the Council's Ecologist. The Council's Ecologist objects to the application on the grounds that insufficient safeguarding and mitigation has been proposed for Dormice - a legally protected species in the United Kingdom under Schedule 5 of the Wildlife and Countryside Act (WCA) 1981 (as amended); this legal protection was strengthened in 2000 by the Countryside and Rights of Way (CRoW) Act 2000 in England and Wales.

Under Schedule 12 of this Act, it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure used by hazel dormice for shelter or protection or to disturb an animal whilst occupying such a structure.

It is an offence to:

- Intentionally or deliberately kill, injure or capture a hazel dormouse;
- Damage, destroy or obstruct access to any structure or place used for shelter or protection by a hazel dormouse; and / or
- Deliberately disturb a hazel dormouse while it is occupying a structure or place which it uses for that purpose

The Council's Ecologist advises that a European Protected Species Licence (EPSL) from Natural England (NE) is required for any development works that would affect dormouse or dormouse habitat (e.g. hedgerows or scrub) where the species is known to be present, as would be the case for this development.

In the absence of a satisfactory scheme for mitigating impacts on the hazel dormouse the proposal fails to accord with the provisions of saved local plan policy DM2 (Nature conservation, biodiversity and geodiversity) which states that proposals for development which would adversely affect species of fauna or flora that are protected under national or international law, or their habitats, will not be permitted unless their protection can be adequately secured.

### **Habitat Mitigation**

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to provide an proportionate level of on site ANRG (in respect of Infrastructure impacts/mitigation) and enter into a Section 106 legal agreement (or unilateral undertaking) to secure a habitat mitigation contribution(s) (in respect of non-infrastructure mitigation) in accordance with the Council's Mitigation Strategy which secures the required habitat mitigation contributions, as detailed in the section below.

### **Nitrate neutrality and impact on Solent SAC and SPAs**

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England has now raised this with the Council and other Councils bordering the Solent catchment area and has raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

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 Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC considers that there needs to be a mitigation project to provide this development with a nitrate budget. For this reason, a Grampian-style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

### **Managing air quality**

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). 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.

A financial contribution is required (to be provided by the applicant via S106 or unilateral undertaking) 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.

### **On site Biodiversity Net Gain (BNG) and protected species**

In accordance with the Council's Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021), the applicant has detailed (within the submitted Ecology Assessment report) appropriate measures for the enhancement of local biodiversity to provide an appropriate level of biodiversity net gain (BNG) for the proposed development.

### Developer Contributions

If the development were to be approved, as part of the development, the following would need to be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution - not applicable as should be on site ANRG
- Non-infrastructure contribution of £2,997
- Bird Aware Solent contribution of £2,592
- Air quality monitoring contribution of £273

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	663	0	663	663	£80/sqm	£67,728.00 *

Subtotal:	£67,728.00
Relief:	£0.00
Total Payable:	£67,728.00

## 11 CONCLUSION

The proposed development is unacceptable in principle as it would fail to achieve an appropriate form of coordinated development as part of the wider strategic site allocation and would not form part of a coherent overall scheme in design terms, based on the Strategic Site Allocation Policy SS8 Site Concept Master Plan.

Additionally, the proposal would not make a proportionate contribution(s) to the facilities, services, open space and recreational habitat mitigation requirements of the allocation site as a whole, contrary to the provisions of chapter 9 of the adopted Local Plan 2016-2036 Part One: Planning Strategy and the Council's Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document (SPD - adopted 5th May 2021).

The application as submitted is for 100% market housing and consequently would fail to make appropriate provision in respect of affordable housing, contrary to the requirements of policies HOU2 and IMPL1 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

In the absence of a satisfactory scheme for mitigating impacts on the hazel dormouse the proposal fails to accord with the provisions of saved local plan policy DM2 (Nature conservation, biodiversity and geodiversity) which states that proposals for development which would adversely affect species of fauna or flora that are protected under national or international law, or their habitats, will not be permitted unless their protection can be adequately secured.

In the absence of appropriate on-site provision (i.e. ANRG and POS) and off-site contributions (i.e. Access Management and Monitoring) the proposed development fails to make provision that appropriate mitigation measures are in place to ensure that the proposed development (either alone or in combination with other plans or projects) does not have an adverse effect on the integrity of internationally designated sites. In these respects the proposed development is discordant with the requirements of the Council's Mitigation for Recreational Impacts On New Forest European Sites SPD.

In the absence of the provision of an appropriate contribution towards the provision of additional school places that would be generated by the development, the impact of the development on the existing infrastructure is not sufficiently mitigated and thereby the development is contrary to the provisions of local plan policy IMPL1.

## 12 RECOMMENDATION

**Refuse**



**Reason(s) for Refusal:**

1. The proposed development of this small element of the larger allocated Strategic Site does not achieve the coordinated approach that is required to deliver a sustainable, high quality form of development. Furthermore, this piecemeal approach to delivering housing, would prejudice the delivery of the necessary on site mitigation and facilities that are essential to delivering the allocation's full housing potential.

The proposal is thereby considered contrary to the provisions of policy IMPL1 of the adopted Local Plan 2016-2036 Part One: Planning Strategy and the Council's Mitigation for Recreational Impacts on New Forest European sites Supplementary Planning Document (SPD - adopted 5th May 2021).

2. The proposed development, forming part of the wider strategic site allocation of at least 160 homes and public open space at Land at Hordle Lane, Hordle (policy SS8), would fail to make appropriate provision in respect of affordable housing, contrary to the requirements of policies HOU2 and IMPL1 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.
3. In the absence of appropriate on-site provision (i.e. ANRG and POS) and off-site contributions (i.e. Access Management and Monitoring) the proposed development fails to make provision that appropriate mitigation measures are in place to ensure that the proposed development (either alone or in combination with other plans or projects) does not have an adverse effect on the integrity of internationally designated sites.

In these respects the proposed development is discordant with local plan policy ENV1 and the requirements of the Council's Mitigation for Recreational Impacts On New Forest European Sites SPD.

4. In the absence of a satisfactory scheme for mitigating impacts on the hazel dormouse the proposal fails to accord with the provisions of saved local plan policy DM2 (Nature conservation, biodiversity and geodiversity) of the Local Plan Part 2: Sites and Development Management, which states that proposals for development which would adversely affect species of fauna or flora that are protected under national or international law, or their habitats, will not be permitted unless their protection can be adequately secured.
5. In the absence of the provision of an appropriate contribution towards the provision of additional school places that would be generated by the development, the impact of the development on the existing infrastructure is not sufficiently mitigated and thereby the development is contrary to the provisions of local plan policy IMPL1.

**Further Information:**

Warren Simmonds

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**New Forest**  
DISTRICT COUNCIL

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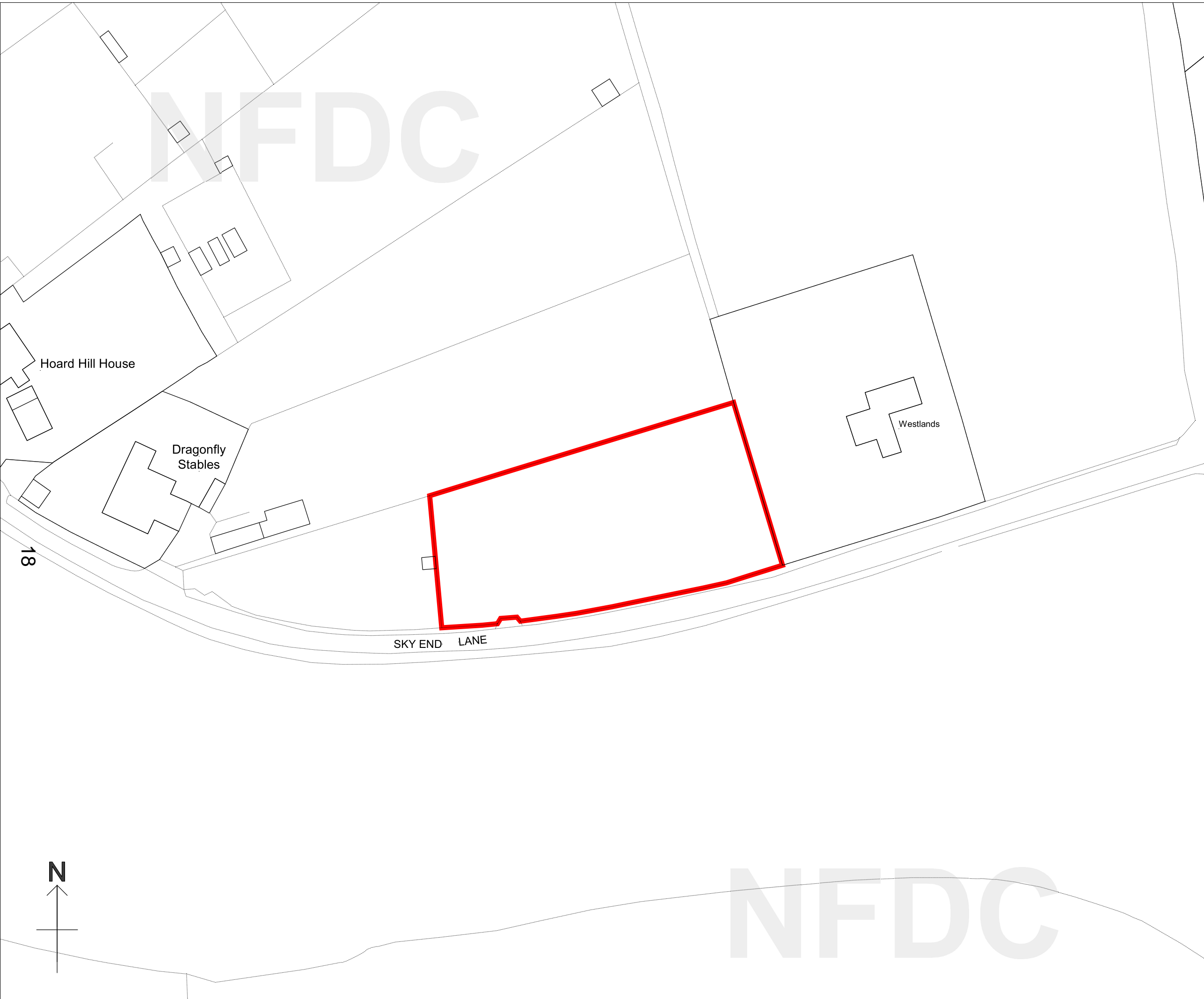
**PLANNING COMMITTEE**

**July 2022**

LAND ADJACENT WESTLANDS  
SKY END LANE  
HORDLE SO41 0HG  
22/10382

Scale 1:1250

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



Planning Committee 13 July 2022

**Application Number:** 22/10268 Full Planning Permission

**Site:** FAIRFIELD, COOKS LANE, CALMORE, TOTTON SO40 2RU

**Development:** 2 detached dwellings; conversion of Fairfield to 2 semi-detached dwellings; demolition of existing garage/barn

**Applicant:** Zelda Investment Ltd

**Agent:** Test Valley Building LLP

**Target Date:** 03/06/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of the proposed development
2. Design, site layout and impact on local character and appearance of area
3. Landscape impact and trees
4. Flood risk
5. Highway safety, access and parking
6. Residential amenity
7. Ecology

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Totton & Eling Town Council.

## 2 SITE DESCRIPTION

The application relates to the existing residential curtilage of the dwelling known as Fairfield, located on Cooks Lane in the Calmore area of Totton. The site is within the designated built-up area of the settlement and is immediately to the south of the SS1 Strategic Site allocation (Land to the north of Totton) which is allocated within the adopted Local Plan 2016-2036 Part One: Planning Strategy for residential-led mixed use development and open space comprising of at least 1,000 homes, a commercial core west of Pauletts Lane including around 5 hectares of land for business and employment uses and a community focal point for community uses. The application site adjoins an indicative residential part of the SS1 allocation.

The site currently contains a detached two storey dwelling located towards the southern frontage with Cooks Lane and a detached single storey ancillary outbuilding to the immediate rear of the house. Access is via a driveway to the west of the house to an area of consolidated hardstanding.

The front (roadside) boundary consists of a mature evergreen hedge of approx. 4m height. The side boundaries are predominantly close board timber fencing. The site is bounded by a line of trees and mature shrubs to the rear (north).

### 3 PROPOSED DEVELOPMENT

The application proposes the following elements:

1. The subdivision of the rear garden curtilage of 'Fairfield' to provide 2no. new detached two storey dwellings with associated gardens, access, parking and turning areas;
2. The internal subdivision of the existing house to provide 2no. separate (adjoining) two bedroom dwellings, with associated outdoor amenity areas, access and parking provision;
3. Amendments to the existing access onto Cooks Lane and the internal layout of the site to facilitate the above.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
87/NFDC/36209 Conversion of stables to dwelling, add dormer window and new access.	28/01/1988	Granted Subject to Conditions	Decided
85/NFDC/29311 Erection of a house and double garage.	13/06/1985	Granted Subject to Conditions	Decided
83/NFDC/23854 Erection of a house and double garage/store building with alterations to existing pedestrian/vehicular access (existing agricultural building to be demolished).	27/04/1983	Granted Subject to Conditions	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 IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy IMPL3: Monitoring

Policy STR1: Achieving Sustainable Development

Policy STR4: The settlement hierarchy

#### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

#### **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

SPD - Air Quality in New Development. Adopted June 2022

#### **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

### **Constraints**

NFSFRA Surface Water  
Plan Area

### **Plan Policy Designations**

Built-up Area

## **6 TOWN COUNCIL COMMENTS**

### **Totton & Eling Town Council**

With proposed development on SS1 to the rear of the site additional development on Cooks Lane will impact further on existing residents, specifically in terms of flooding which is an existing issue for residents.

On-site parking spaces comply with parking standards however, no allowance has been made for visitor parking.

RECOMMENDATION - PAR4: We recommend REFUSAL, for the reasons listed.

### **Totton & Eling Town Council, Civic Centre**

The main area of concern is flooding, existing residents already experience flooding and this would be intensified should further development be allowed.

On-site parking spaces comply with parking standards however, no allowance has been made for visitor parking.

Four dwellings on this plot would impact on the character and appearance of the local area.

RECOMMENDATION - PAR4: We recommend REFUSAL, for the reasons listed.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Ecologist**

Preliminary Ecological Appraisal (PEA) requested to include an assessment of the sites potential to support protected species. Subsequent consultation response: Bat protection condition recommended. Otherwise, no objection subject to securing the mitigation and enhancement measures detailed in Sections 14 and 15 of the Phillips Ecology Extended Phase 1 Ecological and Bat Roost Assessment, dated June 2022.

### **NFDC Tree Team**

No objection

### **HCC Highways**

As the application is for 5 or less dwellings and features no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.

### **HCC Surface Water**

As this application relates to a site which is a residential application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received:

Five representations were received from third parties, each was in objection to the proposed development. Grounds for objection included:

- overlooking and loss of privacy
- potential for exacerbation of local flooding issues
- out of keeping with character of the surrounding area
- lack of outdoor amenity space proposed for the dwellings
- noise and disturbance to neighbours from higher level of occupation of the site and associated vehicle movements
- no local need for additional housing

For: 0

Against: 5

## **10 PLANNING ASSESSMENT**

### Principle of Development

The application site constitutes the existing residential curtilage of the dwelling known as Fairfield, located on Cooks Lane in the Calmore area of Totton. The site is within the designated built-up area of the settlement where new development and redevelopment are acceptable in principle, subject to accordance with the relevant Development Plan policies and local and national planning policies and planning guidance.

The application site is immediately to the south of the SS1 Strategic Site allocation (Land to the north of Totton) which is allocated within the adopted Local Plan 2016-2036 Part One: Planning Strategy for residential-led mixed use development and open space comprising of at least 1,000 homes, a commercial core west of Pauletts Lane including around 5 hectares of land for business and employment uses and a community focal point for community uses. The application site adjoins an indicative residential part of the SS1 allocation.

### Housing Land Supply

It remains a material planning consideration that the Council cannot demonstrate a five-year supply of deliverable housing land. The Council's Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along

with the latest information about sites coming forward. It is anticipated this will be published in early 2022 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years.

In such circumstances, the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development, even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing), although this still needs to be balanced against policies of the framework that protect assets of particular importance (such as heritage assets).

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

The application site contains one detached two storey dwelling ('Fairfield') which appears to be of late 19th or early 20th century construction. Fairfield is located towards the front (southern) boundary with Cooks Lane. The remainder of the curtilage is of a relatively generous size and extends to the north, comprising approx. 1,300 sq.m in total.

It is notable that as well as the fairly regular, linear pattern of development along the roadside frontage to the west of the site, there is an existing pattern of development that is set back further to the rear (north) of Cooks Lane, evident at neighbouring properties to the east, including Calmore Vicarage and Meadow House.

The application proposes the following elements:

- The subdivision of the rear garden curtilage of 'Fairfield' to provide 2no. new detached two storey dwellings with associated gardens, access, parking and turning areas;
- The internal subdivision of the existing house to provide 2no. separate (adjoining) two bedroom dwellings, with associated outdoor amenity areas, access and parking provision;
- Amendments to the existing access onto Cooks Lane and the internal layout of the site to facilitate the above.

The proposed alterations to the existing dwelling 'Fairfield' are predominantly internal changes to facilitate the subdivision, with minor external alterations to doors and windows. There are no extensions or enlargements proposed and the outer appearance of the existing building will not be significantly altered.

Proposed new build plots 1 and 2 are detached, two storey dwellings of traditional construction with facing brickwork elevations under tiled roof(s) - exact materials and finishes to be agreed by condition.

As noted above, the pattern and rhythm of development along this part of Cooks Lane becomes varied and is in effect transitional between the regular, linear distribution of dwellings located relatively close to the roadside boundary with Cooks Lane to the west, becoming less regular and set further to the rear (north) of plots to the east of the site. This is notably evident at the neighbouring properties Calmore Vicarage and Meadow House. In these respects it is considered in this case the provision of additional dwellings located to the rear of the existing house at 'Fairfield' would not be anomalous or at odds with the character of the area *per se*.

Having regard to the amount of development proposed, the layout and scale of the proposals, the amount of outdoor amenity space and the general arrangement of the proposed development within the site, officers consider this does not give rise to

concerns of development that is unduly cramped or would constitute an overdevelopment of the site.

### Landscape impact and trees

The application site is currently the garden curtilage of 'Fairfield' and backs onto the SS1 strategic site to the immediate north. The adjoining part of the SS1 site is allocated as residential.

The site is relatively well screened in public views from Cooks Lane to the south, by reason of a substantial approx. 4m tall mature evergreen hedge which is proposed to be retained. The site is otherwise bounded on the east and west sides by the garden curtilages of neighbouring dwellings. Consequently, the application site is not particularly prominent in local or wider public views within the surrounding landscape.

The Council's Tree officer has visited the site and provides the following comments:

*'Immediately adjacent to this site, along the northern boundary, is a line of hedgerow trees. Although these trees collectively benefit wildlife and form a natural screen, these trees are not of large enough stature to be considered worthy of protection by a Tree Preservation Order and therefore cannot be considered a constraint to development. There are no trees within the site.'*

*'I have no objections to this proposal on tree grounds.'*

It is considered the proposed development would not have an adverse impact on the character of the surrounding landscape and there are no tree impact concerns.

### Flood risk

The application site is not within Environment Agency Flood Zones 2 or 3, however an area of the existing driveway towards the south west corner of the site is identified locally within the NFSFRA as being liable to surface water flooding (1 in 100 year extent).

The applicant has provided a flood risk assessment (FRA) in accordance with the provisions of the NPPF to assess the risk of flooding and provide mitigation measures to reduce flood risk within the site and on adjoining land. As part of the proposal the access road and parking spaces will be comprised of permeable surfaces with gravel substrate beneath. All other ground surfaces will be of permeable construction.

The FRA provides an appropriate Surface Water Drainage Strategy and a scheme of Flood Risk Mitigation measures which concludes that the development proposals can be accommodated without increasing flood risk within the locality in accordance with objectives set by the NPPF and the Environment Agency.

In these respects, subject to the surface water drainage strategy and scheme of flood risk mitigation measures being made a requirement for the development by a planning condition, the proposal is considered to be acceptable in terms of flood risk and would not increase or otherwise exacerbate the risk of flooding within the site or in adjoining land.



### Highway safety, access and parking

The proposed development utilises the existing vehicular access onto Cooks Lane to serve all of the dwellings. Within the site, internal access road(s) will serve each of the proposed dwellings and their associated parking areas.

The application would provide 3no. parking spaces for each of the new 4 bed houses and 2no. parking spaces for each of the proposed two bed dwellings to be formed within the existing house. The amount of parking provision proposed is accordant with the Council's adopted Parking Standards SPD. An appropriate level of cycle parking provision can be secured via a planning condition, as can the requisite electric vehicle (EV) charging infrastructure (a requirement set out within policy IMPL2 of the local plan).

Hampshire County Council as Highway Authority were consulted on this application and have provided the following consultation response:

*'As the application is for 5 or less dwellings and features no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.'*

Having regard to the standing advice set out by HCC Highways, it is accepted that vehicles entering and leaving the site are able to do so in a forward gear and the suggested planning condition with respect to the provision of the proposed parking and turning areas prior to occupation can be imposed.

In these respects, it is considered the proposed development is served by a suitable and appropriate access and level of parking provision. The proposed development would not be prejudicial in terms of Highway safety.

### Residential amenity

During the course of the consideration of this application, amended plans were submitted which are intended to address issues of overlooking of existing adjoining properties. These amended plans made amendments to the form, first floor layout and fenestration of proposed plots 1 and 2 to address overlooking concerns. Neighbours and the Town Council were re-consulted on the amended plans and thereby provided with a further opportunity to assess and comment.

By reason of the amended layout and arrangement of fenestration at first floor level within plots 1 and 2, it is considered the previous (scheme as originally submitted) undue overlooking of the rear elevation and rear garden area of the adjacent property 'Tumbleweed' and the garden of 'Sun Daisy Cottage' has been overcome by the use of a reduced 'catslide' eaves level combined with high-level rooflight windows.

There would remain a moderate level of indirect overlooking of the far northern end of adjacent gardens (Tumbleweed and Calmore Vicarage) from first floor rear casement windows within plots 1 and 2, however this would be limited to the far end of these gardens. Such relationships of limited indirect overlooking are commonplace in residential areas - consequently, the level of overlooking from rear first floor windows is not considered sufficient to constitute a reason for refusal for the application in this case.

Concerns have been raised that the increased level of residential occupation of the site would lead to noise and disturbance to existing neighbours. However, the site is within the built-up area where such development is acceptable in principle, and new residential development is a compatible land use adjacent to existing residential uses. The proposal is not considered by officers to constitute an unduly cramped or otherwise overdevelopment of the site, it is consequently considered there is nothing to substantiate concerns raised in respect to the potential for undue noise and disturbance.

### Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In the case of an application for less than 10 dwellings, an air quality statement rather than an air quality assessment will be required. The air quality statement should include a statement confirming 3 mitigation measures to be implemented as part of the development from the list detailed in Appendix 1. In this case, an air quality statement can be required to be submitted via a planning condition.

### Ecology

A Preliminary Ecological Appraisal (PEA) has been completed by Phillips Ecology (May 2022) and, in accordance with the recommendations of the PEA a further bat emergence survey was undertaken and a report submitted (Phillips Ecology, June 2022).

The Council's Ecologist has assessed the proposal, the submitted PEA report and the subsequently submitted extended Phase 1 ecological and bat roost assessment and provides the following advice:

*'The surveys have shown that the store/garage supports a brown long-eared day roost and feeding roost used by individual bats.*

*Given the proposed development results in the destruction of a known roost. In our function we are required to consider the likelihood of a licence being granted (by the licensing authority - Natural England and 'have regard for the Habitats Directive').*

*The three derogation tests are that:*

- *The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;*
- *There must be no satisfactory alternative; and*
- *Favourable conservation status of the species must be maintained.*

*On the first two bullets, I would accept your opinion on these matters as they will relate to wider planning considerations but having reviewed the mitigation strategy I would not expect there to be reasons for a licence not to be issued. In consideration of the third test in relation to maintaining a favourable conservation status, I am of*

*the opinion that if the works are carried out in accordance with the recommendations of the submitted report this test is capable of being met.*

*I would recommend inclusion of the following planning condition on any permission:*

*"Any works that impact on the bat roost (day and feeding roost for brown long-eared) identified in the Ecology Extended Phase 1 Ecological and Bat Roost Assessment Report undertaken by Phillips Ecology (Dated June 2022) shall not in any circumstances commence unless the local planning authority has been provided with either:*

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead;*
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence"; or*
- c) Natural England's decision on whether to accept the registration of the site under a Registered Consultants Bat Mitigation Class Licence (BMCL)."*

*Otherwise, I have no objection subject to securing the mitigation and enhancement measures detailed in Sections 14 and 15 of the Phillips Ecology Extended Phase 1 Ecological and Bat Roost Assessment, dated June 2022.'*

In respect of the first two parts of the derogation tests as detailed above, it is considered the public benefits of providing additional new dwellings within a sustainable location (also taking into account the Council's current lack of 5 year housing land supply) are sufficient in terms of public interests to meet bullet point 1. In respect of bullet point 2, by reason of the size constraint(s) of the site and the lack of any other site available to the applicant on which to pursue the development, it is considered this test is also met.

The recommended planning condition can be imposed on any consent granted.

In these respects, subject to the recommendations of the Council's Ecologist as detailed above, the proposed development is considered acceptable in terms of ecological impact and biodiversity net gain (BNG) mitigation and enhancement.

### **Habitat Mitigation**

#### **a) Managing Recreational Impact**

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution can be secured through a S106 legal agreement or Unilateral Undertaking.

#### **b) Nitrate neutrality and impact on the Solent SPA and SACs**

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature

conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

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 Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

### **Managing Air Quality**

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). 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.

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. An appropriate contribution will be secured through a S106 legal agreement or Unilateral Undertaking.

### **Biodiversity net gain**

As from 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 in accordance with Policy DM2.

Details of BNG enhancement measures have been submitted within the PEA report, to which the Council's Ecologist raises no objections to the proposal, subject to the proposed mitigation and enhancement measures being secured. These biodiversity enhancements can be secured by an appropriate planning condition.

### **Developer Contributions**

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £16,334
- Non-infrastructure contribution of £2,587
- Bird Aware Solent contribution of £2,291
- Air quality monitoring contribution of £273

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	304		304	304	£80/sqm	£31,054.77 *
Subtotal:	£31,054.77					
Relief:	£0.00					
Total Payable:	£31,054.77					

## 11 CONCLUSION

The proposed development would provide additional units of residential accommodation within the defined built-up area of the settlement and would constitute an appropriate form of development having regard to the character of the surrounding area and the amenity of adjacent dwellings.

The proposal is considered to be acceptable in terms of flood risk and would not increase or otherwise exacerbate the risk of flooding within the site or in adjoining land.

The proposal would not have adverse impact(s) on nature conservation interests or protected species and would make suitable on-site provision for biodiversity net gain (BNG).

The development is considered accordant with the relevant policies of the Development Plan and local and national planning policy guidance, subject to the specified conditions and subject to appropriate contributions with respect to habitats mitigation and air quality monitoring being secured via a S106 legal agreement or Unilateral Undertaking.

## 12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- the completion of a S106 legal agreement (or Unilateral Undertaking), to secure the relevant habitats mitigation and air quality monitoring contributions as set out in the officer report to Committee, and
- the imposition of the conditions set out below.

**Proposed Conditions:**

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

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

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

P01A	LOCATION & BLOCK PLAN
P03 REV C	AMENDED PLOT 1 ELEVATIONS, FLOOR AND ROOF LAYOUTS
P04 REV E	AMENDED PLOT 2 ELEVATIONS, FLOOR AND ROOF LAYOUTS
P02 REV B	AMENDED SITE LAYOUT
P06 REV B	FAIRFIELD PROPOSED ELEVS AND LAYOUTS ELEVATIONS
P05	FAIRFIELD EXIST ELEVS AND LAYOUTS ELEVATIONS
P08	SITE SURVEY

Reason: To ensure satisfactory provision of the development.

3. Before development commences above ground level, exact details of the facing and roofing materials to be used for the two new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

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

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

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

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. Before development commences above ground level, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place above ground level 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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. The development hereby permitted shall not be occupied until:
- (i) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and
  - (ii) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
  - (iii) (The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8. Prior to occupation the areas shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.

Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear



9. The development hereby approved shall be carried out in accordance with the recommendations, mitigation measures and measures for the provision of biodiversity net gain (BNG) as detailed in sections 14 and 15 of the submitted Extended Phase 1 Ecological and Bat Roost Assessment report (Phillips Ecology, June 2022).

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2: Nature conservation, biodiversity and geodiversity of the Local Plan Part 2: Sites and Development Management and the Councils' Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021).

10. The development hereby approved shall be carried out in accordance with the Surface Water Drainage Strategy and the Flood Risk Mitigation measures detailed in sections 5 and 6 of the submitted Flood Risk Assessment and Surface Water Drainage Strategy for Planning (UNDA Consulting Limited, June 2022).

Reason: To provide adequate mitigation in respect of flood risk.

11. No works that impact on the bat roost (day and feeding roost for brown long-eared) identified in the Ecology Extended Phase 1 Ecological and Bat Roost Assessment Report undertaken by Phillips Ecology (Dated June 2022) shall commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or
- c) Natural England's decision on whether to accept the registration of the site under a Registered Consultants Bat Mitigation Class Licence (BMCL).

Reason: In the interests of the conservation of protected species and in accordance with the provisions of saved local plan policy DM2: Nature conservation, biodiversity and geodiversity.

12. Before development commences above ground level, an air quality statement setting out a minimum of three mitigation measures (as detailed within Appendix 1 of the Council's Air Quality Assessments in New Development SPD) shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed air quality mitigation measures.

Reason: In the interests of amenity and public health, in accordance with the provisions of the Council's Air Quality Assessments in New Development SPD.

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453

NFDC

Calmo



New Forest  
DISTRICT COUNCIL

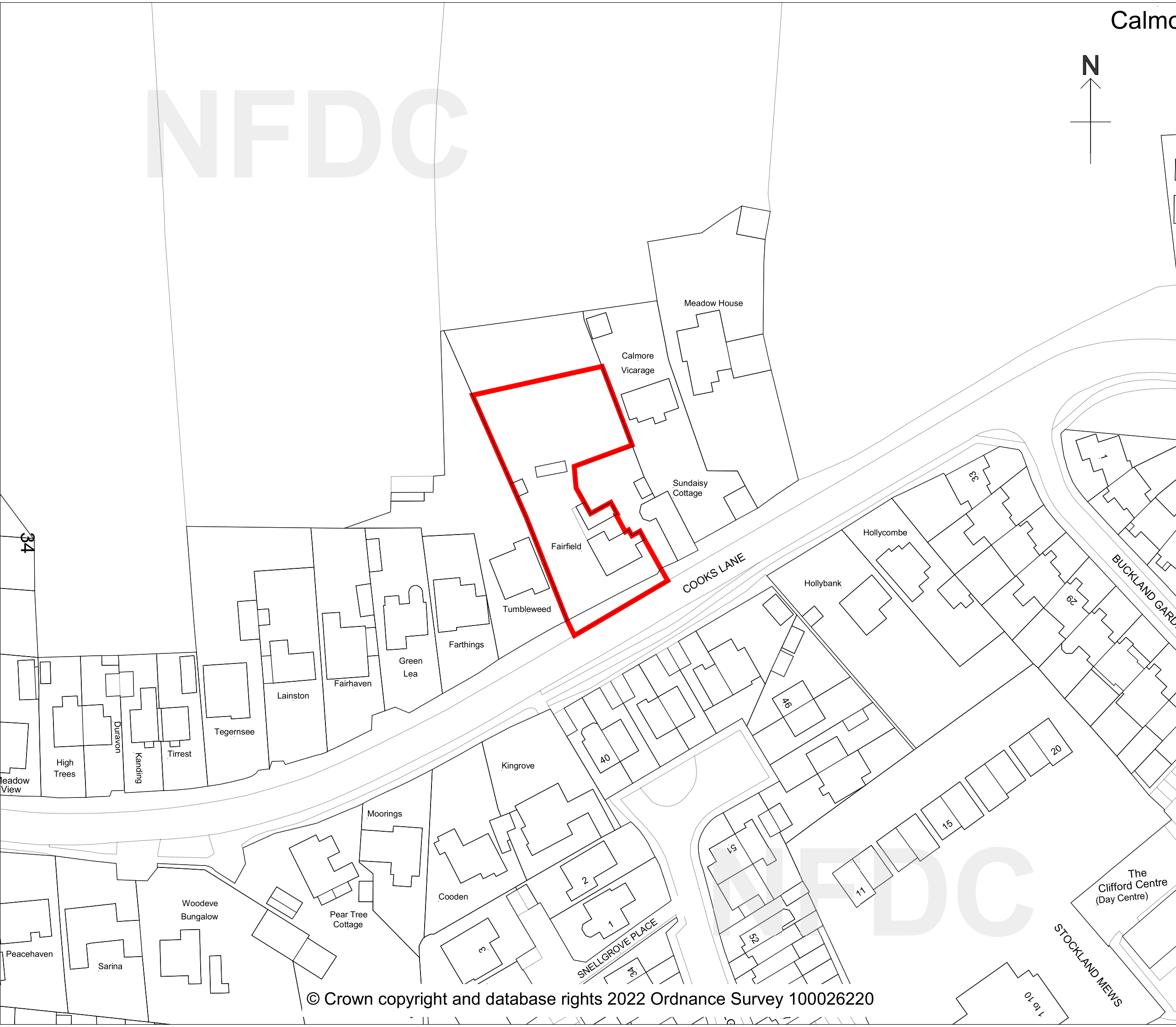
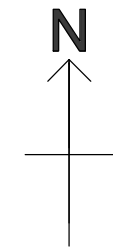
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SO43 7PA

**PLANNING COMMITTEE**

**July 2022**

FAIRFIELD, COOKS LANE  
CALMORE  
TOTTON SO40 2RU  
22/10268



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the internet, it will not be to  
scale.

Planning Committee 13 July 2022

**Application Number:** 22/10424 Full Planning Permission

**Site:** 15-17 HIGH STREET, HYTHE SO45 6AG

**Development:** Two-storey building comprising of shops, two flats and a garage  
(Retrospective)

**Applicant:** Mr Ghahramanizadi

**Agent:** KM Planning

**Target Date:** 20/06/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the proposed development
- 2) Design, site layout and impact on local character and appearance of area and Conservation area
- 3) Highway safety, access and parking
- 4) Residential amenity
- 5) Ecology

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Hythe & Dibden Parish Council.

## 2 SITE DESCRIPTION

The application relates to numbers 15-17 High Street in Hythe town centre.

The building extends the full depth of the plot with the rear element (known as 1 Waters Meet) fronting onto and having access from The Promenade.

The site lies within the designated Conservation Area of Hythe and is situated within the town centre in the main primary shopping frontage.

The adjacent building 'The Old Chandlery' situated on the eastern side of Waters Meet is a Grade II Listed Building. There are also GII listed buildings on the opposite side of the High Street at numbers 6, 6a and 6b.

The adjacent pair of semi-detached cottages fronting onto The Promenade 'Hythe View' and 'Pierview House' are identified as important unlisted buildings within the Hythe Conservation Area Appraisal.

## 3 PROPOSED DEVELOPMENT

The application is retrospective and seeks to regularise the 'as built' development to the rear of numbers 15-17 High Street which includes a two-storey building to accommodate shops and residential garage at ground floor and two dwellings at first floor.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
06/88361 Two-storey extension to provide shops, 1 flat and garage	21/09/2006	Was Lawful	Decided	
06/86903 Erect two-storey building of shops; store; flat & garage (Renewal of Planning Permission 71210)	10/03/2006	Refused	Decided	
05/84736 Alterations to shopfront	30/06/2005	Granted Subject to Conditions	Decided	
03/78190 3 Shops and restaurant	19/08/2003	Refused	Appeal Decided	Appeal Dismissed
03/77550 Use of ground floor as betting office	08/05/2003	Refused	Decided	
01/71210 Extension of time limit on PP59465 (Erect 2 storey building of shops, store, flat & garage)	30/03/2001	Granted Subject to Conditions	Decided	
96/NFDC/59465 2 storey bldg inc'g shops/store/flat/gge-extnd time 40335:	13/11/1996	Granted Subject to Conditions	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 HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy ECON6: Primary, secondary and local shopping frontages

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

##### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

##### **Supplementary Planning Guidance And Documents**

SPG - Hythe - A Conservation Area Appraisal

SPD - Parking Standards

Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021)

##### **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested,

is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

#### **Constraints**

NFSFRA Coastal

Plan Area

Flood Zone

Conservation Area: Hythe Conservation Area

#### **Plan Policy Designations**

Built-up Area

Primary Shopping Area

Town Centre Boundary

## **6 PARISH COUNCIL COMMENTS**

### **Hythe & Dibden Parish Council**

Comment: PAR 4: Recommend REFUSAL. The Committee objects to this application for the following reasons:

- 1) The Committee is disappointed that no action was taken to monitor the construction of this development and ensure that it was built according to the agreed specifications. The Committee requests that works are undertaken so that the development matches the proposal that was originally approved by the local authority.
- 2) The current development is out of keeping with the Conservation Area, which is contrary to the NFDC Local Plan and the Hythe and Dibden Neighbourhood Development Plan.
- 3) It is unneighbourly by way of its design and bulk.
- 4) It is overbearing and encroaches on neighbouring properties.
- 5) The current parking arrangements impact on highway safety.
- 6) There are concerns about the location of the area used for storing refuse.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environment Agency**

As the development does not result in an increase in flood risk, we have no objection to the proposal as submitted.

## **NFDC Conservation**

No objection:

*'While there is a small degree of harm relation to details and some materials this sits at a much lower end of the harm spectrum.'*

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 14

Against: 7

Grounds for objecting to the proposal include overdevelopment, additional traffic generated, refuse bin storage inadequate, design out of keeping, lack of parking provision, loss of private sea view, excess height and proximity too close to adjacent building.

Grounds for supporting the application included bringing employment and an appropriate town centre use, the building is attractive and the path to the Promenade is useful, parking does not cause any problems, refuse storage arrangements work well and don't cause any problems, additional residential accommodation is needed and welcomed, building does not look out of place, the footpath is always clean and tidy.

## **10 PLANNING ASSESSMENT**

### Principle of Development

The application relates to numbers 15-17 High Street in Hythe town centre.

The building extends the full depth of the plot with the rear element (known as 1 Waters Meet) fronting onto and having access from The Promenade.

The site lies within the designated Conservation Area of Hythe and is situated within the town centre in the main primary shopping frontage.

The adjacent building 'The Old Chandlery' situated on the eastern side of Waters Meet is a Grade II Listed Building. There are also GII listed buildings on the opposite side of the High Street at numbers 6, 6a and 6b.

The adjacent pair of semi-detached cottages fronting onto The Promenade 'Hythe View' and 'Pierview House' are identified as important unlisted buildings within the Hythe Conservation Area Appraisal.

The application is retrospective and seeks to regularise the 'as built' development to the rear of numbers 15-17 High Street which includes a two-storey building to accommodate shops and residential garage at ground floor and two dwellings at first floor.

### The planning history of the site

Planning permission was originally granted under reference NFDC/88/40335 (Erect 2 Storey Bldg of Shops, Store, & Flat & Garage) for the re-development of the site which included the erection of a two-storey building comprising of shops, flat and a garage.

A further planning permission (extension of time) was granted for the development under planning reference 96/NFDC/59465.

In 2006 a Certificate of Lawfulness (planning reference 06/88361) was granted by the Council confirming that commencement of the earlier permissions had taken place and as such it formed an extant consent.

In 2019 an application to discharge the planning conditions was approved and building works recommenced in relation to this extant consent.

#### The 'as-built' scheme compared to the previously approved scheme

This application is retrospective and seeks to regularise the 'as built' development to the rear of numbers 15-17 High Street which includes a two-storey building to accommodate shops and residential garage at ground floor and two dwellings at first floor.

The 'as-built' proposal differs from the previously approved scheme in the following respects:

- Minor fenestration amendments to the side elevation fronting the access way.
- Change to the eaves height (from approx. 4.2m to approx. 4.7m) and roof height (from approx. 6.85, to varying height between approx. 7.35m at the rear to approx. 7.65m at the front towards the High Street end) and design where the two-storey building adjoins the rear of 15-17. It is understood the continuation of the roofline could not be implemented as the original approved plans did not depict the building heights accurately. The original approved plans showed the rear of 15-17 to be the same height as the proposed two-storey building, but this section actually has a lower roofline than that of the development approved. As a result, the roofline could not be continued.
- A change to the roof design and bay window detailing to the front elevation facing 'The Promenade'. This is also understood to be due to the inaccuracy of the original approved plans.
- Solar panels have been installed on the roof in order to comply with Building Regulations with regard to thermal efficiency.
- A reduction in floorspace serving the garage and corresponding enlargement of floorspace serving one of the retail units.
- The approved plans granted consent for one flat and a store above the shop at first floor level. The store above the shop has been converted into an additional flat.

The principle of the development of the site as previously approved has already been established (via the granting of planning consent). The matters for consideration for this current application are the consideration of the impacts and effects of the differences between the 'as-built' development and that previously approved.

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

The siting, layout and general form of the building are much as previously approved. The differences in the 'as-built' development now proposed generally amount to minor amendments to fenestration and external detailing and an increase in the height of the eaves and roof (by approx. 500cm) and the roof form over the building.

Considering the principle facing elevations facing onto High Street (south west) and The Promenade (north east), the appearance of the 'as-built' proposals are very similar to the previously approved consent. The main difference is that the roof form over the main linear extent of the building is higher, but from the 'human perspective' of views of the site from the High Street and The Promenade, these changes are not significantly visually evident.

In assessing the impact(s) of the proposal on the character of the surrounding area and designated Conservation area, the comments of the Conservation officer are an important consideration. They are as follows:

*'I have now visited site and would make the following observations on the proposed building to the rear of 15 and 17 High Street.*

- *This is a retrospective application due to certain elements of the extant structure not being built in accordance with the approved plans.*
- *I have viewed the site from both the rear and the front of the site and walked along the access route to the west of the range of buildings.*
- *In terms of general bulk, scale, massing and arrangement of buildings while there are some variations none if these are significant enough to cause any key concerns or impact on the conservation area.*
- *The key elevations to the rear and along the access route accord with the approved application aside from some smaller changes to detailing and the abutment with the older building to the High Street.*
- *The junction with the older building works better than the approved scheme as it breaks up a little more and leaves a bit of breathing space to the roofscape.*
- *The elements that let the scheme down are in the detailing in that windows, doors, and some of cladding elements are not carried out to the standard expected in a conservation area.*
- *The boxed soffits, the new staircase, plastic guttering etc. don't lend much quality to the proposal.*
- *Unfortunately these are smaller matters which in balancing up the proposal only create a small degree of harm to the conservation area.*
- *The addition of a flat unit within the scheme is welcomed as this adds living accommodation that adds to the vitality of Hythe centre.*

*While there is a small degree of harm relation to details and some materials this sits at a much lower end of the harm spectrum.'*

Taking into consideration the comments received from the Conservation officer, and taking into account the limited extent of the changes between the extent planning consent and the 'as-built' development now proposed, it is considered the proposal is acceptable in terms of its design, site layout and impact on the character of the locality and designated Conservation area.

Officers note that the addition of roof mounted solar PV panels could be undertaken on the building without the need for planning permission from the Council by virtue of the availability of permitted development rights under the provisions of Class J – *installation or alteration etc of solar equipment on non-domestic premises* of Part 14 (Renewable energy) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### Highway safety, access and parking

The proposal, by reason of the amended internal layout of the building, has a reduction in parking provision from 4 (2 x 2 tandem) parking spaces to 2 parking spaces. This is a consequence of the increased retail area of the ground floor shop located towards the rear (north east) of the building.



At the same time, the additional 2 bed flat now proposed at first floor level would have a requirement for an additional 1.5 shared/communal parking spaces or 2 on-plot parking spaces. Similarly, in accordance with the Council's adopted Parking Standards SPD, the approved 2 bed dwelling (known as 1 Waters Meet) generates a requirement for 2 on-plot parking spaces (which it achieves).

Therefore on balance the proposed development 'as-built' generates a parking provision requirement of 3 shared/communal parking spaces or 4 on-plot parking spaces and it is deficient in meeting these requirements. However, the application site is located within the town centre whereby Principle PS1 of the Council's adopted Parking Standards For Residential and Non-Residential Development Supplementary Planning Document (SPD), whereby:

*Residential development within the District should provide the recommended car parking standards as set out in Table 1 below, with the following exception:*

- *In the main town Main Town Centre locations of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel, and confirmation that factors influencing parking pressure set out in Annex 2 will not be exacerbated.*
- *Proposals in these Main Town Centre locations will be assessed on a site by site basis with account taken of the layout and design of the development and where relevant can also take into account future public and active travel projects, where there is sufficient certainty in their delivery*

As the additional 2 bed first floor flat is located within the Hythe Village centre, in an inherently sustainable location with access to a wide range of services, facilities and public transport, in this case it is considered a reduced level of car parking for the development can be considered acceptable.

#### Residential amenity

The siting, layout and general form of the building are much as previously approved. The differences in the 'as-built' development now proposed generally amount to minor amendments to fenestration and external detailing and an increase in the height of the eaves, height and roof form of the building.

No additional windows have been inserted at first floor above that approved by the extant consent. It should also be noted that there were no obscure glazing or other such conditions attached to the extant consent in relation to the first floor windows proposed. Consequently it is considered the development 'as-built' does not result in a greater loss of privacy to neighbouring properties.

Whilst the 'as-built' development has a taller eaves height and amended roof form over that previously approved, the increased height of the eaves is approximately 500cm over the extant consent and the ridge is increase from approx. 6.85m (extent scheme) to approx. 7.65. at the High Street end, reducing to approx. 7.35m at the Promenade end.

Notwithstanding concerns raised in third party representations and by the parish council, it is considered the amended height and roof form do not raise such issues with respect to neighbouring amenity as would justify a refusal of the application on amenity grounds.

Concerns have also been raised with respect to refuse bin storage and vehicle parking impeding the use of the permissive path from High Street to The Promenade (not a public right of way), however no such issues were noted by the case officer during his site visit and this matter has been further discounted by third parties who have made representations in support of the application.

Other concerns with respect to the proximity of the building to adjacent building(s) and issues relating to access for the maintenance of adjacent buildings would constitute a private, civil matter between landowners and would not be material to the determination of the planning application.

## Ecology

### **Habitat Mitigation**

#### a) Managing Recreational Impact

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution could be secured through a S106 legal agreement or a Unilateral Undertaking.

#### b) Nitrate neutrality and impact on the Solent SPA and SACs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

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 Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

### **Managing Air Quality**

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related

nitrogen air pollution (including NOx, nitrogen deposition and ammonia). 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.

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. An appropriate contribution can be secured through a S106 legal agreement or a Unilateral Undertaking.

### **Biodiversity net gain**

As from 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 in accordance with Policy DM2.

A proportionate view should be taken for non-Major applications with regard to the need for any biodiversity enhancement on site. In this case the proposal, constituting an additional 2 bed flat at first floor level, with no outside space, is minor in size and impact so as not to warrant any such proposals.

### Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement (or unilateral undertaking):

- Infrastructure contribution of £3,770
- Non-infrastructure contribution of £589
- Bird Aware Solent contribution of £563
- Air quality monitoring contribution of £91

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	191	0	191	191	£80/sqm	£19,511.38 *
Shops	110		110	110	No charge	£0.00 *

Subtotal:	£19,511.38
Relief:	£0.00
Total Payable:	£19,511.38

## **11 CONCLUSION**

The proposed development does not present adverse impacts with respect to the impact of the 'as-built' development on the character of the locality or existing character of the designated Conservation area or adjacent heritage assets.

The proposal would introduce a modest additional residential unit within a sustainable town centre location and would not have undue amenity impacts with respect to adjoining occupiers or uses.

By reason of the location of the application site in an inherently sustainable location with access to a wide range of services, facilities and public transport, it is considered in this case a reduced level of car parking for the development is acceptable.

## 12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate contributions in respect of habitats mitigation and air quality monitoring (as set out in the Committee report); and
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. The development permitted shall accord with the following approved plans:

hhs sht 2 Rev. X Elevations  
hhs sht 1 Rev. X Floor Plans  
hhs sht 4 Rev. X Site Location & Block Plans  
APPENDIX 1 - EXTANT PLANS

Reason: For the avoidance of doubt.

2. Within three calendar months of the granting of this consent, the applicant shall submit:
  - a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and
  - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

- c) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented within three months of the submission of (a) and (b) to the local planning authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453



# New Forest DISTRICT COUNCIL

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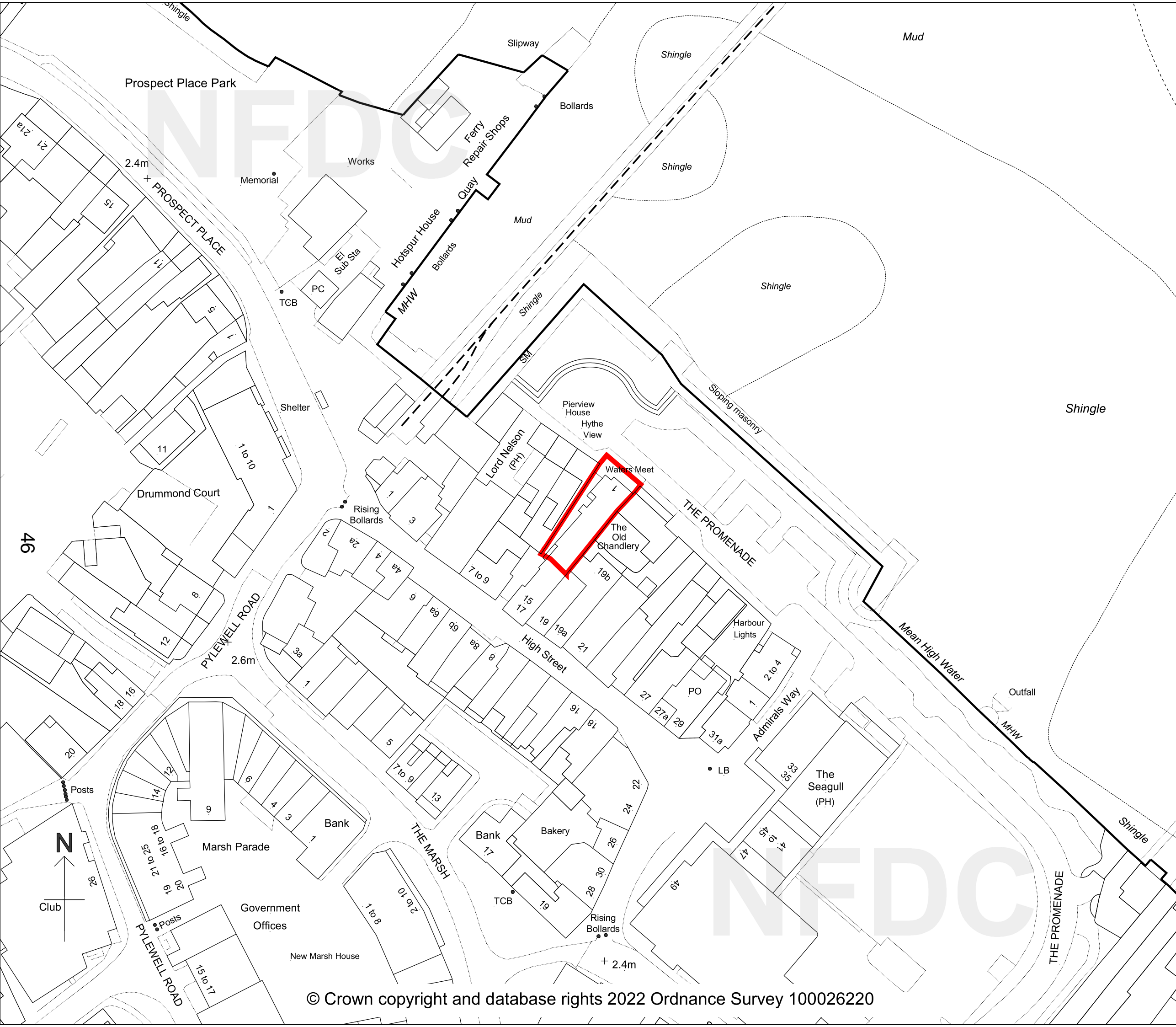
## PLANNING COMMITTEE

July 2022

15-17 HIGH STREET  
HYTHE  
SO45 6AG  
22/10424

Scale 1:1250

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scale.



Planning Committee 13 July 2022

**Application Number:** 22/10546 Full Planning Permission

**Site:** 12 THE FURLONG, RINGWOOD BH24 1AT

**Development:** External Seating areas to be used in conjunction with Arboro Lounge (Retrospective)

**Applicant:** Loungers UK Limited

**Agent:** D2 Planning Limited

**Target Date:** 30/06/2022

**Case Officer:** Vivienne Baxter

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development including benefits
- 2) Impact on the character and appearance of the Conservation Area
- 3) Residential amenity
- 4) Access

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

## 2 SITE DESCRIPTION

The site lies within the built up area of Ringwood in the Town Centre and Ringwood Conservation Area. It is formed from part of the open pedestrian courtyard area of The Furlong which is privately owned and not part of the public highway.

It is surrounded by shops and cafes where there are external seating areas, identified as Primary Shopping Frontage by the Development Plan.

A bronze sculpture and street tree are adjacent to the site.

## 3 PROPOSED DEVELOPMENT

The proposal entails the retention of an external seating area (with approximately 36 covers) surrounded by timber planters measuring 950mm high. The planters either side of the entrance into the seating area are 1m high. Also included in the application is the retention of a smaller open seating area immediately adjacent to the premises to which the seating relates.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11191 Display of 1 non-illuminated fascia sign; 1 non illuminated projecting sign; illuminated menu board (Application for Advertisement Consent) (AMENDED PLANS)	18/10/2021	Granted Subject to Conditions	Decided

21/10694 Installation of new fascia signage, projection sign and menu board (Application for Advertisement Consent)	11/08/2021	Refused	Decided
21/10350 Installation of new extract/supply equipment; shop front alterations	11/05/2021	Granted Subject to Conditions	Decided
NFDC/89/42972 Shopping development & cou mill bldg to shops & restaurant	05/11/1990	Granted Subject to Conditions	Decided
89/NFDC/43072/CAC Part demolition of extg buildings for shopping development	18/04/1990	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR6: Sustainable economic growth

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

### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

DM14: Primary shopping frontages

### **Supplementary Planning Guidance And Documents**

SPG - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness

SPD - Ringwood Town Access Plan

### **Relevant Legislation**

Planning and Compulsory Purchase Act 2004

Section 38 Development Plan

Planning (Listed Buildings and Conservation Areas) Act 1990

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

### **Relevant Advice**

NPPF Chap 12: Achieving well designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

### **Constraints**

NFSFRA Surface Water

Aerodrome Safeguarding Zone

Historic Land Use

Avon Catchment Area

Conservation Area: Ringwood Conservation Area

### **Plan Policy Designations**

Built-up Area

Town Centre Boundary

Primary Shopping Area

Local Shopping Frontage



## 6 PARISH / TOWN COUNCIL COMMENTS

### Ringwood Town Council

Refusal (4) Recommend refusal. The Committee felt the proposal is out of keeping, using up an area used as a public open space and were concerned about it's permanency. It also is inappropriately sited adjacent to the bronze sculpture and the colour scheme and materials are not appropriate in the Conservation Area.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

### Conservation Officer (verbal)

No particular concerns from a Conservation point of view

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 7

- looks nice
- enables people to sit outside
- would increase footfall in The Furlong
- adds life and vitality
- the business should be supported
- great addition to the community
- tastefully done
- Arboro is an asset to the town, friendly staff, good food

Against: 6

- finish of planters is not appropriate
- reduces space for markets and other events/activities
- too large for the area
- detracts from sculpture
- extra seating for Arboro Lounge is not needed
- garish and unsightly
- plenty of outside seating areas elsewhere
- blocks walkway
- planters are obtrusive and out of character
- area becomes noisy at night with anti-social behaviour
- public seating has been removed
- area is too distanced from restaurant for surveillance

## 10 PLANNING ASSESSMENT

### Principle of Development

The Furlong is a privately owned pedestrian area surrounded by shops and cafes/restaurants with access from the nearby public car parks through to the High Street/Market Place. This area contains trees with surrounding seating areas, a piece of public art, sign posts, A-boards relating to adjoining premises and other areas of seating associated with other cafe/restaurant uses in The Furlong. The nearby Waitrose supermarket has an area of trolley bays within this open area too.

The space is not Public Open Space as identified by the Development Plan, but is a space available for use by the public for social, recreational and commercial activities as deemed appropriate by the land owner.

Whilst some of the other seating areas could be removed when not in use, the nearby Boston Tea Party unit occupying the Framptons building has fixed seating outside its premises as well as more recently added moveable seating and large blue planters to partially enclose this additional area. Given the existing situation, there are no objections to the principle of providing of external seating and associated enclosures within this built up area.

The scheme has economic benefits by way of investment in the town centre and is likely to result in additional employment to cater for the increase in customers accommodated by the premises, and attracts further footfall in to one of the primary commercial areas in the district, it has environmental benefits of delivering appropriate development in the town centre enhancing linked trips and social benefits of employment and providing social and recreational opportunities for residents and visitors.

#### Impact on the character and appearance of the area and Heritage Assets.

The structures which have been provided are constructed in timber which is a traditional material. Planted within the enclosing structure are shrubs which add to the backdrop of trees within this area. Whilst this is a relatively solid structure at the lower level, it still allows visibility over the enclosed area and does not block views of the shops from any direction.

Their low stature preserves appreciation of the surrounding buildings, their historical significance and context as well as their contribution to the character and appearance of the Conservation Area, the significance of which would be preserved. They are relatively modern area publically accessible within the Conservation Area and are entirely reversible.

The former Furlong Mill building, occupied by the Boston Tea Party cafe, is identified in the Conservation appraisal as an un-listed building of local importance, as such would constitute a non-designated heritage asset. In accordance with para.203 of the NPPF the effect of development proposals on the significance of that heritage asset should be taken in to account. There is already a variety of street furniture, tables, chairs and canopies installed around that building. It is considered that the proposal would not have an impact on the historic and architectural significance of the former Mill building due to the extent of existing structures separating the proposal from it.

The colours which have been used on the timber structure are indicated as being Farrow and Ball paint colours and when seen against the back drop of the red brick buildings and other shop units, do not appear obtrusive. There is a wide palette of colours visible across The Furlong and no particular colour is considered synonymous with the immediate area, as such it would be possible to justify an objection to this application based on the colours used.

It is considered that providing open air seating for cafe and restaurant uses results in a more vibrant area which in turn could increase footfall within this shopping facility. The proposal does not impede significantly on the function of The Furlong as a relaxing circulation space and meeting point.

Comments received in respect of the impact of the proposal on the setting of the statue have been noted although it is not enclosed by the structure and can be enjoyed from other seating areas within The Furlong and whilst passing through the area.

The enclosing structures are located close to the street tree growing in the public realm. The root zone around the base of the tree, clear of pavers is retained unaffected by the structures, avoiding impact on the well being of the tree.

#### Residential amenity

There are residential properties in nearby Star Lane and concerns have been expressed due to the use of the seating area late at night and the associated anti-social behaviour this could attract. The unit to which the seating areas relate is a town centre use within 130m of two pubs. Given the existing presence of fixed seating in The Furlong, it is not considered that the proposal would give rise to additional unacceptable impact in terms of noise and disturbance, over that likely to occur in such a town centre location, where nighttime activity is expected and has benefits to the success of the centre.

#### Access

The Furlong is a privately maintained pedestrianised area. It is understood that the applicant has permission from the land owner to operate the seating areas provided. The siting of the planters is in excess of 3m from the nearest building (entrance to Joules to the south) and greater than this elsewhere. Observation at the time of the site visit showed that to the north of the enclosed area, deliveries with parcel trolleys was still possible from the service bay to the north west into The Furlong when pedestrians were standing outside the units to the north of the site. The spacing here is 3.5m, a wider gap than the situation prior to the installation of the planter enclosure when a fixed seat was in situ around the adjacent tree.

### **11 CONCLUSION**

The proposal provides additional outside seating in The Furlong shopping area increasing the vitality and vibrancy of the shopping and dining experience of this part of the Town Centre. Whilst it reduces the open area utilised by markets and other events, it is understood that the management of the site is content with this situation as adequate space remains for these events. Pedestrian and delivery access would not be materially compromised and appreciation of the bronze statue would still be possible. The character and appearance of the Conservation Area would be preserved and no harm would occur to the significance of other heritage assets close to the site. The scheme has economic, environmental and social benefits.

### **12 OTHER CONSIDERATIONS**

N/A

### **13 RECOMMENDATION**

**Grant Subject to Conditions**

**Proposed Conditions:**

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

Site location plan

LNG4347.101K - external seating

LNG4347.BPES- - block plan - external seating

Reason: To ensure satisfactory provision of the development.

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
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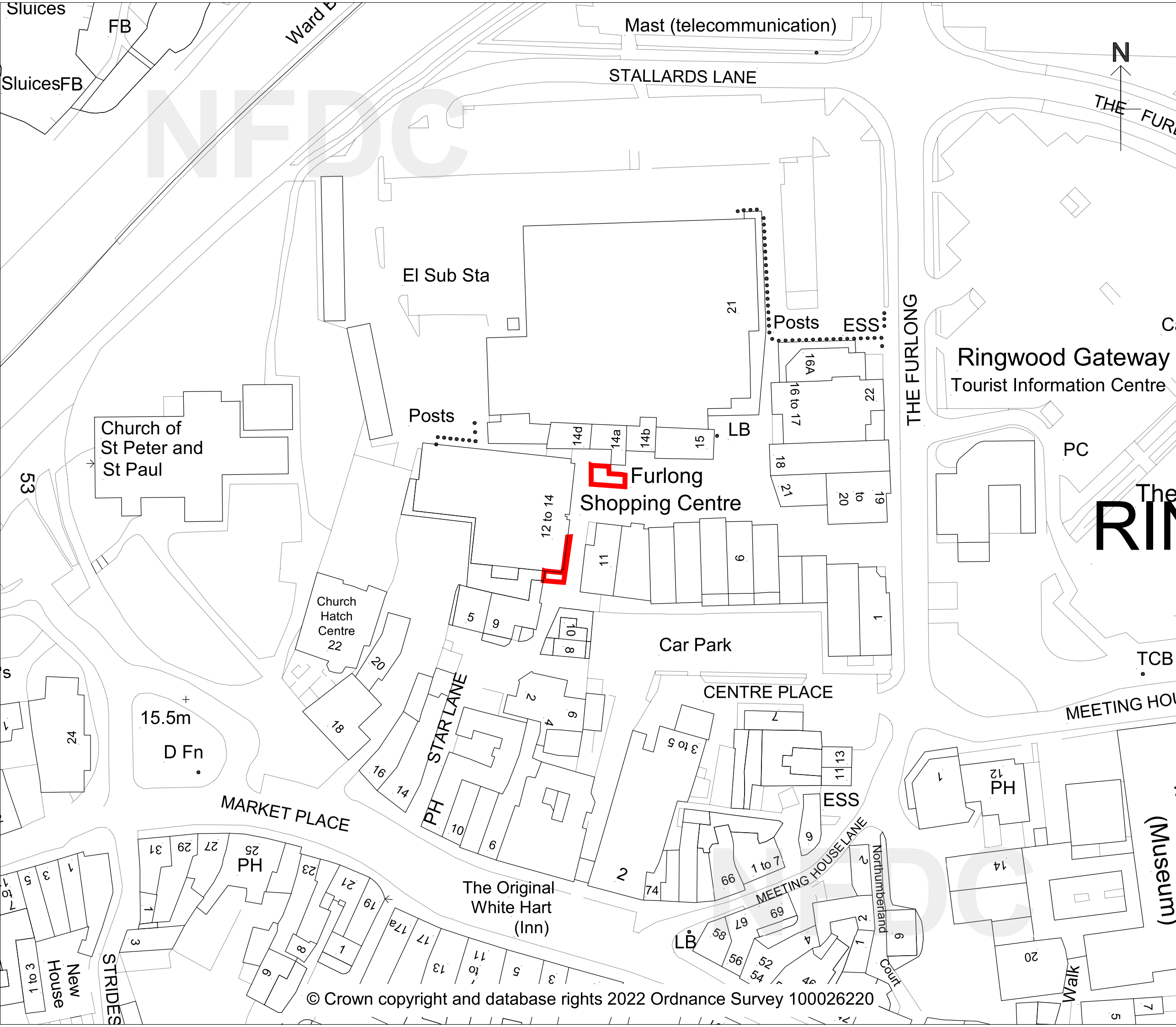
## PLANNING COMMITTEE

July 2022

12 THE FURLONG  
RINGWOOD  
BH24 1AT  
22/10546

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the internet, it will not be to  
scale.



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Planning Committee 13 July 2022

**Application Number:** 22/10547 Advertisement Consent

**Site:** 12 THE FURLONG, RINGWOOD BH24 1AT

**Development:** Display non illuminated letter sign to planters (Application for Advertisement Consent) (Retrospective)

**Applicant:** Loungers UK Limited

**Agent:** D2 Planning Limited

**Target Date:** 30/06/2022

**Case Officer:** Vivienne Baxter

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the Conservation Area
- 2) Highway safety
- 3) Residential amenity

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 Ringwood in the Town Centre and Ringwood Conservation Area. It is formed from part of the open pedestrian courtyard area of The Furlong which is privately owned and not part of the public highway. It is surrounded by shops and cafes where there are external seating areas. A bronze sculpture and street tree are adjacent to the site.

## 3 PROPOSED DEVELOPMENT

The proposal is for the retention of a non-illuminated sign on a planter, subject of application 22/10546.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10546 External Seating areas to be used in conjunction with Arboro Lounge (Retrospective)			Application registered
21/11191 Display of 1 non-illuminated fascia sign; 1 non illuminated projecting sign; illuminated menu board (Application for Advertisement Consent) (AMENDED PLANS)	18/10/2021	Granted Subject to Conditions	Decided
21/10694 Installation of new fascia signage, projection sign and menu board (Application for Advertisement Consent)	11/08/2021	Refused	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 - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness

### Relevant Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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

### Relevant Advice

Chap 12: Achieving well designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

### Constraints

NFSFRA Surface Water

SSSI IRZ Wind and Solar Energy

Aerodrome Safeguarding Zone

Historic Land Use

Avon Catchment Area

Conservation Area: Ringwood Conservation Area

### Plan Policy Designations

Built-up Area

Town Centre Boundary

Primary Shopping Area

Local Shopping Frontage

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Ringwood Town Council**

Refusal (4) Recommend refusal. The Committee felt the proposal is out of keeping, using up an area used as a public open space and were concerned about it's permanency. It also is inappropriately sited adjacent to the bronze sculpture and the colour scheme and materials are not appropriate in the Conservation Area.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**HCC Highways:** no objection



## **9 REPRESENTATIONS RECEIVED**

One response has been received from The Ringwood Society although the comments are more specific to the associated planning application - recommend refusal of the planters, therefore the advert should also be refused.

## **10 PLANNING ASSESSMENT**

### Impact on the character and appearance of the Conservation Area

The advert has been installed on a timber planter and faces towards the open public realm within The Furlong. The letters are constructed in powder coated metal and have a metallic finish. Whilst the background timber is a more traditional material, it is noted that the Shopfront Design Guide advises that plastic signage is inappropriate as is internal illumination. The proposal does not involve either plastic or illumination and with its metallic finish, is more akin to a brass plaque which is considered an appropriate form of signage.

As such it would preserve the visual amenity, character and appearance of the area and Conservation Area.

### Highway safety

The Highway Authority has advised that they do not have any objections to the proposal which would not obstruct pedestrian flows nor distract drivers, as such highway safety would be preserved.

### Residential amenity

Due to its location and relationship to residential properties the sign would not adversely affect residential amenity.

## **11 CONCLUSION**

The sign is set at a low level and can only be seen from the east. It is considered an appropriate contemporary form of signage in this commercial area.

## **12 OTHER CONSIDERATIONS**

N/A

## **13 RECOMMENDATION**

### **GRANT ADVERTISEMENT CONSENT**

#### **Standard Conditions**

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



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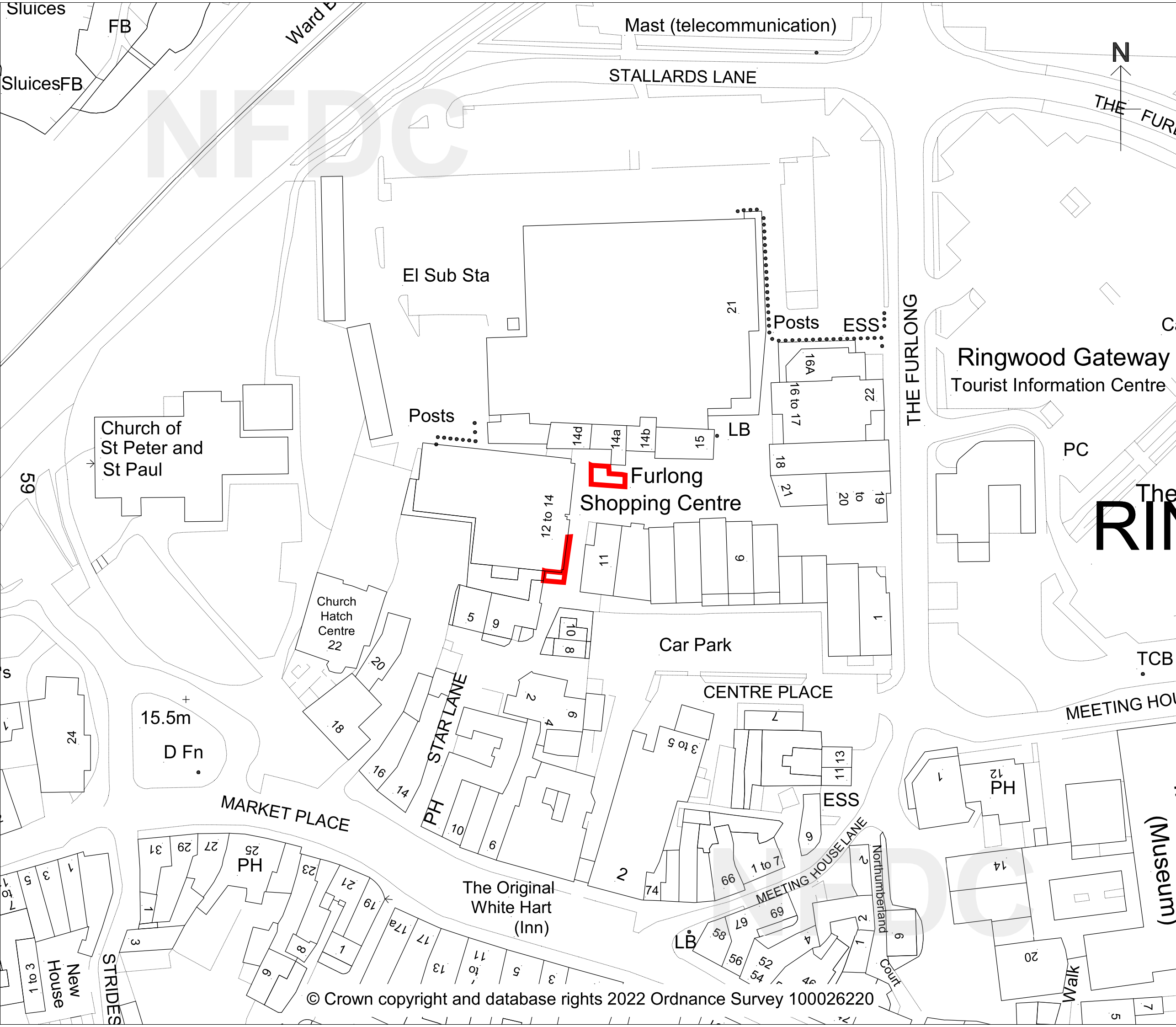
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