

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 9 NOVEMBER 2022, AT 9.00 AM*

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

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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

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

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 29 September and 12 October 2022 as correct records.

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) **Hythe Hospital and Health Centre, Beaulieu Road, Hythe (Application 22/10939) (Pages 5 - 34)**

Demolition of existing buildings; construction of 22 dwellings with access, parking, electric vehicle charging, cycle storage, refuse storage, hard and soft landscaping

RECOMMENDATION:

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to an obligation for the provision and retention of at least 40% of the homes to be affordable and an obligation to pay the relevant financial contributions (set out in the report) before planning permission is issued and subject to the conditions set out in the report.

(b) **Milton Barns, Gore Road, New Milton (Application 21/11677) (Pages 35 - 56)**

Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access and parking.

RECOMMENDATION:

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

- (i) The completion of a planning obligation entered into by way of a Section 106 agreement to achieve the contributions set out in the report; and
- (ii) The imposition of the conditions, listed at Appendix 1 to the report.

(c) **Land at Bumbleberry Field, Martin Road, Martin (Application 22/11014) (Pages 57 - 64)**

Proposed agricultural storage building; polytunnel and area of gravel hardstanding; retention of raised beds and toilet facility.

RECOMMENDATION:

Grant subject to conditions

(d) **Court Farm, Ringwood Road, Avon, Sopley (Application 22/10127) (Pages 65 - 76)**

Redevelopment of farm buildings to provide new Class 'E' units; parking; landscaping; demolition of existing buildings.

RECOMMENDATION:

Refuse

- (e) **AFC Totton, Salisbury Road, Calmore, Totton (Application 22/10960) (Pages 77 - 82)**

3.7m x 1.5m signage to advertise football club, upcoming fixtures and services on site (Application for advertisement consent).

RECOMMENDATION:

Grant Advertisement Consent

- (f) **8 Yelverton Avenue, Hythe (Application 22/10918) (Pages 83 - 88)**

Two-storey side extensions and associated roof extension to create second floor.

RECOMMENDATION:

Grant subject to conditions

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

Planning Committee 09 November 2022

Application Number: 22/10939 Full Planning Permission

Site: HYTHE HOSPITAL AND HEALTH CENTRE, BEAULIEU ROAD,
HYTHE SO45 4ZB

Development: Demolition of existing buildings; construction of 22 dwellings with access, parking, electric vehicle charging, cycle storage, refuse storage, hard and soft landscaping

Applicant: New Forest District Council

Agent: Gillings Planning

Target Date: 15/11/2022

Case Officer: Judith Garrity

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Residential amenity
- 4) Landscape impact and trees
- 5) Highway safety, access, and parking
- 6) Ecology and Biodiversity Net Gain
- 7) Habitat Mitigation and Nitrate neutrality.

This application is to be considered by Planning Committee at the discretion of the Executive Head of Planning, Regeneration and the Economy as it relates to an NFDC Housing development.

2 SITE DESCRIPTION

The application relates to a 0.74 hectares site to the south of Beaulieu Road and to the east of Fawley Road. It comprises the eastern part of the larger 1.5 hectare former Hythe Hospital and Hythe Medical Centre site. A new community hospital to replace the original Hythe Hospital building was approved in 2018 (as part of a hybrid planning application) and is located to the west of the application site. This is currently under construction and is due to open and become operational in Autumn 2022. The Hythe Medical Centre buildings on the application site date primarily from the 1960s. Once the new hospital is operational, the remaining parts of the old hospital buildings on the current application site will be vacated and become redundant.

The buildings on the site are set within a mature landscape and there are significant tree belts that line the site's boundaries with Beaulieu Road and Fawley Road. The trees provide a strong, green visual buffer to the road and residential properties to the south. There are also a number of mature trees within the main body of the site which are subject of group TPO's.

The site has 2 existing access points onto Beaulieu Road which also provide access to the local ambulance station and residential properties at 1 and 2 Ambulance House, which immediately abut the application site on its north-eastern side. There are 2 main existing parking areas on the site, one of which is located between the front of the existing buildings and Beaulieu Road, and the other of which is set towards the rear of the site.

The site slopes with the highest land being adjacent to Beaulieu Road, and sloping in the southern parts of the site towards Fawley Road where there is quite a sharp drop down to the residential properties that lie beyond the site's southern boundary.

3 PROPOSED DEVELOPMENT

This a Full planning application to erect 22 homes (15 flats and 7 houses) on the site to provide affordable housing for social rent to meet local needs.

The 15 flats would be accommodated within two 3-storey blocks either side of the main site access (9 no. 1 bed flats and 6 no 2 bed flats). Seven dwellings (2 no 2 bed; 3 no 3 bed and 2 no 4 bed) would be located within the site to the south east (rear) of the flats. The proposed dwellings would comprise one terrace of 3 properties and two pairs of semis in 2-storeys buildings. The flats and dwellings would adopt a simple contemporary design and use modern materials.

Vehicular access would be provided from the 2 existing access points to the site, the northern access would also continue to serve the ambulance station and the 2 adjacent dwellings in addition to 5 new parking spaces to the rear of Block A.

Thirty five unallocated car parking space are proposed along with 22 electric vehicle charging points, cycle parking and cycle storage.

Public open space (informal and play area) would be provided on the site.

Community engagement was undertaken prior to the submission of the planning application which included local residents, Ward and Parish Councillors . Comments made related to highways and parking, design and appearance, landscaping, residential amenity, affordable housing, drainage and ecology. The Planning statement submitted responds to these issues.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/10767 Electrical substation and associated supply cabling	10/09/2021	Granted Subject to Conditions	Decided
17/11204 Community hospital; parking; landscaping (Full Planning); Up to 21 dwellings (Outline application with details only of access) (demolish existing buildings)	03/08/2018	Granted Subject to Conditions	Decided
XX/NFR/11320 Erection of ambulance station and health centre with construction of access.	28/09/1962	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 ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU2: Affordable housing

Policy CCC1: Safe and healthy communities

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

Local Plan Core Strategy (saved policy)

CS7: Open spaces, sport and recreation

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan

Relevant Legislation

Relevant Advice

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch. 12: Achieving well designed places

NPPF Ch.14 - Meeting the challenge of climate change, flooding and coastal change

NPPF Ch.15 - Conserving and enhancing the natural environment

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.

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

SPG - Landscape Character Assessment

Constraints

SSSI IRZ

Article 4 Direction

Aerodrome Safeguarding Zone

Historic Land Use

Tree Preservation Order: TPO/0052/17/G3

Plan Policy Designations

Landscape Feature

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 1: Recommend PERMISSION but would accept the decision reached by the DC Planning Officers under their delegated powers. The Parish Council welcomes the proposed development for 22 new dwellings. However, the Committee would like to see a condition put in place which states that during construction, all contractors' vehicles must be parked on site. This is to prevent a negative impact on the properties in the adjacent roads as during the current development of the new hospital a number of on-street parking issues have arisen where site vehicles have caused an obstruction. Also, it would be preferable if measures are put in place so that construction traffic is required to remove excess mud from their tyres before rejoining the public highway.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land: no objection in principle subject to standard contaminated land conditions.

Environmental Health (Pollution): recommend conditions in relation to noise, lighting and submission of a construction environmental management plan.

HCC Highways: no objection subject to condition on submission of a construction method statement. HCC are satisfied that the forecast trips generated will not exacerbate any existing accident patterns and consider the Trips assessment using the TRICS database acceptable. The tracking information provided for refuse and fire tender vehicles has demonstrated that appropriate provision would be made.

HCC Surface Water: additional information has been submitted. Sufficient testing has been undertaken to demonstrate that a drainage solution is possible. Whilst the submitted drainage documents cannot be approved at this stage - as they would be subject to change - the outstanding matters and details of the maintenance and management of the surface water drainage system in accordance with best practice can be dealt with by condition.

Southern Water: comments on drainage and SUDs requirements and that a formal application is required to connect to the public sewer.

Wessex Water: no comments as site is outside of their area of operation

Environment Agency: Consultation not required

NFDC Tree Team: objection on tree grounds in relation to the loss of a protected beech tree between Block D and E to allow for provision of the play area.

NFDC Landscaping: comment only. Most of the identified points have now been addressed. A number of minor points can be picked up in the proposed landscaping condition.

NFDC Open Space Officer: Comment only. Relating to the requirements for a detailed specification of the layout and equipment in the play area, access to the POS and maintenance arrangements.

NFDC Ecologist: no objection subject to habitat mitigation and conditions to safeguard species on the site, conditions to secure the ecological enhancements identified and the monitoring and management of the biodiversity net gain on the site for 30 years.

NFDC Conservation: no heritage constraints identified on the site.

NFDC Building Control: no adverse comments made at this stage.

NFDC Waste Management: no comments received.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Comments made on the need to retain the landscape boundary to existing residential properties on Belvedere Road.

For: 0

Against: 1

Comment : 1

10 PLANNING ASSESSMENT

Principle of Development

The application would result in the loss of land occupied by the existing health care buildings which is in an existing community use. The loss of these community buildings to residential development would be acceptable in this instance and supported by Policy STRA 8 of the Local Plan because the new community hospital - which is currently being constructed - would provide an improved and more efficient local health service within a purpose-built building that would be in an equally accessible location. Policy would only be met if the new community hospital is provided before the residential development is implemented. Given that the new hospital is nearing completion policy compliance would be satisfied.

Accepting the loss of the existing health care buildings, the site is located in the built-up area where residential development is acceptable in principle. The proposals for 22 new affordable houses and flats make a positive contribution to the provision of affordable homes for local people which forms part of how NFDC will deliver its priorities in the Housing Strategy (December 2018).

The proposed development seeks to address the identified need for affordable homes in Hythe and the wider district. The housing need for affordable housing in Hythe has been identified as 146 bedrooms. The highest need is for 1 person and 2 bedroom units, with over 69% of all applicants in Hythe requiring these properties. A further 16% are in need of 3 bedroom dwellings. In Dibden, there is a need for 76 bedrooms with the highest need being for 2 and 3 bedroom units and 1 bedroom units for single people, with over 84% of all applicants in Dibden requiring these properties. When the figures for Hythe and Dibden are combined, there is an overall need for 222 bedrooms. The highest need is for 2 bedroom dwellings and 1 bedroom units for single people with over 65% of all applicants requiring these properties. A further 19% are in need of 3 bedroom units.

The proposed mix of units on the application site seeks to address this significant need by providing 77% 1 bed and 2 bed units and 14% 3 bedroom units. Of the 22 dwellings it is the intention that all would be provided for social rent.

The proposed number of properties is 22 and therefore the provision of 40% affordable housing on the site is a requirement of Policy HOU2 of Local Plan Part 1. Although this is a NFDC proposal where there is certainty of the proposed affordable housing provision, the site could be sold in the future with the benefit of planning permission or after it is built. The provision and retention of Affordable Housing on the site in accordance with Policy HOU2 needs to be secured by an obligation for affordable housing on the site in accordance with this policy requirement.

As such, the principle of 100% affordable housing provision on this site is acceptable subject to ensuring that the site retains a policy level percentage of affordable housing as set out above and subject to compliance with the planning policy and other material planning considerations.

Furthermore, in considering the principle of development it is relevant to note that the Council cannot demonstrate a five-year supply of deliverable housing land. 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. 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). The current proposal is for a very modest level of housing provision and if there is any harm identified this presumption would be relevant in the planning balance.

Public Open Space

This site exceeds 0.5 ha in size and so on-site open space provision is required in accordance with saved Policy CS7. Based on the site area of 0.74 ha the informal POS requirement is 0.09 ha and the play area required is 0.01 ha based on an occupancy of 45.09 people.

Provision is made on site for 147 m² of play area and 1235 m² of informal open space. This provision would exceed the standard space requirements in accordance with Policy. The Open Space Officer has commented on the requirements for a detailed specification of the layout and equipment in the play area, measures to ensure access is safe for children and maintenance arrangements are appropriate. Full details of the layout and design of the play area - to include the type and specification of play equipment to be provided and other associated elements (including seating) can be secured by condition. Further assessment of this play area provision is made in the consideration of the proposed site layout in the following section.

Formal POS would usually be provided off site by way of a financial contribution. However, there are no formal open space projects in Hythe that have been identified in the infrastructure delivery plan and so it would not be appropriate to seek a contribution for formal open space in this instance.

The Public Open Space and Play areas on the site need to be provided prior to first occupation of the penultimate dwelling. The space would be maintained in perpetuity by New Forest District Council Housing who have service agreements with ground maintenance. As such a financial contribution towards maintenance of these areas is not required.

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

NPPF Para.130 requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and to 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. Para 132 states that design quality should be considered through the evolution and assessment of individual proposals. Policy ENV3 of the Local Plan Part 1 reflects the need for development to be appropriate in its scale, form and design as well as considering amenity impacts and highway parking matters.

The development proposed would equate to approx. 30 dwellings per hectare which represents a reasonably intensive level of development in this mature landscaped context. Consideration of the proposed layout, design and landscape context are set out in the following sections.

Layout

The site layout has been designed to respect its setting whilst making effective use of the site. The mature trees to the boundaries of Beaulieu Road and Fawley Road would be retained and the existing access points would be used. Two blocks of flats in 3 storey buildings would be located either side of the main access into the site from Beaulieu Road to provide a frontage to the site. These buildings would be set back from the road so as to appear as buildings within their landscape setting and would retain its existing character. The blocks of flats face each other in order to provide a frontage along the internal street and provide visual interest at the entrance to the development.

The central area of the site has been designed to give a pedestrian zone and ensure that hard surfaced areas would not be over dominant by including shared surfaces, a variety of hard surface materials and car parking courtyards complemented by the proposed landscaping and tree planting. The Play area

would be located in the central part of the site and a large area of public open space in the south-eastern part of the site, as well as informal open space to the Beaulieu Road frontage behind the existing trees. There would be amenity areas provided for the flats and private gardens for each of the dwellings together with associated landscaping.

Each of the flats in blocks A and B would have a private patio or balcony and adequate provision is made for the functional amenity of future residents with small private outside amenity areas, cycle parking and cycle/bin storage. In addition, there would be an area of informal public open space provided to the front of these flats which is conveniently located for use of these residents and are in addition to the main area of public open space and play areas within the site.

Block B would be set at a lower level than the adjacent hospital buildings and would be located within 5m of this boundary at its closest point although this separation increases to 12 m. To deal with the levels a retaining wall has been constructed along this boundary which could have a visually dominant impact on the residents of the flats. However the main private amenity area for Block B is located to the south-west of the building where greater separation is provided. Furthermore, there will be hedge planting along the boundary – as shown on the Landscape master plan – which would ensure that there would be an acceptable visual impact. Full landscaping details can be secured by planning condition.

The proposed houses would be located to the rear of the flats and have been arranged around parking courts and use shared surfaces. The use of a variety of hard surfacing would help to ensure vehicle speeds are low and would thereby create a safe environment for children with a high level of natural surveillance.

The houses in Block C would have rear gardens of a minimum of 10 m in length extending to 15 m for Block D and over 20 m for Block E. Rear fences are shown inside a boundary hedge to Fawley Road. Small buildings for cycle storage have been shown with rear pedestrian gates provided. The rear garden layout and relationships to boundaries would be in keeping with the character of the area and would meet the needs of future residents.

The northern dwelling of Block D adjoins the existing turning head for 1 and 2 Ambulance House. This turning head needs to be retained and constrains this plot which, as a result, has a smaller rear garden. Whilst this garden would be of an irregular shape it would still be approx. 10 metres in length which would ensure that reasonable private amenity provision is made for this dwelling.

The layout provides public open space on the site. The main area is in the south eastern part of the site with two further smaller areas in front of Blocks A and B. This provide the quantum of public open space needed to serve a development of this size in compliance with policy.

The play area would be located centrally on the site between of Block E and D. This location is convenient for future residents and allows natural surveillance of the space due the double frontages of the adjacent dwellings. Conditions can be attached to secure full details of the layout of play area and specification of the play equipment.

Whilst this location of this play area would lead to the loss of a protected beech tree, there are limited alternative locations available due to other site constraints and so this is considered to represent the location that allows for the best overall site layout. The consequent loss of the tree is considered in further detail in the trees and landscaping section of this report.

The main area of public open space is currently mainly a densely wooded area on sloping ground. The current scheme would open up this land and improve access to this area for the wider community whilst maintaining and managing its woodland character. Planning conditions can be used to secure details of landscaping, tree protection and public access provision.

Land up to part of the site boundary with Fawley Road lies outside the planning application site and so is not included within the landscaping scheme. This land is in unknown ownership – although it could be unregistered land that is actually within the control of HCC. Because the ownership of this land cannot be established, it is not possible to require a link to Fawley Road.

Whilst this is unfortunate the current proposals deal with this boundary within the application site and would not prejudice the potential for a linkage being made. A possible future footpath from Fawley Road is identified and annotated on the submitted plan.

Visual impact and design

The wider area is characterised by development that is mainly 2-storeys in scale although there are a small number of 3-storey buildings nearby. However, in this specific location, given the mature landscaped context, and the scale of the hospital building itself, the site would be able to accommodate some 3 storey development without adversely affecting the character and appearance of the wider area if it is designed as a counterbalance to the scale of the hospital building. Accordingly, the taller 3 storey flatted buildings (Block A and B) are considered to be of an appropriate scale and design to achieve contextually appropriate and acceptable visual impact within the street scene and would not over-dominate the frontage trees, new community hospital or the ambulance station.

The 2-storey houses would have a domestic scale and would be appropriate within their context. Due to levels on the site, the dwellings in Block E would appear 3 storeys to the rear and it is proposed to have external steps from the ground floor to garden level. This will increase the scale of development from this elevation but it would not have an adverse or dominant visual impact given the set back of the dwellings from the boundary and mature screening to this edge that would be retained.

The design and appearance of all of the dwellings on the site adopted a simple contemporary style using modern materials standing seam zinc roofs, contrasting red and buff facing brick and precast corner stores, soldier courses and headers. Overall the current proposals are supported as a good quality scheme which would be acceptable within their context, subject to the use of suitable palette of quality materials which accords with the illustrative details provided as part of the Design and Access statement.

Landscape impact and trees

The Local Plan designates the whole of the application site as a landscape feature recognising its importance within the local context and there is a need to retain this character as part of any development.

A landscaping master plan has been submitted with these proposals that provides a framework for the detailed landscaping scheme that will be secured by planning condition. The Landscape team are satisfied that most matters have now been addressed. A number of minor points identified can be picked up in the proposed landscaping condition and more detailed planting specifications.

This master plan indicates treatment of the boundary with the new hospital, retention of the mature trees to the Beaulieu Road and Fawley Road boundaries as well as trees within the site which are important to the character of the area.

Provision is made ensure that the level change between the proposed residential development and the newly constructed community hospital are dealt with in a visually appropriate manner. There is a recently constructed retaining wall along this boundary and a proposed 3m wide landscape buffer would provide acceptable screening of this from within the application site.

The impact of the rear boundaries to the dwellings in Blocks C, D and E that adjoin the boundary with Fawley Road are an important consideration. The submitted landscape master plan shows the boundaries of each of these plots set back with a hedge planted along the whole length of the Fawley Road boundary. This planting will reinforce this edge and result in an acceptable visual impact. The detailed specification of the planting can be secured through the landscaping scheme to be agreed by planning condition.

There are groups of mature trees along the north-western boundary and in southern part of this site that protected by a group Tree Preservation Order (TPO/0052/17). A total of 11 trees would be removed as part of this scheme. Most of these trees are situated internal to the site and their removal will not significantly impact the amenity of the wider area.

However, an objection has been raised by the tree officer to the loss of one beech tree – which is included in the group TPO in order to facilitate the provision of the play area in its proposed location. Originally the submitted plans showed this tree to be retained with the play equipment installed under its canopy spread. However, this would not have been sustainable as the installation of the play equipment would have required excavation, and the use of the land within the root protection zone as a play area would inevitably lead to compaction of the soil with consequent damage to the tree roots and lead to the ultimate decline in the health of the tree.

Furthermore, the densely shaded play area, dominated by the tree may have put families off using this play facility, there would have been ongoing management of the tree for health and safety reasons as well as increased maintenance requirement of the play area. It is accepted that there is an adjacent beech tree (G3.30) that is closer to the road boundary which will be retained so the impact of the loss of G3.29 from Fawley Road and the external area of the site will be limited.

It is considered, on balance, that removal of the tree provides the opportunity for a better site layout in the long term, it will improve the quality and useability of the play area, increase surveillance opportunities and ensure the future maintenance and management of the area can be undertaken effectively. Furthermore, it is accepted by the tree officer that the beech tree that would be removed is not highly visible from outside of the site, there is another mature beech tree close by that would be retained which due to its location and size has higher public amenity value. This would ensure that the Fawley Road boundary of the site retains its existing sylvan character. On balance whilst the loss of this tree is regrettable, the planning assessment is that this is acceptable in the interest of the delivery of the much needed affordable housing on this site to meet local needs and provision of a good quality play area within the site layout.

The overall layout of this site shows the construction of the dwellings outside the root protection areas of the retained trees. Where works to hard surface area and the play area fall within root protection zones a specialist construction methodology would be required and the details of this can be secured by condition.

Future occupants could be affected by the proximity and potential dominance of mature trees, and some of the gardens of the proposed dwellings could be quite shaded, raising the possibility of future pressures to undertake works on these trees. However, these relationships are not considered to be unreasonable and works to protected trees will require prior consent.

The pedestrian path proposed within the POS could be installed without adverse arboricultural impacts with the final location and construction method agreed once the cherry laurel and under storey had been cleared on site. This will ensure there are minimal level changes and this path will be rooted around the retained trees in a sympathetic location. A condition is proposed to secure this.

The submitted layout and landscape management plan demonstrate how most of the mature trees and vegetation that are an important features alongside Fawley Road would be retained and this green boundary would be enhanced through the implementation of the proposed landscaping scheme – with final detail agreed by condition.

The proposed plans demonstrate that 22 dwellings could be provided on the site and achieve a good quality development in terms of its layout, scale and design without detriment to the character and appearance of the area. Sufficient greenery and space would be retained on the site to ensure that the development would not be too intense in character. Although the development would necessitate the removal of some trees these are mostly of a low amenity value or internal with limited public visibility. The higher amenity value trees would be retained to important site boundaries to Fawley Road and Beaulieu Road. New tree planting would assist to mitigate for any trees lost. Replacement tree planting has been included within the submitted landscaping master plan proposals but final details of species and location of the replacement trees can be secured by condition.

As such, the development would not be inappropriately dominant within its setting. Accordingly, it is considered the proposed development would respect its landscaped context, provide for an appropriate quality entrance to the site and would maintain the prevalence of its sylvan character so as to appear as built development within a landscape setting.

Highway safety, access and parking

A Transport Assessment (TA) has been submitted with the planning application which includes details of accident History. A PIA (Personal Injury Accident) data report has been provided for the latest 5-year period between 1st July 2016 to 30th June 2021, obtained from Hampshire Constabulary. This shows a total of 9 accidents occurred within the vicinity of the site.

The Highway Authority raised no objection to the previous outline application for residential development on this site. They are satisfied with the current proposals and that the forecast trips generated by this development will not exacerbate any existing accident patterns. A stage 1 Road Safety Audit (RSA) has been undertaken, and all matters raised in the Safety Audit have been addressed. A Trips assessment has been undertaken using the TRICS database. This assessment concluded that this development would result in 12 am Peak Trips, 10 pm Peak Trips, with 101 daily trips. This is acceptable.

The western access to the site would be changed to be a 2-way access and the eastern access will remain as existing. The eastern access will continue to serve the ambulance station and ambulance cottages with the turning head at the end of this

retained for use by these neighbouring properties. The Highway Authority have confirmed that the existing central access point would be able to satisfactorily accommodate the level of traffic associated with the proposed development. The eastern access, - which would continue to provide an access to the Ambulance Station and the 2 existing dwellings at Ambulance House - would also be appropriate to serve these needs. As such, the access arrangements are considered to be acceptable.

Additional swept path analysis has been provided, demonstrating a 11.2m refuse vehicle entering and exiting the site. Whilst this demonstrates the slight overrun of the centre line of the carriage way whilst turning into and out of the site, there is sufficient visibility at the access and manoeuvres of a refuse vehicle would be infrequent. This is acceptable in this instance and as such no highway objection is raised.

Parking provision has been assessed against current parking standards. A total of 35 unallocated on-site car parking spaces would be provided on the site and it would be conveniently located to serve the flats and houses. This provision would be acceptable and in accordance with the Council's recommended parking standards. A condition can secure that this parking is provided and will remain unallocated.

Both short stay cycle parking and long stay cycle storage would be provided for the flats. Short and long stay cycle parking would be accommodated in a cycle stores located in the garden of each of the proposed dwelling and all gardens have side access available to the rear to provide suitable access.

In accordance with Policy IMPL1 electric vehicles charging points are required to be provided as part of this development. One EVC point would be provided for each of the 22 dwellings proposed and these are indicated on the site plan. This is acceptable and the provision of this infrastructure can be secured by condition.

Refuse storage and collection has been shown for the flats and houses which would be conveniently located and accessible.

Residential amenity

The 2 existing dwelling at 1 & 2 Ambulance House would be most directly affected by the proposed development. These dwellings are already impacted by existing buildings on the site and the vehicular movements and parking in close proximity to them. Any noise from traffic movements, including access to parking spaces to Block A and other associated activity on the site, related to the proposed residential use would not lead to harmful additional amenity impacts by way of noise and disturbance.

Block B would be the closest new building to No 1 Ambulance House and located 17 m to the north west of this existing property. There would be bedroom windows on the north elevation on 3 floors as well as secondary side windows. There would be no balconies on the north elevation closest to this existing property and the new windows would have only an oblique view towards Ambulance House.

The layout shows the closest dwelling in Block C is located 13 m to the south east of No 2 Ambulance House where there is a single first floor side window proposed serving a bathroom.

These relationships are acceptable and provide a sufficient degree of separation from these existing properties so that light, outlook or privacy would not be adversely affected by the proposed development.

The proposed flats would have small balconies at first and second floor level some of which would face each other across the access road with a minimum of 13 m separation. Whilst limited, this provides for sufficient separation given the location of these areas at the front of the flats where mutual overlooking would be expected to occur. There would be approx 20 m separation between the side of the flats in Blocks A and B and the dwellings in Block C and D. There would be secondary windows in the east elevations of the flats as well as balconies at first and second floor levels. Although the dwelling would be at a slightly lower site level than the flats this separation distance, with views over public frontages and roads would result in an acceptable spatial relationship in terms of residential amenity for future occupiers.

The flats in Block B could be impacted on by the community hospital building particularly given the difference in levels between the sites. However Block B is set back from the adjoining hospital building. Although the new hospital building and associated retaining wall could appear quite dominant from the rear shared amenity area given the relative positioning an acceptable relationship is achieved.

The application is accompanied by a noise assessment, which considers the impact of the hospital and sub-station use on the existing and proposed dwellings. This report has been considered by the Council's environmental health officers who are satisfied that noise from the hospital use could be adequately mitigated through conditions so as to ensure an acceptable relationship to proposed and existing dwellings.

A condition has been requested by Environmental Health for the submission of a Lighting Scheme with details of all proposed operational external lighting and its location and specifications in order to protect local residents from light pollution.

However, lighting during the construction phase can be controlled through the Construction Environmental Management Plan (CEMP) that would be required by condition. Once the site is occupied, street lighting and other low level lighting is unlikely to lead to amenity impacts that need to be subject of a specific lighting scheme that needs agreement and as such a condition is not considered to be reasonable or necessary.

Drainage matters

This is a brownfield site located within Flood Zone 1 and at very low risk of surface water flooding. A foul and surface water Drainage Strategy has been submitted with the planning application. Soakaways are proposed as a solution for surface water drainage, along with permeable paving and rain gardens.

The HCC Lead Flood Authority requested additional information relating to drainage and a revised drainage strategy has been submitted. HCC are now satisfied that sufficient testing has been undertaken to demonstrate that there is a drainage solution on the site. Whilst the current drainage strategy cannot be formally approved at this stage further details, to include infiltration testing and long term maintenance arrangements for the surface water drainage system, can be dealt with by a planning condition.

Southern Water have also commented that the details of foul sewerage and surface water disposal along with responsibilities for the implementation of the Sustainable Urban Drainage scheme along with a management and maintenance plan for the lifetime of the development need to be agreed and this can be secured by condition. As such, the current proposals are acceptable in drainage terms subject to further details being secured by condition.

Air Quality

Air Quality Assessments in New Development Supplementary Planning Document 2022 set criteria where an Air Quality Assessment or an Air Quality Statement are required. Whilst this is a major application as it falls under the criteria in relation to light and heavy vehicle movements an Air Quality Statement can be submitted in this instance.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be cycling and walking infrastructure, electric vehicle charging point for each dwelling and comprehensive landscaping scheme on the site with Biodiversity Net Gain.

Ecology and Biodiversity Net Gain

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy, Government advice and the Environment Act which became statute in November require an enhancement to on site biodiversity wherever possible. NFDC Interim Advice on Biodiversity Net Gain is underpinned by the National Planning Policy Framework (NPPF) (2021) paragraph 174(d), which requires planning decisions to provide net gains in biodiversity. Paragraph 179(b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180(a) suggests that if significant biodiversity losses cannot be avoided, mitigated or compensated then permission should be refused. New Forest District Council's policy STR1 (iii) in the New Forest District (outside the National Park) Local Plan Review 2016-2036 Part One: Planning Strategy, adopted 6 July 2020 has a requirement for all development to achieve an environmental net gain. 'Environmental Net Gain' encompasses 'Biodiversity Net

The requirement to deliver 10% biodiversity net gain has been applied to all major new build development since the adoption of the Local Plan in July 2020 but this requirement for 10% BNG to be demonstrated - via use of the Defra Biodiversity Metric - became a mandatory requirement in England following the passing into law of the Environment Act in November 2021.

The site is one which has ecological and biodiversity value particularly due to its mature vegetation. The application is accompanied by a detailed ecological assessment. This assessment includes a condition assessment of habitats on the site. The proposed enhancement recommendations, and the landscape proposals on the site result in a calculations of BNG (completed in Defra Metric 3.1) would achieved a net gain of 110% (or 1.29 habitat units). In addition to this, there would be a net gain of 1009% in liner habitats (or 0.85 hedgerow units) with all tree lines retained and the introduction of native hedgerows.

Appropriate ecological enhancements would include bird and bat boxes, integrated bat bricks and hedgehog highway fencing as set out in the Ecological Assessment report can be secured through a planning condition.

The Council's ecologist is satisfied that subject to the works being undertaken in accordance with this ecological assessment methodology and the enhancement measures outlined in this report these proposal meet with Policy requirements for ecological enhancement and deliver an appropriate level of net gain as a result. A Biodiversity Monitoring and Management Plan - for a period of 30 years - will be

critical to the successful delivery and long-term management and monitoring of BNG on the site and this plan can be secured through a planning condition.

In accordance with agreed monitoring charges, on site monitoring and inspections of the biodiversity net gain would be subject of a financial contribution of £4,625. The applicant will make this financial contribution for the biodiversity net gain monitoring prior to planning consent being issued.

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 enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant will make a financial contribution for the required habitat mitigation prior to planning consent being issued.

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

Nitrate neutrality and impact on the Solent SPA and SACs

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 which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected

European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

Developer Contributions

The following financial contributions are required to be made in association with the proposed development and these shall be secured by direct financial contributions before the planning permission is issued.

- £98,103 to secure recreational habitat mitigation [made up of £85,219 infrastructure + £12,884 non-infrastructure]
- £ 11,947 to secure Solent bird aware contribution
- £2,002 to secure Air Quality monitoring.
- £4,625 for BNG management and monitoring contribution

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	1769	2011	-242	-242	£80/sqm	-£24,721.23 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

CONCLUSION

The proposed development would make an important contribution to the provision of affordable housing to meet local needs in the area and wider district. The submitted scheme would provide a good quality layout and design, meeting the requirements for public open space on the site to serve the needs of future residents and the wider community and could be developed without detriment to highway safety. Whilst it is unfortunate that a beech tree would be lost to allow for the provision of the play area this has been carefully considered along with all other material planning considerations and on balance can be acceptable in this instance given other site constraints, the overall improvements that would be made on the site and the urgent need for affordable housing provision to be made. Furthermore, the development as proposed, could be implemented without harmfully compromising the landscape feature designation of the site. Most of the site's significant tree cover would be safeguarded and a comprehensive landscaping scheme would be implemented on the site to enhance its visual amenity and provide significant biodiversity net gain.

Overall, the proposed development would be compliant with local and national planning policies. As such, the application is recommended for approval subject to payment of the identified contributions and conditions as set out.

OTHER MATTERS

The Parish Council have referred to on street parking issues that have occurred during the current development of the new hospital where site vehicles have caused obstructions They have requested a condition to cover contractors parking on site during construction and that measures are put in place so that excess mud is removed from tyres before re-joining the public highway.

These matters are covered by the construction environmental management plan (CEMP) required to be submitted and agreed by condition 25

11 RECOMMENDATION

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

- i. an obligation for the provision and retention of at least 40% of the homes on the site to be affordable in accordance with Policy HOU2
- ii. an obligation to pay the relevant financial contributions directly to the Council before planning permission is issued on the site.

These contributions being as follows

- iii) £98,103 to secure recreational habitat mitigation [made up of £85,219 infrastructure + £12,884 non-infrastructure]
 - iv) £ 11,947 to secure Solent bird aware contribution
 - v) £2,002 to secure Air Quality monitoring.
 - vi) £4,625 for BNG management and monitoring contribution
- iii. 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:

3082-APLB-ZZ-ZZ-DR-A-1000 P03 – Location Plan.
3082-APLB-ZZ-ZZ-DR-A-1010 P08 – Site Plan.
3082-APLB-ZZ-ZZ-DR-A-2000 P05 – GA Plan – Block A.
3082-APLB-ZZ-ZZ-DR-A-2010 P05 – GA Plan – Block B.
3082-APLB-ZZ-ZZ-DR-A-2020 P04 – GA Plan – House Block C.
3082-APLB-ZZ-ZZ-DR-A-2030 P04 – GA Plan – House Block D.
3082-APLB-ZZ-ZZ-DR-A-2040 P04 – GA Plan – House Block E.
3082-APLB-ZZ-ZZ-DR-A-3000 P05 – GA Elevations – Block A.
3082-APLB-ZZ-ZZ-DR-A-3001 P03 – GA Elevations – Block B.

3082-APLB-ZZ-ZZ-DR-A-3010 P01 – Street Elevation: Beaulieu Road.
 ITB17637-GA-001 rev. F – Swept Path Analysis – Refuse Vehicle.
 iTransport
 ITB17637-GA-003 rev. C - Swept Path Analysis – Large Family Car
 ITB17637-GA-004 rev. C - Swept Path Analysis – Fire Appliance
 .iTransport
 ITB17637-GA-005 rev. C – Site Layout, Geometry and Visibility. iTransport

ITB17637-GA-006 rev. D – Potential Site Layout Improvements and
 Pedestrian Access. iTransport
 ITB17637-GA-007 rev. C – Existing Achievable Visibility Splays.
 2042-DE-2000 A – Landscape Sections.
 2042-GA-1000 rev. E – Landscape GA Drawing.
 2042-GA-1001 rev. B – Open Space Provision.
 Arboricultural Development Statement CBA 10671-2022-10-18 - V 5A
 ADS dated October 2022
 Design and Access Statement Part 1, 2 and 3 prepared by Architecture
 PLB.
 Ecological Assessment Rev 2 - Ecosupport. dated 21st October 2022
 Energy Strategy prepared by BME3.
 Landscape Management Plan 2042-MP-9000 dated July 2022 prepared
 by Ubu Design
 Air Quality Statement prepared by Gillings Planning.
 Noise Assessment prepared by Sharps Redmore.
 Preliminary Investigation Report prepared by Soils Limited.
 Planning Supporting Statement prepared by Gillings Planning.
 Transport Statement SAW/DE/SPH/1TB17537-001a iTransport.

Reason: To ensure satisfactory provision of the development.

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

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

4. Before the development commences, the proposed slab levels of the dwellings in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside the National Park.

5. The development hereby permitted shall not be occupied until the spaces shown on plan 3082-APLB-ZZ-ZZ-DR-A-1010 P08 for the parking of vehicles and cycles have been provided. The spaces shown on plan 3082-APLB-ZZ-ZZ-DR-A-1010 P08 for the parking of vehicles and cycles shall be retained and kept available for the parking of vehicles and cycles for the dwellings hereby approved at all times and this parking shall remain unallocated at all times

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. 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).

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 8 to 10 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 11 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

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

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

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

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

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

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

10. Where a remediation scheme has been approved in accordance with condition 9, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

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

12. The trees and hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the CBA Ltd Arboricultural Development Statement (CBA10671 v5A dated October 2022). Prior to the commencement of any building works 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a site meeting to inspect all tree protection measures as specified and illustrated within the submitted Tree Protection Plans ref CBA10671.04F and CBA10671.03D and specified in 8.1 CBA Ltd Arboricultural Development Statement (CBA10671 v5A dated October 2022).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to ensure their retention and avoidance of damage during the construction phase in accordance 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.

13. Prior to the construction of the proposed footpath within the public open space to the south, 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a site meeting to agree the siting and method of the installation for the proposed footpath within the public open space as set out in 22.4 of CBA Ltd Arboricultural Development Statement (CBA10671 v5A dated October 2022) The details of construction, all changes of existing surfaces and levels, and measures for the avoidance of damage to retained trees all to be in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". The exact alignment of the pathway shall be agreed on site and work undertaken under supervision of the NFDC Arboricultural Officer in accordance with the agreed details. Once agreed, plans and details of the final alignment of the pathway shall be submitted to the Local Planning Authority and the works implemented in strict accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to ensure their retention and avoidance of damage during the construction phase in accordance 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.

14. Before development commences on any works (including site clearance, demolition and any other preparatory works) that are located within the root protection zone of any trees to be retained on the site, a detailed arboricultural method statement showing a specialist no dig specification, details and plans showing any changes to existing and proposed levels and all changes of existing surfaces for any works to be undertaken within the root protection zone of all trees to be retained on the site all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". shall be submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the details so approved unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and to ensure their retention and avoidance of damage during the construction phase in accordance 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.

15. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority which reflects the approved Landscape Masterplan (Plan Ref 2042-GA-1000 E). 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) details of replacement tree planting (species, size, spacing and location);
 - (d) details of the layout and design for the children's play area and a specification of the play equipment to be installed;
 - (e) details of the design and location of benches/seating to be provided in the play area and public open space;
 - (f) the exact location of the connection of the pedestrian path from the POS to the shared surface in order to ensure a pedestrian friendly route is provided.
 - (g) precise specification of the proposed levels across the areas of public open space;
 - (h) areas for hard surfacing and the materials to be used;
 - (i) all other means of enclosure;
 - (j) a method and programme for its implementation and the means to provide for its future maintenance including discouraging the use of pesticides and a timetable for watering visits.

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

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

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

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

17. Prior to their construction, full details of the elevations and materials for the cycle stores for dwellings in Block C, Block D and Block E shall be submitted to and approved in writing by the Local Planning Authority provided and thereafter retained as such for the storage of cycles unless otherwise agreed.

Reason: To ensure that the appearance of the cycle stores are appropriate in the interests of visual amenity and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

18. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the submitted Foul and Surface Water Drainage Strategy 23763-HYD-XX-XX-RP-DS -5001-P04 dated the 27th September 2022 , have been submitted and approved in writing by the Local Planning Authority.

The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the submitted Drainage Strategy.
- b. Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Evidence that urban creep has been included within the calculations.
- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Circa SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- h. Specify the responsibilities of each party and a timetable for the implementation of the SuDS scheme.

Construction of the development shall be undertaken in accordance with the details so approved.

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.

19. Before the development is first occupied details of the means of the long term future maintenance arrangements of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. Maintenance schedules for each drainage feature type and ownership and specify the responsibilities of each party
- b. Details of protection measures.

The maintenance of the surface water drainage shall be undertaken in accordance with the arrangements as approved.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

20. Before development commences, details of the means of disposal of foul sewerage drainage scheme to be implemented shall be submitted to the Local Planning Authority for written approval. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the foul sewerage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

21. The works hereby approved shall be undertaken in strict accordance with the Ecological Assessment and details (EcoSupport V2 dated 21st October 2022 and addendum letter dated 11th August 2022) submitted with the planning application unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancements in Section 6.8 of the EcoSupport Report V2 dated 21st October 2022 and Addendum letter (with respect to bats) shall be implemented prior to first occupation of the dwellings hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species and ensure ecological enhancements are delivered in association with the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

22. Prior to first occupation of the dwellings hereby approved a Biodiversity Net Gain (BNG) Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority (covering a minimum period of 30 years). The Plan shall incorporate the requirements set out in the informative note at the end of this permission. The Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA annually for the first five years after completion and at 5 year intervals thereafter until year 30.

Reason: To safeguard protected species and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2 in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

23. Any works that impact on the bat roost (summer day roost for common pipistrelle) identified in the Ecological Assessment Report V2 undertaken by EcoSupport Ltd (Dated 21st October 2022) shall not in any circumstances commence unless the local planning authority has been provided with either:

- i. 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;
- ii. 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
- iii. Natural England's decision on whether to accept the registration of the site under a Registered Consultants Bat Mitigation Class Licence (BMCL).

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

24. Prior to the commencement of any construction work on site, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist and where necessary, a Method Statement and updated Mitigation Strategy for badgers during construction (to reflect the findings of the survey) shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in full accordance with the approved Method Statement

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

25. Prior to construction (including demolition) commencing on the site, a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) Development contacts, roles and responsibilities
- b) Public communication strategy, including a complaints procedure.
- c) A method, programme and phasing of demolition (if any) and construction work;
- d) Details of hours of demolition and construction
- e) The provision of long term facilities for contractor parking;
- f) Methods and phasing of construction works;
- g) Access and egress for plant and machinery;
- h) The arrangements for deliveries associated with all construction works and access and egress for plant and machinery;
- i) Details of parking and traffic management measures.

- j) Details of wheel washing facilities or mitigation to prevent mud on the highway to be provided
- k) Details of measures for the protection of pedestrian routes during construction;
- l) Dust Management Plan (DMP) in accordance with relevant guidance including suppression, mitigation and avoidance measures to control dust.
- m) Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- n) Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- o) Details of the construction lighting scheme, including timing of lighting operation and measures to control light spill and glare from any flood lighting and/or security lighting installed.
- p) Location of temporary site buildings, compounds, construction material, and plant storage areas;

The approved details within the Construction Environmental Management Plan (CEMP) shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CEMP so approved.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity and highway safety and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

26. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations (where noise is audible beyond the site boundary) in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Public Holidays.

Reason: To safeguard residential amenities in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for New Forest District outside of the National Park.

27. Prior to any development above DPC level, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include measures to ensure that the internal and external noise levels for the approved residential accommodation do not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. and include sound testing data for all residential units undertaken by a competent person to demonstrate that the target noise levels are achieved. The approved scheme shall thereafter be implemented, maintained and retained in accordance with the approved details.

Reason: To ensure future residential occupants have a satisfactory living environment in accordance with Policy ENV3 of the Local Plan Part for New Forest District outside of the National Park.

28. The development hereby permitted shall not be occupied until:

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;

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

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 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.

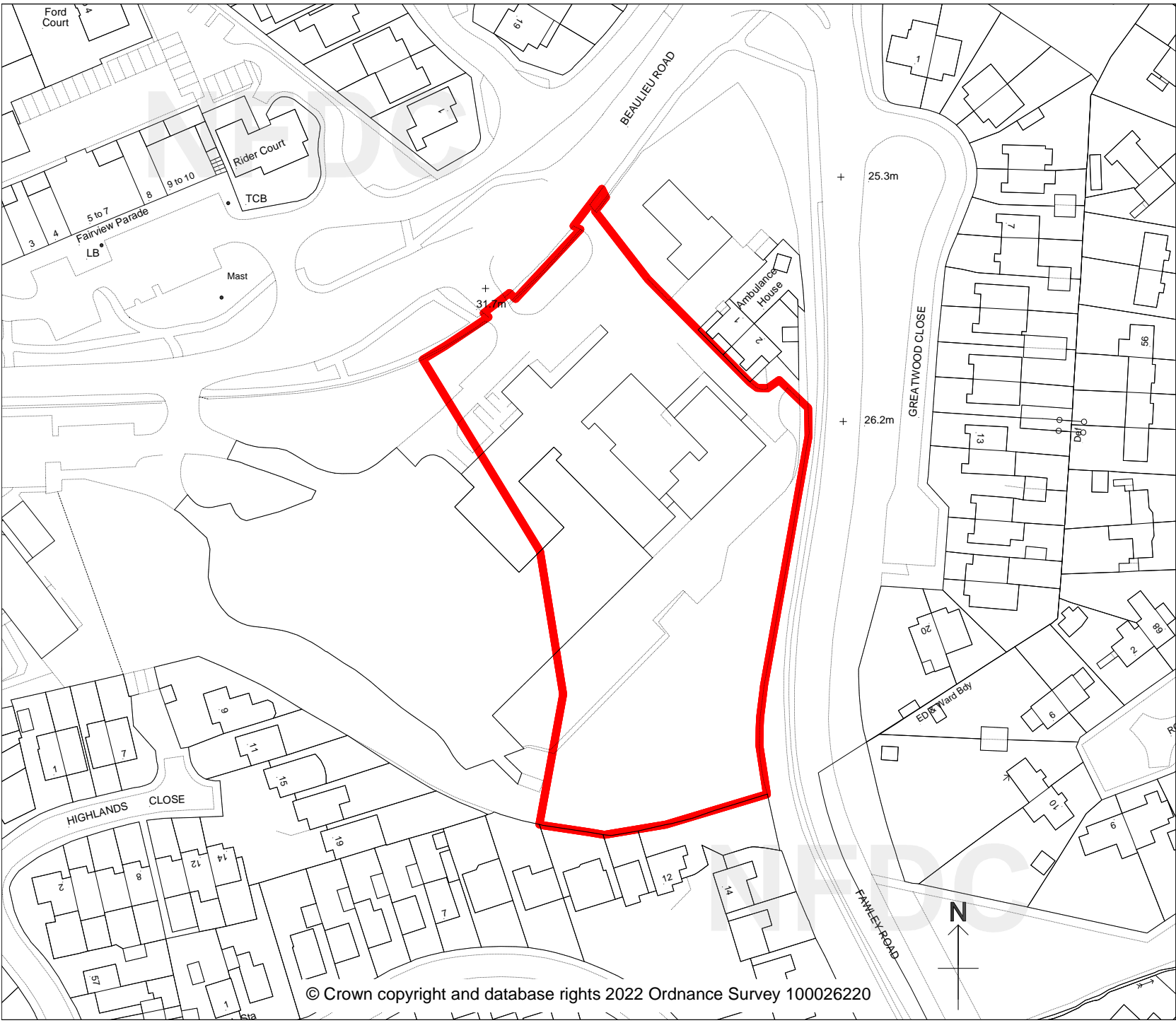
29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out on dwellings identified as Block C, D or E without express planning permission first having been granted.

Reason: In view of the site's constraints with respect to trees and levels and its designation as a landscape feature and the limited plot size of the north-eastern dwelling in Block C and to ensure that any future extensions to these dwellings retain adequate amenity areas, does not adversely affect the visual amenities of the area, trees or and the site's important landscape character, in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park (Planning Strategy) and Saved Policy DW-E12 of the New Forest District Local Plan First Alteration.

Further Information:

Judith Garrity

Telephone: 023 8028 5434



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New Forest

DISTRICT COUNCIL

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Claire Upton-Brown
 Executive Head of Planning,
 Regeneration and Economy
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

November 2022

Hythe Hospital and Health Centre
 Beaulieu Road
 Hythe
 22/10939

Scale 1:1250

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

Planning Committee 09 November 2022

Application Number: 21/11677 Full Planning Permission

Site: MILTON BARNS, GORE ROAD, NEW MILTON BH25 6SJ
(PROPOSED LEGAL AGREEMENT)

Development: Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access and parking.

Applicant: Hanah Homes Ltd.

Agent: Darryl Howells Planning Consultancy

Target Date: 26/09/2022

Case Officer: James Gilfillan

Extension Date: 15/07/2022

1 Committee Update Report 09/11/22

- 1.1 On the 10th August 2022 members of the Planning Committee voted, contrary to their Officer's recommendation, to grant planning permission for the proposed development, subject to securing contributions as set out in the report and confirming conditions.
- 1.2 As a housing scheme in the Green Bet and outside the built up area of New Milton, in order to be acceptable, in accordance with adopted policy HOU5 of the New Forest District Local Plan Part 1: Planning Strategy 2020, it would have to be delivered as Affordable Housing.
- 1.3 Policy HOU5 states:

Rural housing exception sites and community-led housing schemes

New residential development will only be permitted on suitable sites outside the defined settlement boundaries where it is to meet an identified need of local people for affordable housing to meet local needs which cannot be provided in any other way.

The Council will support and encourage housing, and other ancillary or related development proposed alongside housing, by a qualifying Community-led Housing group on land it owns or controls, where the development has the support of the local community and is proposed to meet the identified local needs of the community it relates to.

Suitable sites will be located within or adjoining a settlement which either provides a range of local services and facilities, or is (or can be made) safely accessible to a larger settlement nearby which provides a wider range of services and facilities. The District Council will work with local communities to identify suitable sites, which may also be identified through Neighbourhood Plans.

Legal undertakings or other appropriate mechanisms will be required to ensure that the benefits of the scheme to the local area and/or specified community group are clearly defined and legally protected in perpetuity.

- 1.4 New Milton and the site in particular, do not fall within a 'Designated Protected Area', DPA, where Housing Legislation prevents 'Right to Acquire' in order to ensure affordable housing provided in rural areas is retained for those in need locally.

As the site is not protected, the right to buy, enshrined in primary legislation can not be resisted by the terms of the S.106 agreement.

- 1.5 As such the planning application can not be considered to comply with policy HOU5 in its entirety. That in itself does not render the scheme unacceptable, but is part of the consideration to be undertaken. It is commonplace for schemes to only comply with parts of policies and it is a matter for the decision maker to apply weight to those parts of policies directly relevant.
- 1.6 As the recommendation presented to the Planning Committee was to refuse the application, it was subsequently considered that this matter had not been properly explained to the Committee. As members of the Committee had placed significant weight on the benefit of delivering Affordable Housing, in balancing considerations, it was considered that the above described limits to retaining the development as Affordable Housing should be explained.
- 1.7 In addition members should note that the minutes for the August committee referred to securing mitigation for the recreational impacts, arising from the development, on habitats and species in the Solent. That was included in error. The site is outside the zone of impact and no contribution is required.

Conclusion

Based on the clarification provided, members are invited to confirm their decision to resolve:

That delegated authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

(i) the completion of a planning obligation entered into by way of a Section 106 Agreement to achieve:

- contributions towards New Forest recreational disturbance infrastructure and non-infrastructure
- contribution towards monitoring Air Quality in the New Forest
- Appropriate monitoring fees (in respect of: Commencement, Affordable Housing, and Bio Diversity Net Gain).
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest District Council
- Contribution towards education infrastructure

(ii) the imposition of the conditions as agreed with the Chairman of Planning Committee.

Proposed conditions to satisfy (ii) are listed at appendix 1 to this report.

Original Case Officer Report 10/08/22

SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the Development and Green Belt.
- 2) Impact on the character and appearance of the area.
- 3) Impact on heritage assets
- 4) Access, highway safety and parking

This application is to be considered by Committee due to the conflict between the responses received from Cllr Clarke & New Milton Town Council and the Officer recommendation.

2 SITE DESCRIPTION

The site is on the south side of Gore Road, outside the built up area of New Milton. It is located to the south of Milton Barn, a grade II listed barn, converted to a restaurant pub use. The site is vacant, grassed and falls within the South-West Hampshire Green Belt.

There are mature hedges around the edge of the site. The site is flat, but elevated approximately 1m above the level of the ground around the listed barn.

Beyond the southern boundary is Fawcetts Fields public open space, where there are junior football pitches marked out and further formal sports pitches and facilities beyond. To the west land is allocated as a strategic housing site, SS11.

3 PROPOSED DEVELOPMENT

Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access via Milton Barn from Gore Road.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
08/92017 Use as playing field	02/05/2008	Granted Subject to Conditions	Decided	
02/75538 Conversion of barn to public house and construction of 10 guest bedrooms (Listed building application)	02/10/2002	Granted Subject to Conditions	Decided	
01/73089 Addition and alterations to form public house with guest rooms and access alterations	30/09/2002	Granted Subject to Conditions	Decided	
97/NFDC/62824/LBC Addns/alts to form pub/flat/access/parking :	08/04/1998	Granted Subject to Conditions	Decided	
97/NFDC/60911/LBC Addns/alts to form pub/restaurant/flat/access/parking	11/06/1997	Refused	Decided	Appeal Allowed

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy HOU1: Housing type, size, tenure and choice
Policy HOU2: Affordable housing
Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes
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 CCC2: Safe and sustainable travel
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM20: Residential development in the countryside

New Milton Neighbourhood Plan 2021

Policy NM1 - A Spatial Plan for New Milton
Policy NM2 - Diversifying Housing
Policy NM4 - Design Quality
Policy NM11 - Mitigating Effects on European Sites

New Forest District Core Strategy 2009

CS7: Open spaces, sport and recreation

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites
SPG - Residential Design Guide for Rural Areas
SPD - Air Quality in New Development.

Relevant Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66 General duty as respects listed buildings in exercise of planning functions.

Relevant Advice

NPPF 2021

Constraints

SSSI IRZ Wind and Solar Energy
NFSFRA Surface Water
SSSI IRZ Waste
Aerodrome Safeguarding Zone
Small Sewage Discharge Risk Zone - RED
Plan Area
SSSI IRZ Infrastructure
SSSI IRZ Minerals Oil and Gas
SSSI IRZ Combustion
SSSI IRZ Air Pollution
SSSI IRZ All Consultations
Listed Building Grade: Grade II 552.27.002

Plan Policy Designations

Green Belt
Countryside

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: STRONG SUPPORT (delegated) subject to adherence to Neighbourhood Plan policy NM4 (Design Quality) on the need to mitigate the impacts of climate change by consideration of Photovoltaic panel provision, thought the most cost-effective option for an affordable housing scheme and its occupiers.

7 COUNCILLOR COMMENTS

Cllr S Clarke expresses support for the scheme

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation: Objects to the lack of a comprehensive heritage assessment complying with Historic England guidance on the content of such an assessment. The scheme does not bring any heritage benefit. The position, massing and layout of the scheme would cause harm to the historic setting of the Listed Building and the contribution of the space to the significance of the Listed Building. Based upon the submitted information the extent of harm would be less than substantial.

NFDC Ecologist: Recreational, air quality and water quality impacts would effect the integrity of designated sites of nature conservation interest and should be mitigated. Conditions can secure appropriate on site ecological mitigation and enhancement. However 10% Bio-diversity net gain has not been demonstrated.

NFDC Environmental Health Contaminated Land: No known contamination, but historic agricultural use justifies a standard unexpected contamination condition is imposed. No objection.

NFDC Housing: Identifies that there is a large number of residents in need of affordable housing who have New Milton as their preferred First Choice. Supports the scheme for making provision towards meeting this demand.

NFDC Landscape Team: Layout is overly intensive and will be unable to retain the existing boundary vegetation as indicated or provide capacity for adequate landscape and visual impact mitigation, which should be unnecessary if the scheme was designed to sit comfortably in the landscape.

NFDC Open Spaces: Revisions reduce the site area below that to trigger a Public Open Space contribution, but securing safe and convenient routes to nearby facilities is encouraged.

NFDC Urban Design: The proposal fails to achieve the 3 principles of ENV3, Functionality, Appropriateness and Attractiveness.

HCC Countryside Services: Public Rights of Way are unaffected. No objection.

HCC Education: Indicates the scheme would give rise to additional demand for primary and secondary school places, that can not be met by the existing schools and therefore mitigation is required. No objection subject to securing a contribution.

HCC Highways: Accepts that sufficient visibility, road widths and manoeuvring space is provided to meet the needs of the development and preserve highway and pedestrian safety, along the access road, junction with Gore Road and in the housing site. No objection.

HCC Surface Water: In the absence of agreement from the foul sewer operator, can not accept the proposed surface water drainage strategy that proposes to drain surface water to the foul drainage.

Hampshire & IoW Fire and Rescue: Advises compliance with Building regulations and detailed construction design. No objection.

Southern Water: Confirms sufficient capacity is available in the drainage infrastructure to serve the foul and surface water drainage requirements. No objection.

Sport England: No conflict with playing pitches. No objection.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Concerns regarding highway and pedestrian safety from speeding vehicles on Gore Road and increased movements associated with the development. Highway safety on site due to narrowness of the access drive.
- Impact of additional vehicle and pedestrian movements along the access drive on amenity of occupiers of adjacent houses due to disturbance and loss of privacy.
- Conflict with highway safety due to surface water flooding.
- Concerns regarding the lack of parking and potential abuse of the car park for 'The Barn' commercial premises.
- Loss of direct pedestrian access to Fawcetts Fields.
- Failure to undertake an appropriate heritage assessment and consider the significance of the heritage asset.
- Poor layout and inappropriate design to respect the setting of the listed Barn.
- Insufficient details of measures to combat climate change
- Impact on amenity from overshadowing, overlooking and loss of privacy.
- Support for the principle of affordable housing and new housing
- Support for the design, but important it adheres to Neighbourhood Plan policy NM4
- Comments regarding the opportunities for bio-diversity and ecological enhancements within the scheme.

For: 2

Against: 4

10 PLANNING ASSESSMENT

The site is currently vacant, used informally by the restaurant/pub business operating in the adjacent Milton Barn for events and additional external seating. The scheme proposes to erect four buildings comprising a total of 3 flats and 14 houses, accessed from Gore Road, via the existing service road serving the commercial business.

Principle of Development

The site is outside the identified built-up area of New Milton and in the South West Hampshire Green Belt. Strategic policies STR3 and STR4 direct development towards the established town and village centres, based on the hierarchy identified. Beyond the defined settlement boundaries and identified rural villages the primary objectives are to conserve and enhance the countryside and natural environment.

Whilst that does not preclude all development, based on a need to sustain rural areas and support rural enterprise, recreational facilities and farming, certain forms of development would be acceptable. However the scheme does not propose such a form of development.

The site does not therefore accord with the principal provisions of STR3 and 4, the principle of the development is therefore not accepted.

Similarly the New Milton Neighbourhood Plan, policy NM1, also directs significant residential development to the town of New Milton. But accepts that where a proposal meets Green Belt or National Park policies in can be considered acceptable outside the town centre.

Adopted policies HOU5 and DM20 of local plan parts 1 and 2 respectively do however allow for affordable housing schemes to be brought forward where they are adjoining a settlement which provides a range of local services and facilities, which can be safely accessed.

The description of development proposes the scheme to be delivered as an affordable housing scheme. The supporting Planning and Affordable Housing statement sets out the form that this would take, proposing 100% social rent. The consultation response received from the Councils Housing Services identifies a clear need for affordable housing in New Milton, that the scheme would make a significantly positive contribution towards meeting. By providing the entire scheme as affordable housing the scheme complies with the target of 50% being affordable as required by adopted policy HOU2.

Whilst the site is outside the built-up area and therefore in the countryside, it is close to the boundaries of the built up area and the character of the area includes residential, commercial and educational forms of development.

Whilst strategic scale housing numbers would be delivered on the allocated site to the west on Gore Road (SS11), including affordable housing, it is clear that the predicted delivery rates for that undetermined outline scheme would not deliver affordable homes in the short term. The current application proposals could be delivered in much shorter time scales, contributing to meeting existing need.

The Council has significant need for affordable housing, as such significant weight would be applied to the benefit of the delivery of such housing.

The site falls within the South West Hampshire Green Belt. New development therein is inappropriate and therefore harmful to the openness and purposes of including land within the Green Belt. There are however circumstances where new development would not be considered to be inappropriate. Exceptions to this are set out at para.149 of NPPF, including at f) limited affordable housing for local community needs under policies set out in the development plan.

The scheme is proposed to be 100% affordable housing, complying with the provisions of HOU5 and therefore would be in accordance with the identified exceptions to the presumption against new development in the Green Belt. As such the principle of the development in the Green Belt is in accordance with adopted policy ENV2 and can be accepted.

The scheme has minor economic benefits during construction and could introduce additional footfall and spend in New Milton town centre and the business in the listed barn. Despite being outside the built up area it has minor environmental benefits of abutting it. Delivering a mix of house types and sizes as affordable housing has social benefits.

These benefits would be applied to the planning and heritage balances. However they do not in themselves demonstrate delivery of a sustainable development, which should be considered against detailed aspects of the scheme as presented, rather than the principle of residential use of the site.

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

The scheme seeks to deliver a courtyard of buildings designed in a contemporary agricultural style. Justified by its proximity to the Listed Barn and previous agricultural use of the site and surroundings. The principle of such an approach has merit, however it is not considered the scheme succeeds in achieving such a solution. The scheme is not supported by a Design and Access statement demonstrating how the scheme has regard to the context, especially consideration of the special qualities of the Listed Barn and how its scale and design has been integrated by the scheme. Nor does it analyse agricultural barn conversions or farm complexes to demonstrate how the scheme takes influence from their original form.

Furthermore and covered in more detail below, the scheme is not supported by a comprehensive Heritage Asset Statement that identifies what opportunities might exist to enhance the Listed Building through the design of the scheme

The scheme provides 4 blocks of built form to enclose the central parking court. Further enclosure of that space is provided by way of walls. Parking is largely open surface parking, but 3 car port structures do provide shelter to some spaces and contribute to the enclosing courtyard layout.

The scale of the development results in an intensive layout and significant extent of plot coverage through built form and hard surfaces. Whilst the agricultural courtyard approach would be likely to incorporate a high percentage of site coverage, the buildings and parking are tightly packed, buildings are particularly close to the edge of the site and the scheme is not particularly sympathetic to its setting, residents would feel hemmed in and the size of rear gardens would not offer particular relief.

The inclusion of car ports as part of the built form does provide an attractive solution to the provision of parking, however they are in the minority and cars would dominate the courtyard and three of the four buildings would be viewed with cars dominating their setting.

The layout turns it back on the listed barn and the open spaces around the site, presenting rear elevations and rear garden boundary treatment to its edges. The two houses either side of the drive into the site do provide active frontage and there would be ample engagement with and passive surveillance of the courtyard spaces.

The use of materials and design detailing is consistent across the scheme, however hipped roof forms, the extensive use of half dormered windows and staggered

footprints, clearly visible on blocks B, C and D especially rear elevations most visible from outside the site, to the south and west across the open space, where the scheme would create a new urban edge, particularly highlight the failure of the scheme to deliver a barn style design.

The agent seeks to justify the design as acceptable by reference to stable door cladding, dark stained timber windows and hay loft access doors. Whilst these features are common for agricultural barns they can not disguise the poor scale, roof form and layout of the buildings on which they are applied.

The agent also seeks to explain the half height eaves and windows breaking those eaves as a mechanism to deliver a barn like form and appearance, and absorb the first floor accommodation in to the roof. This rationale is not readily evidenced or understood.

Streetscene plans provided show the scale of the scheme and its dominant effect in the background of the Listed Barn, when viewed from Gore Road. Those plans also show the contrast with the respect shown by the simple forms and reduced scale of the recently completed development at Greenwood Place to the east.

It is considered that despite the response from New Milton Town Council, the scheme would fail to accord with aspects of policy NM4 of the neighbourhood plan. Failure to justify the design and execute the approach of the scheme would not reflect the distinctive character of the town, nor would it; be a high quality design; create a sense of place while addressing the character and scale of the surrounding buildings and landscape; contribute to local distinctiveness, enhancing local character.

Not only do the shortcomings of design conflict with the environmental strand of sustainable development, they would also conflict with the social strand, by way of failing to achieve well designed and beautiful places.

Landscape impact and trees

The site provides part of the historic landscape setting for the Listed Barn. It falls within the Green Belt and area of open land around the edge of the built up area of New Milton. Hedges around the edge of the site provide the principal landscape features of the site. There are no protected trees on site at present or any considered to be constraints to the development.

The scheme has not been supported by an analysis of the local landscape setting, identifying the key characteristics of the landscape or adjoining townscape. The lack of such an assessment leads to a similar conflict as with the design and layout of the scheme and heritage aspects, in that justification for the design rationale is lacking.

The layout of the scheme would dominate the landscape edge of the site, most notably where it is viewed in the context of the wider landscape. Furthermore it would obscure any views of the Listed Barn within that landscape setting. Unfortunately the less successful rear elevations, where the suburban roof forms would be most evident are those to be exposed in views of the landscape setting.

Whilst tree planting would contribute to the landscape, in the absence of an analysis of the existing baseline, there is no obvious masterplan for the proposed arrangement of trees, or how the buildings could be arranged around new landscape planting.

Potential changes to the wider landscape arising from development of the nearby strategic housing allocation would not justify development of this site in the absence of a review of the opportunities or constraints of the landscape setting.

As with the design, the principle of an agricultural style could be appropriate, but the poor execution, scale and layout do not readily succeed.

Listed Buildings

The application site is considered to be within the curtilage of the Grade II listed Milton Barn. Extended and occupied by a restaurant with hotel rooms it is statutory listed for its special architectural and historic interest. The works do not directly effect the fabric of the structure of the Listed Building, which is outside the application site.

Having regard to S.66 of the Listed Buildings and Conservation areas act, it is desirable to preserve the setting of the listed building, for which special regard is paid.

The application is supported by a brief Heritage Asset statement (HAS), provided within a Planning Statement. This has been updated over the life of the application, indicating it has been written to justify the scheme as designed, rather than assessing the heritage significance of the site and adjoining building to identify the development opportunities the application site presents. The Councils Conservation Officer has reviewed the HAS and advises that it does not meet the requirements for such an assessment as defined by the NPPF.

The assessment has no map regression analysis, no historic building analysis, no analysis of significance (as set out under Historic England Guidance AN 10) and no detailed assessment of the buildings setting and therein its contribution to significance (Historic England GPA3). There is no reference to the HER or other background research and no exploration of setting tests (GPA3) with which to inform the design evolution of the proposal.

The applicant was advised of the importance of such a document in informing and justifying their proposals in the pre-app response provided, but has chosen not to comply with this advice.

The application site formed part of open farm land associated with the barn, whilst much has been lost to the north, the area to the south remains largely free from built form and contributes to the character of the setting of the barn.

The applicant has reviewed other barn style developments, seeking to compare them to the proposed scheme, however such review does not replace analysis of the existing buildings and their heritage aspects. The proposed scheme is inward looking and incorporates many suburban design traits that would not sit comfortably alongside the Listed Building and confuse the effect of the design approach.

Works to provide appropriate access to the site, by way of wider junction access and on site road serving the development contribute to an erosion of the setting of the Listed Barn and further detrimental visual impact.

Due to the importance of the historic relationship to that space, the former function of the barns and the value of that remaining curtilage, the significance of the remaining curtilage is high. Based on the above concerns regarding the design, layout and scale of the scheme, the Conservation Officer concludes that harm would be caused to the significance of the listed barn building, by way of the erosion of its setting and context.

The identified harm would be less than significant, in accordance with NPPF para.202, this should be assessed against public benefits, however the NPPF directs

that great weight should be applied to the importance of conserving a heritage asset.

Highway safety, access and parking

The scheme proposes access to be shared with that existing for Milton Barn, sweeping around the southern side of that building before turning in to the site. Parking for the existing use would be retained as existing, to the west of the commercial Listed Building.

The access drive and junction with Gore Road would be widened to allow vehicles to enter and exit simultaneously and accommodate larger delivery and refuse vehicles, likely to be generated by the proposed and existing uses.

The scheme provides 30 parking spaces for the residential development. The adopted parking standards requires 27 unallocated spaces or 36 allocated spaces. Subject to ensuring the spaces are not allocated, sufficient parking is provided to meet the needs of the development. A condition could be used to secure provision of the spaces and retention as unallocated.

None of the parking spaces have been clearly designed as disabled spaces, however the parking layout provides flexibility that at least 7 spaces could suit residents or visitors with mobility restrictions and ensures flexibility over their use.

Each property would be provided with a bike store for 2 bicycles and visitor racks would be provided for. Whilst the parking standards SPD requires storage for 3 bikes on 3-bed houses, those properties have larger gardens so could readily accommodate larger or additional stores should residents require.

The plans indicate a refuse wagon could manoeuvre on site, entering and exiting in a forward gear. No provision has been made in the scheme for storage of wheeled bins. In some locations, rear garden access passes between parking spaces. Concerns exist regarding moving wheeled bins past adjoining parked cars, including support posts for car ports and the consequential impact of wheeled bins being left in the public realm parking courtyard. Whilst a condition could be imposed seeking details of bin storage facilities on site, due to the scale and layout of the development problems and conflicts, as identified above, are designed in to the scheme, as a result a condition may not be an appropriate mechanism to resolve these problems.

The application site excludes the existing parking area for the commercial use in the listed barn.

The commercial premises is currently serviced from its southern elevation, where a timber enclosure projects from the building. It is not clear if that structure would be removed to facilitate the development, however it does fall within the red line. The site plan does suggest deliveries would continue from this position. The width of the access and area provided for deliveries, is sufficient that vehicles could pass a delivery vehicle parked. Whilst deliveries are likely to be regular, they would not be for durations that would compromise highway or pedestrian safety, nor is the position likely to contribute negatively.

Pedestrian access to Fawcett Fields is currently possible. This appears well used, but is as a result of unauthorised forced entry through the boundary hedge and is not an identified formal route, or one that this scheme should protect. Whilst this demonstrates a degree of desire for such a route, a comprehensive holistic response to access linking Gore Road and Christchurch Road, is a pre-requisite of development on the nearby strategic housing site.

Numerous revisions to the size and layout of the access drive, to demonstrate it can serve the development safely, have been received over the life of the application and HCC as highway authority are content that the development can be adequately and safely served whilst preserving highway and pedestrian safety, on site and on Gore Road.

Residential amenity

Due to the location of the site, in respect of nearby residential properties, the proposals would not have any impact on the outlook, privacy and light to nearby residents, preserving their amenity.

Neighbouring residents have objected to loss of privacy due to the proximity of their properties to the access drive. The scheme would not give rise to excessive volumes of vehicle or pedestrian movements than would be experienced in any residential environment, or opportunities that don't already exist to view windows or gardens from the public realm. The concerns identified by those residents, about customers of the commercial use at the barn, would not be a matter for the applicant to resolve.

The layout of the scheme would result in a degree of overlooking and shading between properties on site, but not to a degree that would be out of keeping with standard residential arrangements. All properties would benefit from adequate outlook and light in to living areas to meet reasonable needs of residents.

Each property would benefit from rear gardens, some of which would be shallow in depth, however the small number of units with these shallow gardens would not render the scheme unacceptable and across the entire scheme adequate gardens are provided to serve the amenity needs of the occupiers.

The application site is below the 0.5ha threshold, in policy CS07, for provision of public open space.

The site is close to an equipped children's play ground provided in the Greenwood Place development to the east, soon to be adopted by the Council. It is also close to Fawcetts Fields public open space, with its wide range of formal and informal recreation opportunities and New Milton sports centre. Whilst access to those sites is not direct, subject to the design of the access drive serving this application, access to the play ground is short and safe, safe access to Fawcetts Fields is expected to be delivered across the adjoining strategic housing allocation and the sports centre is accessible via dedicated off carriageway cycle route.

Due to the location of the site in relation to nearby residential properties and space available within the red line for a construction compound, there would not be justification to impose a condition requiring a construction management plan to be agreed.

The amenity of neighbours would be preserved and needs of residents would be met.

Ecology

There are no protected or high value habitats on or adjacent to the site. Species identified, by the ecological survey, could be readily accommodated by mitigation and enhancement measures, captured by a condition.

A rare wild flower has also been identified along the east boundary. The Councils ecologist advocates retention of the Corky-fruited water dropwort (aka Water Parsley) on the site, protected and retained as part of a Construction Environmental

Management plan.

The scheme has not been supported by a plan or strategy demonstrating that 10% bio-diversity net gain on the site can be achieved in accordance with the development plan, adopted interim guidance and NPPF. As such an off-site provision of this biodiversity uplift is required to be made. Whilst no BNG offset schemes are identified at present, New Milton Town Council are working on the identification and implementation of BNG projects as part of their Green Infrastructure Plan. The recently approved scheme at Moore Close, to the south of the site across Fawcetts Fields, imposed a Grampian style condition allowing for off site provision of BNG. It would be reasonable to take a consistent approach on this matter.

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. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

Air Quality Monitoring

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

Nitrate neutrality and impact on Solent SAC and SPAs

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 which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with

the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and could be imposed to secure mitigation.

Drainage, Sustainability and Air Quality

The site is not at risk of any flooding. Surface water flooding is identified to occur along Gore Road. The scheme is supported by a drainage strategy that demonstrates ground conditions preclude infiltration, as such proposes to dispose of surface water, via attenuation to the foul drainage sewers, this solution is accepted by Southern water, who confirm capacity is available in the existing infrastructure. The scheme would not contribute to existing local flood risk.

The site is close to services and facilities in New Milton reducing reliance on the private car for many trips and therefore the impact of vehicle emissions on air quality locally. The scheme does not make provision for chimneys or a layout indicating installation of solid fuel burners.

A condition could be used to secure a plan for the provision of Electric Vehicle charging. The unallocated courtyard parking arrangement would require detailed consideration of how best to make equipment available, however a solution for one charging unit per dwelling should be possible.

Other matters

The scheme would preserve sports pitches on the adjoining playing fields, Sport England has no objection.

Hampshire County Council and Local Education Authority have indicated the scheme would give rise to increased pressure on local schools, requiring mitigation by way of financial contribution towards schemes to provide additional capacity. As affordable housing there would be a degree of control over where occupiers move from, however the scheme still represents an increase in housing in the relevant catchment with likely back fill of existing occupation and overall increase in population, as such the contributions sought are justified and could be secured by way of an appropriately worded S.106 obligation.

Developer Contributions

As part of the development, the following is required to be secured via a Section 106 agreement to mitigate the impact of the development:

- £68,656 towards New Forest recreational disturbance infrastructure
- £10,387 towards New Forest recreational disturbance non-infrastructure
- £1,547 towards monitoring Air Quality in the New Forest
- £750.00 Commencement monitoring fee
- £750.00 Affordable housing monitoring fee
- £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.

- £57,372 towards provision of primary age school places
- £75,486 towards provision of secondary age school places

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	1768	0	1768	1768	£80/sqm	£180,608.00 *

Subtotal:	£180,608.00
Relief:	£0.00
Total Payable:	£180,608.00

11 CONCLUSION

The provision of housing, making a minor contribution to the overall supply of housing in an area where housing land supply is below 5 years has significant benefits, to which substantial weight in support of the scheme is applied. Alongside this are the benefits of the location close to services and facilities, minor economic benefits and significant social benefits arising from the provision of the scheme as affordable housing, also providing substantial weight in support of the scheme. Weighed against this are the failure to fully understand, assess and analyse the context of the heritage asset, the proposed design approach and landscape setting, resulting in an unsuccessful design solution that would not sit comfortably on its site or in the wider landscape context, that would erode the setting of the listed building resulting in harm to its significance and consequently causing harm to the environmental strand of sustainable development, to which great weight is applied. As such the public benefits would not outweigh the harm to the heritage asset, to which great weight against the scheme is applied.

Making optimal use of the site can not be considered in isolation of delivering development that meets all aspects of the development plan, in this case the environmental harm identified is considered to exceed the optimal use of the site. Contributions required to mitigate the effect of the development, preservation of residential amenity and highway safety weigh neutrally in the planning balance, as such the harm identified would outweigh the benefits of the scheme, which is therefore recommended for refusal.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The scheme is not supported by a comprehensive Heritage Asset Statement written in accordance with NPPF guidance. The scheme therefore fails to fully assess and understand the significance of the Grade II listed Barn and its setting and therefore demonstrate that the proposed scheme is appropriate and would preserve the setting and historical significance of the asset. The public benefits of the scheme would not outweigh the less than substantial harm and the scheme is therefore contrary to Policy DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014 and chapter 16 of the NPPF 2021.
2. The design, layout and proximity to the edge of the site, extent of site coverage of built form and car dominance, proportions and roof form, fail to present a successful scheme, which achieves the intended design response. The scheme is not supported by a comprehensive design, landscape and townscape assessment and review to analyse and justify the scheme. The scheme fails to deliver a high quality design and layout, creating a sense of place that addresses the character and scale of the surrounding buildings and landscape that enhances local character and heritage and is sympathetic to the environment and context and would contribute positively to local distinctiveness. The proposals are contrary to policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, NM4 of the New Milton Neighbourhood Plan 2021 and the NPPF.
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1: Planning Strategy 2020
4. The scheme would give rise to additional demand for school places at local schools where there is not capacity to accommodate them. Mitigation for this impact has not been secured as such the scheme would have an unacceptable impact contrary to policy STR8 of the New Forest District Local Plan Part One: Planning Strategy 2020.
5. The provision of the scheme as affordable housing is a critical aspect to justify its acceptability in respect of its location outside the built up areas and in the Green Belt. Occupancy of the scheme as affordable housing has not been secured as such the scheme is contrary to policies ENV2 and HOU2 of the New Forest District Local Plan Part One: Planning Strategy 2020, DM20 of the New Forest District Local Plan Part Two: Sites and DM policies 2014 and the NPPF 2021

Further Information:

James Gilfillan

Telephone: 02380 28 5797

Appendix 1. 21/11677

Proposed conditions to support resolution to grant planning permission from Planning Committee 10th August 2022.

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 approved plans:

Reason: To ensure satisfactory provision of the development.

3. Before development commences above damp proof course of the buildings hereby approved, samples or exact details of the materials to be used for the facing elevations, roofs, windows and doors 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 development commences above damp proof course of the buildings hereby approved, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

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

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

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

5. Prior to first residential occupation of the dwellings hereby approved, the works to the access from Gore Road, the drive and access in to the site as shown on the approved plans, including removal of any existing structures therein, shall be completed and available for use. They shall be maintained and thereafter retained.

Reason: In the interests of highway and pedestrian safety and in accordance with CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

6. The development hereby permitted shall not be occupied until the parking and manoeuvring spaces shown on the approved plans have been provided. The spaces shown for parking shall be retained and kept available for the parking for the dwellings hereby approved at all times and shall not be allocated to any particular dwelling, except in the event of allocation of space(s) for a disabled resident(s).

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. 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).

8. Prior to commencement of development above damp proof course of the buildings hereby approved, details of the bike stores and racks to be installed, as indicated on the approved plans, shall be submitted to and approved by the Local Planning Authority. The agreed details shall then be implemented prior to occupation of the relevant dwelling in the case of residential stores and prior to occupation of the final dwelling in the case of visitor racks. The stores and racks shall then be maintained and retained thereafter.

Reason: In order to support modes of travel other than the private vehicle and in the interests of the climate emergency and air quality and in accordance with STR1, ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

9. Prior to the commencement of development above damp proof course of the buildings hereby approved, details of the arrangements and structures for the storage of bins and presentation for collection, in accordance with the standards published by the Council, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to occupation of the relevant dwelling and thereafter maintained and retained for those purposes.

Reason: In order to ensure sufficient space and access is provided in the interests of efficient collection and the character and appearance of the site and the safety of residents and in accordance with policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

10. The development hereby permitted shall not be occupied until:

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;

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

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.

11. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

12. No development shall start on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority, which shall include:
 - a. Development contacts, roles and responsibilities
 - b. Public communication strategy, including a complaints procedure.
 - c. A programme method and phasing of construction works;
 - d. The provision of long term facilities for contractor parking;
 - e. The arrangements for deliveries associated with all construction works;
 - f. Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
 - g. Wheel washing facilities to be provided.

- h. Location of temporary site buildings, compounds, construction material, and plant storage areas;
- i. Details of parking and traffic management measures.
- j. Access and egress for plant and machinery;
- k. Protection of pedestrian routes during construction;
- l. Protection of ecology and mitigation as identified by the ecological appraisal
- m. Methods and timing to protect landscape features identified for retention including the Corky Fruited water dropwort known to inhabit the site.

All demolition and construction work shall only take place in strict accordance with the approved Construction Environmental Management Plan.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity, highway safety and to protect features of ecological value and nature conservation interest and in accordance with Policy ENV3 and CCC2 of the Local Plan Part 1 Planning Strategy and DM2 of the New Forest District Council Local Plan Part 2: Sites and DM Policies 2014.

13. Prior to the commencement of development and concurrent with the preparation of a CEMP required by condition 12, a revised ecological mitigation report and plan, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a timetable for the implementation of the measures , which shall then be implemented as agreed and thereafter retained.

Reason: To reflect the amendments made to the scheme prior to approval and to protect and support features of ecological significance and sensitivity in the area and in accordance with policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan Part 2: Sites and DM Policies 2014.

14. Prior to first residential occupation of the development hereby approved details of a package of off-site Biodiversity Net Gain (BNG) has been submitted to, and approved in writing by, the Local Planning Authority. This package should secure the identified 10% BNG arising from the development and include:

- a. a calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 3.1 Calculation Tool (Beta) (2022);
- b. details of the BNG project including its location;
- c. a timetable for the provision of the BNG project;
- d. details of the management of the BNG project
- e. details of the future monitoring of the BNG project in perpetuity.

The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.

Reason: To ensure Biodiversity Net Gain is secured as part of the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management), NFDC interim Biodiversity Guidance and the Environment Act 2021.



New Forest DISTRICT COUNCIL

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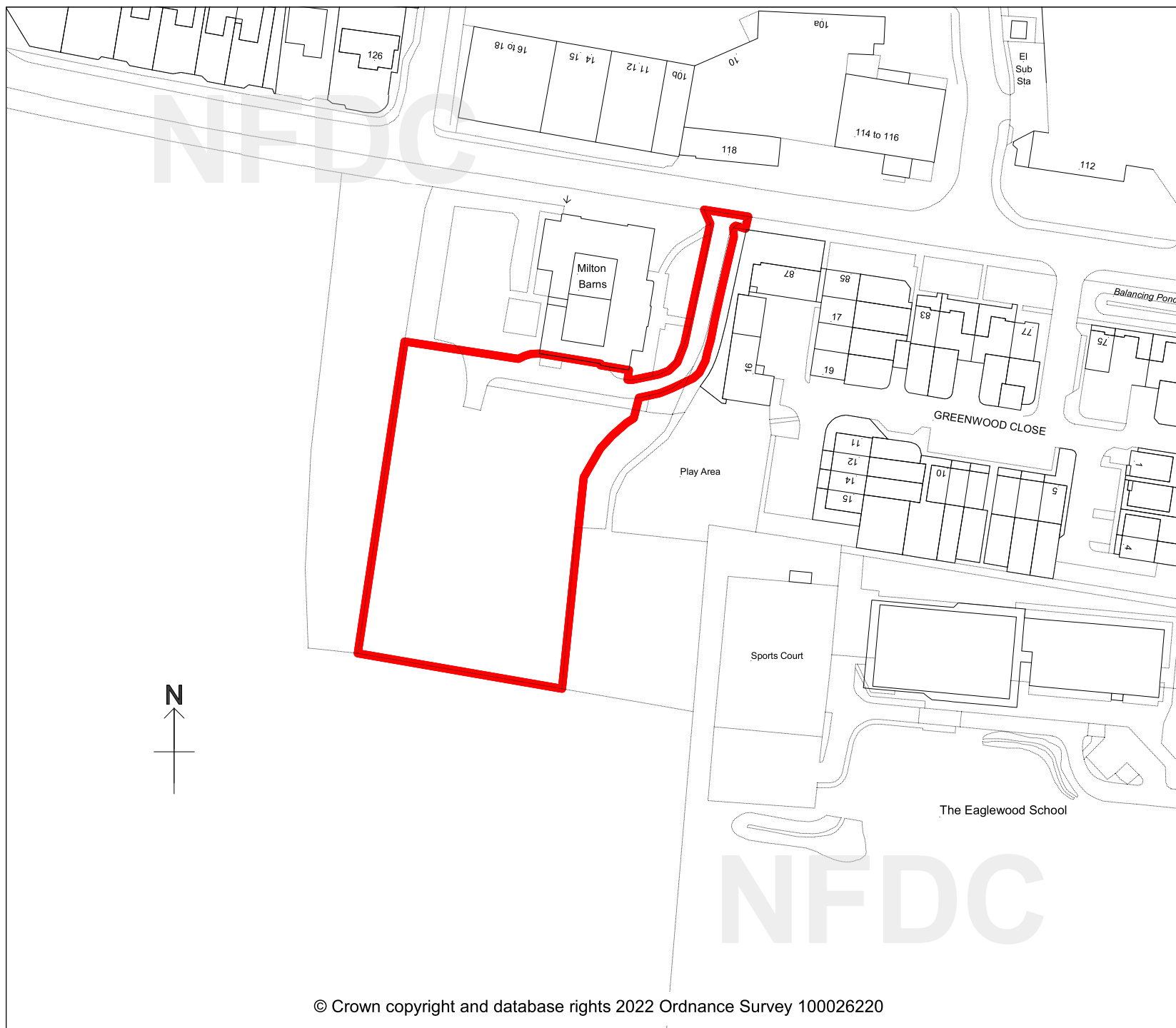
PLANNING COMMITTEE

November 2022

Milton Barns
Gore Road
New Milton
21/11677

Scale 1:1250

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



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Planning Committee 09 November 2022

Application Number: 22/11014 Full Planning Permission

Site: Land at BUMBLEBERRY FIELD, MARTIN ROAD, MARTIN SP6
3LR

Development: Proposed agricultural storage building; polytunnel and area of gravel hardstanding; retention of raised beds and toilet facility

Applicant: Mr & Mrs Farrar

Agent: Jerry Davies Planning Consultancy

Target Date: 26/10/2022

Case Officer: Vivienne Baxter

Extension Date: 11/11/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the development
- 2) impact on the character and appearance of the area
- 3) highway matters
- 4) impact on the residential amenities of the area

This application is to be considered by Committee because of an objection from Cllr E Heron.

2 SITE DESCRIPTION

The site lies in the countryside outside the New Forest in the village of Martin. There are residential properties opposite and to the south east of the site with Maplefield Farm along the western boundary.

The frontage is characterised by a mature field hedge with trees which extends across most of the roadside boundary with a vehicular access located to the western side of this hedge. The side (and rear) hedges are also substantial and extend some 250m from the access point. There is a gap to the south eastern corner of the site where the hedge does not include any trees. Given the incline within the site, views of the site can be seen from the adjacent drive.

At present, the site contains several structures and a fenced off area to the northern end of the site. Neither the fence nor the structures are considered to require planning permission in view of either their height or temporary, removable nature and do not form part of this application. This part of the site provides accommodation for chickens, ducks, bees, pigs and goats.

The part of the site closer to the road contains the metal frame for the polytunnel, a small timber shed containing a composting toilet, several raised beds, a small polytunnel and metal storage container.

3 PROPOSED DEVELOPMENT

The proposal seeks the retention of the toilet facility and raised beds, the completion of the polytunnel and the replacement of the smaller polytunnel and metal storage container with a barn. An area of hard surfacing for access, parking and turning would also be provided.

4 PLANNING HISTORY

None

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Core Strategy

CS21: Rural economy

Supplementary Planning Guidance And Documents

SPG - Landscape Character Assessment

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Relevant Advice

Chap 12: Achieving well designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

Constraints

NFSFRA Surface Water

NFSFRA Fluvial

Aerodrome Safeguarding Zone

Area of Outstanding Natural Beauty

Groundwater Protection Zone

Small Sewage Discharge Risk Zone - RED

Meteorological Safeguarding

Avon Catchment Area

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council

After consideration of the planning application documentation, the Martin Parish Council voted to request PAR 2. The reasons for PAR 2 are as follows:

- No information about the disposal of phosphates from the toilet.
- The planned barn is excessive for the size of the land.
- The project will impact negatively on the surrounding neighbour's views of the landscape as all the large buildings are close to the entrance and block sight of the farmland behind.

If the shipping container is to remain it should have cladding. This is in keeping with other shipping containers used in the area.

7 COUNCILLOR COMMENTS

Cllr E Heron - The application fails to demonstrate an agricultural need for the proposed storage building. The supporting statement seeks to place reliance on adopted policies supporting new and existing agricultural enterprises however no evidence is provided to demonstrate that the applicants seek to derive any part of their income from agriculture. On balance the harm to the protected landscape is not outweighed by any economic, employment or agricultural benefit. The proposed storage barn is of an excessive size for an agricultural holding of less than one hectare.

For the above reasons, I register my objection to the application.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency: no objection, offer advice

AONB Office: offers advice and requests certain issues are addressed such as:

- materials for the polytunnel and barn,
- roof lights to be removed or fixed with blinds,
- provision of renewable energy and
- a restriction on lighting

9 REPRESENTATIONS RECEIVED

The following is a summary of the 3 representations received, all of which object to the proposal.

- *inaccuracies on the biodiversity checklist*
- *buildings would be disproportionate to the size of the field and proposed enterprise*
- *toilet waste needs clarifying*
- *there is no agricultural need for the buildings*
- *visually intrusive*
- *broad summary of views*

10 PLANNING ASSESSMENT

Principle of Development

The land has a lawful agricultural use and it is considered that the proposed structures do not involve any change of use of the land. In a rural location such as this, policy CS21 of the Core Strategy encourages agricultural and horticultural enterprises where it would maintain and enhance the environment and contribute to local distinctiveness.

It is therefore not considered that there are any objections to the principle of providing structures in relation to the existing use of the land.

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

The concerns of the AONB office in terms of the visual impact of the proposal within the landscape have been noted. Whilst it would be preferable for all structures to be located in a cluster rather than spread across the site, the applicant has chosen to keep the animal related part of the enterprise separate from the agricultural /horticultural element resulting in 2 separate areas for structures. However, as many of the structures on site do not require planning permission in view of their temporary nature, it would not be reasonable to object to the proposal for being harmful to the character and appearance of the area and consideration needs to be given to the impact of the larger, permanent structures.

The timber toilet structure is very small in the overall scale of things and is tucked into the side of the site close to the mature boundary hedge and therefore has a limited impact. The raised beds, whilst there are several of these, are typical of allotments or gardens where in neither location would planning permission usually be sought. The covers for these features are part of the growing process in that they would protect the plants from adverse weather and pests. They are likely to improve productivity and would not be in situ on all beds at the same time nor be part of the site all year round.

The polytunnel is located 25m back from the edge of the road . Whilst it is visible from the road, it is noted that it is smaller than the social club building opposite and being end on to the road, it would have a minimal impact. The AONB office has advised that polytunnels are intrinsically visually intrusive by virtue of their light covers. This is noted, as is the polytunnel's location close to a mature hedgerow and in a well screened field.

The proposed barn is intended to replace the metal container and smaller polytunnel on site, the former would have to be removed in order to install the barn. The building would be set back from the highway and this is in line with other non-domestic buildings along this side of Martin Drove End. There is a barn of very similar proportions adjacent to this siting to the east of the site and on a smaller plot. Machinery and associated equipment for maintaining the land and hedges would be stored in this building along with animal feed and packaging used in association with produce grown on site. The building is shown as being coloured a muted tone of green which would be acceptable in this sensitive area and would reflect that of the adjacent barn. The AONB office has raised concern about light pollution from within the barn. It is noted that the proposed building would have four light panels within it, although as a non-domestic property, it is unlikely to be used significantly after dark. The panels would also help minimise the reliance on lighting during daylight hours. There are no proposals for external lighting.

Landscape impact and trees

Although the site is well screened to all boundaries, there are gaps in the hedging - namely to the entrance and in the south eastern corner where there is mature hedging but this is much lower than elsewhere. However, there has been new tree planting provided in both locations recently and this would help to screen the development further. Adjacent to the south eastern corner is an entrance to the next field where there is a barn of similar proportions and colour to that proposed. In view of the existing tree and vegetation screen, this building has very little impact on the character or appearance of the area.

It is therefore considered that the applicant has considered the impact of their proposals and already taken steps to ensure compliance with policy ENV4 providing features which would help to screen the development. The proposal does not result in any loss of vegetation.

The Parish Council have noted that the proposal would block residents' views of farmland to the rear. There are three properties opposite the site which are between 16-22m from the site's front boundary and the proposed polytunnel and barn some 20-22m beyond this. The siting of the larger structures would not have an overbearing impact on these properties and whilst it is likely that they currently benefit from views of the hillside to the north from upper floors, there is no right to a view.

Highway safety, access and parking

The site utilises an existing access point and no changes are proposed to this. The gate across the entrance which appears relatively new, is set back from the highway and does not require planning permission. The set back will enable vehicles to pull off the highway when the gate is being opened, in accordance with Highway Authority standing advice.

The area of gravel surfacing proposed will provide adequate space for both domestic and agricultural vehicles to be parked adjacent to the proposed barn and polytunnel enabling loading and unloading and for vehicles to turn on site too, thus preventing reversing out onto the highway.

Martin Drove End is a relatively straight road and it is not anticipated that the proposal would give rise to any unacceptable impacts on highway safety in this location.

Residential amenity

The use of the land would continue as agricultural and whilst the activities occurring at present are different to the previous grazing use, the proposal itself would have no adverse impact on privacy of the adjacent residential properties. In terms of noise and disturbance, the use of agricultural machinery is possible regardless of the outcome of this application and as such, it would be difficult to object to the proposal on this ground.

Phosphate neutrality and impact on River Avon SAC

Concerns have been expressed about the phosphate issue impacting on the River Avon. However, Natural England have previously advised this authority that only applications where new overnight accommodation is proposed require mitigation in order to address this matter. The toilet facility proposed for retention on this site is of low and irregular use and would not require mitigation.

On Site Biodiversity and protected species

The AONB office has commented that all properties should have bee, bat and bird boxes incorporated into their structure. The term property is not clear although having regard to the Biodiversity Gain Position Statement, this appears to be more relevant to residential properties. However, the site does include several bee hives along the northern boundary.

11 CONCLUSION

Whilst it is unfortunate that some of the works subject of this application have been implemented, it is not considered that the proposed barn would adversely affect the character or appearance of the area being similarly sited and of similar proportions and colour to an adjacent barn. The combination of the mature hedging to the western boundary, additional planting already provided by the applicant and provision of the barn would mitigate against the impact of the lighter polytunnel structure. The other, smaller items subject of this application are very small scale and, in a domestic situation, are unlikely to require planning permission.

The proposal is not considered to have an unacceptable impact on the special qualities of the AONB which, whilst primarily this relates to the visual implications of proposals, there is in principle support for farming/agriculture.

12 OTHER CONSIDERATIONS

Cllr Heron has stated that there is no supporting information to demonstrate 'that the applicants seek to derive any part of their income from agriculture' and considers that on balance the harm to the protected landscape is not outweighed by any economic, employment or agricultural benefit.'

It is correct that the proposal does not demonstrate any financial implications as this is not a requirement of such a proposal. They have stated that the land is a 'hobby farm' which could otherwise be considered as a large allotment where produce is sold.

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

site location plan
7894-1 - topographical survey
RF/JDPC01 - proposed agricultural building (received 20.10.22)
RF/JDPC02 - proposed polytunnel
RF/JDPC03 - toilet and raised planter beds

Reason: To ensure satisfactory provision of the development.

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

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

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

- (a) the existing trees and shrubs which have are to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) other means of enclosure;

The new planting shall be carried out in the first planting season following the commencement of development. Any agreed planting that within a period of 10 years from this approval, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation. The development shall be implemented in accordance with the approved 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.

5. No additional external lighting shall be installed on the site without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of the area 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.

Further Information:

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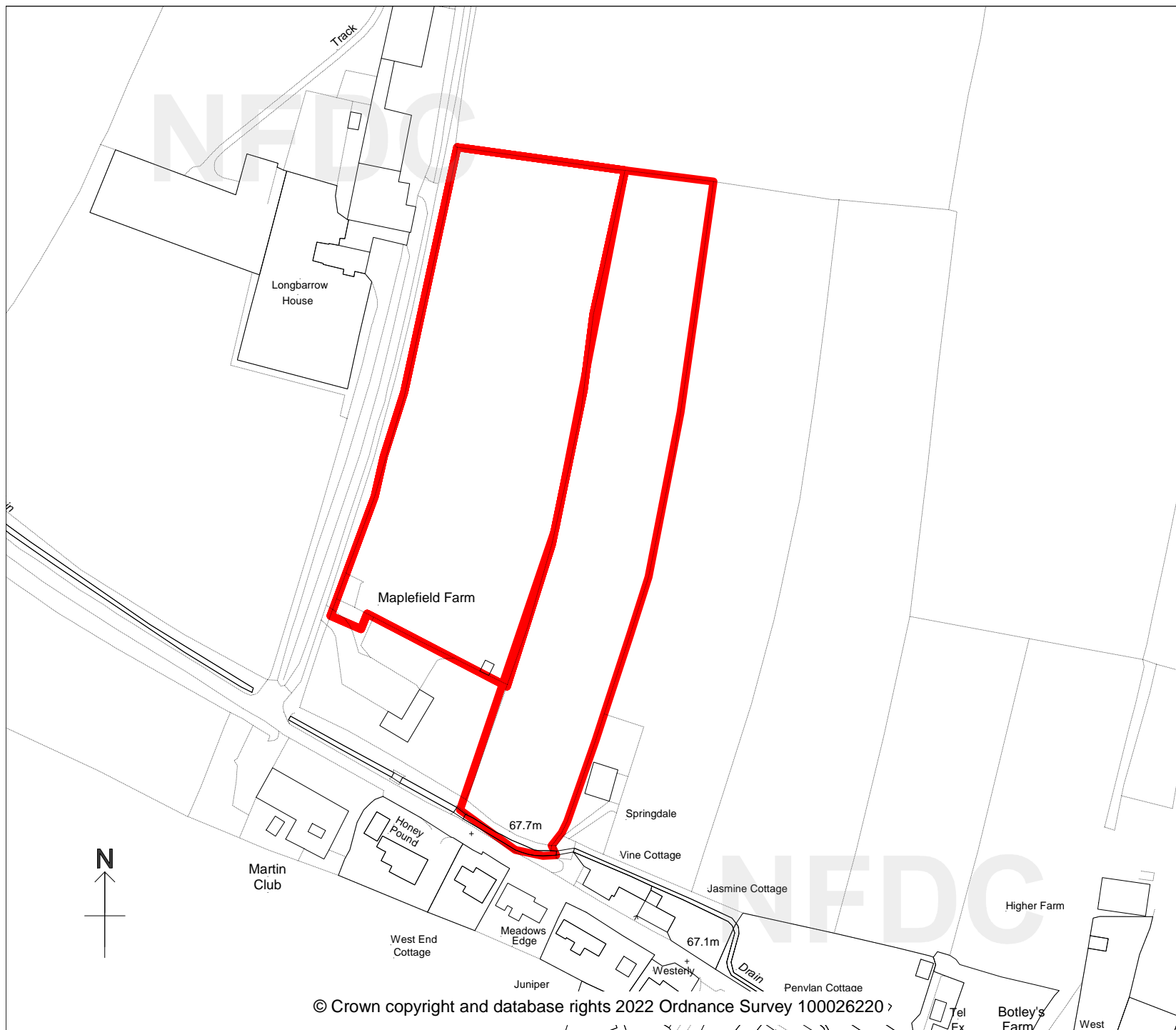
PLANNING COMMITTEE

November 2022

Land at Bumbleberry Field
Martin Road
Martin
22/11014

Scale 1:2000

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



Planning Committee 09 November 2022

Application Number: 22/10127 Full Planning Permission

Site: COURT FARM, RINGWOOD ROAD, AVON, SOPLEY BH23 7BG
(PROPOSED LEGAL AGREEMENT)

Development: Redevelopment of farm buildings to provide new Class 'E' units ;
parking; landscaping ; demolition of existing buildings

Applicant: Avon Tyrrell Estate

Agent: Bob Hull Planning

Target Date: 30/03/2022

Case Officer: Warren Simmonds

Extension Date: 12/08/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- i) Is the development appropriate in the Green Belt by definition?
- ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii) Would there be any other non-Green Belt harm?
- iv) Are there any considerations which weigh in favour of the development?
- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

The matter is subject to a PAR 3 recommendation from Sopley parish council - consequently, as officers are recommending the refusal of the application, the application is brought before Members of the Planning Committee.

2 SITE DESCRIPTION

The site lies within the countryside and Green Belt and can be accessed from both Ringwood Road and Court Lane. Across Ringwood Road to the south west lie the SSSI, SPA and RAMSAR.

The site forms part of the Avon Tyrell Estate which extends to approximately 1250 acres including dairy cattle, calf rearing, arable farming, outdoor pig rearing and woodland management.

The site is currently in mixed use for agricultural purposes associated with the Estate's functions, as well as office and other commercial uses associated with permissions granted since 2000.

3 PROPOSED DEVELOPMENT

It is proposed to demolish two open fronted agricultural buildings on the site of approximately 910 sq.m in area, to be replaced with two buildings over approximately the same footprints of 874 sq.m for Class E business use.

Proposed Building A is of elongated form (67m in length), partially on two levels, of portal frame construction with profile sheet cladding externally. The second (Building B) would be 40m in length and of more traditional form, with clay tile roof and more limited fenestration/openings.

A yard area currently used for open storage would be remodelled to facilitate car parking for the use proposed. The development would be accessed via Court Lane, which would be improved to facilitate the type of development proposed. The proposed buildings would be located to the north east of existing farm and commercial buildings situated around Court Farm, but on an area of the site which is quite elevated in comparison to its immediate environs, including Court Lane.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
03/78211 Conversion of livestock shed to office and stores (remove steel frame structure)	11/07/2003	Granted Subject to Conditions	Decided
03/78212 Extension of existing grain store to form livestock shed	11/07/2003	Granted Subject to Conditions	Decided
03/78213 Erect new livestock shed and construction of new access road	11/07/2003	Granted Subject to Conditions	Decided
03/78214 Machinery / grain store (demolish existing grain silos and shed)	11/07/2003	Granted Subject to Conditions	Decided
00/70755 Conversion of agricultural buildings to B1 offices	13/08/2001	Granted Subject to Conditions	Decided
93/NFDC/53624 Extension to existing agricultural building	07/02/1994	Granted Subject to Conditions	Decided
XX/RFR/16828 Extension to Dutch Barn.	30/01/1974	Granted Subject to Conditions	Decided
XX/RFR/16818 Agricultural buildings.	19/12/1973	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2 The South West Hampshire Green Belt
Policy ENV3 - Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy STR6: Sustainable economic growth
Policy ECON1: Employment land and development
Policy CCC2: Safe and sustainable travel
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

Policy DM2 - Nature conservation, biodiversity and geodiversity (Saved Policy)
Policy DM22: Employment development in the countryside (Saved Policy)

Core Strategy

Policy CS21 - Rural economy (Saved Policy)

Supplementary Planning Guidance

SPD - Parking Standards
SPD - Air Quality Assessments in New Development

Relevant Advice

NPPF Chapter 2 - Achieving sustainable development
NPPF Chapter 6 - Building a strong, competitive economy
NPPF Chapter 12 - Achieving well designed places
NPPF Chapter 13 - Protecting Green Belt land

Constraints

Avon Catchment Area
Plan Area

Plan Policy Designations

Green Belt
Countryside

6 PARISH COUNCIL COMMENTS

Sopley Parish Council - PAR 3 Approval: The Parish Council supports the redevelopment of these farm buildings. The proposed siting will have no impact on surrounding residential property and provides employment and sustainable economic growth. The design of the buildings will be an improvement on the existing character and appearance of the area. Appropriate measures are in place to improve highway safety and access.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist - no objections, subject to the measures set out in Sections 44-49 of the Preliminary Ecological Assessment and Biodiversity Net Gain Report prepared by Emma Pollard (dated December 2021) being secured.

HCC Highways - No objections subject to a s.106 to secure a contribution towards highway improvements, a construction management condition, visibility splay condition and informative.

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Principle of Development

The principle issues to consider, having regard to the fact that the site is within the South Hampshire Green Belt, relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follow:

- i) Is the development appropriate in the Green Belt by definition?
- ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii) Would there be any other non-Green Belt harm?
- iv) Are there any considerations which weigh in favour of the development?
- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

i) Is the development appropriate in the Green Belt by definition?

The NPPF (paragraphs 147 to 150) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

The NPPF further advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF also sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

While the site was initially developed for agricultural purposes, the NPPF's definition of previously developed land excludes land that was previously occupied by agricultural or forestry buildings. The existing buildings on site, subject to this application, are in agricultural use.

The proposed development would not satisfy criterion (d) of the Green Belt exceptions as the use of the replacement buildings would not be the same as the existing use (i.e. agriculture).

Consequently a proposal for replacement of those buildings for B1 (now Class E (commercial) use) would be considered as inappropriate development within the Green Belt, requiring the demonstration of 'very special circumstances' to warrant a departure from Green Belt Policy.

Whilst the proposal would bring some benefits in terms of redevelopment for employment, farming business and diversification benefits, these benefits are not considered sufficient in this case, to constitute the 'very special circumstances' that would be required to overcome the fundamental policy and principle objection of new development within the Green Belt.

In the absence of 'very special circumstances', the proposed development is considered unacceptable in principle, would result in the erection of new buildings that do not constitute 'exceptions' to new development in the Green Belt and therefore harmful.

ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

The proposed development would change the appearance of the site with the provision of buildings, car parking area and landscaping, which would impact on the openness of the Green Belt. The site is elevated and is prominent within the Green Belt, being set above the height of Court Lane, with hedgerows and other buildings on the site offering limited scope for screening.

Whilst the applicant has asserted that the scale of the buildings proposed, when compared with existing structures, would not introduce increased built form that would lead to loss of openness and/or encroachment into the countryside, and that any impact could be further mitigated through introduction of good quality landscaping, the effect of the development on the openness of the Green Belt is a secondary consideration to the principle of the appropriateness of the proposed development in the Green Belt (discussed at (i) above), which is not overcome. As set out within the NPPF (paragraph 149), the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless meeting the limited exceptions criteria (also set out above).

iii) Would there be any other non-Green Belt harm?

Sustainable development

The purpose of the planning system is to contribute to the achievement of sustainable development (NPPF para.7).

Policy STR1 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park deals with Achieving sustainable development and seeks as a primary objective to meet most

development needs within settlement boundaries, where there is or will be sufficient supporting infrastructure and services. This includes ensuring development is accessible by sustainable transport modes and well as by car, in order that reliance on the private car is minimised.

The local plan also sets out ten strategic objectives to support and achieve sustainable development. Strategic Objective SO1 (Landscape and the countryside) seeks to maintain and enhance the South Hampshire Green Belt and to protect locally valued views and landscapes.

By providing new business use development in the countryside, outside and remote from defined settlements in an area without supporting infrastructure, services or sustainable transport options for employees or visitors, it is considered the proposed development fails to constitute sustainable development. In these respects the proposal is considered contrary to the provisions of policy STR1 of the local plan and discordant with the aims and objectives of the NPPF.

Landscape and visual impacts

Policy ENV4 requires new development to retain and/or enhance landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context.

The greatest impact will be on views towards the northern corner of the development site, where Building A will protrude in a northeast direction alongside Court Lane. However, the applicant has ensured that Building A will be less heavily massed than the existing structure, so its impact on openness and the landscape will be more limited than the existing agricultural building. The south east elevation of this structure would be highly fenestrated with an articulated ridgeline, but the fenestration would be largely inward facing. Outwardly Building A would appear as an agricultural structure in-keeping with the rural location. Similarly Building B would be a much smaller structure than the building it will replace and its impact on the landscape would be acceptable. The proposed materials - cedar cladding, profile sheeting, powder coated windows and slate look tiles can be considered appropriate.

The extent of the new car parking proposed does have the potential to be out of character with the rural location, although in mitigation it would be visually contained within the complex of buildings.

The applicant's LVIA states that due to the established built form context of the site and its limited visual envelope within the local landscape, any potential effect on landscape and visual receptors will be restricted and change will be localised. Overall the proposed development would not be significantly detrimental in respect of the key characteristics or descriptions of the site and the surrounding landscape as identified in the LVIA document, which concludes that at maturity of the proposed landscaping: the Overall Level of Effect would be reduced to Moderate/Minor with the development being better integrated into the landscape.

Class R – permitted development rights/fallback position

As a fallback position, the applicant could, for a limited area of 500 square metres of floor space, utilise permitted development rights under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 which, in certain circumstances and within certain limits, allows the change of use of agricultural buildings to a flexible commercial use.

Class R rights allow development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order -

- (a) Class B8 (storage or distribution) of Schedule 1;
- (b) Class C1 (hotels) of Schedule 1; or
- (c) Class E (commercial, business or service) of Schedule 2.

Class R permitted development rights relate to the change of use of existing building(s) only (not demolition and replacement or extension) and are limited so that the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit cannot exceed 500 sq.m. This is significantly less floor space than the development proposed for this application (which equates to approx. 874 sq.m).

However, the application now proposed does not constitute Class R development and the relevant local and national planning policies and guidance therefore apply.

Ecology and Biodiversity Net Gain

As of the 7th July 2020 New Forest District Council has sought to secure the achievement of a minimum of 10% Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development. The Council's Ecologist raises no objections to the proposal, subject to the mitigation and enhancement measures set out in the Preliminary Ecological Assessment and Biodiversity Net Gain being secured. A condition could be applied to ensure delivery of these benefits.

Highway Impacts

A Transport Assessment (TA), Road Safety Audit and supporting plans have been submitted with the proposal. The TA concludes that agricultural buildings to be demolished generated in the region of 10 vehicle movements daily and that the proposed mixed use B1 use units could generate between 42 and 69 additional vehicles/day in the short length of Court Lane, between its junction with the B3347 and the site access.

As Court Lane is virtually single track the applicant is offering to either construct or fund a road-widening scheme that would provide the affected length of lane with a 4.8 metres wide carriageway. This would enable a large car and lorry to pass in free flow traffic conditions.

Whereas visibility to the southeast at the Court Lane/B3347 junction is well in excess of the standard, to the northwest it is short by 9.0 metres. In the circumstances it is proposed to regrade a short section of verge to provide an unobstructed visibility splay of 2.4 metres x 120 metres in that direction. The proposed level of parking provision complies with New Forest District Council's Parking Standard for the maximum parking demand, which would be if all the units were occupied by offices.

The proposed parking courtyard and widened site access could accommodate a 16.48 metres long articulated lorry entering the site, performing a 'U' and leaving in forward gear.

It is concluded that the proposed development complies in all respects with New Forest District Council's standards in terms of layout, car/cycle parking and servicing provision and that the likely resulting increase in traffic movements could be accommodated by the improved access and road layout without adversely affecting road safety. In addition, as the residual cumulative impact of the development traffic on the local road network would not be severe the proposal complies with paragraphs 110 and 111 of National Planning Policy Framework (NPPF). The County Highway Authority raise no objections to the proposal subject to conditions and to completion of a s.106 agreement to secure a contribution towards highway improvements.

Development Standards

Policy IMPL2 of the Local Plan Part 2 introduced new development standards including provision to enable the convenient installation of charging points for electric vehicles in employee and visitor parking areas.

In addition this policy requires new commercial developments of 250 - 999 sq.m gross internal area (GIA) are required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard in the water consumption criterion. The development amounts to 811 sq.m and while it will need to achieve an excellent standard in the water consumption standard it will not need to achieve BREEAM excellent standard overall, being under 1,000 sq.m.

If the Council were supportive of the proposal, conditions could be applied to ensure the development provides adequate electric vehicle charging points and meets the BREEAM water consumption criterion.

Residential Amenity Impacts

Policy ENV3 seeks to ensure that all new development is appropriate and sympathetic to its setting and should not cause adverse impacts upon residential amenity. The site is set sufficiently distant from any residential properties (280m) to avoid any adverse effect on residential amenities by reason of visual intrusion, overlooking or shading, considered under the amenity related provisions of Policy ENV3. Similarly intensification of use of the site is unlikely to have any significant impact on amenity, due to the degree of separation involved.

Air Quality

In response to the requirements of the recently adopted Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of an EV charging point, additional green infrastructure and reduced exposure to pollutants.

iv) Are there any considerations which weigh in favour of the development?

Having regard to the inappropriate form of development proposed, the applicant's submission outlines the considerations which he considers weigh in favour of the development. The applicant has prepared a Justification Report, in which he asserts:

- The existing buildings do not serve the requirements of the farming enterprises in their current condition, construction or layout.

- The existing buildings are no longer appropriate to accommodate the farming business and do not meet modern standards and therefore provide a lack of opportunity to be utilised.
- The level of demand for flexible office space is increasing (however, officers would argue to the contrary this is not evidenced by other developments in the area, where it has been shown that no demand for B1 use and subsequent pressure to change rural B1 units to dwellings) and local businesses can benefit from this development which will provide a building of a higher specification and improved appearance whilst supporting local businesses.
- The development supports the farming business and diversification opportunities by providing a viable alternative income stream whilst boosting the rural economy. This is evidenced by the existing commercial activity on the site, beyond that of agriculture.
- External threats to Court Farm include the change to farming subsidies as the UK has left the EU. This development will provide support to the existing farming business.
- The applicant considers the viable solution is to redevelop the existing buildings by constructing two new commercial buildings that are fit for purpose and create opportunities for businesses to be based at Court Farm.

In addition to these points of justification, the applicant asserts:

- There is a locational requirement for the development, being directly related to the small industrial estate on the site, which benefits from planning permissions granted since 2000.
- Appropriate measures have been taken to mitigate the harm identified, in the form of scale, layout, design, landscaping and biodiversity net gain.
- Furthermore the Council's saved Policies CS21 and DM22 favour the retention of existing employment sites and encourage improvement and redevelopments that will help maintain and enhance the environment and contribute to local distinctiveness. They seek to enable development that helps sustain the rural economy but not harm the countryside. These policies are supported by Chapter 6 of the NPPF.

v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

The proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF makes it clear that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless the proposal would accord with the exceptions criteria set out within the NPPF.

Having considered the matters weighing in favour of the development in iv) above, it is considered that they are insufficient to outweigh the harm to the Green Belt and all other harm identified (i.e. not constituting sustainable development).

Consequently it is considered in this case that the application does not achieve the 'very special circumstances' that would be required for the Council to conclude that the matters weighing in favour of the development clearly outweigh the harm to the Green Belt.

11 CONCLUSION

Having considered the matters weighing in favour of the development in iv) above, it is considered that they are insufficient to outweigh the harm to the Green Belt and all other harm identified (i.e. not constituting sustainable development).

Consequently, it is considered in this case that the application does not achieve the 'very special circumstances' that would be required for the Council to conclude that the matters weighing in favour of the development clearly outweigh the harm to the Green Belt.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. Whilst the proposal would bring some benefits in terms of redevelopment for employment, farming business and diversification, these benefits are not considered sufficient to constitute the 'very special circumstances' (as described in the NPPF) that would be required to overcome the fundamental policy and principle objection of new development and new buildings within the South Hampshire Green Belt.

In the absence of such very special circumstances, the proposed development is considered unacceptable in principle, as it would result in the erection of new buildings that do not constitute exceptions to new development in the Green Belt as defined within the NPPF and would therefore be harmful to the South Hampshire Green Belt.

2. The provision of new build commercial development in the countryside, outside and remote from defined settlements in an area without supporting infrastructure, services or sustainable transport options for employees or visitors, it is considered the proposed development fails to constitute sustainable development. In these respects the proposal is considered contrary to the provisions of policy STR1 of the local plan and discordant with the aims and objectives of the NPPF.

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NFDC



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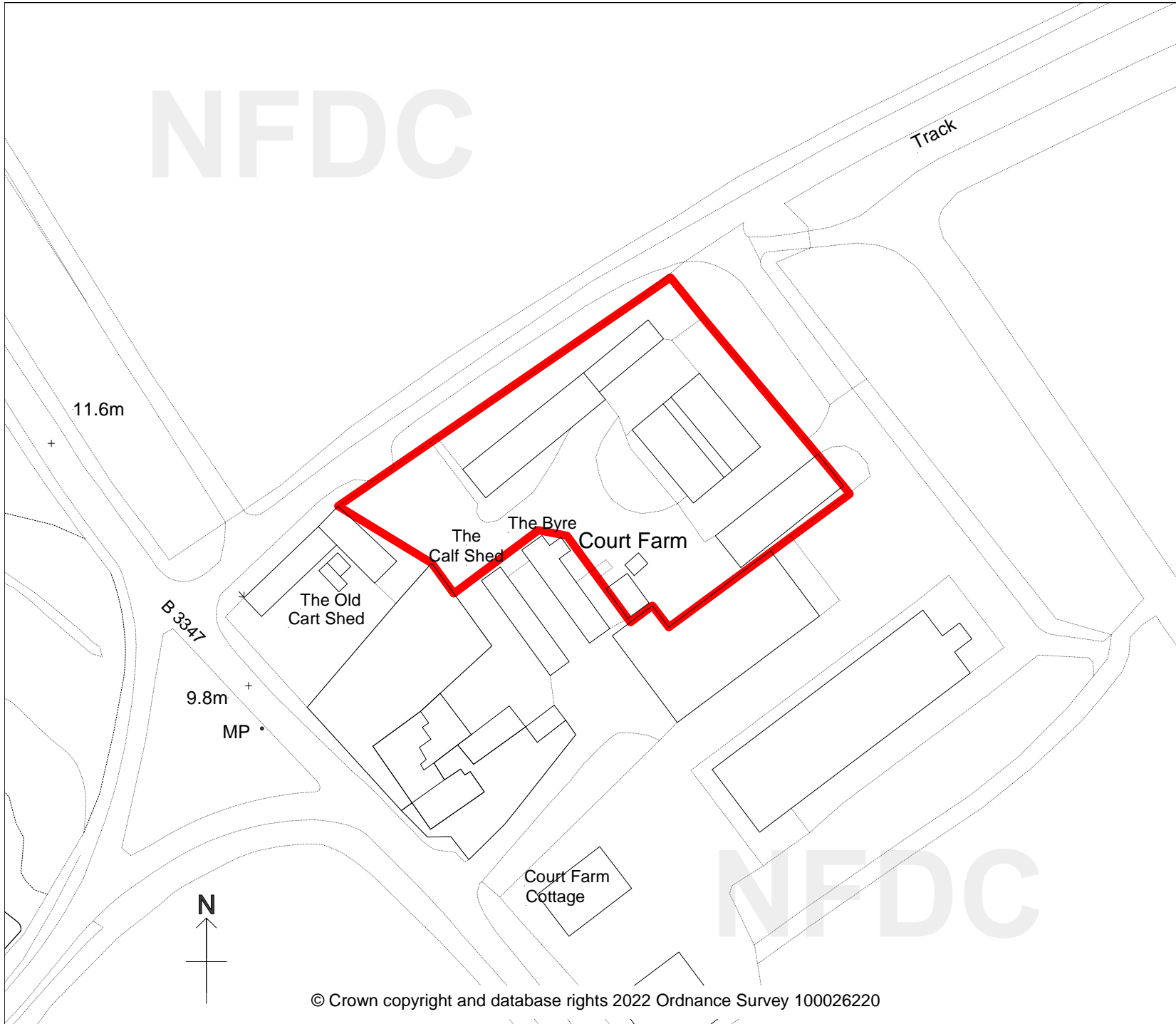
PLANNING COMMITTEE

November 2022

Court Farm
Ringwood Road
Avon, Sopley
22/10127

Scale 1:1250

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the internet, it will not be to
scale.



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Planning Committee 09 November 2022

Application Number: 22/10960 Advertisement Consent

Site: AFC TOTTON, SALISBURY ROAD, CALMORE, TOTTON SO40 2RW

Development: 3.7m x 1.5m signage to advertise football club, upcoming fixtures, and services on site (Application for Advertisement Consent)

Applicant: AFC Totton

Agent: RS Studio

Target Date: 17/10/2022

Case Officer: John Fanning

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The impacts on highways safety
- 2) The visual amenity and character impacts of the proposed signage

This application is to be considered by Committee because Totton and Eling Town Council objected to the application on the grounds of highways safety, visual amenity and potential precedence for other similar signage and requested that the item be referred to Committee for determination.

2 SITE DESCRIPTION

The site is occupied by AFC Totton and relates to part of the site fronting onto Salisbury Road. The surrounding area has a mix of uses, with typically commercial uses on the eastern side of Salisbury Road and residential uses on the western side. The proposed sign is situated adjacent to an existing access off Salisbury Road.

3 PROPOSED DEVELOPMENT

A previous externally illuminated sign was recently granted consent on the site on 24.12.2021 under application reference 21/11549. This consent was not implemented and an alternative form of signage was installed consisting of an internally illuminated digital display board. The application seeks retrospective consent for the sign as constructed.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11549 Display 1 externally illuminated post mounted sign to advertise football club, upcoming fixtures, and services on site (Application for Advertisement Consent)	24/12/2021	Granted Subject to Conditions	Decided
20/10907 3.7m x 1.5m signage to advertise football club, upcoming fixtures, and services on site (Application for Advertisement Consent)	17/02/2021	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

ENV3: Design quality and local distinctiveness

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Plan Area

Tree Preservation Order: 33/07/A1

Plan Policy Designations

Open Spaces, Sport and Recreation

Built-up Area

Employment

Private/Education Recreational Land

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

Permission was previously granted (21/11549) for an externally illuminated sign which the Town Council supported.

The sign that has been erected does not reflect what was approved. The rolling digital display could potentially be a distraction to passing vehicles, along with it being a nuisance for local residents living nearby.

If approved there is concern this would set a precedent for other businesses to erect similar signs.

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. The below represents a summary of the comments made (full comments are available for view on the Councils website):

HCC Highways

Following the submission of additional details, no objection subject to a suitable condition to control the level of illumination and signage transitions.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received. One letter of representation was received:

- *Sign is causing additional light pollution*

Response: While the signage installed can achieve a higher degree of illumination, the applicant has outlined a scheme of operation for the sign which will limit the sign to 300cd/m² during the day and 600cd/m² during the night and a condition is recommended to this effect.

10 PLANNING ASSESSMENT

Applications for advertisement consent can be considered on the basis of amenity and public safety.

Visual amenity

The application proposes a totem style sign. The sign has a middle digital display which can be programmed to display various advertisements in rotation and non-illuminated upper and lower sections.

The sign itself is situated in a relatively visually isolated location, set back from the main vehicular highway. Outside of the digital aspects of the display it is not considered that the scale or visual character of the sign would prove harmful to the surrounding setting.

The digital display would be internally illuminated. The sign is well set back from neighbouring residential occupiers on the road opposite, with some vegetative screening on the opposite side of the road. It is considered that subject to suitable conditions to restrict the operation of the sign, the proposal would not represent an intrusive form of development or harmful the amenities of residents as a result of the lighting.

Highways Safety

The creation of a digital display with varying images does have some potential to prove a distraction to passing highway traffic. With reference to the Highways consultation response above, it is considered that subject to a suitable condition limiting the illumination output and controlling the transition of images the potential impacts in regards of highways safety can be adequately mitigated.

11 CONCLUSION

For the reasons outlined above it is considered that suitable conditions can mitigate the potential harmful impacts of the proposed sign with regard to visual amenity, amenity of neighbouring occupiers and highways safety. As such it is recommended that the application for advertisement consent is granted.

12 OTHER CONSIDERATIONS

None.

13 RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

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

Proposed Conditions:

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

Drg No: 1260-P-01 Rev D (Site and location plan) Dated: 09.11.21,
Received: 22.08.2022

Drg No: 1260-P-02 Rev G (Proposed site and sign details) Dated: 11.06.22,
Received: 22.08.2022

(Covering letter) Received: 22.08.2022

(Illumination details and technical specifications) Received: 22.08.2022

(Email correspondence) Received: 20.09.2022

(Signage details) Received: 06.10.2022

Reason: To ensure satisfactory provision of the development.

2. The LED digital display panel hereby approved shall be displayed only in accordance with the following:

- 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela per square metre between the hours of sunset and sunrise and shall not exceed 600 candela per square metre at all other times
- 2) The advert shall not display moving images and any interval between images should be 0.1 second or less and include no fading, swiping or other animated transition method
- 3) No images that resemble official road traffic signs, traffic lights or other official traffic signage shall be displayed
- 4) No single advertisement shall be displayed for less than 10 seconds and successive images shall not be changed more frequently than once every 10 seconds
- 5) The display installation permitted by this consent shall at all times maintain a safety feature that will turn the screen off (i.e. default to a plain, black screen) in the event that the display experiences a malfunction or error

Reason: In the interests of visual amenity and highways safety.

Further Information:

John Fanning

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New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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Claire Upton-Brown
Executive Head of Planning,
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PLANNING COMMITTEE

November 2022

AFC Totton
Salisbury Road
Calmore
22/10960

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the internet, it will not be to
scale.

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Planning Committee 09 November 2022

Application Number: 22/10918 Full Planning Permission

Site: 8 YELVERTON AVENUE, HYTHE SO45 3QU

Development: Two-storey side extension and associated roof extension to create second floor

Applicant: Mr and Mrs Tyson

Agent: MARChitecture Design

Target Date: 17/10/2022

Case Officer: John Fanning

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Character and visual appearance
- 2) Amenity and impact on neighbouring properties

This application is to be considered by Committee because Hythe & Dibden Parish Council objected to the proposal on the grounds of overdevelopment of the plot, the creation of an overbearing form of development for neighbouring occupiers and the visual impact on the character of the surrounding street scene and requested the application be referred to Committee for determination if approval was recommended.

2 SITE DESCRIPTION

The application site is situated within Hythe and forms part of the designated built-up area. The surrounding area is residential in nature, typically consisting of detached residential dwellings in large plots set back from the immediate street frontage.

3 PROPOSED DEVELOPMENT

At present the property has an existing two storey element to the side. To the front the proposal includes modifications to the roof form of this section including lowering of the eaves height. To the side and rear the proposal extends the side element back to the rear building line of the main segment of the dwelling and makes alterations to the roof. The alterations to the roof facilitate its conversion to provide additional residential accommodation, including a large window looking out to the rear. The application also partially enlarges an existing single storey element to the rear.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
97/NFDC/61780 Single storey addition	05/08/1997	Granted Subject to Conditions	Decided
97/NFDC/61331 Single-storey addition and balcony over	13/06/1997	Refused	Decided

88/NFDC/39498	Addition of an attached garage.	01/11/1988	Granted	Decided
86/NFDC/31504	Addition of dining room with bedroom over.	06/05/1986	Granted Subject to Conditions	Decided
86/NFDC/31059	Extension to dining room and addition of a garage with extension to bedroom and addition of nursery over (existing garage to be demolished).	10/03/1986	Refused	Decided
XX/NFR/05623	Erection of two houses with construction of accesses.	18/04/1957	Granted Subject to Conditions	Decided
XX/NFR/05389	Erection of four houses with construction of accesses.	22/02/1957	Granted Subject to Conditions	Decided
XX/NFR/05024	Layout of 68 building plots.	22/08/1956	Granted Subject to Conditions	Decided
XX/NFR/04351	Use of 15.272 acres of land for residential development.	23/01/1956	Granted Subject to Conditions	Decided
XX/NFR/03334	Use of approximately 11 acres of land for sub-division into building plots.	22/01/1955	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

ENV3: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

Hythe and Dibden Neighbourhood Development Plan

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Plan Area

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

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

- 1) It is overdevelopment of the site.
- 2) It will be overbearing to the neighbouring property, No10 Yelverton Avenue.
- 3) It is out of character with the street scene.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

No letters of representation were received.

10 PLANNING ASSESSMENT

Character and design

In terms of the impact on the surrounding street scene, it is considered that the proposal alterations would have a relatively minor impact on the frontage of the property and no objection is raised in that regard.

The impact is more substantial to the rear. The proposed additions to the property are sizable and convert a hipped roof form to a gable design with a substantial flat roof section in the middle. This represents a substantial departure from the design aesthetic of the existing dwelling when viewed from the rear. This impact would be lessened when viewing the property from an angle to the side. The dwelling has a deep garden to the rear and the layout of the properties on Barclay Mews would provide screening of the property.

Overall while the proposal substantially increases the overall bulk and massing of the property it is not considered that the alterations would result in substantial harm to the character of the surrounding area and as such objection is raised in this regard.

Amenity

The application proposes the slight relocation of some existing side facing first floor level windows. One of these windows does serve as the sole window serving a bedroom. While side facing habitable room windows with outlook into the neighbouring property are typically avoided, in this case this represents an existing situation and it is not considered that the slightly amended location would represent a substantial worsening of the existing relationship. As such no objection is raised in this regard.

In terms of the physical form of the development, the main impact would be on the neighbouring property to the south, with the development extending towards the boundary and increasing in depth. Taking into account the position to the north it is not considered that the proposal will have a harmful impact in terms of the creation of an overshadowing form of development. It is considered that the relative positioning and step off the boundary are sufficient to mitigate potential impacts in terms of the creation of an overbearing form of development.

The proposal incorporates a substantial number of additional windows to the rear at first floor level and above, with a substantial section of glazing in the new gable form in the roof. In terms of properties to the rear, the development has a set back of 36m from the rear boundary. The sections directly to the rear are also used for parking rather than as private amenity space with private amenity area being set off at more oblique angles. While there would be some additional sense of overlooking for adjacent residential occupiers, this would primarily be for the rearmost sections of the gardens which were already overlooked and would retain more private space closer to the dwellings. Overall, it is not considered that the proposal would result in sufficient additional overlooking impacts to justify refusing the application on these grounds.

11 CONCLUSION

For the reasons laid out above it is considered that the proposal would integrate into the character of the surrounding area and would not have a harmful impact on the amenity of neighbouring occupiers. As such the application is recommended for conditional approval.

12 OTHER CONSIDERATIONS

N/A

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

Drg No: 102 (Block & Location Plan) Dated July 2022, Received 22.08.2022

Drg No: 101 (Existing floor plans & elevations) Dated July 2022, Received 28.09.2022

Drg No: 101 (Proposed floor plans & elevations) Dated July 2022, Received 28.09.2022

Drg No: 101 (Eaves drawing) Dated July 2022, Received 22.08.2022

Reason: To ensure satisfactory provision of the development.

3. The side facing windows at first floor level and above hereby approved (with the exception of the window serving the room identified as 'Bedroom 3' on Drg No. 101) shall be:

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

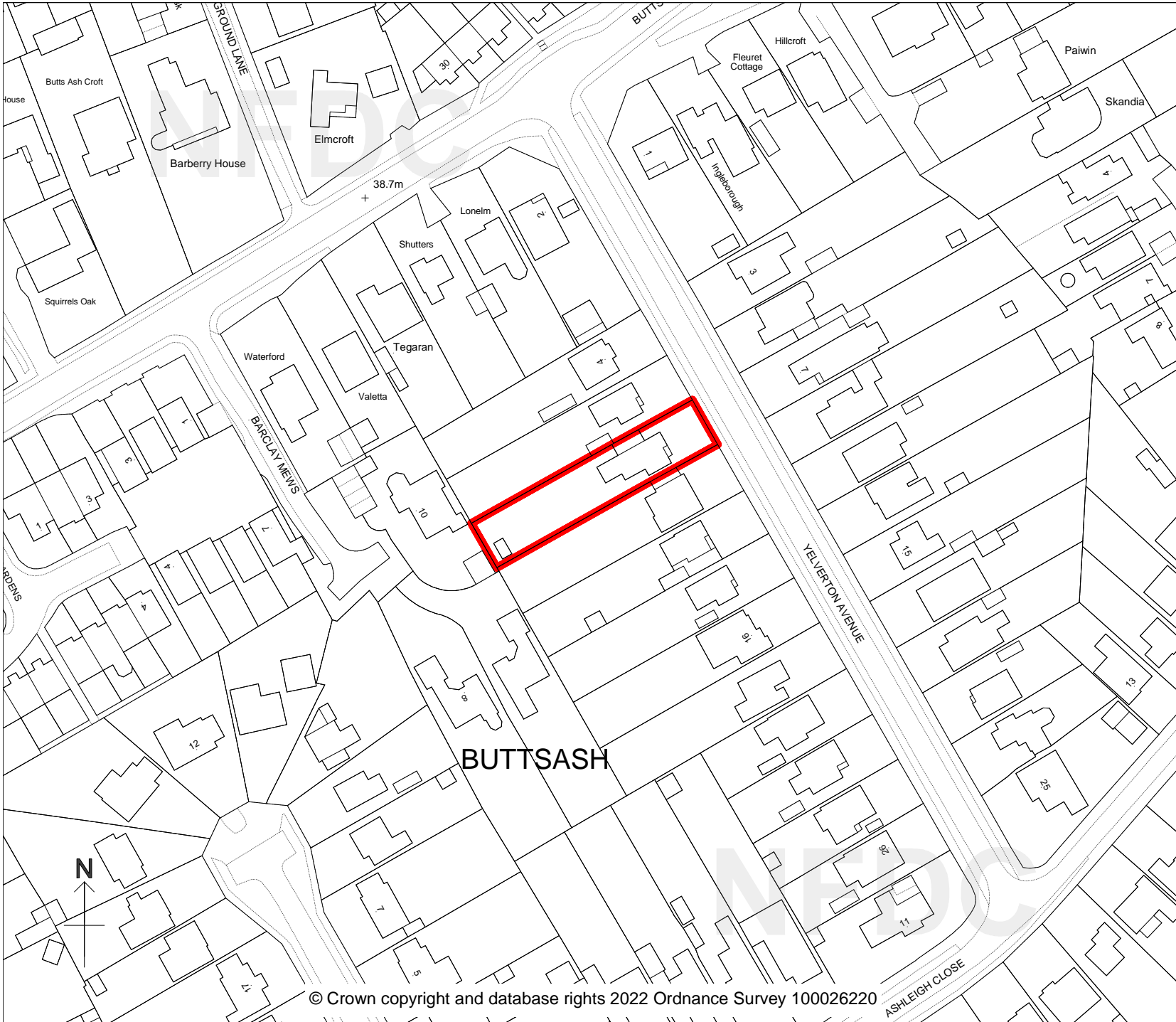
The windows shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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.

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

November 2022

8 Yelverton Avenue
Hythe

22/10918

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