

NOTICE OF MEETING

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| Meeting: | PLANNING COMMITTEE |
| Date and Time: | WEDNESDAY, 13 SEPTEMBER 2023 AT 9.00 AM |
| Place: | COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA |
| Enquiries to: | Email: karen.wardle@nfdc.gov.uk Tel: 023 8028 5071 |

PUBLIC PARTICIPATION:

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

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

Kate Ryan
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
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This agenda can be viewed online (<https://democracy.newforest.gov.uk>).
It can also be made available on audio tape, in Braille and large print.

AGENDA

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

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 9 August 2023 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Former Police Station, Southampton Road, Lymington (Application 23/10282) (Pages 7 - 70)**

Redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking & landscaping; demolition of existing building

RECOMMENDED:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the prior completion by the applicant/land owner of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions set out in the report.

(b) **Maple Field Farm, Martin Road, Martin (Application 23/10692) (Pages 71 - 82)**

Convert redundant agricultural building into two holiday units; add pergolas and bay windows; demolish existing polytunnel

RECOMMENDED:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions set out in the report.

(c) **The Promenade Seawall, South of Hurst Road, Milford-on-Sea (Application 23/10558) (Pages 83 - 90)**

Construct rock revetment in front of existing sea wall, install stabilising rock fillet at base of existing seawall return and replace part of damaged timber groyne with rock armour

RECOMMENDED:

Grant subject to conditions

(d) **Springbourne Farm, Rockbourne (Application 23/10307) (Pages 91 - 104)**

Residential dwelling and garage/store; demolition of existing agricultural barn, stables and dilapidated outbuilding

RECOMMENDED:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions set out in the report.

- (e) **Nevis, Nelson Place, Lymington (Application 23/10586) (Pages 105 - 110)**
Rear extension (Application for Listed Building Consent)
RECOMMENDED:
Refuse listed building consent
- (f) **Nevis, Nelson Place, Lymington (Application 23/10593) (Pages 111 - 116)**
Rear Extension
RECOMMENDED:
Refuse
- (g) **28 Beech Crescent, Hythe (Application 23/10778) (Pages 117 - 120)**
Front porch extension with pitched roof; fenestration alterations
RECOMMENDED:
Grant subject to conditions
- (h) **NFDC Car Park, The Furlong, Ringwood (Application 23/10003) (Pages 121 - 128)**
Installation of ultra-rapid electric vehicle charging hubs and associated infrastructure
RECOMMENDED:
Grant subject to conditions
- (i) **Land of 24 & 26 Moorland Avenue, Barton-on-Sea, New Milton (Application 23/10490) (Pages 129 - 142)**
Sever land and erect single-storey dwelling; removal of outbuildings; parking; existing access retained
RECOMMENDED:
Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions set out in the report.
- (j) **Higher Farm, Martin Road, Martin (Application 23/10420) (Pages 143 - 148)**

Proposed manege for exercising of personal horses

RECOMMENDED:

Grant subject to conditions

(k) **10 Heath Road, Hordle (Application 23/10766) (Pages 149 - 156)**

Side extension; roof conversion; x2no front dormers and x1no rear dormer;
roof lights

RECOMMENDED:

Grant subject to conditions

(l) **Andrew Lane, Ashley, New Milton (Application 23/10780) (Pages 157 - 162)**

Alterations to x 2 no existing garage blocks including removing the cement corrugated roofing sheets and replacing with a timber deck and felt finish. Removal of the parapet walls to the top of the front and side elevations of each garage block; uPVC fascia boards

RECOMMENDED:

Grant subject to conditions

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

4. DATES OF MEETINGS 2024/25

To agree the following meeting dates (Wednesdays at 9.00am):

- 8 May 2024
- 12 June 2024
- 10 July 2024
- 14 August 2024
- 11 September 2024
- 9 October 2024
- 13 November 2024
- 11 December 2024
- 15 January 2025
- 12 February 2025
- 12 March 2025
- 9 April 2025
- 14 May 2025

5. 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)
Barry Rickman (Vice-Chairman)
Hilary Brand
Kate Crisell
Philip Dowd
Matthew Hartmann
David Hawkins

Councillors:

Dave Penny
Joe Reilly
Janet Richards
John Sleep
Malcolm Wade
Phil Woods

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Planning Committee 13 September 2023

| | |
|--|---|
| Application Number: | 23/10282 Full Planning Permission |
| Site: | FORMER POLICE STATION, SOUTHAMPTON ROAD, LYMINGTON SO41 9GH |
| Development: | Redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking & landscaping; demolition of existing building |
| Applicant: | Churchill Retirement Living |
| Agent: | Planning Issues Ltd |
| Target Date: | 16/06/2023 |
| Case Officer: | Warren Simmonds |
| Officer Recommendation: | Service Manager - Grant |
| Reason for Referral to Committee: | Previous Committee Deferral |

UPDATE TO COMMITTEE MEMBERS

The application was considered at the previous Committee meeting of 9th August 2023 where it was deferred to allow further information to be provided in respect of development viability, including information why a reduction in affordable housing contribution was deemed acceptable on this development.

Members of the committee have been provided with a summary of the viability assessment and have been given the opportunity to ask questions on this issue.

Viability Assessment

1. When the current application (23/10282) was submitted the applicant provided an Affordable Housing and Viability report (dated March 2023) which concluded that the scheme was unable to make any contribution towards affordable housing
2. The Council engaged the services of Chartered Surveyors Bruton Knowles (BK) to provide an expert assessment of the viability to make a contribution towards off site affordable housing. The BK Review of Applicant's Financial Viability Assessment (dated April 2023) concluded that the proposed development would generate a surplus of approximately £759,031 from which an Affordable Housing contribution can be viably funded.
3. The applicant challenged this in their response to Bruton Knowles review (dated May 2023) with further argument and information to dispute the conclusion of the BK assessment. The applicant's response put forward a revised viability figure of £142,233 on a commercially expedient basis and without prejudice.
4. The applicant's May 2023 position and additional argument was further assessed by BK who (their email 7th July 2023) concluded by proposing that a compromise is attempted at an RLV of £1,925,000 and therefore a surplus

for contributions of £390,000 as a matter of expediency in the hope that this might be at a level at which the applicant might be inclined to accept, rather than incur the cost and delay of appeal.

5. The applicant subsequently made (email 11th July 2023) a 'without prejudice' offer in the interests of commercial expediency of £300,000 as an off site affordable housing contribution.
6. Further advice was received from BK (email 12th July 2023) - With the Applicant offering £300,000, against the BK assessment of £390,000, this is a without prejudice concession of the majority of the sum that BK advise may be able to be reasonably defended as a suitable off site contribution. As discussed previously the market is uncertain and one might envisage that it will deteriorate, rather than improve, over the short term. Therefore, BK can recommend that the Council accepts £300,000 on a similarly without prejudice basis as it is near to the revised proposed sum in the reasoned guidance and removes the risk of a nominal contribution being determined at appeal.
7. Since the deferral of the application, a further report (BK Briefing Note, September 2023) providing an overview and summary of matters pertaining to the viability of the proposal has been provided by Bruton Knowles Chartered Surveyors on behalf of the Council. This Briefing Note will be circulated to Members ahead of the Committee meeting.

The September 2023 BK Briefing Note

The Briefing Note provides commentary on changes to Residual Analysis Inputs for the affordable housing contribution and provides a concluding recommendation. The key changes since the previously agreed off site affordable housing contribution are detailed and include:

- A reduction in Gross Development Value
- A poor and potentially deteriorating market
- An increase in build costs, including additional new costs (since the consideration of the previous scheme under 21/10938) relating to updated Part L Building Regulations requirements
- Increased finance costs

The previously agreed contribution towards off site affordable housing for the development under planning application 21/10938 was £959,456 based on a developers return of 20% of gross development value; the same figure has been used when assessing the revised offer. The 20% profit/return is in line with government guidance and has been accepted on other schemes in the district. The report provides advice that with the Applicant offering an off-site affordable housing contribution of £300,000 on a without prejudice basis, it may be high risk to escalate matters to appeal and the Council should consider the possibility of not securing the £300,000, and potentially receiving £0.

The concluding recommendation of the report is that it would be reasonable for the Council to accept £300,000 as an off-site affordable housing contribution, as it is near to the revised proposed sum of £390,000 in the reasoned guidance and removes the risk of a nominal contribution being determined at appeal.

On the basis of the above, it remains the recommendation of officers that Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the prior completion by the applicant/landowner of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitats mitigation contributions (as identified in the officer report) and an appropriate contribution towards the off-site provision of affordable housing; and
- ii) the imposition of the conditions set out within the officer report.

PREVIOUS COMMITTEE REPORT - AUGUST 2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development sustainability and wider policy implications including affordable housing and other development related contributions.
2. The need for new homes, and this type of housing
3. Impact on local character, appearance and setting of designated Heritage Assets, including matters relating to site layout and design
4. Highway access/egress and parking
5. Impact on local residential amenities
6. Surface water drainage
7. Air quality
8. Biodiversity on-site and off-site ecological mitigation
9. Nitrate neutrality and potential ecological harm

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Lyminster and Pennington Town Council.

A copy of the recent appeal decision is appended to this report.

2 SITE DESCRIPTION

The application relates to the former Police Station, located on the western side of Southampton Road, between Queen Elizabeth Avenue to the north, and Eastern Road to the south.

The application site forms an approximately rectangular parcel of land of approximately 0.22 hectares in area. The application site is relatively flat, although is set approximately 200mm higher than Southampton Road. The eastern boundary along the main road is set back from the pavement beyond a grass verge and currently marked by a low wooden picket fence.

The roadside boundary with Queen Elizabeth Avenue currently consists of a wide grassed verge (set behind the pavement) low picket fence with occasional shrub planting, and trees (mature trees towards Southampton Road, less mature extending to the west).

The southern (internal) boundary between the site and the adjacent block of flats at Buckland House comprises a brick wall, which it appears also provides a retaining function as the land to the south is set approximately 200-300mm lower than the general proposal site level.

To the west of the site is The Old Police House (now a private dwelling), the internal boundary between the sites comprises partially of an approx 1m tall brick wall on which a close board wooden fence is attached and in other areas the rear walls of existing police garage buildings.

3 PROPOSED DEVELOPMENT

The application seeks permission for the redevelopment of the site to form 32no. retirement living apartments including communal facilities, access, car parking and landscaping, as detailed in the submitted application documents. The mix of the proposed development comprise 21no. one bedroom apartments and 11no. two bedroom apartments.

A vehicular access is proposed from Queen Elizabeth Avenue, creating a new vehicular and pedestrian access (the existing access to Southampton Road from the site is to be closed up and pedestrian footpath and grass verge to be constructed).

The proposed development will provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking.

The proposed development is 2.5-3.5 storeys in height under pitched roofs. The third floor is located within the roof space as dormered accommodation. The external facing materials proposed comprise of brick and render.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status | Appeal Description |
|---|---------------|-------------------------------------|----------------|--------------------|
| 23/10494 Demolition Prior Notification Application for demolition of former police station and rear garages | 26/05/2023 | Details not required to be approved | Decided | |
| 22/11402 Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping | 23/01/2023 | Withdrawn by Applicant | Withdrawn | |
| 21/10938 Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping | 10/12/2021 | Refused | Appeal Decided | Appeal Dismissed |
| 03/77391 Installation of 1 airwave collinear antenna mounted on existing pole | 01/04/2003 | Granted Subject to Conditions | Decided | |
| XX/LYB/09582 Erection of garage and cycle shed and alterations to store. | 02/11/1964 | Granted | Decided | |
| XX/LYB/00844 Erection of a police station, dwelling house, garages and kennels. | 21/03/1951 | Granted | Decided | |
| XX/LYB/00347 Use of land for police station. | 20/07/1949 | Granted | Decided | |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy ECON1: Employment land and development
Policy ECON2: Retention of employment sites and consideration of alternative uses
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy HOU1: Housing type, size, tenure and choice
Policy HOU3: Residential accommodation for older people
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy STR1: Achieving Sustainable Development
Policy STR3: The strategy for locating new development
Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy STR8: Community services, Infrastructure and facilities

Local Plan Part 2: Sites and Development Management 2014

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

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
SPD - Lymington Local Distinctiveness
SPG - Lymington - A Conservation Area Appraisal
SPD - Parking Standards
Ecology and Biodiversity Net Gain – Interim Advice and Information Note

Relevant Advice

NPPF July 2021

Constraints

Plan Area
Conservation Area: Lymington Conservation Area
Tree Preservation Order: TPO/0006/15/G2
Plan Policy Designations
Built-up Area

6 TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

PAR 4: Recommend Refusal:

- The proposed development is contrary to Local Plan policies STR1, ENV3, HOU1 and DM1(saved policy) and does not comprise sustainable development.

- The Town does not need any further open market elderly persons accommodation. It is already well-provided for and is more than meeting local needs. This is giving rise to an imbalance in the provision of housing to the detriment of other areas of need and in particular affordable housing.
- The proposed scheme would have a detrimental impact on the character of the area, on the setting of the Lymington Conservation Area and would result in the loss of trees, which are important local features. It would also result in a poor level of amenity for residents of existing properties and of the new development and would lead to an increase of on street-parking.
- The purported benefits of the development do not outweigh the harm arising from it.
- Contrary to the applicants view it is not "an agreed principle that affordable housing will not be provided on the site?". The applicant was aware of the fundamental Local Plan requirement for developments of 10 or more dwellings to provide affordable housing. They should, therefore, have made any necessary financial provision for this in their offer to purchase the site.
- The off-site contribution in lieu of providing affordable housing has now been withdrawn in its entirety. The basis of the viability calculations and in particular the requirement for an unrealistic and unreasonable 20% profit margin is not accepted.
- The applicant says they have secured nutrient mitigation on land, which is part of a Natural England approved scheme based at Kings Manor in the Isle of White. No further information has been provided, but if this scheme involves removing land from agricultural production it will be strongly opposed by the Town Council.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Consultees

HCC Surface Water

No objection to the amended surface water drainage strategy

Hampshire Fire & Rescue Service

Standard letter of advice received re access for fire fighting and fire protection

HCC Highways

No objection subject to conditions

HCC Countryside Services

General comments re public rights of way (PROW)

NFDC Conservation

No objection subject to appropriate conditions being imposed.

NFDC Ecologist

Comments re habitats mitigation, biodiversity net gain (BNG) and protected species. Conditions recommended.

NFDC Environmental Health Contaminated Land

No objection subject to conditions

NFDC Environmental Health (Pollution)

It is noted that the application is very similar in nature to that submitted in 2021 (ref: 21/10938) - to the extent that a number of reports have been re-submitted as part of the current application, including the noise impact assessment. As such, Environmental Health (Pollution) would reiterate the comments made in respect of the previous application- no objection is raised subject to conditions being applied to any granted permission.

NFDC Landscape Team

Comments provided with respect to site context, landscaping and design.

NFDC Tree Team

No Objection Subject to Condition(s)

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 1

Against: 41

Broad summary of views:

- Excessive scale, out of character,
- Insufficient outdoor space,
- Insufficient affordable housing provision,
- Development should provide housing for young people,
- Insufficient parking provision,
- No need for additional retirement homes in the area,
- Amenity impacts for neighbours (overlooking, overshadowing, noise, odours from bins),
- Highway safety,
- Adverse impact on trees,
- Existing buildings should be retained for their own architectural merit

10 PLANNING ASSESSMENT

Recent Planning Appeal Decision APP/B1740/W/21/3289313

A significant material consideration to the determination of this application is the recent appeal decision following the Council's refusal of planning application 21/10938 (Appeal reference APP/B1740/W/21/3289313). The appeal decision (dated 18th November 2022) followed an Appeal Inquiry held on 26, 27, 28, 29 April and 3 May 2022.

A copy of this decision is appended to the report.

The Inspector's conclusions are of particular relevance to this application as the current application effectively represents a direct resubmission of the previous appeal scheme, with no material revisions or amendments.

The only differences between the previous appeal scheme and the current application are:

- For the current application the applicant has provided evidence that Churchill Retirement Living have entered into formal contract and thereby secured the required level of nutrient mitigation for the development proposal.
- For the current application the accepted developer contribution towards off-site affordable housing has been amended to £300,000 (see report below).

Principle of development and housing policy assessment

a) General principle

The settlement hierarchy as set out within the adopted local plan provides a guideline to where new development proposals of different types and scales can best be accommodated in a sustainable way, taking into account existing facilities and future potential.

The towns and villages in the Plan Area have been classified into a settlement hierarchy based on the availability within the settlement, or ease of access to, the following services, potentially reducing the need to travel:

- Shops and 'high street' facilities
- Schools, health and community facilities
- Proximity to employment locations and main settlements
- Public transport

The settlement hierarchy identifies three tiers of settlements and sets out the nature and scale of development that would be appropriate for each type of settlement.

Development which is not in accordance with the settlement hierarchy will normally be resisted. The town of Lymington is identified as being within the top tier of the settlement hierarchy (local plan policy STR4 refers) whereby such settlements offer access to a wider range of employment, facilities and services. They are the most sustainable locations for large-scale residential, retail, leisure, cultural and business development to improve their self-containment and to support and consolidate their local service offer. The site of the proposed development is therefore considered to be within an inherently sustainable location where, in the broadest of planning policy contexts, the principle of development can be considered acceptable, subject to accordance with relevant local and national planning policy and guidance.

In respect of the potential for the continued use of the application site as an employment use, officers note the buildings/site is vacant and accept the former Police Station and does not readily lend itself to conversion to offices or other businesses uses and therefore not viable for continued use for employment use. Furthermore, when it was operational as a police station, it could not be said the site/use offered a supporting service to businesses or to the workforce in the local area and the general configuration and condition of the building renders it unsuitable for any other realistic employment use. It is noted that the property was marketed openly by Lambert Smith Hamptons in 2018, however all of the interest generated was for traditional residential or retirement development schemes and no employment related users were interested in acquiring the site.

The former Police Station use, under the parameters of the Local Plan Part 1 is not considered to fall within the definition of 'community facilities'. Paragraph 4.34 of the Local Plan Part 1 sets out that community facilities are sports and leisure facilities, community centres, libraries, places of worship, crematoria and burial space. Notwithstanding this, it is noted that rather than being lost, the Police Station use has been relocated to a new location within Lymington.

b) 5-year housing land supply

The Council cannot demonstrate a five-year supply of deliverable housing land. 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).

c) Affordable Housing

Policy HOU2 now requires developments outside the Waterside area of 11 dwellings or over to provide 50% affordable housing on site with a tenure mix target of 70% affordable rent and 30% intermediate or affordable home ownership including shared ownership.

The NPPF provides a wider definition of affordable housing which includes discount market sales and starter homes.

There are two ways in which affordable housing is normally realised i.e. on-site delivery or off-site financial contribution to acquire a serviced plot. The applicants have stated that on-site provision is not possible because of the particular housing model for assisted living. This has been previously accepted for the proposed redevelopment of the site (planning reference 21/10938) and on other similar schemes within the Council's area (and across the country). The principle of off-site affordable housing provision in the form of an off-site financial contribution is accepted in this case.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. Vacant Building Credit (VBC) is a consideration in this case and reduces the affordable housing requirement for the proposed development from 50% to 39.5% (equating to 12.64 units of affordable housing).

The applicant has submitted a report on affordable housing and viability for the development. This report highlights how changes in build cost inflation since late 2021 (i.e. the time of the previous application) and a potentially deteriorating market have affected the viability of the proposal to provide an off-site contribution towards affordable housing. The viability of the proposal and the applicant's viability report have been independently assessed by Bruton Knowles Chartered Surveyors on behalf of the Council. Following a thorough assessment it is considered reasonable for the Council to accept a financial contribution of £300,000 towards the provision of off-site affordable housing.

d) Older person housing needs

The Local Plan expresses an evidence based approach which indicates that the Council's area includes a population which is ageing and likely to be in need of older person accommodation both in terms of specialist housing and purpose designed housing types that allow occupiers to maintain their independence. The Plan states it is likely that over the plan period up to 2036 an increase of 12,800 persons will be over the age of 75. Policy HOU3 encourages housing types designed to be suitable for older persons be included in development proposals where appropriate, along with more specialist extra care and C2 care home type facilities. The supporting text

to the policy states the significant need in this sector is likely to be more towards specialist care rather than the type of sheltered accommodation proposed here but nevertheless officers have no evidence to rebut the applicant's proposal. The evidence for Older Persons housing need comes from the Report for New Forest District Council 'Demographic Projections' (JGC Consulting, July 2017) and the NFDC Local Plan Review Topic Paper SD16 Housing Mix (October 2018). The data shows that New Forest (in line with other areas) is expected to see a notable increase in the older person population with the total number of people aged 55 and over expected to increase by 28% over 20 years to 2036. Topic Paper SD16 highlights a projected need for specialist housing for older persons (2016-36) in the south of the District of 952 bed spaces (and a total projected need of 3,146 across the Plan Area).

One of the main issues identified by the Inspector in the Appeal Inquiry was whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people.

The Inspector Permission noted that planning consent was granted for 44 retirement living apartments at Stanford Hill in 2021 and construction is underway. He opined that, even taking the Knights Lodge and Stanford Hill schemes into account, the proposed development for 32 apartments at the former police station would not result in an over provision of comparable specialised housing for older people within the town, given the scale of the need identified.

The Inspector concluded that the appeal scheme would offer a specialised form of accommodation that is an important part of the mix of housing required to meet the diverse needs of the ageing local population. It also has the potential to reduce the instances of people living in accommodation that is poorly suited to their needs or moving to higher support settings (such as extra care housing and registered care homes) than they require. Consequently, he concluded that the proposal would contribute appropriately to addressing the diversity of housing needs of local people and, taking all of these matters into consideration, he was satisfied that the proposed development complies with Policy HOU1 of the LP Part One, insofar as it seeks to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost.

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

The Council has a range of policy advice covering design, local distinctiveness and local impact. Policy plan policy ENV3 and the Lymington Local Distinctiveness SPD are key considerations in this case along with Section 12 of the NPPF and the more recent Government Design Guidance.

The proposed development takes the form of a predominantly L-shaped development situated approximately centrally within the site, with access off Queen Elizabeth Avenue to the north west with an internal driveway running southwards across the rear of the site to a rectangular parking area at the south west corner.

The proposed main building is of three storey form, with third floor dormered accommodation provided within the roof. The building includes attached two storey elements to the rear (west), also with dormered accommodation within the roof - reading as a three storey element from the western perspective. The materials proposed for the main building consist predominantly of Weston Red multi brick, with areas of coloured render (brick on edge lintel features) under a dark coloured concrete tile roof.

The proposed building, whilst larger than the existing buildings it would replace, is considered to be of a generally appropriate scale, mass and design within the context of the application site and surrounding area, and to propose appropriate external facing materials and finishes. In terms of form, the proposed building carries through a comparable eaves and roof height to that of the modern apartment building (Buckland House) situated to the immediate south. The proposed building is wider in form than the adjoining apartments, however this is considered commensurate with the larger plot size of the application site.

The scale and mass of the proposed building are mitigated by the principal facing elevations being set away from the roadside boundaries of Southampton Road and Queen Elizabeth Avenue, and are further mitigated in terms of the visual impact of the proposal on the surrounding area by reason of the retained mature trees along the length of the eastern boundary with Southampton Road and partially along the northern boundary with Queen Elizabeth Avenue.

The Police Station as a Non-Designated Heritage Asset

The existing Police Station buildings are considered to constitute a non-designated heritage asset (NDHA). As such, its loss will need to be assessed against paragraph 203 of the NPPF 2021 in relation to non-designated heritage assets, whereby the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the proposal is for total loss of the asset this sits at the highest end of the harm scale and as such the benefits of any scheme should be equally balanced.

In October 2021, Historic England decided not to add the building to the List of Buildings of Special Architectural or Historic Interest. The building was not found to demonstrate a high level of architectural interest or national historic interest, nor was any group value identified.

Moreover, as noted by the Planning Inspector, the identification of the appeal site on the Council's brownfield land register for the provision of approximately 20 dwellings appears to be incompatible with the argument that the former police station is of such heritage value that it should be retained.

In this case, the proposed redevelopment of the site is for the provision of housing, in a context where (i) the Council is currently unable to demonstrate a 5 year housing supply (see above), and (ii) there is an existing and projected demonstrably pressing need (see above) for the type of housing being proposed. It is therefore considered in this case that these matters are sufficient to justify the loss of the existing buildings constituting a NDHA.

Impacts on the listed buildings along Southampton Road

While there are some changes in longer views it is not felt that this causes any meaningful degree of harm to the setting of the listed buildings which forms part of their significance. The Conservation officer did previously consider this matter and has not raised any objections on this basis.

Impacts on the setting of the adjacent Conservation Area

The Council in assessing and determining proposals should have regard to the affect of the proposal on the character, appearance and setting of designated heritage assets (in this case the adjacent Lymington Conservation Area, located to the immediate south of the application site).

The Conservation officer has provided the following comments:

'This application follows on from a previous submission and having gone through a Public Inquiry appeal. Previous concerns were expressed by the conservation team on the loss of the non-designated heritage asset and some more minor impacts on views gained to and from the Lymington Conservation Area. The previous conservation and design reasons for refusal used these matters in part but added further design and conservation matters beyond the teams original concerns. The appeal decision did not find that these concerns were sufficient to refuse the application.'

In light of this appeal decision I would therefore raise no further concerns in relation to the proposal.

I would suggest a robust set of conditions covering materials, details and landscape should be applied to any consent given. It would also be worth considering a photographic recording of this non-designated heritage asset in light of its proposed total loss.'

As noted by the Planning Inspector, though it would be visible from viewpoints within the Conservation Area on Southampton Road and to the rear on Eastern Road, the proposed building would not appear discordant with the development immediately surrounding it. Buckland House and Farringford Court exhibit similarities to the proposed development in respect of their height, mass and residential character.

Overall, the proposed development would not degrade the historic or architectural significance of the Lymington Conservation Area as a whole; it would have a neutral effect. Consequently, it is concluded that there would be no harm to the setting of the Conservation Area as a designated heritage asset.

Landscape impact and trees

Landscape impact

The proposed building, whilst larger than the existing buildings it would replace, is considered to be of a generally appropriate scale, mass and design within the context of the application site and surrounding area, and proposes appropriate external facing materials and finishes. In terms of form, the proposed building carries through a comparable eaves and roof height to that of the modern apartment building (Buckland House) situated to the immediate south. The proposed building is wider in form than the adjoining apartments, however this is considered commensurate with the larger plot size of the application site.

The scale and mass of the proposed building are mitigated by the principal facing elevations being set away from the roadside boundaries of Southampton Road and Queen Elizabeth Avenue, and are further mitigated in terms of the visual impact of the proposal on the surrounding area by reason of the retained mature trees along the length of the eastern boundary with Southampton Road and partially along the northern boundary with Queen Elizabeth Avenue.

In these respects the proposal is considered acceptable in terms of landscape impact within the street scene and within the context of the character of the surrounding area.

Impact upon Trees

The site of the Police Station, Southampton Road, Lymington is subject to a Tree Preservation Order (TPO/0006/15) and includes 2 groups of trees. These groups consist of 5 Silver Maples that are situated on the front eastern boundary marked as G1 within the TPO and 2 Silver Maples and 1 Cedar tree that are situated on the northern boundary towards Queen Elizabeth Avenue and marked as G2 within the TPO.

The applicant has submitted an Arboricultural assessment & method statement (Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy, dated 5th December 2022 ref: 18327-AA2-PB).

The comments of the Council's tree officer are as follows:

'Situated on the eastern boundary of this site is a group of 5x Silver Maple trees that are protected by G1 of Tree Preservation Order 06/15. Along the northern boundary a group consisting of 2x Silver Maples and a Cedar tree within G2 of Tree Preservation Order 06/15. These trees contribute to the amenity of the area and are considered a constraint to development.

To support this application an Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy, dated 5th December 2022 ref: 18327-AA2-PB has been submitted. In this document the trees on site have been identified and categorized, using the method set out in BS5837:2012. Broadly I agree with the assessment of these trees.

Four trees will be removed to facilitate this development, identified as T10 & G12 within the submitted report. Overall, these trees are graded 'C' trees and of small stature. Given the retention of the larger trees on site the impact of these losses will not significantly affect the overall amenity/screening to the site.

In a similar scheme previously submitted for this site I objected on tree grounds due to the proximity of the proposed building to the protected trees. I had concerns regarding future encroachment to the building, shading/obstruction of windows concerns from future residents of perceived threat of failure from the trees which could result in pressure to remove or prune the trees to an extent that they no longer provide any significant amenity. However, during an appeal for the site it was determined by the appeal inspector that these trees could be managed through pruning and my objection did not stand.

On this basis I have no objections on tree grounds subject to the conditions'

In these respects, the proposal is considered acceptable in terms of impact(s) on trees.

Highway safety, access and parking

Hampshire County Council as the relevant Highway Authority have provided a consultation response which identifies the good existing pedestrian and cycle links to the town centre, together with bus links and the availability of rail links from the town to the wider surrounding area. The Highway Authority accept the Trip generation data submitted with the application, and accept the proposed access arrangements

for the site (with comments and advice in respect of servicing (bins) and emergency vehicular access to the site.

The Highway Authority requested additional survey data which has been subsequently provided by the applicant and passed on to HCC. The further/final comments of HCC Highways in relation to this proposal are 'No objection'. In respect of parking provision for the proposed development, the Council's adopted Parking Standards Supplementary Planning Document (SPD), outlines a requirement in respect of older people's housing (active elderly with warden control) for 1 car parking space per residential unit (with an additional 1 space per unit for cycle parking or parking for mobility scooters).

Whilst the proposed development would provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking and is therefore significantly less than the standards set out within the SPD, it is material to the consideration of the proposals that the site of the proposed development is located within an inherently sustainable location close to Lymington town centre with its wide range of services and facilities, accessible via a generally flat and level walk, and there are a good range of public transport links within and beyond the locality and surrounding area. In this respect it is considered that, by reason of the particularly sustainable location of the proposed development, a reduced level of on-site parking provision can be considered acceptable in this case.

In considering these issues during the appeal, the Inspector concluded:

'I conclude that the proposed development would make adequate provision for on-site car parking and that residential amenity would be safeguarded. There is an element of conflict with the Parking Standards SPD (adopted April 2022) in the sense that the appeal proposal provides a lower level of on-site parking than recommended for housing for the active elderly. However, the level of provision is justified in this case by the accessible location of the site and the evidenced lack of parking stress in its immediate vicinity. As a result, I have found that sufficient car parking would be provided. Accordingly, I find no conflict with the SPD or with Policy CCC2 of the LP Part One, which seeks the provision of sufficient car and cycle parking in accordance with the adopted SPD. '

Residential amenity

The application site is within the built-up area of the settlement of Lymington, where new development can be considered acceptable in principle, subject to accordance with the policies of the Development Plan and other relevant local and national planning policy guidance. The immediately surrounding area is predominantly residential and therefore a residential use of the application site can be considered a compatible use in principle.

Local plan policy ENV3 deals with design quality, local distinctiveness and has regard to the impact(s) of development on the amenity of adjoining occupiers and uses. In particular, policy ENV3 requires new development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

In respect of the existing dwellings surrounding the application site, the most sensitive in terms of amenity impacts are considered to be the apartment at Buckland House to the south and the dwelling known as The Old Police House to the rear (west). Impacts on other dwellings to the north and east are mitigated

substantially by the separation distance to the site (separated by roads) and the mitigating impact of retained mature trees along the east and (partial) north boundaries.

It is considered the main proposed building is set-in within the site boundaries sufficiently far to avoid the undue overshadowing of the adjacent Buckland House (which is on the south side) and The Old Police House and would not have an unduly overbearing impact on these adjoining properties.

In terms of overlooking, from the perspective of Buckland House the south facing elevation of the proposed building is formed by two distinct elements - the closest element to the southern boundary is approximately 4.2m from the shared boundary and approx. 6.3m from the north facing elevation of Buckland House. This element of the building is of three storey height but has limited fenestration above ground floor level (1x kitchen window on each of the first and second floors), and other glazing serving internal communal corridors which can be conditioned to be fitted with obscure glazing to preserve the amenity of adjoining occupiers. The more western element of the south facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 17.3m) and is behind (to the west) of the Buckland House apartments. It is considered the separation distance and relationship between the proposed building and the Buckland House apartments is sufficient that no undue overlooking would result.

From the perspective of The Old Police House, the west facing elevation of the proposed building is staggered in distance from the shared western boundary, increasing from approx. 7m at its closest on the northern end, then setting back sequentially to approx. 10m and finally 24m at the southern end. The closest elements (7m distant and 10m distant from the western boundary) at the northern end of the west facing elevation have no windows above ground floor level, except for glazing to provide light to internal communal corridors (which can be conditioned to be obscure glazed). The more southern element of the west facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 24m). It is considered the separation distance and relationship between the proposed building and The Old Police House is sufficient that no undue overlooking would result.

Along the western boundary of the site are proposed bin store and substation. The proposed cycle/mobility scooter store is located to the immediate west of the proposed main building. By reason of their modest single storey scale these outbuildings and substation are not considered likely to result in undue amenity impacts.

A Noise Assessment (24 Acoustics, 27th August 2021) has been submitted by the applicant to demonstrate that road traffic noise and noise from the proposed substation would not have undue amenity impacts on future occupiers (and existing adjoining neighbours). The Noise Assessment concluded that the proposed electrical substation would present a very low risk of disturbance and performance specifications have been provided for acoustic double-glazing and ventilation to habitable rooms in the proposed apartments to mitigate traffic noise.

The Council's Environmental Health Officer (EHO) notes in his consultation response that any noise generated from the substation is predicted to be substantially below the existing background sound level and therefore no specific mitigation is required to control noise.

The impact of traffic noise from adjacent roads upon the development is predicted to be significant and likely to exceed desirable internal noise criteria for the new dwellings; therefore mitigation has been proposed which includes minimum specifications for glazing and ventilation on façades along the roadside, to protect the amenity of intended occupiers.

The EHO considers that providing the proposed mitigation measures are implemented, it is expected that desirable internal noise levels could be achieved. Accordingly, the EHO recommends that a suitable planning is attached to any granted permission requiring that proposed measures are implemented in full prior to first occupation.

Air quality

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

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

In this case, it is appropriate to require the submission of air quality mitigation measures through the imposition of a planning condition.

Ecology

On site protected species

The applicant has submitted an Ecological Appraisal for the site (Tetra Tech, June 2021) and a subsequent Bat Emergence Survey report (Tetra Tech, 23.08.2021) which recorded that during the survey no emergences or other roosting activity was observed and consequently the buildings are considered unlikely to support roosting bats. The report concluded that no further mitigation or actions are required in terms of bats.

The report(s) also put forward a scheme of ecological enhancements which, subject to the conditions recommended by the Council's Ecologist, will ensure the development achieves a suitable level of Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG)

BNG essentially is measured using a DEFRA metric as the site currently exists. It is then re-measured in accordance with a development proposal. The site as developed needs to show a 10% net gain in biodiversity value over the site as exists and undeveloped. This can be achieved in a number of ways such as planting and introduction of bird and bat boxes for example. This concept has been recently introduced through the Environment Bill, and more recently through the new Local Plan and Cabinet Report of July this year which requires schemes of this size to demonstrate BNG. This has pre-empted the Environment Bill enshrining the need to demonstrate BNG into law. Policy STR1 of the Local Plan refers.

Habitat mitigation and off-site recreational impact

Recreational impact from the occupiers on protected areas and species can be managed by a S106 legal agreement or Unilateral Undertaking offering to pay the appropriate contributions. The applicants have agreed to do so in the event of an approval recommendation. Subject to a S106 legal agreement or Unilateral Undertaking being submitted in the event of any appeal no objections are raised.

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 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 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 4 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.

Following the dismissal of the previous appeal on, in effect, the single matter of surety of the availability of nutrient mitigation in respect of nitrates, the applicant has provided evidence that Churchill Retirement Living have entered into formal contract with BCM who operate the Kings Manor nutrient mitigation scheme (recognised and accredited by Natural England and the Partnership for South Hampshire).

Since the consideration at appeal of the previous scheme under 21/10938 there are now many mitigation schemes running in the Solent through which developers can buy mitigation credits and these are utilised by many approved schemes within the district. There is a good supply of nitrogen credits across the Solent and, in entering into a contract with BCM to purchase the required quantum of nitrate mitigation credits, it is considered the applicant has demonstrably secured the required level of nutrient mitigation for the development proposal - thereby overcoming the appeal Inspector's previous concerns. To ensure the required mitigation is provided, a Grampian style condition is proposed.

Developer Contributions

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

- Infrastructure contribution of £113,707
- Non-infrastructure contribution of £17,078
- Bird Aware Solent contribution of £16,332
- Air quality monitoring contribution of £3,296

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 | 2882 | 0 | 2882 | 2882 | £80/sqm | £314,803.08 * |

| | |
|----------------|-------------|
| Subtotal: | £314,803.08 |
| Relief: | £0.00 |
| Total Payable: | £314,803.08 |

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index

(<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

11 CONCLUSION

The proposed development is considered acceptable in principle in that it would provide 32 new homes for older people (for which there is a clear, demonstrable need) in a sustainable town centre location, and would make an appropriate (financial) contribution towards the provision of affordable housing in the area.

The impacts of the scheme were considered by an Inspector at a recent Planning Inquiry and it was concluded that the proposal was acceptable on balance in terms of its scale, mass and appearance and its consequent impact on the existing character of the surrounding area (and adjacent Conservation area) and would not result in undue/detrimental impacts in, terms of amenity, environmental/ecological assets, highway safety, or other material considerations relevant to the proposal.

In these respects the proposed development is considered accordant with relevant local plan policies and national planning policy and guidance

12 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the prior completion by the applicant/land owner of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitats mitigation contributions (as identified in the officer report) and an appropriate contribution towards the off-site provision of affordable housing; and
- ii) the imposition of the conditions set out below:

Proposed Conditions:

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

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

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

| | |
|--------------|--|
| 10109LY-PA10 | PROPOSED OUTBUILDING AND SUBSTATION |
| PA01 D | PROPOSED SITE PLAN |
| PA02 A | PROPOSED GROUND FLOOR PLAN |
| PA03 B | PROPOSED FIRST FLOOR PLAN |
| PA06 A | PROPOSED ROOF PLAN |
| PA08 | PROPOSED ELEVATION 2 |
| PA09 A | PROPOSED ELEVATION 3 |
| PA07 | PROPOSED ELEVATION 1 |
| PA04 A | PROPOSED SECOND FLOOR PLAN |
| PA05 A | PROPOSED THIRD FLOOR PLAN |
| PA00 | SITE LOCATION PLAN |
| 18327-411 | TREE PROTECTION PLAN |
| LY01 01 | EXISTING FLOOR PLANS |
| JBA21183SK02 | REV BLANDSCAPE STRATEGY |
| | ARBORICULTURAL IMPACT & METHOD STATEMENT |
| | BAT REPORT |
| | ECOLOGICAL APPRAISAL |
| | ARCHAEOLOGICAL DESK STUDY |
| | HERITAGE STATEMENT |
| | AMENDED SURFACE DRAINAGE STRATEGY(dated 03.05.23) |
| | TRANSPORT STATEMENT |
| | TREE PROTECTION PLAN |
| | NOISE ASSESSMENT (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021) |

Reason: To ensure satisfactory provision of the development.

3. No development shall take place, (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall include scaled drawings illustrating the provision for:

- 1) The parking of site operatives' and visitors' vehicles;
- 2) Loading and unloading of plant and materials;
- 3) Management of construction traffic and access routes;
- 4) Details of construction access and construction vehicle tracking;
- 5) Storage of plant and materials used in constructing the development;
- 6) Details of the method of cleaning wheels and chassis of all HGVs, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction.

The agreed CMS shall then be adhered to for the duration of construction of the development hereby permitted.

Reason: In the interests of amenity and Highway safety, in accordance with the provisions of local plan policy ENV3.

4. Prior to demolition of the existing building(s) at the site, the tree protective measures recommended by the Barrell Tree Consultancy Arboricultural Assessment and Method Statement (reference: 18327AAJB dated 28 May 2021) and the Tree Protection Plan (reference: 18327-3) shall be installed and thereafter retained for the duration of the construction period for the development hereby approved. No fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, 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.

5. Development shall accord with the submitted details of external materials to be used in external facing walls, roofs, doors and windows, unless otherwise approved in writing by the local planning authority.

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.

6. Before development (other than demolition) 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 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.

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

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

8. Prior to occupation of the development hereby approved the parking spaces, access(es), manoeuvring space, visibility splays, bin store and cycle/motorised scooter store (with electric charging points) shown on the approved plans shall be provided. The parking spaces shall be retained and kept available for the parking of residents and their visitors only.

Reason: In the interests of amenity and Highway safety, in accordance with policies ENV3 and IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

9. The first floor and second floor window(s)/openings serving internal corridors within south and west facing elevations of the approved building shall be permanently glazed with obscured glass.

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.

10. The building shall not be first occupied until

- (a) details of the treatment of the southern and western boundaries have been approved in writing by the Local Planning Authority, and
- (b) these means of enclosure/details have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way 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.

11. The sheltered apartments comprising the development hereby permitted shall only be occupied by persons of sixty years or over, and the spouse or partner of such a person and in the event of the death of such person, the spouse or partner of such person shall be permitted to remain within the retirement apartments irrespective of whether they are aged sixty years or over.

Reason: To ensure that occupancy is in accordance with the approved details and identified need and to ensure that the parking provision is sufficient to meet the demand of this type of use thereby complying with the Parking Standards SPD and Policy HOU3 and of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. Before development commences, a detailed scheme of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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.

13. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The submitted details shall include:
- a. Maintenance schedules for each drainage feature type and ownership;
 - b. Details of and timescales for implementation of protection measures;

The agreed maintenance and protection measures shall be implemented thereafter in accordance with the approved details, schedules and timescales.

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.

14. The rating noise level from the proposed substation, determined in accordance with the requirements of BS 4142: 2014 + A1:2019 *Methods for rating and assessing industrial and commercial sound* shall not exceed the prevailing representative background noise level by more than minus 10 dB in any external amenity space or at the nearest habitable room window (under free-field conditions) at The Old Police House or any apartment at Buckland House.

Reason: In the interests of amenity, in accordance with local plan policy ENV3.

15. No construction works above damp proof course level shall take place until a Biodiversity Net Gain (BNG) Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The management plan should include:
- Methods and timetable for delivering BNG;
 - Responsibilities for delivering BNG – during and after construction;
 - Description of the habitats to be managed;
 - Clear timed and measurable objectives in the short, medium, and long-term for BNG - Detail objectives for all habitats (target condition);
 - A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
 - Details for a formal review process when objectives are not fully reached / roles and responsibilities;

The agreed BNG and management plan shall be implemented and maintained in accordance with the agreed timescales and schedules unless otherwise agreed in writing with the local planning authority.

Reason: To ensure biodiversity net gain for the development, in accordance with local plan policy ENV1, saved local plan policy DM2 and the aims and objectives of the NPPF.

16. No clearance of vegetation clearance (e.g. trees, shrubs and scrub) or building demolition that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation/building for active birds' nests immediately before the vegetation is cleared or works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest(s) on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

17. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the LPA for the inclusion of integral Swift Bricks within the building(s). The agreed scheme shall show the number, specification of the Swift Bricks and where they will be located, together with a timetable for implementation and commitment to being installed.

Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral Swift Bricks have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

18. Prior to first occupation of any flat, electric vehicle charging points shall be installed in accordance with a scheme that shall have been submitted to and approved in writing by the LPA. The approved scheme shall be retained and maintained in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure suitable provision is made for Electric vehicle charging, in accordance with the requirements of Policy IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

19. Before development commences above ground level, an Air Quality Assessment, to include details of appropriate mitigation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed air quality mitigation measures.

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

20. 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; and

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.

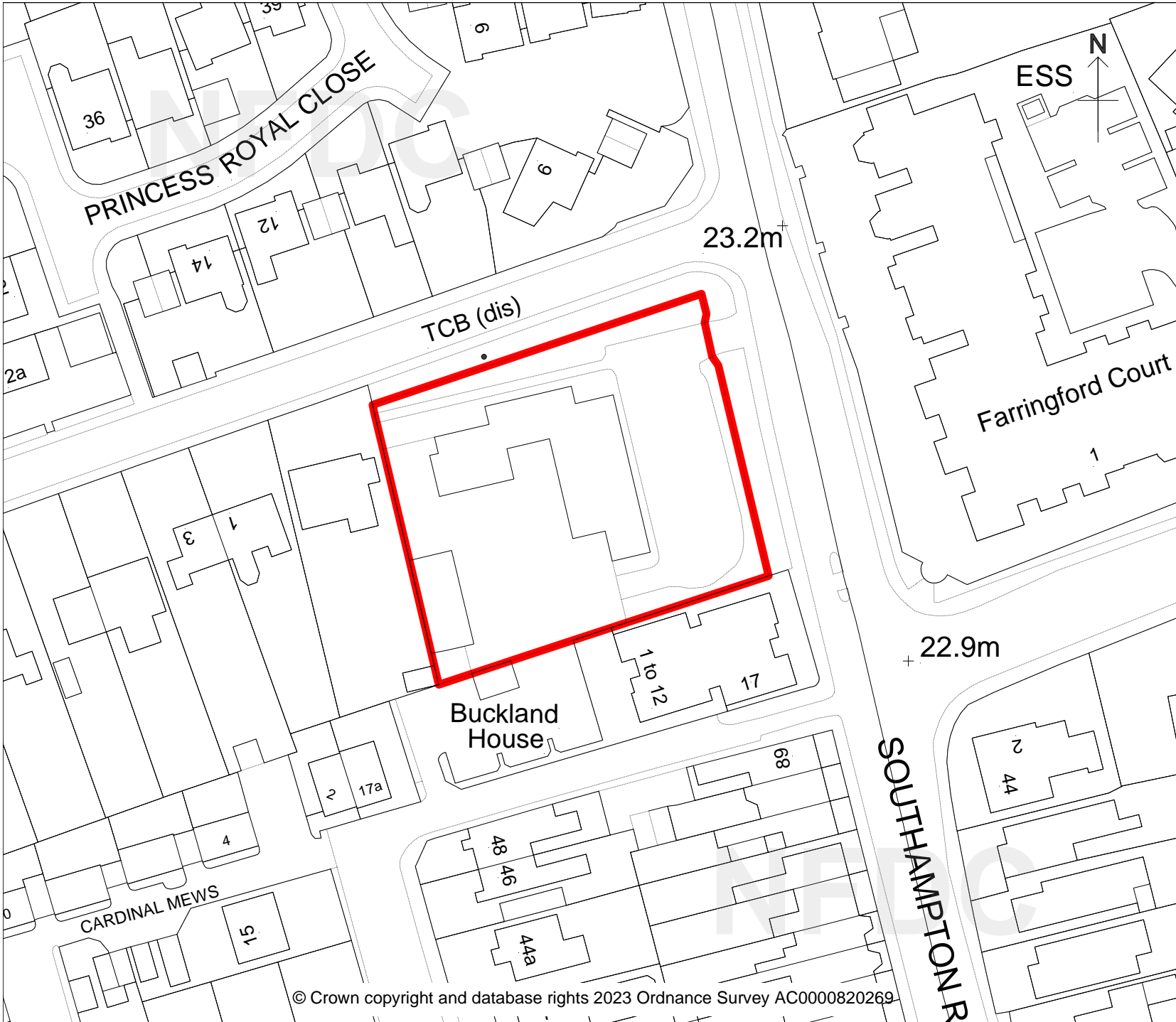
21. Before development commences above ground level;
- (a) details of the treatment of all boundaries of the site shall be submitted to the local planning authority and approved in writing, and
 - (b) those means of enclosure shall be implemented in accordance with the details thus approved before the building is first occupied.

Reason: To ensure that the development takes place in an appropriate way 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

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PLANNING COMMITTEE

September 2023

Former Police Station
 Southampton Road
 Lymington
 23/10282

Scale 1:800

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



Appeal Decision

Inquiry held on 26, 27, 28, 29 April and 3 May 2022

Site visit made on 28 April 2022

by Jessica Powis BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/B1740/W/21/3289313

**Former Lymington Police Station, Southampton Road,
Lymington, SO41 9GH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of New Forest District Council.
 - The application Ref 21/10938, dated 18 June 2021, was refused by notice dated 10 December 2021.
 - The development proposed is demolition of existing building and redevelopment of the site to form 32no. retirement apartments including communal facilities, access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised site plan (ref: 10109LY-PA01C) was submitted during the course of the appeal. The plan sought to provide space for on-site manoeuvring by emergency vehicles. The revised plan was the subject of further consultation prior to the Inquiry opening and I was provided with a copy of the responses. Having considered the responses, and having regard to the modest extent of the revisions, I am satisfied that no party would be prejudiced by my decision to accept the revised site plan.
3. During the Inquiry, it emerged that the Council had recently adopted (6 April 2022) an updated Parking Standards Supplementary Planning Document (SPD) (CD-31). It was agreed between the parties that as a result, the 2012 version of the SPD (CD-30) had been superseded.
4. Shortly after the Inquiry closed, late submissions were received from Hampshire County Council in relation to the drafting of a proposed condition relating to surface water drainage matters. I sought the views of the main parties on that submission but since the appeal is dismissed for other reasons, I have not reached a finding on the condition. Also after the Inquiry closed, and by prior agreement, I received a completed section 106 agreement containing planning obligations relating to a number of matters. This is considered in my reasoning below.

5. The Council accepts¹ that it cannot demonstrate a five year supply of deliverable housing sites. It is common ground that for the period 2021/22 to 2025/26, there is a housing land supply of approximately 3.07 years, a shortfall of 809 dwellings.
6. The Council's decision on the application included reasons for refusal relating to the effects on European designated sites and the provision of off-site affordable housing. During the course of the appeal, the Council withdrew its objections with regard to these matters on the basis that the proposed development could be made acceptable in these respects through the imposition of conditions and planning obligations. The affordable housing matters are dealt with in a later section of this decision.
7. In terms of the effects on European sites, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). As such, I am required to carry out an Appropriate Assessment of the proposed development in circumstances where it would be likely to have significant effects on European sites, alone or in combination with other plans or projects.
8. Therefore, despite the Council's withdrawal of objections on habitats matters, and in light of the Written Ministerial Statement (WMS) on 'Improving Water Quality and Tackling Nutrient Pollution'² and the Chief Planning Officer Letter³ on the same subject, I sought the views of the parties after the closure of the Inquiry about the use of a 'Grampian' condition to secure mitigation of the effects of nitrate discharge on European sites in the Solent.
9. Since my findings in respect of habitats effects have proven to be determinative, this matter forms a main issue in the appeal.

Main Issues

10. The main issues in this appeal are:
 - whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people;
 - the effect of the scale and massing of the proposal on the character and appearance of the area, with particular regard to the setting of the Lymington Conservation Area, and effects on non-designated heritage assets;
 - the effect of the proposal on protected trees on the site;
 - whether or not the proposal would make adequate provision for on-site parking and turning areas for emergency service vehicles;
 - the effect of the proposal on the living conditions of future occupiers, in terms of the provision of outdoor amenity space; and
 - the effect of the proposal on European sites.

¹ Statement of Common Ground, para. 8.4 (CD-56)

² Statement made by George Eustice MP (20 July 2022)

³ 'Nutrient Neutrality and Habitats Regulations Assessment Update' (21 July 2022)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093278/Chief_Planner_Letter_with_Nutrient_Neutrality_and_HRA_Update_-_July_2022.pdf

Reasons

Appeal Site and Proposed Development

11. The appeal site occupies a corner plot at the junction of Southampton Road and Queen Elizabeth Avenue, to the north of Lymington town centre. The existing L-shaped building and garages were constructed in approximately 1952 for use as Lymington Police Station. The site is now unoccupied.
12. The proposed development would involve the demolition of the existing buildings and their replacement with a single building comprising 32 retirement living apartments together with communal facilities, landscaping and parking.

Main Issue 1: Whether the Proposal Addresses Local Housing Needs

13. The Council's first reason for refusal alleged that the proposed development would not deliver sustainable development or create a mixed and balanced community and would therefore be contrary to Policy HOU1 of the Local Plan 2016-2036 Part One ('LP Part One', adopted July 2020). Before the Inquiry opened, the Council stated that having reflected on the evidence, it would not be defending the grounds relating to a mixed and balanced community and would no longer be alleging conflict with Policy HOU1. Its objection on sustainable development grounds remained and is dealt with under the overall planning balance in a later section of this decision.
14. At the Inquiry, the Council confirmed⁴ its view that there is a demonstrated need for housing for older people in the south of the New Forest district and that the proposal would contribute to meeting that need. This position was informed by the identification within the LP Part One of a 12,800 person increase in the population aged over 75 up to 2036, resulting in a significant need for new specialist accommodation for older people district-wide. The projected need for this accommodation in the south of the district, based on the Council's demographic projections and housing mix analysis undertaken for the Local Plan review⁵, was estimated to be around 952 units over the plan period (to 2036), of which 318 would be of the type proposed by the appeal development. These figures were agreed between the parties (CD-56).
15. The Planning Practice Guidance⁶ ('the Guidance') describes some of the broad categories of specialist housing for older people, based on the level of support or care services provided. The proposed development falls within the category of 'retirement living or sheltered housing' and would include a lounge, guest suite and communal gardens with a house manager on site during office hours. The apartments would be available to purchase on the open market with a service charge to cover maintenance and upkeep.
16. Notwithstanding the Council's withdrawal of its objection, concerns about the need for the proposed development in Lymington formed a clear theme in the representations of interested parties, and a petition at the application stage attracting approximately 1410 signatures indicated the strength of feeling amongst the local community. Lymington and Pennington Town Council⁷ (LPTC), The Lymington Society⁸, the New Forest West Labour Party and local

⁴ Paragraph 3 of ID-12 and paragraph 6.2 of CD-56

⁵ Paragraph 8.8 and 8.9 of CD-56

⁶ PPG Paragraph 010 Reference ID: 63-010-20190626

⁷ ID-4

⁸ ID-5, ID-7

individuals expressed a view that there is an over-provision of older people's housing in the town at the expense of housing for younger people and families, leading to an erosion of the mixed character of the town's population.

17. It is clear that as a district, the New Forest has a considerably older population than the national average, with people aged 65 and over comprising 29.7% of the population in 2020⁹. This is projected to increase over the coming two decades, reaching around 37.4% of the district's population by 2040.
18. It is noteworthy that within these figures is a projected increase in the population within the district that is aged over 85, from 4.82% in 2020 to 7.89% in 2040⁹. This will inevitably lead to a diverse range of needs in terms of specialised accommodation to help older people adapt to living with mobility difficulties, conditions such as dementia, or requiring help with domestic and self-care tasks. The high levels of owner-occupation among older people in the district (cited by the appellant as approximately 86.12% for those aged 65-74, declining to 82.56% for those aged 85 and over¹⁰) also indicate a need for market housing that accommodates these varied needs.
19. I have not been presented with any estimate of the number of units of specialised housing for older people that is likely to be required in Lymington itself, but have seen no evidence to challenge the figures agreed between the Council and the appellant (952 units over the period to 2036, of which 318 units would be of the type proposed in the appeal scheme) which apply to the south of the district. The New Forest district boundary is tightly drawn around the main settlements in the south of the district, with Lymington and New Milton being the only two towns falling within the top tier of the settlement hierarchy identified as a focus for new development in Policy STR4 of LP Part One. It is therefore reasonable to expect that Lymington will play an important role in accommodating the need arising in the south of the district.
20. Whilst I note the argument that providing additional older people's housing in Lymington could attract more older people into the area, the above analysis offers compelling evidence that whether or not this was the case, a strong need is very likely to arise from the existing population in the local area. I acknowledge that there may also be high levels of need for other types of housing, such as affordable housing and housing for younger people and families, in the town. However, I must determine the application in front of me on its merits.
21. I have paid close attention to evidence from a number of parties about the current level of supply and vacancy rates of comparable specialised accommodation in Lymington. Various figures have been quoted based on property website searches and data from local estate agents, including in submissions from LPTC¹¹ and The Lymington Society¹². I note that some of the vacancy figures include properties that are not directly comparable to the appeal scheme because they offer a different category of care or support, for example Farringford Court (extra care) and Bucklers Mews, Pyrford Gardens and Lynewood Court (age-restricted housing). As a result, it is not possible to derive precise or reliable vacancy levels from these figures.

⁹ APOE-11, section 4.

¹⁰ APOE-11, section 6

¹¹ In ID-4 and in oral and written representations of LPTC

¹² In ID-7 and the oral and written representations of The Lymington Society

22. The appellant's efforts to do so¹³ give a gross vacancy rate of between 8% and 14% for comparable properties in Lymington. The appellant acknowledges that the upper end of this range is higher than industry averages but it attributes this to slower than anticipated sales rates at the Knights Lodge scheme (19 of 44 apartments are not yet occupied) as a result of restrictions associated with the Covid-19 pandemic. I do not consider this analysis to be unreasonable.
23. Permission was granted for 44 retirement living apartments at Stanford Hill in 2021 and construction is underway. The Stanford Hill site is located a short distance to the south of the appeal site and will offer a similar type of property. However, Stanford Hill aside, I note the appellant's analysis¹⁴ that comparable developments in Lymington have been provided at a rate of approximately 2.9 units per annum in the period 1995 to date, compared with provision at an average rate of approximately 10.6 units per annum in the period 1978 to 1994.
24. Consequently, even taking the Knights Lodge and Stanford Hill schemes into account, I do not consider that the proposed development would result in an overprovision of comparable specialised housing for older people within the town, given the scale of the need identified above.
25. I recognise that retirement housing of the type proposed may not be attractive to all older people, many of whom might prefer to live within a neighbourhood with a more mixed demographic. However, I equally consider that the appeal scheme would offer benefits that make it attractive to some older people, for example through the availability of shared facilities, a house manager and opportunities for social interaction.
26. In my view, the appeal scheme would offer a specialised form of accommodation that is an important part of the mix of housing required to meet the diverse needs of the ageing local population. It also has the potential to reduce the instances of people living in accommodation that is poorly suited to their needs or moving to higher support settings (such as extra care housing and registered care homes) than they require. Consequently, I conclude that the proposal would contribute appropriately to addressing the diversity of housing needs of local people.
27. Taking all of these matters into consideration, I am satisfied that the proposed development complies with Policy HOU1 of the LP Part One, insofar as it seeks to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost.

Main Issue 2: Effect on Local Character and Heritage Assets

Non-Designated Heritage Assets

28. The former police station which currently occupies the appeal site is agreed¹⁵ to be a non-designated heritage asset due to its historic and architectural interest. The main building is a two-storey red brick structure with a broadly L-shaped plan built in the neo-Georgian style. It is a relatively unaltered example of a purpose-built mid-century police station, comprising a simple façade, casement windows and hipped, red clay pantile roof. The building has some local historic

¹³ ID-11

¹⁴ ID-11

¹⁵ Paragraph 8.14 of CD-56

- interest as an example of the development and history of the Hampshire Constabulary. Its setting comprises the surrounding yards, garaging and parts of Southampton Road, Queen Elizabeth Avenue and Eastern Road.
29. The proposed development would necessitate the total loss of the former police station. Paragraph 203 of the National Planning Policy Framework ('the Framework') states that the effect of an application on the significance of a non-designated heritage should be taken into account in determining the application.
 30. In October 2021, Historic England decided not to add the building to the List of Buildings of Special Architectural or Historic Interest (CD-61). The building was not found to demonstrate a high level of architectural interest or national historic interest, nor was any group value identified. While local interest in the heritage value of the building is evident in the submissions of the Council, The Lymington Society and other local residents, the former police station is not identified as an important unlisted building in the Lymington Conservation Area Appraisal (CAA) (July 2002)¹⁶ or as an important building or street frontage in the Lymington Local Distinctiveness Supplementary Planning Document (SPD) (February 2011)¹⁷.
 31. Moreover, the identification of the appeal site on the Council's brownfield land register for the provision of approximately 20 dwellings appears to be incompatible with the argument that the former police station is of such heritage value that it should be retained. I saw on my visit that the number of residential units anticipated within the brownfield land register could not realistically be achieved through retention and conversion of the existing buildings; they simply do not comprise adequate floorspace.
 32. Taking account of all of the evidence, including my own observations on site, I consider that the building holds limited historic interest and, whilst a well-executed and preserved example of its type, particular architectural interest in terms of rarity or special quality has not been demonstrated. This leads me to find that the former police station is of low heritage significance. The appeal proposal would lead to the complete loss of the asset, which equates to the highest level of harm.
 33. To the immediate west of the appeal site addressing Queen Elizabeth Avenue is the Old Police House, now a dwelling in private ownership. The appellant disputes the Council's position that the Old Police House should also be treated as a non-designated heritage asset.
 34. The Old Police House is a two-storey dwelling exhibiting the same red brick construction and hipped pantile roof as the former police station. There is a pleasing symmetry in the fenestration on the front façade, with a centrally positioned doorway within a sandstone portico.
 35. The records suggest that the Old Police House was designed by the same architect as the former police station and constructed at the same time. The two buildings are situated in close proximity to one another. Read in conjunction with the former police station, the Old Police House holds some historical interest and has some group value. However, the two buildings are now clearly separated by fencing and function independently of one another. A

¹⁶ Map 7 of CD-33

¹⁷ Character Area 1: Town Centre map of CD-32

number of alterations and extensions have been made to the rear of the Old Police House that somewhat undermine its architectural interest. Overall, I consider it to be of low heritage significance.

36. The former police station lies within the setting of the Old Police House. The loss of the former police station would undoubtedly cause harm to the setting of the Old Police House, which takes its principal value from its close historical, architectural and physical association with the former police station. Without the former police station, the Old Police House would be less legible in its context. In my estimation, the proposed development would give rise to a moderate level of harm to the Old Police House.
37. In this sense, the appeal proposal conflicts with Policy DM1 of the LP Part Two which expects that development proposals will conserve and enhance heritage assets, with particular regard to local character and setting, amongst other things.
38. As required by paragraph 203 of the Framework, the direct and indirect effects of the appeal proposal on the significance of these non-designated heritage assets is carried forward into my overall judgement on the planning balance set out later in this decision.

Local Character and Designated Heritage Assets

39. The appeal site sits amongst principally residential development to the north of the town centre. It is bounded along its eastern edge by the A337 Southampton Road which is a main vehicular route into the town. This contributes to the urban character of the locality. The former police station building, set back from the road by a front parking area, signals the previous civic use of the appeal site. Mature trees along the north and east boundaries give the site a pleasant, verdant quality.
40. The appeal site is outside of, but adjacent to, the Lymington Conservation Area and as a matter of common ground falls within its setting¹⁸. In conducting my assessment of the effects on the Conservation Area, I have paid close attention to the good practice advice¹⁹ from Historic England.
41. The Lymington Conservation Area encompasses an area around the core of the historic town together with the quayside and river frontage to the east. Its significance is derived from its role as an important port dating back to the 12th and 13th centuries and used to export salt extracted locally, the industry upon which Lymington's prosperity was based. The Conservation Area Appraisal (July 2002)²⁰ describes how the town's medieval structure has remained largely unaltered to the present day, meaning that the historical development of the town is highly legible. The town's growth in the late 18th and 19th centuries is also evident in the wealth of buildings of varied historical and architectural interest.
42. The appeal site lies immediately beyond the north-western boundary of the Conservation Area²¹. This part of Southampton Road marks a point of arrival

¹⁸ Section 3.3 of CD-14

¹⁹ Historic England Good Practice Advice Note 2 (GPA2)(2015) and Good Practice Advice Note 3 (GPA3)(2017)

²⁰ CD-33

²¹ Map 7 of the CAA (CD-33)

into the Conservation Area and is therefore a sensitive setting location from which the Conservation Area is experienced.

43. Due to their pronounced set back from Southampton Road and the presence of the established trees along the northern and eastern boundaries, the existing buildings on the appeal site are not prominent in the local townscape. Whilst the former police station has value in its own right as a non-designated heritage asset as discussed above, it does not contribute materially to the legibility or appreciation of the Conservation Area. Overall, it makes a neutral contribution to the setting of the Conservation Area and as such, its loss would not cause harm to the Conservation Area's significance.
44. The proposed development would replace the existing police station buildings with a taller building with a wider span and modern residential character. The proposed building would comprise three storeys together with dormered accommodation in the roof level, stepping down to two storeys with dormered roof accommodation along the Queen Elizabeth Avenue elevation. It would be set further forward than the existing building and would occupy a considerably larger footprint within its plot.
45. The area to the north of the junction of Eastern Road and Avenue Road with Southampton Road marks a transition point between small-scale, close-knit terraced housing within the Conservation Area to the south and coarser-grained residential development outside of the Conservation Area to the north. This change in density and character of the built form moving north along Southampton Road is described in the Lymington Local Distinctiveness SPD (adopted February 2011) wherein the appeal site sits within Character Area 1: Town Centre. At this junction, the existing developments of Buckland House and Farringford Court stand at greater scale than the surrounding built form and serve to somewhat punctuate the edge of the Conservation Area.
46. Though it would be visible from viewpoints within the Conservation Area on Southampton Road and to the rear on Eastern Road, the proposed building would not appear discordant with the development immediately surrounding it. Buckland House and Farringford Court exhibit similarities to the appeal development in their height, mass and residential character. The proposal would not diminish or overpower the loose 'gateway' effect created by the corner structure of Buckland House and the corner 'tower' of Farringford Court.
47. In this sense, the proposal would not undermine the sense of arrival into the Conservation Area. Neither would its scale or mass be so incongruous as to detract from the rich historic quality of the terraced houses along the western side of Southampton Road that characterise development in the 'Western Zone' of the Conservation Area. Overall, the proposed development would not degrade the historic or architectural significance of the Lymington Conservation Area as a whole; it would have a neutral effect.
48. Consequently, I conclude that there would be no harm to the setting of the Conservation Area as a designated heritage asset. In this sense, the appeal proposal would comply with Policy DM1 of the Local Plan Part Two: Sites and Development Management ('LP Part Two', adopted 14 April 2014) insofar as it seeks to conserve and enhance the historic environment and heritage assets. It would also accord with the requirement of the Framework to give great weight to the conservation of the significance of designated heritage assets.

49. Considering the effect on the character and appearance of the site and surrounding area more widely, for the reasons set out above I find the proposed development to be an acceptable design response to the site. I have found that the height of the building would not be excessive in the site context and the massing would not undermine local distinctiveness. The proposal broadly conforms with the design guidelines set out within the Lymington Local Distinctiveness SPD (2011).
50. I therefore conclude that the scale and massing of the proposal would not have an adverse effect on the character and appearance of the site and surrounding area. There would be no conflict with Policy ENV3 of the LP Part One to the extent that it requires high quality design that contributes positively to local distinctiveness and enhances the character and identity of the locality, including through good architecture.
51. Furthermore, the proposal would satisfy the requirements of the Framework to create high quality buildings and places which reflect local design policies. It would also accord with the ten characteristics of well-designed places set out in the National Design Guide (January 2021).

Main Issue 3: Effect on Protected Trees

52. There are eight trees on the appeal site that are subject to a Tree Preservation Order (TPO) (No. TPO/0006/15). The trees fall into two groups:
- G1, which consists of five silver maples (tree numbers T2-T6) running along Southampton Road; and,
 - G2, which consists of two silver maples and one cedar (tree numbers T7-T9) on Queen Elizabeth Avenue.
53. The trees were donated by The Lymington Society and planted as part of a commemorative community planting scheme in 1980. The parties agree²² that Trees T4 and T5 (both maples) are currently 'C grade' trees, meaning that they are of low quality with a remaining life expectancy of at least 10 years, with the remainder categorised as 'B grade', meaning they are of moderate quality with a remaining life expectancy of at least 20 years. The Council considers that in the current site context the trees have the potential to mature and be considered 'A grade' trees in the future.
54. The trees are of a substantial height and prominence, together forming an important landscape feature in the streetscene. In my view, they make a positive contribution to the character and quality of the area in the vicinity of the site, most notably along Southampton Road and Queen Elizabeth Avenue.
55. It is common ground between the main parties that the construction of the proposed development would not harm the protected trees, subject to the imposition of a condition that controls tree protective and construction measures. However, the Council alleges that once constructed and occupied, the proximity of the proposed building would prevent the trees from growing to their natural size and form and would be likely to give rise to pruning and ultimately potential loss of the trees, to the detriment of the amenity of the

²² Section 4 of NPOE-3

area. These concerns were echoed by interested parties including LPTC²³ and The Lymington Society²⁴.

56. The proposed building would sit approximately 6 metres from each of the trees, with the exception of T7 which would be at a greater distance due to its position in the north-eastern corner of the site. Six metres is the root protection area (RPA) radius identified for the cedar, with RPA radii of between 3 and 5.4 metres identified for the silver maples. So, the foundations of the proposed building would be in relatively close proximity to the root systems of the trees in some parts of the site and it is possible that this could form a barrier to future root growth and penetration, potentially affecting the stability and growth prospects of the trees.
57. That said, the building would be outside of the RPAs. Moreover, the removal of the current hardstanding in the vicinity of the trees and its replacement with soft landscaping would be likely to improve aeration and porosity of the ground which could promote root intensification. On balance, I do not consider that the proposed building would cause harm to the root systems of the protected trees such that their vitality would be adversely affected.
58. Nonetheless, above ground level the relationship between the building and the protected trees would be relatively close. There would be the potential for shading of some internal and external spaces, seasonal nuisance (such as blocked gutters and slippery footpaths as a result of fallen leaves) and safety concerns from future occupiers²⁵. All of these factors are likely to lead to future pressure to manage the growth of the trees through pruning.
59. The appellant acknowledges that the minimum separation distance between trees and buildings is widely accepted to be approximately 2 metres. In the immediate term, Tree T9 (cedar) would need to undergo crown spread reduction to create space for construction and achieve the appropriate separation distance from the building once occupied²⁶. I note that these pruning works would be limited to the southern side of the tree and would involve the reduction in the length of branches by 2-3 metres. On this basis, I am satisfied that this pruning event in isolation would have a very limited effect on the contribution that the tree makes to the character of the area.
60. No other pruning works are identified as required to accommodate the appeal scheme. However, all eight of the protected trees are assessed as 'maturing'²⁷ and it is common ground that they have not yet reached their full height or canopy spread. By the Council's analysis²⁸, if the trees were to achieve their full potential in terms of crown spread, there would be significant interaction with the proposed building along its eastern elevation and part of its northern elevation.
61. As the trees continue to grow and spread, the appellant accepts that regular pruning on an approximately three-yearly cycle could be required to maintain the necessary separation distance from the building. Whilst there is some evidence of pruning having taken place around 2008, it is accepted that cyclical

²³ ID-4

²⁴ ID-5

²⁵ As described in BS5837:2012 and NFDC Tree Protection and Development Guidance 2020 (CD-39)

²⁶ Arboricultural assessment and method statement (CD-15)

²⁷ Appendix 2 of CD-15

²⁸ Appendix 4 of NPOE-3

pruning would represent a material change in the level of intervention with the trees compared with the previous use of the site. Although some pruning may have been necessary had the previous use of the site continued, it is clear that a change to residential use at much closer proximity to the trees would give rise to a greater need for intervention.

62. This greater level of intervention has the potential to leave the trees more vulnerable to pathogens leading to disease or poor growth. However, having regard to the established nature and condition of the trees, the characteristics of their species and the modest scale of the cyclical pruning works that might be required, I have seen no evidence to indicate that future intervention works would be likely to lead to serious disease in the trees in this case. For the same reasons, there is a very low likelihood of any of the protected trees being lost altogether as a result of disease arising from future pruning works required for the appeal scheme. Consequently, I do not consider that the proposed development would conflict with paragraph 131 of the Framework which promotes the retention of trees wherever possible.
63. Cyclical pruning of the protected trees could affect their ability to realise their natural shape and form. However, having regard to the likely scale and frequency of the intervention, this would not have a deleterious effect on the height, shape or appearance of the trees. In the context of the appeal site, it is my judgement that the contribution that the trees make to the character and quality of the surrounding area would not be adversely affected as a consequence of the proposed development. Moreover, any future works to the protected trees would require consent under the TPO regime. This process would ensure that any works are justified in light of the amenity value of the tree in question.
64. For these reasons, I conclude that there would be no conflict with Policy ENV3 of the LP Part One to the extent that it requires new buildings to be sympathetic to the environment and their context in relation to adjoining landscape features. The appeal scheme would also comply with Policy ENV4 of the LP Part One insofar as it seeks the retention and/or enhancement of landscape features that contribute to distinctive character within settlements, including trees.

Main Issue 4: Adequacy of Parking and Turning Areas

65. The revised site plan (ref: 10109LY-PA01C) sought to address concerns that there would be insufficient space for on-site manoeuvring by emergency vehicles. At the Inquiry, the Council agreed²⁹ that so long as the turning area indicated on the revised site plan was kept clear, adequate space would be available for ambulances to turn on site.
66. On the basis of the revised site plan, I am content that there would be adequate space for ambulances and light goods vehicles to turn within the site and exit in a forward gear. The retention of the turning space can be controlled via planning condition. It is unlikely that there would be sufficient space for larger vehicles such as community buses, coaches, refuse trucks and fire engines to manoeuvre within the site but such vehicles could service the site in a satisfactory manner from Queen Elizabeth Avenue.

²⁹ Paragraph 22 of ID-12

67. Turning to the provision of on-site car parking, the appeal scheme provides a total of 12 parking spaces for use by future residents, staff and visitors. During the Inquiry, draft condition wording³⁰ was agreed between the parties to secure the inclusion of two disabled parking spaces as part of this provision.
68. The adopted Parking Standards SPD (CD-31) sets out the recommended car parking standards for the various types of development. Table 9 (Annex 1) of the SPD recommends that housing for the active elderly with warden control provides one parking space per unit of accommodation, equating to a recommendation of 32 spaces for the proposed development. The SPD is clear³¹ that in town centre locations, a reduced car parking provision is acceptable where the site is well served by public and active modes of travel, and where the proposal would not exacerbate parking pressure in the local area.
69. The appeal site falls just outside of the town centre boundary denoted on the relevant map in Annex 2 of the SPD but is a short and level walk from the facilities and services of the town centre. There is a doctor's surgery approximately 450 metres away, and a bank, post office, food shops, pharmacy and library within 850 metres³². A bus stop is approximately 90 metres from the site on Southampton Road, providing hourly services between Lymington, Lyndhurst and Southampton, plus a local service to Pennington, Hordle and New Milton. Bus links to Bournemouth and Christchurch are also available from the Sports Ground, a short walk from the site to the east of Southampton Road. Although more likely to be used by staff and visitors than residents, there are good cycle links to the town centre and railway station. As such, the site is in an accessible location which is likely to reduce the reliance of future residents on the private car.
70. The appellant's analysis of parking levels at a number of other Churchill Retirement Living (CRL) schemes identifies an average parking demand of 0.28 spaces per apartment, which would equate to a total of 9 spaces for the appeal scheme. It submits that 12 spaces are proposed to accommodate for situations above this average. On this basis, the appeal scheme would provide 0.37 parking spaces per unit. The Council contests this analysis on the basis that looking at parking levels at other CRL sites across the south of England is not the most appropriate way to ascertain parking demand for the appeal scheme.
71. Car ownership data from the 2011 census³³ indicates that the appeal site is situated in an area in which 81% of people aged 65 and over own one or more vehicles. According to the Council's analysis, this is higher than car ownership levels in the other CRL schemes quoted by the appellant³⁴. However, I note that the census data is based on middle output areas which for the appeal site covers a large area of the rural New Forest. It is reasonable to expect that car ownership levels within the town of Lymington would be lower than the average for its middle output area since the town offers greater opportunity to access facilities via non-car modes. This is supported by the breakdown of car ownership by ward presented in Annex 3 of the SPD.

³⁰ ID-9

³¹ Principles PS1, PS2 and PS13 of the SPD

³² CD-19

³³ Appendix A of NPOE-6

³⁴ Figure 1.1 of NPOE-6

72. Other relevant considerations are the demographics and personal circumstances of typical purchasers of retirement living schemes. Whilst available to residents aged 60 and over, the average age at first purchase is estimated to be around 79³⁵, with anecdotal evidence from the partially-occupied Knights Lodge scheme in Lymington indicating an average resident age of 83. Moves into this type of scheme tend to be driven by a need to down-size domestically, for greater support to continue living independently and by a medical or other need to give up driving. Given these factors, the census car ownership data, which simply categorises the older population as 'aged 65 and over', should be applied with caution.
73. The Council highlighted an application³⁶ for an extension to car parking at the Hubert Lodge scheme in Hythe as an example of under-provision in other recent CRL schemes. Since consent for the car park extension was granted, the Hubert Lodge scheme provides parking at a ratio of between 0.39 (by the appellant's calculation) and 0.44 (by the Council's calculation) spaces per unit, which is greater than proposed for the appeal scheme.
74. On that specific case, the appellant argues that the original level of parking was found to be acceptable at appeal and the rationale for the extension was that it would be an inexpensive way to maintain additional land acquired as the main construction started. I have not been provided with full details of the parking extension application and it is therefore not possible to know unequivocally why the four additional spaces were applied for. For this reason, it does not necessarily demonstrate that the CRL methodology for calculating parking demand is flawed.
75. I have noted the Council's submissions about parking at the Farringford Court and Belmore Lodge developments spilling over onto surrounding roads. I observed these developments as part of my site visit. Farringford Court provides 'extra care' accommodation, meaning that staffing levels are considerably higher than for the appeal scheme (estimated at 8-10 members of staff per shift versus 1 house manager within office hours for the appeal development). Belmore Lodge is a residential and nursing home which due to the needs of residents and staffing levels means that it is also not directly comparable to the scheme before me. No evidence was presented of parking shortages or their effects at existing CRL sites where there are similar ratios of provision to that proposed for the appeal scheme.
76. Taking all of these matters into account, I consider that the appellant's assessment of parking demand for the appeal scheme is reasonably founded. The parking ratio is at the lower end of provision promoted by CRL, but given the highly accessible location of the site, this is justified.
77. In the scenario that demand exceeded the spaces provided, the parties agree that the most likely result would be overspill parking on Queen Elizabeth Avenue, which is a residential street with sections of unrestricted parking. On my visits, I saw that most houses on Queen Elizabeth Avenue have off-street parking in the form of driveways and garages and a considerable proportion of on-street parking spaces were unoccupied.

³⁵ Homes for Later Living (September 2019) 'Healthier and Happier' (APOE-4)

³⁶ ID-1

78. A parking survey³⁷ was undertaken in March 2022 which found, amongst other things, that between 35% and 42% of the total unrestricted spaces available in Queen Elizabeth Avenue (26) were occupied and none of the single yellow line spaces. I am content that the methodology for the survey is robust and the findings are consistent with my observations on site over a number of days. The survey concluded that no roads within a 200 metre walking distance of the appeal site currently experience parking stress. Whilst the survey and my visits were undertaken on weekdays, I have not seen any evidence to indicate that the situation would be materially different at a weekend.
79. Approximately 15-17 unrestricted spaces were found at the time of the survey to be unoccupied in Queen Elizabeth Avenue, in addition to 33 single yellow line spaces, which is a fair reflection of my observations on site. This leads me to find that even in the scenario that parking demand was at the level envisaged by the SPD before adjusting to account for location (32 spaces, one per unit of accommodation), there would be sufficient space within the existing on-street parking provision together with the 12 on-site spaces to meet all of the demand.
80. Given the above, I consider that the proposed development would not harm residential amenity or local character in Queen Elizabeth Avenue insofar as on-street parking is concerned. Since there is no existing parking stress, and even worst-case estimates of parking demand could be accommodated on-street, there would also be no environmental harm as a result of emissions from an increased number of vehicles seeking parking spaces or navigating the local road network.
81. The Council did not allege any specific highway safety harm as a result of overspill parking but this was a concern expressed by some local residents, particularly at school drop off and collection times when Queen Elizabeth Avenue is used by children on scooters and parents with buggies. I visited the site at times used by school traffic and saw some evidence of this. Due to its limited width, and the need for vehicles to wait for oncoming vehicles to pass, speeds during my visit were low and drivers relatively vigilant. Since the existing unrestricted parking areas have the capacity to accommodate any overspill parking, the proposal would be unlikely to give rise to unsafe parking behaviours such as double parking or parking on double yellow lines. Therefore in my view, the level of any potential overspill parking would not be such that it would present an elevated highway safety risk to pedestrians or other road users.
82. For the reasons set out above, I conclude that the proposed development would make adequate provision for on-site car parking and that residential amenity would be safeguarded. There is an element of conflict with the Parking Standards SPD (adopted April 2022) in the sense that the appeal proposal provides a lower level of on-site parking than recommended for housing for the active elderly. However, the level of provision is justified in this case by the accessible location of the site and the evidenced lack of parking stress in its immediate vicinity. As a result, I have found that sufficient car parking would be provided. Accordingly, I find no conflict with the SPD or with Policy CCC2 of the LP Part One, which seeks the provision of sufficient car and cycle parking in accordance with the adopted SPD.

³⁷ Appendix 9 of APOE-9

83. Furthermore, the appeal scheme would accord with Policy ENV3 of the LP Part One insofar as it requires new development to integrate sufficient car parking spaces so that realistic needs are met in a manner that is not prejudicial to the character and quality of the street, highway safety, emergency or service access or to pedestrian convenience and comfort.
84. In arriving at this view, I have had regard to the Council's view that though desirable in their own right, the provision of disabled parking spaces would be at a cost to general resident parking. Principle PS6 of the SPD advocates the provision of suitable parking spaces for people with disabilities and the supporting text (paragraph 8.3) recognises that residential developments for elderly persons may require relatively higher provision of disabled spaces. On balance therefore, I consider it important that dedicated provision is made within the site for disabled parking, since there is a high likelihood that it would be required.

Main Issue 5: Outdoor Amenity Space

85. The outdoor amenity space serving the proposed development would take the form of landscaped gardens running along the northern, eastern and part of the southern edges of the site. Paved areas for outdoor seating would be incorporated, including a communal patio and a small number of private patios immediately outside some ground floor apartments. There would also be modest private balconies on the first and second floors on the south and west elevations of the building.
86. There is no locally-prescribed standard for the quantum of external amenity space to be provided. The proposed amenity areas and patios would cover an area of approximately 839 m², which would represent approximately 38.3% of the total site area (2,189 m²). As a proportion of site area, this would sit toward the lower end of amenity space provision in other local schemes cited in evidence³⁸, although not markedly so (provision ranging between 34.3% and 44.2% of the total site area).
87. 'Retirement Living Explained: A Guide for Planning and Design Professionals' (2017)³⁹ stresses that specialist housing for older people should seek to provide quality amenity space, stating that '*quantity is less important where there is a shared garden*'. The proposed scheme does not allow for any expansive lawned areas; the gardens are principally linear in form. However, I am mindful that external amenity space in retirement living schemes is typically used for sitting out and for its aesthetic value and interest, rather than for active play or recreation. The HAPPI Report⁴⁰ (2009) highlights that housing for older people should enable '*enough space for tables and chairs as well as plants*'.
88. Examples⁴¹ of other developments delivered by the appellant demonstrate how creative design and planting of smaller or irregularly-shaped spaces can contribute to a high quality environment. The examples also illustrate how delivering and maintaining good quality landscaping schemes forms an important part of the overall package being presented to potential buyers. The

³⁸ APOE-13, Section 6

³⁹ APOE-6

⁴⁰ 'Housing for our Ageing Population: Panel for Innovation'

⁴¹ APOE-13, Section 3

Landscape Strategy Masterplan⁴² shows the attention that has been paid to achieving a visually appealing and functional external area. Delivery of a well-designed landscaping scheme that follows the principles of the masterplan can be secured by condition.

89. The focus of the external space would be the communal patio area in the south-eastern part of the site. This would sit close to the adjacent Buckland House, which is a three-storey building with windows on its northern elevation. During my site inspection, I saw that due to the position of the windows and the oblique angles involved, there is very limited scope for overlooking of the external amenity space from windows on Buckland House. The attractiveness of the external space would therefore not be compromised by overlooking.
90. There is the potential for shading of the proposed patio area by Buckland House due to its height and proximity, which the Council estimates to be approximately 6.09 metres away at its closest point. Submitted evidence⁴³ derived from SUN-Calc and aerial photographs indicate that the patio would be affected by shading from Buckland House. Anecdotal evidence presented at the Inquiry from experience on other similar schemes suggests a lower demand for direct sunlight in gardens, with some residents preferring to seek out natural shade.
91. Having visited the site in the late afternoon in April, I found that the location of the proposed patio was not sunny, but did not feel overly gloomy or so shaded as to deter its use. The patio area would be situated approximately between the two ridge peaks of Buckland House which would assist with the availability of daylight throughout the day. The lawned area to the west of the proposed patio, although modest in size, would receive more direct sunlight, especially in the afternoons.
92. There would also be shading of the external amenity areas in the east and north of the site by the proposed building and existing protected trees. This would be more significant in the spring and summer when the trees are in leaf. However, even then it would be a dappled shade and the trees are not so dense as to prevent a reasonable amount of daylight from reaching the amenity areas.
93. Since much of the amenity space would adjoin Southampton Road, there would be some traffic noise, although the existing line of trees and proposed boundary planting would help to form a natural buffer from the road. Given the urban context of the site, where some element of traffic noise is to be expected, this noise would not be detrimental to the residents' enjoyment of the external space. For the same reasons, I do not consider that the proximity of the gardens to the on-site car park would lead to unacceptable disturbance to their enjoyment.
94. Having considered all of the evidence, I conclude that the proposal would have no harmful effects on the living conditions of future occupiers in terms of the provision of outdoor amenity space. Consequently, the proposal would be consistent with the aims of Policy ENV3 of the LP Part One as it relates to achieving high quality design that contributes positively to quality of life by creating spaces that are visually appealing and enjoyable to be in, and avoids

⁴² CD-18

⁴³ Appendix JRG 5 and JRG 6 of NPOE-1

adverse impacts on residential amenity including through unacceptable overlooking and shading.

95. There would also be no conflict with the Framework's aims to promote healthy, inclusive and safe communities and achieve well-designed places. In addition, the proposal would accord with the National Design Guide (January 2021)⁴⁴ insofar as it seeks the provision of good quality external environments that support the health and well-being of their users.

Main Issue 6: Effect on European Sites

Procedural Matters

96. The Council's sixth reason for refusal alleges that an adverse impact on the integrity of the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC) due to the effects of nitrate discharge could not, in the absence of a Section 106 agreement, be ruled out. However, in the Statement of Common Ground⁴⁵, it was agreed that "*the Council has imposed the wrong 'standard' reason for refusal at No.6. The issue raised by the reason included on the decision notice, can be dealt with by a condition*".
97. The parties agreed that the reason for refusal should have related to the recreational and air quality impacts of the proposed development on the European sites in the New Forest and Solent. A redrafted version of the sixth reason for refusal was provided⁴⁶.
98. Where a plan or project, either alone or in combination with other plans or projects, would be likely to give rise to significant effects on European sites, the Habitats Regulations require the competent authority to carry out an appropriate assessment before granting consent. I am the competent authority in respect of this appeal and will proceed accordingly.

European Sites and Features

99. The Statement of Common Ground identifies the following European sites as potentially affected by the proposed development:
- New Forest Special Area of Conservation;
 - New Forest Special Protection Area;
 - New Forest Ramsar site;
 - Solent and Southampton Water Special Protection Area;
 - Solent and Southampton Water Ramsar site; and,
 - Solent Maritime Special Area of Conservation.
100. The internationally important interest features of the New Forest sites are, in summary: the heaths, woodlands, water and meadow features and the habitats that they provide for species including European honey-buzzard, Hen harrier, Eurasian hobby, European nightjar, Woodlark, Dartford warbler, Wood warbler, southern damselfly and stag beetle.

⁴⁴ CD-24

⁴⁵ CD-56, paragraph 2.13

⁴⁶ Paragraph 2.14 of CD-56

101. The internationally important interest features of the Solent sites are, in summary: the estuaries, coastal lagoons, intertidal flats, reefs, grazing marsh, sandbanks, mudflats, shifting dunes and salt meadows. These features provide habitats for, amongst other things, Dark-bellied brent goose, Eurasian teal, Ringer plover, Black-tailed godwit, Mediterranean gull, Sandwich tern, Common tern, Little tern, Roseate tern and Desmoulin's whorl snail.

Likely Significant Effects

102. By creating 32 additional residential units, it is likely that the proposed development, in combination with other plans and projects, would generate additional recreational pressure on the European sites in both the New Forest and the Solent. Consequently, the appeal scheme would have a likely significant effect on these European sites as a result of recreational disturbance.
103. Similarly, the proposed development is likely to give rise to an increase in transport movements which, when considered in combination with other plans and projects, is likely to have significant effects on the New Forest SPA, SAC and Ramsar due to air quality implications.
104. Furthermore, the proposed development would generate additional wastewater discharge from the site. The consequent increase in nitrates arising from the site, in combination with other plans and projects, is likely to have significant effects on the Solent SPA, SAC and Ramsar.
105. All of these likely significant effects are acknowledged in the appellant's Ecological Appraisal⁴⁷ and the Council officer's Planning Committee report⁴⁸.

Recreational Pressure

106. A Habitats Regulations Assessment⁴⁹ of the LP Part One (adopted July 2020) found that significant effects on both the New Forest and Solent European sites as a result of recreational impacts from any additional residential development in the plan area could not be ruled out. The Council's Appropriate Assessment⁵⁰ in respect of recreational impacts of the proposed development came to the same conclusion and this was accepted by the appellant in the Statement of Common Ground⁵¹.
107. Recreational impacts arise principally from the additional recreational visits made to sensitive designated sites by residents of new dwellings. Increased recreational use of these sites can lead to greater disturbance of birds, whose feeding, nesting and breeding habitats can be interrupted by the presence of humans. The ultimate consequence of this disturbance can be increased bird mortality and reduction in bird populations. In this sense, by creating 32 new residential units the proposed development would, in combination with other plans and projects, adversely affect the integrity of the New Forest and Solent European sites.
108. The Council has produced a Supplementary Planning Document (SPD) entitled 'Mitigation for Recreational Impacts on New Forest European Sites'

⁴⁷ Section 5.1.1 of the Ecological Appraisal, Tetra Tech (June 2021)

⁴⁸ Planning Committee Report 8 December 2021 (CD-62)

⁴⁹ Habitats Regulations Assessment of New Forest District Local Plan Part 1 (January 2018)

⁵⁰ New Forest District Council Appropriate Assessment in relation to recreational impact (CD-40)

⁵¹ Paragraphs 2.14-2.15 of Statement of Common Ground (CD-56)

(adopted 5 May 2021)⁵². The SPD requires all new residential development to contribute toward mitigation measures to avoid adverse effects on the integrity of the New Forest European sites. In a similar vein, the 'Solent Recreation Mitigation Strategy' (December 2017)⁵³ produced by Bird Aware Solent sets out a range of mitigation measures to which new homes built within 5.6 km of the Solent SPA are expected to contribute financially.

109. The mitigation for these recreational impacts involves the provision of new areas of alternative natural recreational greenspace (ANRG), enhancement of existing greenspace and rights of way within settlements, access and visitor management including the employment of rangers and education initiatives, and monitoring.
110. I have been provided with a lawfully executed planning obligation (dated 4 May 2022) which secures financial contributions to access management and monitoring measures as mitigation of the effects on the New Forest European sites in accordance with Policy ENV1 of the LP Part One and the aforementioned New Forest mitigation SPD (2021). The obligation also secures financial contributions to the Bird Aware Solent project by way of mitigation of effects upon the Solent European sites, as required by the same LP policy and the aforementioned Solent mitigation strategy (2017).
111. In addition to this, an 'infrastructure' contribution for habitats mitigation is included within the obligation (Clause 8). Paragraph 2.8 of the CIL Compliance Statement⁵⁴ explains that whilst this element of the contribution is expected to be collected via a CIL payment, the Clause 8 provisions are included to cover any scenario in which no CIL is paid (for example if the development secured CIL relief). This is necessary because the adverse effects cannot be satisfactorily mitigated without it. All of the financial contributions are payable on or before the date of commencement of development.
112. The necessity for these obligations is firmly established by the development plan and supplementary documents. It is clear that they are directly related to the proposed development due to its proximity to the European sites and are fairly related to it in scale and kind, since they are calculated on a per bedroom basis with locally set occupancy rates applied. I have had regard to Natural England's written confirmation⁵⁵ that where mitigation measures are limited to collecting a funding contribution that is in line with the strategic approach agreed in the relevant SPD, then no further consultation under Regulation 63 is required. This clearly stated position allows me to conclude that the requirement for consultation⁵⁶ in relation to my appropriate assessment has been discharged.
113. Consequently, I am satisfied that the obligations meet all of the relevant legal⁵⁷ and policy⁵⁸ tests, and together secure effective mitigation of the adverse effects on integrity of the relevant European sites as a result of recreational pressure.

⁵² CD-29

⁵³ CD-37

⁵⁴ CD-59

⁵⁵ Appendix C of the Council's Appropriate Assessment for recreational impacts (CD-40)

⁵⁶ As per Regulation 63(3) of The Conservation of Habitats and Species Regulations 2017 (as amended)

⁵⁷ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁵⁸ Paragraph 57 of the Framework

Air Quality

114. In addition to this, traffic growth as a result of additional residential development has the potential to give rise to significant adverse effects on the New Forest European sites from nitrogen deposition and ammonia emanating from vehicle emissions, especially near main road corridors. Whilst the data is uncertain, the precautionary principle applies, meaning that the effects need to be closely monitored.
115. Consequently, it is possible that the proposed development could, in combination with other plans and projects, adversely affect the integrity of the New Forest European sites. Accordingly, Policy ENV1 of the LP Part One requires that all residential development makes a financial contribution toward monitoring air quality effects within the relevant European sites. The Council's interim position statement on air quality monitoring⁵⁹ explains the nature of the monitoring work and sets the contribution at £85 per dwelling (index-linked now translating to £91).
116. The completed Section 106 agreement contains provisions requiring that financial contributions are made toward air quality monitoring at a level that generally accords with the Council's interim position statement. Full payment is due on or before commencement of development.
117. Given the clear policy context, the obligations are necessary to make the development acceptable in planning terms. They are also directly related to the development, in the sense that there is a direct relationship between additional dwellings, increased vehicle movements and therefore potential effects on habitats from exhaust emissions. Being calculated as a standard tariff per dwelling, the obligations are fairly and reasonably related to the development in scale and kind.
118. As with the recreational pressure effects outlined above, I am of the view that the duty to consult with Natural England has been satisfied by its written confirmation that no additional consultation is required where there is compliance with an agreed strategic approach (CD-40). The strategic framework for this contribution is clearly established by Policy ENV1(4)(v) of the LP Part One and the Council's interim position statement (CD-34).
119. I am therefore satisfied that the Section 106 agreement is an effective mechanism for securing the monitoring required to avoid or mitigate adverse effects on the integrity of the New Forest European sites as a result of air quality impacts.

Nitrates

120. There is sound evidence that high levels of nitrogen and phosphorus input into the sensitive and important water environment in the Solent region are causing eutrophication at the Solent SPA, SAC and Ramsar sites. These nutrient inputs arise in part from wastewater discharged from housing development and result in dense mats of green algae and other effects on marine ecology which pose a risk to the conservation status of the European sites.

⁵⁹ CD-34

121. Advice from Natural England (2020)⁶⁰ states that there is uncertainty about the potential for future housing developments across the Solent region to exacerbate these impacts. It advises that one way to address this uncertainty is for all new development to achieve nutrient neutrality in order to mitigate its potential effects on the integrity of the sites. This advice applies to the proposed development due to its location within the Solent catchment area⁶¹ and the nature of development, which would result in a net increase in population and therefore have wastewater implications.
122. Following the precautionary principle, and having regard to the conservation objectives of the sites, I take the view that the proposed development, in combination with other plans and projects, would have an adverse effect on the integrity of the Solent European sites. This finding is consistent with the findings of the Council's Appropriate Assessment in respect of nitrates⁶².
123. The parties have proposed that mitigation in this case could be secured via a Grampian condition that prevents occupation of the proposed development until a mitigation package has been approved in writing by the Council that demonstrates that the additional nutrient loading generated by the proposal would not have an adverse effect on the integrity of the European sites.
124. Work is underway by the Council on a district-wide nitrate mitigation solution that would identify the level of, and options for, mitigation required for the housing development anticipated within the Local Plan. Whilst awaiting the outcome of this work, the Council has applied a Grampian condition to residential permissions, which it submits has not attracted any objection from Natural England or the Environment Agency as statutory consultees. The Council states that the condition has been applied to permissions for over a year and has not identified any problems for its subsequent discharge.
125. However, such an approach is specifically addressed in the Guidance⁶³. This sets out very clearly that a positively worded condition is unlikely to pass the test of enforceability and a negatively worded one is unlikely to be appropriate in the majority of cases. Nonetheless, it does note that in exceptional circumstances such a condition may be appropriate where there is clear evidence that the delivery of that development would otherwise be at serious risk, stating that this may apply in the case of particularly complex development schemes, and where the six tests for conditions are also met.
126. The appellant proposes to make financial contributions to an off-site nutrient mitigation scheme. Given that the appeal site is modest in size, comprises brownfield land and is located within an urban area, I am content that off-site mitigation would be appropriate in this case. However, this still requires that there is certainty and transparency about the delivery of mitigation in order to ensure that the identified potential for an adverse effect on the integrity of the European sites is not realised.
127. There are currently no strategic mitigation schemes within the district, although the appellant submitted during the Inquiry that it had a conditional contract in place to buy credits for the 'Heaton Scheme' on the Isle of Wight. The scheme involves agricultural land being taken out of use, with the

⁶⁰ Advice on Achieving Nutrient Neutrality for New Development in the Solent Region version 5 (CD-38)

⁶¹ As shown on Figure 1 of CD-38

⁶² New Forest District Council Appropriate Assessment in relation to nitrates effects (CD-40)

⁶³ PPG Paragraph 010 Reference ID: 21a-010-20190723

reduction in nitrate discharge from that land being offset against the nitrate output from the appeal scheme.

128. I note that in the Stanford Hill appeal⁶⁴, Natural England confirmed that the use of the Heaton Scheme to offset nutrients would be appropriate and a Grampian condition was imposed. However, that appeal, dating from June 2021, had anticipated that an overarching agreement relating to the wider Heaton Scheme was 'imminent'. On the basis of the evidence to this Inquiry, it has still not been delivered. Furthermore, the Stanford Hill appeal was supported by clear information about the nutrient balance, the quantum of land that would be required to mitigate the effects of the scheme, evidence that such land was available within the Heaton Scheme and proof of advanced discussions with the landowner and Isle of Wight Council about securing its delivery.
129. Following my request for further comments on the Guidance requirements after the Inquiry closed, the appellant stated⁶⁵ that it had an agreement in principle in place with another mitigation scheme referred to as 'Kings Manor', although this was not supported by evidence. I understand that Kings Manor is also on the Isle of Wight and would address the same water treatment catchment as the Heaton scheme. The appellant contends that the proposed development would discharge to the Pennington Wastewater Treatment Works in the same way as the Stanford Hill scheme and therefore that the land held within the Heaton scheme, and presumably also the Kings Manor scheme, would be appropriate to offset nitrates in the present case.
130. Mindful of Guidance about the cautious use of negatively-worded conditions, I have carefully reviewed all of the evidence on this matter. The WMS⁶⁶ and Chief Planning Officer letter (dated 21 July 2022) anticipate a nationally focussed, comprehensive response to the issue of nutrient neutrality through a statutory duty on sewerage companies to upgrade treatment works, albeit this is timetabled for 2030 and the legislation required to support it is not in place, or through a Nutrient Mitigation Scheme, developed with Natural England. This process, which proposes mitigation projects against which developers would be able to purchase 'nutrient credits' is not yet developed to a point where there can be any certainty as to its delivery or timetable. The Chief Planning Officer letter acknowledges that '*(t)o date there has been a high mitigation requirement, to achieve the necessary offsetting of nutrient pollution related to development, as well as an insufficient supply of accessible mitigation.*' While it is noted that this letter refers to the grant of conditions or obligations to secure mitigation, that is in the context of the envisaged national Nutrient Mitigation Scheme.
131. Natural England advice is silent on the question of Grampian-style conditions, although it recognises the difficulties for smaller developments and those on brownfield land in achieving nutrient neutrality. It advocates working with local planning authorities to progress strategic mitigation options that enable this scale of development to come forward. Whilst the Council in this case is progressing strategic solutions, it appears from the evidence before me that that process has not yet reached fruition. The Council's Position Statement on Nutrient Neutral Development (4 September 2019) presents an interim

⁶⁴ Appeal reference: APP/B1740/W/20/3265937

⁶⁵ PD-6

⁶⁶ 'Improving Water Quality and Tackling Nitrate Pollution' Statement made by George Eustice MP (20 July 2022)

nitrogen mitigation solution which includes suggested wording for a Grampian condition that closely reflects the wording before me.

132. Whilst I acknowledge the alignment between the Council's 2019 position statement and the proposed approach in this case, I am clear that in order to satisfy the provisions of the Habitats Regulations, the delivery of required mitigation must be certain. To my mind, any condition applied for this purpose must successfully demonstrate that the proposal meets the exceptional circumstances for negatively worded conditions identified in the Guidance⁶⁷ and must meet the tests for conditions set out in the Framework⁶⁸.
133. Notwithstanding the comments⁶⁹ from both of the main parties on the acceptability of a conditional approach, this is not a particularly complex development scheme, nor is there clear evidence that its delivery would be at serious risk without imposition of the condition such as to amount to exceptional circumstances as set out in the Guidance. With anticipated solutions to the availability of strategic sites to manage nutrients within the catchment still being developed, as well as national initiatives to support this underway but not confirmed or in place for this catchment, there is a significant risk of a delay in delivery and a clear level of uncertainty.
134. I am aware of the Council's view that the circumstances and direction of travel presented by the WMS and Chief Planning Officer letter represent exceptional circumstances, however I am not satisfied that this is the case. Even accounting for the shortfall in housing in this case, the demonstrated need for older people's housing and the financial contributions of the scheme to the provision of affordable housing, I do not consider that the exceptional circumstances anticipated by the Guidance have been demonstrated.
135. While I note that the Council and the appellant in this case appear agreed on the conditional approach, and that a previous Inspector has accepted it in relation to a different appeal, such matters are ones of fact and degree. In the present case, there is an absence of information addressing the level of anticipated nitrate discharge and therefore the amount of land that would be required to offset the effects of the proposal such that adverse effects on integrity can be avoided. There is also insufficient evidence that there is capacity within an appropriate offsetting scheme, and little certainty that such a scheme can be funded and secured within a timescale that aligns with occupation of the proposal. For these reasons, it is not possible to conclude that the proposed condition would meet the six tests set out in the Framework, particularly the tests of precision, enforceability and reasonableness.
136. I understand the Council's appetite for flexibility on mitigation, given the rapidly evolving nature of approaches to achieving nitrate neutrality and the time that would pass between consent and occupation of the scheme. However, in this particular case, I do not consider that the degree of flexibility being sought can be achieved within the bounds of the Habitats Regulations. I refer particularly to the obligations upon the competent authority imposed by Regulations 63(5) and (6) and Regulation 70(1) and the adequacy of any planning conditions or obligations proposed in that context. In my planning judgement, the evidence supporting the approach in this case is not sufficient

⁶⁷ PPG Paragraph 010 Reference ID: 21a-010-20190723

⁶⁸ Framework Paragraph 56 and PPG Paragraph 003 Reference ID: 21a-003-20190723

⁶⁹ PD-5 and PD-6

to provide the necessary level of certainty that the scale of required mitigation is understood and that an appropriate mitigation solution is secured, such that an adverse effect on integrity of the sites can be avoided. In these circumstances, it is not possible to rely on the proposed mitigation to dispel all reasonable scientific doubt as to the absence of adverse effects of the proposed development on the integrity of the European sites.

137. For these reasons, I am unable to conclude that an adverse effect on integrity of the Solent SPA, SAC and Ramsar sites as a result of nutrient discharge from the proposed development, alone or in combination with other plans or projects, can be ruled out.

138. In arriving at this conclusion, I have had regard to the decision of another Inspector to accept the use of a Grampian condition in relation to a site in Norwich⁷⁰. I note that in that case, which concerned a single dwelling, the condition applied pre-commencement, rather than pre-occupation. Whilst I accept that a different conclusion was reached in that case, decisions in relation to the adequacy of mitigation are highly fact-sensitive and this does not alter my reasoning as set out above.

Appropriate Assessment

139. The proposed development would be likely to give rise to adverse effects on the integrity of the New Forest and Solent European sites in terms of its recreational, air quality and nutrient discharge effects.

140. Policy compliant mitigation of the recreational and air quality effects can be secured by the submitted planning obligations. However, I am not satisfied that mitigation of an adverse effect on the integrity of the Solent European sites in terms of nitrates can be secured by the imposition of a condition.

141. I therefore conclude that the appeal scheme would be unacceptable in the context of the Habitats Regulations. It follows that the proposed development would fail to comply with Policy ENV1 of the LP Part One, which requires new development to mitigate its impacts on international nature conservation sites.

Other Matters

Affordable Housing

142. One of the Council's reasons for refusing the application related to the absence of an appropriate contribution toward the provision of affordable housing. However, during the course of the appeal, the parties agreed⁷¹ the sum for a financial contribution to the provision of off-site affordable housing and that this could be secured via a planning obligation.

143. A completed Section 106 agreement⁷² (dated 4 May 2022) to this effect was received shortly after the Inquiry closed, by prior agreement. Clause 3 of the s106 agreement requires that no more than sixteen of the dwellings are occupied until all affordable housing contribution payments have been made.

⁷⁰ Appeal reference: APP/L2630/W/21/3289198

⁷¹ Statement of Common Ground (CD-56)

⁷² PD-3

144. The Council has provided a CIL Compliance Statement⁷³ (12 April 2022) which sets out the justification for the affordable housing obligations. I have considered this Statement and the content of the agreement itself in the context of the tests for planning obligations contained in the Framework⁷⁴ and legislation⁷⁵.
145. I am satisfied that the obligations are necessary to secure the provision of financial contributions to affordable housing as required by Policy HOU2 of the LP Part One and the Framework. Since the appeal scheme comprises a specialised form of housing for older people, I take the view that exceptional circumstances exist in this case warranting the provision of a payment for off-site provision, as opposed to the on-site provision envisaged by the policy.
146. I am content that the obligations are directly related to the proposed development, since it comprises 32 residential dwellings. The Council's Housing Strategy (December 2018) and a statement⁷⁶ from the Council's Housing Strategy and Development Service Manager satisfactorily demonstrate how the contributions would be used to deliver affordable homes within the district.
147. I note that the offered sum falls below the target of Policy HOU2(ii) for 50% of new homes to be affordable housing. However, I have considered the Report on Affordable Housing and Viability⁷⁷ (October 2021) and agree that taking account of viability considerations, the sum is reasonably related to the development in scale and kind.
148. I find the completed Section 106 agreement to be legally sound and enforceable. Consequently, I am content that the obligations secure an appropriate contribution to the provision of affordable housing.

Effect on Living Conditions

149. Concerns were raised by local residents about the potential effects of some specific aspects of the proposed development on the living conditions of occupiers of neighbouring properties. One such concern was the potential effect of noise emitted from the proposed electricity substation on the occupiers of the adjacent Old Police House.
150. The technical noise report accompanying the appeal assessed the potential noise emitted from the substation and found that it would be substantially lower than the typical background noise levels measured at the site. A very low risk of disturbance to occupiers of neighbouring properties was predicted and I have not been presented with any evidence to dispute these findings.
151. The appellant confirmed that these conclusions would not be altered by the decision to move the substation within the site as a result of the revised site layout plan and the Council took the view that this would make no material difference to its position that no mitigation for noise would be required. On the basis of this evidence, I am satisfied that there would be no harm to the living conditions of neighbouring residents due to noise emitted from the proposed substation.

⁷³ CD-59

⁷⁴ Paragraph 57

⁷⁵ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁷⁶ Appendix 3 of CD-59

⁷⁷

152. Another matter raised by local residents was the possibility of nuisance for neighbours from odour and vermin should arrangements for refuse storage be inadequate. Having reviewed the plans and supporting information, I am content that adequate provision for refuse storage has been made and that it is possible to satisfactorily control the details of the bin store via planning condition. Consequently, there will be no harm to the living conditions of neighbouring residents as a result of odour or vermin related to refuse storage.
153. Concern was also expressed that the proposed building could, due to its height and proximity, feel overbearing, oppressive and lead to a loss of natural light and privacy for occupiers of Buckland House to the south of the site. I observed Buckland House on my site visits and considered the relationship with the proposed building.
154. The southern extent of the proposed building would sit relatively close to Buckland House. However, it would have similar eaves and ridge heights to Buckland House, meaning that it would not feel unduly tall or oppressive. Due to its L-shaped layout, there would be a greater degree of separation between the bulk of the proposed building toward the west of the site and Buckland House. For these reasons, I find that the proposed building would not feel unacceptably close or overbearing to occupiers of Buckland House and I have seen no evidence to demonstrate that there would be a loss of natural light. I am also content that there would be no harmful overlooking from windows or balconies of the proposed building due to the separation distances involved and the use of obscured glazing in windows and doors on the south and west facing elevations, which can be secured by condition.
155. Drawing these matters together, I consider that any potential effects on the living conditions of neighbours have been either mitigated by design or where necessary, can be adequately controlled through the imposition of conditions. Consequently, I find that there would be no harm to the living conditions of occupiers of neighbouring properties as a result of the proposed development.

Effect on Local Health Services

156. It was put to me that the appeal scheme could place an unacceptable pressure on local primary care services which are already at capacity due to the additional older people who would be resident in the building. However, I was not presented with any specific evidence to support this.
157. The appellant estimates on the basis of experience on other similar developments that a majority of the future residents of the scheme would already live in the local area. On this basis, a proportion of future residents would already be users of the local health services. Given this, and in light of the potential for specialist retirement housing to decrease risks to health and wellbeing, I do not find that the appeal scheme would lead to unacceptable pressure on local primary care services.

Benefits of the Proposed Development

158. It is not disputed that there is a strong need for new housing in the District and currently a shortage of housing land. Moreover, I have found that there is a clear and compelling need for specialist housing for older people in Lymington. The provision of 32 apartments to help meet this need is a benefit attracting very significant weight in favour of the proposal. The location of the

appeal site, a short level walk from the facilities of the town centre, means that it is accessible and would promote healthy communities, also weighing significantly in favour of the scheme.

159. The appeal site is previously developed land and appears on the Council's brownfield land register. Figure 2.5 of the LP Part One shows that 61% of the local plan area is subject to Framework policies that protect areas or assets of particular importance, indicating the constrained nature of the District for new greenfield housing allocations. In this context, substantial weight must be given to the value of efficiently re-using this vacant brownfield site within the settlement of Lymington for new homes, in line with paragraph 120 of the Framework.
160. In terms of its environmental benefits, the appeal scheme commits to delivering a biodiversity net gain (secured by condition) together with specific nature conservation measures such as water efficiency measures and integral swift bricks. The proposal would generate renewable energy through solar photovoltaic panels and would provide electric vehicle charging points, helping in the shift to a low carbon economy. Combined, I assign moderate weight to the environmental benefits of the appeal scheme. This is notwithstanding my findings in respect of the effects on European sites which are considered further in the Planning Balance, below.
161. During the construction period, the proposal would generate employment in the construction sector and have wider supply chain benefits. I have been referred to a report⁷⁸ which estimates that for a typical scheme of 45 retirement apartments, approximately 85 construction jobs are created. Whilst this could be expected to be lower for the appeal scheme which proposes 32 apartments and accepting that the jobs are temporary in nature, these are nonetheless material economic benefits.
162. The same report estimates that once occupied, such a retirement apartment scheme creates approximately 6.4 permanent jobs and adds £13 million in gross value added to the local area through demand for repairs and renovations, management and care and high street expenditure. I once again acknowledge that the appeal scheme would be smaller than the typical scheme to which these figures apply, and that a proportion of residents could be expected to already live and spend in the local area. Nevertheless, it is reasonable to expect that the proposed development would generate additional spending at local businesses, supporting their viability and the vibrancy of the town centre. This aligns with the Framework's aspiration⁷⁹ to building a strong, competitive economy by supporting economic growth locally. Together, I judge that the economic benefits of the appeal scheme weigh moderately in its favour.
163. A report⁸⁰ submitted in evidence makes the case that retirement apartments such as the appeal scheme can have a range of health and social benefits for individuals by allowing them to maintain their independence for longer, providing opportunities for social interaction and offering suitable accommodation that adapts to their changing needs. At the same time, by offering accommodation tailored to the needs of older people, such

⁷⁸ Homes for Later Living (February 2021) 'Silver Saviours for the High Street' (APOE-3)

⁷⁹ Paragraph 81 of the Framework

⁸⁰ Homes for Later Living (September 2019) 'Healthier and Happier' (APOE-4)

developments can offer benefits to wider society by taking pressure off public-funded institutional care facilities, home care services and disabled facilities grant funds.

164. I have also been presented with evidence⁸¹ to indicate that retirement apartments facilitate the release of under-occupied housing stock in the local area which has the potential to free up family-sized housing into the market. The proposal would also make financial contributions to the provision of off-site affordable housing contribution, secured by planning obligation, which whilst necessary to comply with the development plan would nonetheless be a social benefit. In my judgement, these social benefits carry significant weight in favour of the appeal proposal.

165. Taking account of all of the above benefits, I consider that they together carry significant weight in favour of the proposed development.

Planning Balance

Accordance with the Development Plan as a Whole

166. My assessment has found that the proposal would accord with Policies ENV3, ENV4, CCC2 and HOU1 of the LP Part One.

167. I have found that the proposed development would conflict with Policy DM1 of the LP Part Two insofar as the effects on non-designated heritage assets. The proposal would accord with Policy DM1 in respect of the effects on designated heritage assets, namely the Lymington Conservation Area.

168. The appeal scheme would fail to comply with Policy ENV1 of the LP Part One, since I have found that it would not adequately mitigate its impacts on international nature conservation sites.

169. Policy STR1 of the LP Part One which seeks to achieve sustainable development by requiring new development to make a positive social, economic and environmental contribution to local community and business life. Due to the evident conflict with Policy ENV1, the appeal development would not represent a sustainable form of development and would therefore fail to comply with Policy STR1.

170. Taking these findings together, the conflict that I have identified in relation to Policy DM1 of the LP Part Two and Policy ENV1 and STR1 of the LP Part One leads me to conclude that the proposal does not accord with the development plan as a whole.

Paragraph 11 d) Balance

171. In light of the absence of a five year supply of deliverable housing sites, it is necessary to assess the proposal against the provisions of paragraph 11 d) of the Framework.

172. Para 11 d) i. states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Framework footnote 7 sets out a list of those Framework policies to which

⁸¹ Ball, M (2011) 'Housing Markets and Independence in Old Age: Expanding the Opportunities (APOE-5)

paragraph 11 d) i. refers. Policies covered by footnote 7 of relevance to this appeal are those relating to designated heritage assets and to habitats sites.

173. I have found that there would be no harm to the significance of designated heritage assets as a result of the proposed development. However, I have been unable to rule out the possibility of an adverse effect on the integrity of the Solent European sites as a result of nitrate discharge. Paragraph 181 of the Framework affords the same level of protection as given to European sites (in this context the Solent and Southampton Water SPA and Solent Maritime SAC) to Ramsar sites (which in this context includes the Solent and Southampton Water Ramsar site). Paragraph 182 of the Framework is clear that the presumption in favour of sustainable development does not apply in these circumstances.
174. Consequently, I find that the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed in this case. The proposal does not benefit from the presumption in favour of sustainable development.
175. In light of this finding, it is not necessary to consider the proposed development against Framework paragraph 11 d) ii., since the 'tilted balance' is not engaged.

Final s38(6) Balance

176. My determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
177. I have found above that the proposal does not accord with the development plan as a whole.
178. The Framework is a material consideration which, as an expression of national Government policy, carries substantial weight. At approximately 3.07 years, the Council's current supply of deliverable housing sites falls significantly short of the five years required by the Framework. This represents a serious under provision in an area where the Council acknowledges the high level of need for housing, including specialist housing for older people.
179. However, I have also found that, due to its potential effects on European sites, the policies of the Framework that protect habitats sites provide a clear reason for refusing the proposed development. The proposal therefore does not benefit from the presumption in favour of sustainable development. This is an important material consideration in the overall s38(6) balance.
180. I therefore conclude that the decision should be taken in accordance with the development plan. Consequently, the appeal must fail.

Conclusion

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

J Powis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

| | |
|---|--|
| Sasha White KC and Anjoli Foster | Instructed by Planning Issues |
| <i>They called:</i> | |
| Nigel Appleton BA MA (Cantab) | Executive Chairman, Contact Consulting (Oxford) Ltd |
| Robert Jackson BArch MArch RIBA ARB | Design Director, Planning Issues Ltd |
| Paul White BA(Hons) MPhil MCIfA PIEMA | Head of Heritage, Ecus Ltd |
| Phil Brophy HNDArb MArborA CEnv MICFor RCarborA | Arboricultural Consultant, Barrell Tree Consultancy |
| Jessica Lloyd BSc MSc | Principal Transport Planner, Paul Basham Associates Ltd |
| Matthew Shellum BA(Hons) DipTP MRTPI | Planning Director and Head of Appeals, Planning Issues Ltd |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|--|--|
| Gary Grant of Counsel | Instructed by Ian Austin, Solicitor, New Forest District Council |
| <i>He called:</i> | |
| James Gilfillan MATCP, MRTPI | Senior Development Management Officer, New Forest District Council |
| Jonathan Smith BA(Hons) MA PGDip HC MCIfA IHBC | Senior Director – Heritage, RPS |
| Hannah Chalmers Tech Cert Arb | Senior Tree Officer, New Forest District Council |
| Ben Chimes BSc(Hons) FCIHT | Principal Consultant, RGP Consulting Engineers Ltd |

INTERESTED PARTIES:

| | |
|-------------------------------|---|
| Councillor Andy Ash-Vie | Chairman of Lymington and Pennington Town Council Planning Committee |
| Don Mackenzie | Chair of The Lymington Society |
| Bob Hull DipTP MRTPI | Representing The Lymington Society |
| Stuart Nundy | New Forest West Labour Party |
| Councillor Jacqueline England | New Forest District Councillor (Lymington Town ward) and Lymington and Pennington Town Councillor |
| Bronwen Bridges | Lymington resident |

DOCUMENTS SUBMITTED AT THE INQUIRY

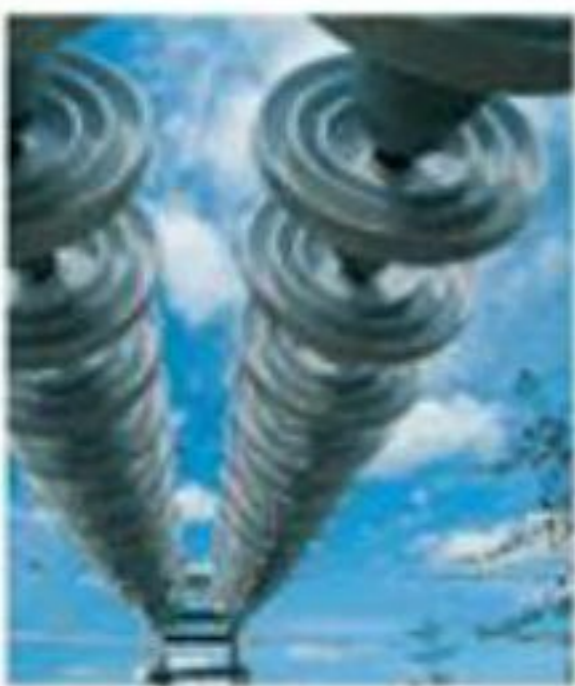
| | |
|-------|---|
| ID-1 | NFDC decision notice granting permission for 4 parking spaces at Hubert Lodge and location plan |
| ID-2 | Appellant's Opening Submissions |
| ID-3 | Council's Opening Submissions |
| ID-4 | Lymington and Pennington Town Council – written copy of oral submissions |
| ID-5 | The Lymington Society – written copy of oral submissions |
| ID-6 | NFDC Brownfield Land Register note |
| ID-7 | The Lymington Society – Clarification note on vacancy levels (27/04/22) |
| ID-8 | Internal layout plans for Former Lymington Police Station |
| ID-9 | Proposed revisions to draft condition 6 together with indicative plan |
| ID-10 | Comparison of proposed development with other consented schemes: re-presentation of APOE-13 section 6 |
| ID-11 | Note from Nigel Appleton for the Appellant in response to ID-7 |
| ID-12 | Closing Submissions on behalf of the Council |
| ID-13 | Closing Submissions on behalf of the Appellant |

DOCUMENTS SUBMITTED BY AGREEMENT AFTER THE INQUIRY

| | | |
|------|---|-------------|
| PD-1 | Comments from Hampshire County Council on surface water drainage condition | 3 May 2022 |
| PD-2 | Comments from Council on PD-1 | 5 May 2022 |
| PD-3 | Completed section 106 agreement (dated 4 May 2022) | 9 May 2022 |
| PD-4 | Comments from Appellant on PD-1 | 12 May 2022 |
| PD-5 | Response from Council on request for views on WMS and Chief Planning Officer letter on nitrate mitigation | 25 Oct 2022 |
| PD-6 | Response from appellant on request for views on WMS and Chief Planning Officer letter on nitrate mitigation | 3 Nov 2022 |

Committee Briefing Note – Former Police Station, Southampton Road, Lymington SO41 9GH (Affordable Housing/S.106 Contributions in respect of Application Ref – 23/10282)

Produced by Bruton Knowles LLP



Introduction

In accordance with New Forest District Council's (NFDC) instructions Bruton Knowles (BK) undertook a review of the Applicant's Financial Viability Assessment dated March 2023 in order to advise what appropriate affordable housing/S.106 contributions could be supported based on the delivery of the scheme under application reference 23/10282, having previously advised in respect of an application at the subject site in 2021 under reference 21/10938.

Following consideration by the planning committee to defer the decision NFDC has instructed BK to provide a high-level briefing note to inform members of the rationale for the differences in off-site affordable housing/s.106 contributions recommended in respect of the historic and current planning application.

This briefing note is to be read in conjunction with BK's Financial Viability Assessment of April 2023, and is further to email correspondence with planning officers and the Applicant thereafter. Our advice has been prepared in accordance with the National Planning Policy Framework, Planning Practice Guidance, RICS Valuation – Global Standards 2022 and RICS Professional Statement Financial viability in planning: conduct and reporting (1st Edition, May 2019).

Confidentiality/Sensitivity of this Document

This document is provided to assist the Committee's understanding of the evolution of negotiation over viability in relation to this planning application and includes sensitive commercial information from the perspective of the Council which should not be shared with the Applicant.

Evolution of Assessment/Negotiations

- 2021 –** It is understood that, further to Bruton Knowles' advice in 2021, a contribution in lieu of affordable housing was agreed at **£584,837**, only for the application at the time to be refused on another issue.
- March 2023 -** **Applicant's** Financial Viability Assessment submitted in support of its latest planning application confirmed that there is now **£zero** surplus available to support a financial contribution in lieu of on-site affordable housing provision.
- April 2023 -** **Bruton Knowles'** initial FVA Review concluded that the proposed scheme might support up to **£759,031** of offsite contributions.
- May 2023 -** **Applicant** provisionally conceded some valuation points and revised its viability conclusions to **£142,233** of offsite contributions, whilst critiquing some of Bruton Knowles' valuation approach.
- June 2023 -** **Bruton Knowles'** reconsidered some of its initial conclusions and revised its estimate to **c.£665,000** of offsite contributions, with an explanation how our conclusions were informed by the £2.2 million understood to already have been paid for the site by the Applicant.

July 2023 - Applicant countered with a further critique of Bruton Knowles' valuation methodology, in particular the approach a planning inspector might adopt when ultimately reviewing the issue at appeal.

July 2023 - **Bruton Knowles'** provided a further, without prejudice, commentary to the planning officers, explaining the subjectivity and nuances of this valuation negotiation. We concluded more cautiously that, after sensitivity testing of the valuation approaches, **£390,000** might be conceded as an offsite contribution.

July 2023 - The **Applicant** responded with an offer of **£300,000** for the offsite contribution.

Bruton Knowles subsequently re-iterated to officers how, particularly in the current deteriorating market, if the matters were to go to appeal purely on viability, then by the time submissions are in front of the planning inspector, Bruton Knowles may struggle to defend its higher surplus estimates for the site and the Council might take the view that £300,000 represents the majority Bruton Knowles' latest conclusion of £390,000.

Bruton Knowles' Background

The Committee may be aware that Bruton Knowles regularly provides financial viability assessment advice to local and unitary authorities in relation to planning applications and the ability of each proposed scheme to deliver affordable housing, or a contribution in lieu. This includes recommending viability as a reason for refusal and representing LPA's at appeal when Bruton Knowles considers the Applicant's conclusions to be incorrect.

With the subjectivity of valuation and the ultimate appeal determination of viability overseen by a planning inspector, there is something of a 'loss of control' over the ultimate conclusion. When acting for local government clients, Bruton Knowles has continually tried adapt the NPPF viability guidance to generate fair outcomes (as opposed to the outcome being skewed towards the Applicant), primarily by seeking to introduce transactional evidence of development land into the assessment, rather than the what, we consider, something of an 'over-reliance' by applicants on the residual appraisal approach to valuation. The latter outputting a 'residual' land value after estimating multiple inputs (end sales values, fees, construction costs, finance, profit, timescales). A residual appraisal is a very sensitive tool and the output of negotiated inputs may not reflect reality. Comparable transaction evidence reflects market reality, however its criticism is that it is generated by other unique sites, and cannot accurately be adjusted to reflect the subject site.

However, despite our efforts, the Financial Viability Assessment process tends towards focusing on the residual appraisal approach. For example, in the appeal at Astley House, Lewes (ref: 3269823/3295783), Bruton Knowles based its case on comparable development transactions, only for the planning inspector to seemingly disregard this approach and focus on the residual appraisal conclusions (which supported the applicant's position).

Valuation Approach

Within a viability appraisal the Residual Land Value (RLV) can be calculated by deducting overall development costs from the Gross Development Value. The RLV is then assessed against the Benchmark Land Value (BLV) to identify whether any surplus is generated – i.e. it is viable. The BLV in this instance is based upon an 'Alternative Use Value' (AUV) as a 9 dwelling residential scheme which would not generate affordable

housing provision. This is an increase on the 7 dwellings estimated by the Applicant in 2021. The 9 dwelling scheme presented by the Applicant appears as realistic a prospect as the original 7 dwelling proposal, and the increase in dwelling numbers mitigates the reduction in land value the 7 dwelling scheme would have suffered (see below for pressures on the residual valuation approach).

However, the proposed scheme remains broadly the same as that proposed in 2021. Since 2021, pressures have increased on the residual valuation inputs, as follows:

- *Gross Development Value* – We are now in a poor/deteriorating market, with very little evidence to support our estimated end sales values. Sales rates have reduced and housebuilders/retirement developers are now reporting an increased level of incentives are being offered to purchasers, meaning ‘net’ prices achieved are now lower. The slower sales rates (no. of units sold per month) result in unincreased finance costs and empty property costs.
- *Build Costs* – Within our assessment we have applied BCIS (Building Cost Information Service) Build Costs which are based on average costs within the New Forest District. Build cost inflation since 2021 has had a significant impact on the RLV output and impacting inputs within an appraisal including: base build costs, externals, contingency, professional fees and finance costs. The BCIS Build Costs adopted within Bruton Knowles’ appraisals have increased in the region of 17% between Q3 2021 and Q3 2023. In addition updates to building regulations have come into force since 2021 in relation to conservation of fuel and power within new build development and therefore additional costs are allowed within the appraisal for ‘Part L’ at £3,000 per unit.
- *Finance Costs* – Lending rates have increased significantly over the last 9 months. Since the December 2022 budget, the BoE have increased the base rate on a number of occasions, most recently to 5.25%.

After Bruton Knowles’ initial estimate that the site generated a surplus of up to £759,031, counter arguments from the Applicant caused us to concede on some points. Further, in an increasingly uncertain, and definitely deteriorating market, we were aware of the difficulty we would have in defending a surplus anywhere near this quantum when using the residual appraisal approach to valuation of the scheme – in a market where dwelling sales values are under pressure, costs have undergone months of inflation, finance costs have risen, and developers are factoring in higher profit to counter market risk.

However, in this case, there is the relatively unique scenario where the Applicant is already understood to have purchased the site for £2,200,000 in February/March 2023.

As articulated to the Council, on further review, we are reliant on this purchase price of £2.2m as evidence to underpin a viability conclusion that produces a reasonable quantum of offsite contribution. There is a risk (and precedent) that a planning inspector might disregard transaction evidence and focus on the residual approach, giving the Applicant a stronger position, but this is such a unique scenario where the transactional evidence in question is on the subject site, relates to a purchase by the Applicant and pre-dates the grant of planning consent.

However, notwithstanding that it does not accept the £2.2m as suitable evidence upon which to base an assessment of viability, the Applicant has made the argument (which it would also at appeal) that the market has deteriorated further since February/March 2023. By exploring how increased costs and finance might since have affected the £2.2m purchase price, Bruton Knowles' conclusion at £390,000 represents a sensitivity tested and cautious conclusion (as at July 2023), albeit one which assumes that the planning inspector accepts the £2.2m purchase price as relevant evidence.

Our reservation is that, if the planning inspector were to, for whatever reason, disregard the £2.2m purchase price, then the financial contribution outcome at appeal could be below £390,000 and we could face an Applicant returning to its position to £zero surplus in appeal submissions.

The above informed our advice that, whilst the Council might consider the Applicant's latest offer of £300,000 to be low, it does constitute over 75% of Bruton Knowles' latest estimate, and might be concluded as palatable if it facilitates a prompt conclusion to the application.

This valuation is particularly subjective and being negotiated in the context of a deteriorating market. Ultimately we would expect to be able to defend £300,000 surplus, have some chance of defending £390,000, but are not confident of maintaining the £584,837 agreed in 2021.

Whatever the contribution level accepted, the Council might consider a review mechanism to extract additional contributions, should the proposed scheme perform better than reviewed. However, the difficulty here is that BK and the Applicant are not formally agreed on any of the valuations and the £300,000 offered by the Applicant is purposefully 'without prejudice' and in excess of/not justified by its own valuation submissions to date.

Bruton Knowles LLP

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Planning Committee 13 September 2023

Application Number: 23/10692 Full Planning Permission
Site: MAPLE FIELD FARM, MARTIN ROAD, MARTIN SP6 3LR
Development: Convert redundant agricultural building into two holiday units; add pergolas and bay windows; demolish existing polytunnel
Applicant: Mr & Mrs Snelgar
Agent: Planning Base Ltd
Target Date: 15/08/2023
Case Officer: James Gilfillan
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council Contrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning History
- 2) Impact on the character of the area.
- 3) Impact on protected New Forest and Avon Valley habitats

2 SITE DESCRIPTION

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

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

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

The adjoining field is being used as a temporary/pop-up camping site and the building has been used in connection with this use.

3 PROPOSED DEVELOPMENT

Convert redundant agricultural building into two holiday units; add pergolas and bay windows; demolish existing polytunnel

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status | Appeal Description |
|--|---------------|----------------------|---------|--------------------|
| 21/11160 Application for approval under paras 75-78 of the Conservation of | 07/03/2022 | Granted | Decided | |

Habitats and Species Regulations 2010
(General Development Order) for the
continued use of the campsite

| | | | | |
|---|------------|---------|----------------|------------------|
| 20/11417 Convert redundant Agricultural Buildings into two holiday units; bay windows; pergolas; demolish existing polytunnel | 14/05/2021 | Refused | Appeal Decided | Appeal Dismissed |
|---|------------|---------|----------------|------------------|

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 STR6: Sustainable economic growth

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

Policy ENV3: Design quality and local distinctiveness

Policy CCC1: Safe and healthy communities

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

DM13: Tourism and visitor facilities

DM22: Employment development in the countryside

Local Plan Part 1: Core Strategy 2009. Saved Policy

CS19: Tourism

CS21: Rural economy

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Air Quality in New Development.

National Planning Policy Framework

Cranborne Chase AONB Management Plan 2019-2024

6 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council: PAR 4 REFUSAL. The reasons for the refusal are as listed.

- These plans have been used before and were refused. The council could not see any improvements from the last application.
- A structural survey has still not been completed.
- A bat survey has not been completed and bats are known to fly from the eaves of this building.
- The building is still out of character for the area and does not protect or enhance the AONB.
- The drive is too close to a change in speed limit from 30mph to 60mph encouraging infilling.
- It is not believed to be a redundant building as it is currently used as a shower block for the campsite on the premises.

- Allowing the building to be changed to holiday lets would lead to more applications for buildings as a new shower block and toilets would need to be added for the campsite.
- It would set a precedent of building an agricultural building to turn it into a home.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way: No objection, noting minimal risk of conflict between users of the Public Right of Way and the visitors to the proposed development, draws the applicants attention to ensuring the PROW is not obstructed during development.

Natural England: Confirm the proposed development would give rise to likely significant effects on features of nature conservation interest in the New Forest and Avon Valley, through increased recreational activity and nutrient impacts. The LPA should satisfy themselves that such effects can and are mitigated.

Cranborne Chase AONB Officer: Raises concerns regarding the effect of light spill on the Cranborne Chase dark sky reserve and conflict with NPPF.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Impact on the character and appearance of the area and suburbanising effect on Martin.
- Harm to the character of the AONB
- Land should be kept for agricultural use
- History of flouting planning regulations
- Noise and disturbance harming amenity
- Insufficient amenities in the village to support the proposed use
- Existing B&B holiday accommodation in the village is already under used
- Concerns regarding highway and pedestrian safety
- Site is untidy and unkempt
- Building is not redundant

For: 0

Against: 9

10 PLANNING ASSESSMENT

The scheme proposes to convert the existing building on site to residential use as holiday accommodation. The existing building can accommodate two 2-bed units. Minor alterations to the building, including bay windows and porch pergolas would be added for each unit. The polytunnel structures would be removed and space around the building divided to provide gardens. There is an existing access, gravel surfaced driveway and areas for parking.

This application is identical to that submitted in 2020, that was refused and dismissed at appeal due to the harmful impact such a development would have on water quality in the Avon valley that, at that time, could not be mitigated.

Principle of Development

The principle of the development was considered acceptable by the previous application, confirmed by the appeal decision, a material consideration.

The policy position, in this respect, has not changed and the development remains in accordance with policies DM13 and CS19.

The Inspector concluded that the site was suitably located for the development proposed and would accord with policy STR3. This appeal decision was taken after the latest NPPF was published in 2021, as such it was made with the requirements of para.176 in place, whereby great weight should be given to conserving and enhancing landscape and scenic beauty. The building is already present so is a feature of the landscape and scenery of the AONB.

The application would bring the vacant building back in to use, that would attract visitors to the area, who would be likely to spend in local shops and pubs, supporting the rural economy. Servicing the commercial use, through cleaners, laundry or gardeners would also support employment locally.

The principle of the scheme has benefits that weigh in support of the proposal.

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

When under consideration, the buildings subject to this application were considered appropriately designed for the context and character of the area. The maturity and size of trees and hedge along the roadside, southern boundary, would obscure views into the site for much of the year, limiting the effect of the changes proposed on the appearance of the street scene and character of the wider area.

The alterations proposed and effect of conversion to a residential use would inevitably give the building a more domestic appearance and include the trappings of residential occupation, such as flues, vents, aerials or satellite dishes, some of which could be controlled by condition or would not be readily visible or appreciated from outside the site and would only be modest taking in account the buildings existing appearance.

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

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

Division of land around the site to enclose gardens would have little impact on wider character and appearance. A condition is proposed to secure a landscape scheme to ensure any external alterations to the drive, parking area and gardens around the building respect the rural character of the area.

Policies STR 2 and ENV4 refers to the special qualities and purposes of Cranborne Chase AONB and their settings being retained protect landscape character through sensitive development and specific reference is made to areas of intrinsically dark skies (Policy ENV4(iv)). The NPPF (para.176) requires decision makers to place great weight on the need to conserve the landscape and scenic beauty of the AONB.

There are existing buildings on the site although their existing agricultural use would have limited fenestration and light pollution from an agricultural use would be minimal. Additional fenestration is proposed but this is not unreasonable within its context and residential use is likely to lead to use of blinds or curtains. No first floor accommodation or rooflights are proposed. Furthermore, external lighting could be very subtle and low level bollard style, significantly reducing the potential for light spillage beyond the site and any likely impact on Dark Skies within the AONB. A condition is recommended to secure details of the colour of external features to minimise visual intrusion.

Ecology

The application is supported by a preliminary ecological appraisal produced in 2020 to support the previous application. Whilst it concludes no evidence of protected species on site due to supporting features not being present, that report is almost 3 years old.

Representations received from local residents suggest the presence of bats in the area. It would be reasonable, given the passage of time and periods of inactivity for habitation by bats to occur. A condition could be used to ensure a revised bat survey is undertaken.

The Council's Ecologist has advocated ecological enhancements that should be incorporated. The minimal construction required to convert the building would not give rise to material disturbance or threat to any other species, such as birds, that may be present in the wider area, to justify any form of ecological construction management or restrictions.

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 has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Phosphate neutrality and impact on River Avon SAC

The appeal against the decision of the council to refuse planning permission for this development in 2021 was dismissed due to the inability of the applicant to deliver mitigation for the impact of the development on water quality in the River Avon.

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

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar sites) are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

New Forest Habitats 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.

Highway safety, access and parking

The existing access and space available for parking would meet the needs of the development. The risk of conflict between visitors and pedestrians on the Public Right of Way, shared with the access drive, would be minimal due to the low number of vehicle movements.

Concerns regarding the lack of footways beside the road leading in to the village and the speed of vehicles at this point are noted, but are existing problems for all local residents. The scale of movements generated by this scheme would not materially increase existing conflicts.

Air Quality

In response to the requirements of the 'Air Quality Assessments in New Development SPD 2022, the development is not sited in an area where air quality would have an impact on the health of residents. The scheme is not immediately adjacent to the road and new boilers would meet modern standards. It would not be proportionate to impose any further requirements on this scheme.

Residential Amenity

There are no residential properties adjoining the site. The nearest, across Martin Drove are far enough away to be unaffected by the building and proposed alterations. The proposed use would give rise to some noise and potential disturbance, but not at a scale, at only 2 bed units, duration or nature that would be

out of keeping with the predominately residential uses in the area, the potential for disturbance from the neighbouring Martin Club and the agricultural uses that could arise from use of the building historically.

Developer Contributions

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

- New Forest recreational mitigation infrastructure £8,452.00
- New Forest recreational mitigation non-infrastructure £1,322.00
- New Forest Air Quality monitoring £206.00

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 | 139 | | 139 | 139 | £80/sqm | £15,183.08 * |

| | |
|----------------|------------|
| Subtotal: | £15,183.08 |
| Relief: | £0.00 |
| Total Payable: | £15,183.08 |

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

There have been no changes in circumstances, context or policies that could support taking a contrary view to the Inspector on the acceptability of the proposals.

The scheme would make use of an existing building in a manner that has benefits. It would preserve the character and appearance of the area, including the scenic beauty of the AONB. Residential amenity would be preserved and there would be no material impact on highway or pedestrian safety.

The imposition of a condition can now be relied upon to mitigate the effect of the development on water quality in the Avon valley, thereby overcoming the reason the appeal was dismissed.

It is considered that this proposal is acceptable in principle, as stated by the Planning Inspector.

Whilst the concerns of residents are understood, it is not considered that the issues raised would justify a recommendation for refusal.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the mitigation for the recreational and air quality impacts on New Forest Habitats
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

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

Site location plan received 20/06/23

Site & block plans, elevations & floor plans ref:1919/2 rec'd 20/06/23

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used for short term holiday let purposes only, shall not be occupied by the same person or persons for more than one month in any one calendar year, and for no other use purposes, whatsoever, including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof.

Reason: To prevent change of use to other forms of residential development permissible by the GPDO and permission is granted in this case in order to support sustainable rural tourism, in an area in which housing would normally be resisted in accordance with Policy DM13 of the Local Plan for the New Forest District outside of the National Park (Part 2: Sites and Development Management) and having regard to the objectives of the NPPF.

4. Before their installation, 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.

5. Details of the hard landscape layout, surfaces, lighting, for the entrance access drive, parking courtyard, rear gardens and their enclosure shall be submitted to an approved in writing by the Local Planning Authority. The approved details shall be completed before first occupation of the building for the use hereby approved and thereafter retained.

Reason: In the interests of the character and appearance of the site and in accordance with policy ENV3 of the New Forest Local plan Part 1: Planning Strategy 2020, the Dark Skies designation and Cranborne Chase AONB Management Plan.

6. The development hereby approved shall not be occupied unless
- 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;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

7. Prior to the commencement of development a survey of the existing dwelling for the presence of bats shall be undertaken by an appropriately qualified consultant and submitted in writing to the Local Planning Authority. The survey should establish, in sufficient depth, the presence or absence of any bats.

Should evidence of the presence of bats be found, then prior to commencement of conversion works, emergence/entry surveys shall be undertaken and reported in writing to the Local Planning Authority, and full details of mitigation and compensation measures in respect of any protected species found shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and the approved measures of mitigation and compensation shall thereafter be implemented in accordance with an approved programme of works.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

8. Prior to first use of the development hereby approved, the following ecological features shall be installed on site:

2x bee houses on the south elevation
2x sparrow terraces on the north east gable end
2x hedgehog boxes within the grounds

These features shall thereafter be retained.

Reason: In the interests of securing bio-diversity enhancements in accordance with DM2 of the New Forest District Council Local Plan Part 2: Sites and DM policies 2014.

Further Information:

James Gilfillan

Telephone: 02380 28 5797

NFDC



New Forest
DISTRICT COUNCIL

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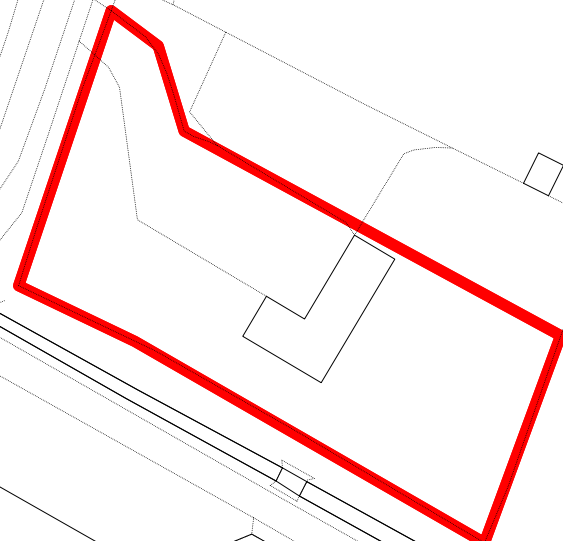
David Norris
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

September 2023

Maple Field Farm
Martin Road
Martin
23/10692

Maplefield Farm



67.7m

Springdale

Vine Cottage

Martin Club

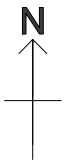
Honey Pound

West End Cottage

Meadows Edge

67

Westerly



Scale 1:1000

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

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Planning Committee 13 September 2023

Application Number: 23/10558 Full Planning Permission
Site: THE PROMENADE SEAWALL, SOUTH OF HURST ROAD,
MILFORD-ON-SEA
Development: Construct rock revetment in front of existing sea wall, install
stabilising rock fillet at base of existing seawall return and
replace part of damaged timber groyne with rock armour.
Applicant: New Forest District Council
Agent:
Target Date: 05/09/2023
Case Officer: James Gilfillan
Officer Recommendation: Grant Subject to Conditions
**Reason for Referral
to Committee:** Applicant is NFDC

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Shoreline management and erosion and flood risk
- 2) Impact on the character and appearance of the shoreline and openness of the Green Belt
- 3) Ecology

2 SITE DESCRIPTION

The application site is located on the shoreline on the edge of Milford on Sea to the south of Hurst Road close to the Needles Cafe. Its is at a point on the shoreline that has been historically protected by groynes and a concrete sea wall with promenade. There are beach huts set in to the sea wall and steps down to the beach. There are public car parks near the site making the site an easily accessible and well used stretch of shoreline.

The site and adjoining open space are in the South West Hampshire Green Belt. The adjoining land is Public Open Space, including a bowls club and equipped childrens play area.

Christchurch Bay is designated as the Solent and Dorset Coast Special Protection Area (SPA). There are other designated habitats nearby at Keyhaven marshes and Sturt Pond.

The site is at risk of tidal flooding.

3 PROPOSED DEVELOPMENT

Construct rock revetment in front of existing sea wall, install stabilising rock fillet at base of existing seawall return and replace part of damaged timber groyne with rock armour.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|-------------------------------|---------|
| 15/11599 119 beach huts; associated works including slabs; ramps; steps; railings; temporary fencing & barriers; demolition of existing (Details of access, landscaping, siting, appearance and scale, development granted by Outline Permission 15/10061) | 14/01/2016 | Granted Subject to Conditions | Decided |
| 15/10061 119 beach huts; associated works including slabs; ramps, steps, railings; temporary fencing & barriers; demolition of existing (Outline Application with details only of access) | 11/03/2015 | Granted Subject to Conditions | Decided |
| 05/84006 Concrete beach hut | 17/05/2005 | Granted | Decided |
| 04/83514 6 concrete beach huts in 2 blocks (one of 2 and one of 3) and 1 single hut | 10/02/2005 | Granted Subject to Conditions | Decided |

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 ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy CCC1: Safe and healthy communities

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

New Forest District Local Plan First Alteration 2005

DW-E12: Protection of landscape features

National Planning Policy Framework

National Planning Policy Guidance

South Inshore Marine Plan 2018

Poole & Christchurch Bays Shoreline Management Plan 2 2011

Christchurch Bay and Harbour FCERM Strategy consultation draft 2023

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: PAR 3: We recommend PERMISSION

Due to the locality, the parish council recommend consideration be given to the timings of the works to limit disruption.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecology: Due to the scale and location of works, the existing activity that occurs and the detrimental impact on habitats that would occur should the proposed works not occur, likely significant effects would not occur.

Natural England: Seek more details regarding the timing of the works to consider if birds would be disturbed.

Environment Agency: No objection

9 REPRESENTATIONS RECEIVED

None received.

10 PLANNING ASSESSMENT

Coastal erosion has removed extensive volumes of shingle and sand from the foreshore between 3 groynes. This has exposed the sheet pile at the bottom of the blockwork sea wall to the impact of wave action. Erosion of the sheet pile would allow the block wall above to be undermined, likely to result in collapse of the wall, the promenade above and beach huts thereon.

The scheme proposes to install rock armour on the beach in front of the sheet pile to dissipate wave energy and the damaging effect of waves striking the sheet pile.

The seaward end of the timber groyne (No.10) in the centre of the stretch of foreshore at risk has been damaged and lost. The scheme proposes to install a rock groyne, beyond the end of the remaining section of timber groyne, to maintain the effectiveness of the groynes in minimising washout of the beach material.

A further section of sheet pile is exposed adjacent to groyne 9 and the existing beach access steps. Rock armour would be formed around it to dissipate the eroding impact of wave action.

Principle of Development

The site is not within the stretch of shoreline where coastal change is accepted and managed through the defined Coastal Change Management Area, where development is limited by adopted policy DM6.

It is within sections of the shoreline identified for protection, either through continued maintenance of existing infrastructure or by new upgraded defences by the existing Shoreline Management Plan and draft FCERM strategy.

The proposed works are entirely functional in form and required to maintain an area where defences against coastal erosion have already been installed. The need for the development is quite clear and approaching the winter is imperative to avoid further erosion with more catastrophic consequence for the integrity of the seawall.

By definition the works are at risk of tidal inundation, however in respect of the sequential test and flood risk assessment they would be flood resilient and compatible.

Being outside the built up area as defined by STR3 shown on the policies map the site is within the open countryside. Whilst STR3 seeks to direct development towards sustainable and accessible locations, the form of development proposed here can only be located in this location and is directly related to the existing infrastructure. There would be no conflict with strategic policies.

The scheme proposes to use part of the adjoining public open space as a works compound for the duration of the works. This would restrict public access to the area temporarily, so would not result in its loss, as resisted by policy DM8, however the space identified for use only accounts for a small percentage of the overall area and has no impact on the useability of the space, or the bowls club and childrens play area.

Planning ahead for the construction process is positive and ensures its impact is constrained and the potential conflict between users of the area and the construction are managed and minimal. Conditions can be imposed to ensure the area is restored after the development is completed.

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

The design of the works is entirely functional to the need to defend the shoreline. The installation of rock armour is consistent with existing coastal defences around the edge of Christchurch Bay. Due to its low lying position, some of which would be obscured from view in the water for long periods, and the small area of armour to be installed, there would be no material impact on the character or appearance of the shoreline.

The site falls in the South West Hampshire Green Belt. The NPPF defines that engineering operations are not inappropriate development in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Due to their location alongside existing engineered infrastructure, their small size and design, the proposed engineering works would preserve openness and would not conflict with the five purposes of designating Green Belts.

Ecology

As part of the Solent and Dorset Coast area, Christchurch Bay is designated as a Special Protection Area (SPA) and Ramsar, due to the species it supports. The edge of the SPA is the Mean High Water, some of the works proposed extend beyond that line into the SPA.

The proposals are neither directly connected with nor necessary to the management of the European designated sites. Therefore there should be consideration of the likelihood of significant effects on the integrity of the protected habitats and features arising.

The process of implementing the scheme would give rise to noise and pathways for contamination of water quality, likely to be the most significant in respect of likely impact on species supported by the SPA and other nearby designated sites.

The works would occur at the very edge of the SPA leaving the rest of Christchurch Bay and the wider Solent and Dorset Coast unaffected. Due to the presence of 2

public car parks, recreational facilities, cafe, beach huts and accessible beaches there is already a wide variety of noise occurring throughout the day, as such any noise generated by the proposals is unlikely to be materially more disturbing than occurs already, nor would it have an impact materially beyond the immediate area leaving the rest of the Ramsar, SPA and other designated habitats nearby unaffected.

Whilst the timing of works would also contribute to the potential for impact, seeking to avoid overwintering or breeding periods, Nov-March and April-August respectively, that does not leave much flexibility for the applicant to account for avoiding periods when the beach and area are busy or times when high seas and storms are more likely.

As the effect of noise from this project is not considered to disturb species relying on the surrounding habitats it would not be necessary for the Planning process to arbitrarily impose working restrictions on implementation of the development, given the competing demands and issues that the applicant has to consider.

The process of placing the rock armour in situ does not involve potentially contaminating materials or processes such as laying wet concrete, or extensive dust from cutting, digging or grinding materials. Bringing construction vehicles on to the beach has the potential for spillage of contaminants from vehicles, however their involvement is largely inert and any refueling or maintenance etc can readily occur in the proposed compound, nor is there an intention to work in the water. Furthermore due to the scale of the works the number of vehicles and length of time working on site would minimise the potential for problems to occur

Although unlikely to require mitigation due to the limited extent and scale of their impact, other less significant impacts should also be considered:

Physical processes along the coast have lead to the need to undertake the development. As none of the proposed features are new, such as an additional groyne, there is unlikely to be any material impact on water flow and general movement and certainly not on the conservation objectives of the habitats.

The original beach levels were above mean high water and have only recently become intertidal supporting habitat as a result of the washout. As the area is very small and the works would prevent further washout of materials from the sheet pile wall there would be no detrimental impact.

The proposed works would not give rise to likely significant effects and would preserve the integrity, status and nature conservation objectives of the European Sites.

Highway safety, access and parking

The works themselves would have no impact on the public highway. Further erosion resulting in the seawall being undermined could have an impact on the promenade above, however this is not a Public Right of Way or Bridleway, so would be a matter for the land owner to manage.

The application site includes land adjoining the beach, within the area of openspace on the cliff top. This is adjacent to Hurst Road and would enable delivery of construction material and equipment, along with space to store it, thereby preserving highway and pedestrian safety.

The applicant has not discounted delivery of materials by barge, however the presence of large HGV's on the public highway approaching the site would not give rise to unacceptable impacts on highway safety and would be managed by the applicant and their contractors, as any large vehicles are expected to be when on the public highway.

Residential amenity

The works themselves would preserve the amenity of local residents. The process of delivering materials and undertaking construction would have some noise impact, but due to the location of the works, the scale of project and recoverability of the sensitive receptors the disturbance would not be to the extent or duration to be detrimental to residential amenity.

The supporting environmental statement indicates notification of residents would be undertaken to advise when works would occur, this is encouraged as good practice but not fundamental to the acceptability of this planning application.

Developer Contributions

N/A

11 OTHER MATTERS

None

12 CONCLUSION / PLANNING BALANCE

The proposals are consistent with shoreline management plans, would not conflict with strategic planning policies and are imperative to avoid further failure of existing infrastructure, likely to have more significant environmental impacts.

The likely significant effects with the potential to harm features of nature conservation interest are considered not to arise and the scheme would contribute to the protection of the shoreline and the built environment.

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:

Landownership and Outline Plan Drg No:V2 rec'd 12/07/23
Plan and typical details, Revetment, Groyne & Fillet ref:MOS 2023/1 rev 2
rec'd 12/07/23

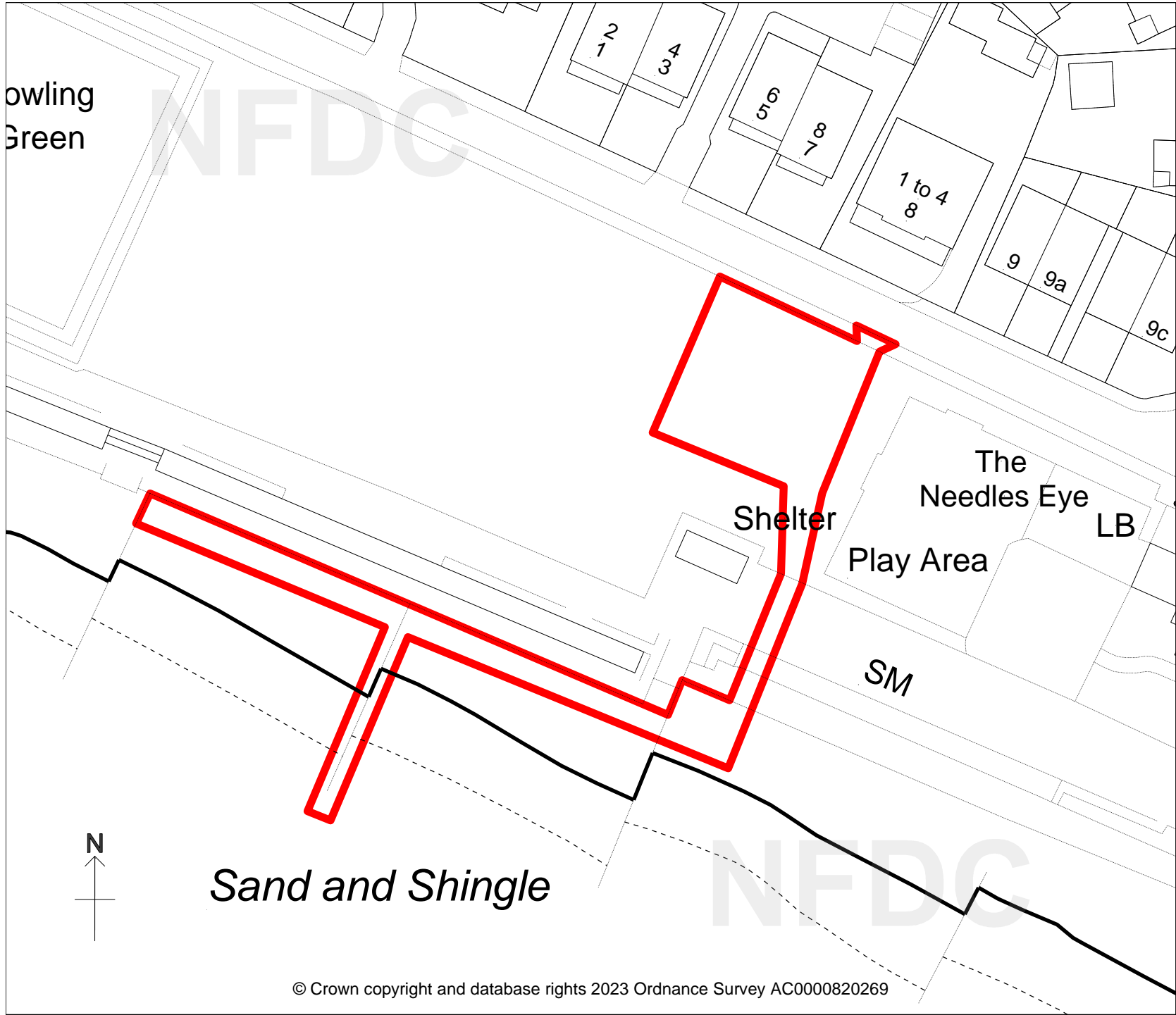
Reason: To ensure satisfactory provision of the development.

3. Within 6 weeks of the removal of the site compound, as shown on the approved plans, the Public Open Space shall be restored to its condition prior to formation of the compound required for the development hereby approved.

Reason: In the interests of ensuring the quality and appearance of the Public Open Space and in accordance with Policy DM8 of the New Forest District Local Plan Part 2: Sites and DM policies 2014 and DW-E12 of the New Forest District Local Plan First Alteration 2005.

Further Information:

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PLANNING COMMITTEE

September 2023

The Promenade Seawall
South of Hurst Road
Milford on Sea
23/10558

Scale 1:700

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

Planning Committee 13 September 2023

Application Number: 23/10307 Full Planning Permission
Site: SPRINGBOURNE FARM, ROCKBOURNE SP6 3NS
Development: Residential dwelling and garage/store; demolition of existing agricultural barn, stables and dilapidated outbuilding
Applicant: Roddys Retreat Ltd
Agent: Pell-Stevens Architects
Target Date: 11/05/2023
Case Officer: Vivienne Baxter
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council Contrary View

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/AONB
- 3) impact on the residential amenities of the area
- 4) highway/right of way matters including parking
- 5) ecology and bio-diversity

2 SITE DESCRIPTION

The site lies to the northern edge of Rockbourne along a farm track also in use as a public right of way. It is formed from part of a collection of former farm buildings and static caravan and small yard area to the south. There are other buildings in this complex and several paddocks also in the same ownership. The land is situated within the countryside and the Cranbourne Chase Area of Outstanding Natural Beauty.

The access track to the site rises from the road running through Rockbourne and the site is elevated with the land rising further to the south east where the site is bound by post and rail timber fencing and metal farm gates. The boundary to the track is hedging which presently screens the barn from wider views. Access into the site is to the north east off the track between the two barns.

3 PROPOSED DEVELOPMENT

The application follows the planning approval of the conversion of these buildings to residential use in December 2022 (ref 20/10975). The current proposals would have an identical appearance and siting to approved conversion scheme and the number of bedrooms would be the same.

The proposal entails the demolition of the buildings on site and their replacement with a single storey dwelling with sedum roof comprising open plan kitchen, dining and sitting room, utility room, three bedrooms (one ensuite) and a family bathroom

and a garage/store building accommodating two cars and two separate store areas. The access provisions would remain the same with a gravelled courtyard providing turning space.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|---|---------------|-------------------------------|-----------|
| 23/10278 Removal of condition 11 of planning permission 20/10852 to enable the three dwellings to be completed as dwelling houses with unrestricted occupation | 12/07/2023 | Granted Subject to Conditions | Decided |
| 20/10975 Conversion of existing agricultural barn to residential. Conversion of existing stables to garage/store; demolition of dilapidated outbuilding | 01/12/2022 | Granted Subject to Conditions | Decided |
| 20/10852 Partial conversion, demolition & internal excavation of existing agricultural building into 3 x holiday lets; new wall to the retained section of barn | 01/12/2022 | Granted Subject to Conditions | Decided |
| 19/11242 Conversion of existing agricultural buildings into 6 holiday lets | 11/11/2019 | Withdrawn by Applicant | Withdrawn |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel
 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 IMPL1: Developer Contributions
 Policy IMPL2: Development standards
 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

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
 SPD - Parking Standards
 SPD - Air Quality in New Development. Adopted June 2022

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

NPPF
NPPG

6 PARISH / TOWN COUNCIL COMMENTS

Rockbourne Parish Council

PAR4: We recommend REFUSAL, for the reasons listed.

This plan is against New Forest District Council planning policy, which encourages tourist use but not residential.

The Parish Council also note that a similar application at this property was refused recently.

Following clarification:

Further to your call on this application and the response from Rockbourne Parish Council of PAR 4, recommend refusal, we would like to add that we have concerns about access and the sharing of the footpath with vehicles.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way: Object due to turning being outside of the site area along the right of way but also recommend condition in the event of an approval

Ecologist: No objection in principle

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

Background

Application 20/10975 for the conversion of existing buildings on site into a dwelling was approved under delegated powers in December 2022. This consent remains extant. There is also an associated application for other buildings at Springbourne Farm being converted into three holiday lets (20/10852). Members will recall from July this year, that this latter application was varied to allow the conversion to dwellings rather than specifically holiday lets (23/10278).

All of these three applications are extant meaning that permission already exists at Springbourne Farm for four dwellings (or one dwelling and three holiday lets). The proposal does not change this position.

Principle of Development

The site is situated within the countryside where new residential development is not usually permitted unless it is for agricultural or forestry workers or affordable housing as stated in Policy DM20 of Local Plan Part 2. The proposal does not identify that

the dwelling would be for these particular uses and it is therefore contrary to this policy. Approval of the previous scheme was considered acceptable in view of paragraph 80 of the NPPF which can allow for the conversion of redundant buildings where the immediate setting is enhanced.

However, the provisions of Para. 80 of the NPPF do not now apply as it is now proposed to demolish the existing buildings on site and construct a new dwelling. In principle therefore, the current proposal would be contrary to local and national policy.

However, given the conflict with policy, although the current proposal would result in an identical scheme, the fallback position needs to be considered in this case. The applicant has submitted evidence relating to the principle of the fall back position. It has been confirmed by the applicants that it is still physically possible to convert the existing buildings in accordance with the approved scheme and should permission not be forthcoming for this scheme, the extant permission would be implemented.

In considering the fallback position further, reference is made to a Court of Appeal decision (*Regina (Mansell) v Tonbridge and Malling Borough Council*) where it was submitted as supporting information, that the fall back position as a material consideration is not a novel concept but should 'keep in mind the scope for a lawful exercise of planning judgement by a decision-maker'. For the 'real prospect' of a fall back development to be implemented, '*it does not have to be probable or likely: a possibility will suffice*'. It goes on to say that there is no rule of law stating the 'real prospect' of a fall back development has to rely on permission being granted (as it has in this case) or the developer making use of any permitted development rights but that the particular circumstances of the case in hand should be considered.

Having regard to this, the fall back position is a material consideration and any differences between the extant and proposed schemes together with any changes in policy should be weighed against this. The proposal would have the same appearance as the extant scheme and would not have any greater impact on other material considerations (discussed below) which might result in a different recommendation. The current proposal is being considered under the same policy framework as the extant permission although it is noted that there have been updates with regard to, for example, Habitat Mitigation contributions.

The applicant has advised that the reasoning behind the proposal is to allow a more sustainable form of development highlighting that a new build would be quicker to construct than a conversion and as a result of materials and insulation, the property would have less demand on energy. This is in addition to the provision of a green roof with rainwater harvesting and water efficient sanitary ware.

Each case needs to be considered on its own individual merits. It is therefore concluded that whilst the proposal is contrary to both Policy DM20 and NPPF Para. 80 - and there have been no material changes to planning policy since the previous approval - the proposed scheme is identical in its impact to that approved in 2022 which could be implemented. On the basis that there would be no materially greater impact as a result of the current proposals when compared to the extant permission it would be difficult, in this instance to demonstrate planning harm and so justify a refusal of planning permission for this particular application.

Design and impact on local character and appearance of area including AONB

The proposed dwelling would reflect the design and siting of the extant permission. The existing structure is approximately 3m in height although in view of the site levels, this varies a little in both directions. The proposed dwelling would be split

level inside in order to accommodate these changes (as was the extant permission) and the resultant building with green roof would sit comfortably within its landscape setting.

The elevation facing the public right of way (NW) would have a row of small openings, similar to openings in the adjacent building (subject of a extant permissions for conversion to 3 holiday lets or dwellings) and as such, is not considered to adversely affect the character or appearance of the area or its setting.

The proposed garage/store building would reflect the height of the existing stable building and a small attached building to the rear of this and currently in a poor state of repair, would be removed completely. The new building would be identical to the extant permission and would represent an enhancement of the existing situation.

At present, the area between the existing buildings on site and the adjacent paddock area is partially hard surfaced. Much of this surfacing would be replaced by a smaller gravelled area for parking/turning and a grassed garden area with planting. The overall scheme would enhance the appearance of the area and landscaping can be secured by a condition.

The AONB office previously raised concern about the extent of glazing to the main habitable space to the property. The applicant has indicated on the proposed plans that these windows would include blinds/curtains. Consideration has been given to the imposition of a condition requiring such features to be used but discounted on the grounds that it would not be enforceable. However, having regard to the extent of glazing to the main living space of the dwelling, it is further noted that the ground floor of the proposed dwelling is some 0.7m below the proposed garden level with land beyond the site area continuing to rise towards a hedgerow approximately 90m away. With the combination of this lower setting together with - as recommended by the AONB office - the provision of a brise soleil above these glazed areas, some of which face towards the proposed garage /store building, it is considered that the impact of the glazing and potential light pollution would be minimised by the natural setting of the building and brise soleil. As such it would have an acceptable impact subject to a condition on no further window openings being added.

Residential amenity

The nearest residential properties are to the northwest of the access track, close to the road. However, whilst there is an extant permission for the conversion of adjacent buildings to this site into 3 dwellings, it is not considered that the proposed dwelling would suffer from limited amenity due to their proximity nor would it result in any loss of amenity for future occupant of the adjacent scheme.

Right of Way safety, access and parking

The proposed dwelling would utilise the track over which the applicant has stated that they have a right of access. This access would lead into the gravelled courtyard where parking and turning would be possible. The submitted plan indicates that large service vehicles could turn around using this access and the track and as such, the proposal is considered suitable for emergency service vehicles too.

The proposal includes adequate parking for a 3-bed dwelling - two spaces within the new garage building and, whilst not marked within the courtyard, there is adequate space to provide a further space within this area without harming the turning facility.

The proposed garage building also provides 2 separate storage areas which could accommodate cycle parking spaces. The installation of infrastructure to allow the provision of electric vehicle charging facilities, should future occupiers require it, could also be provided within the building and a condition can ensure this provision.

The parking and turning proposals are the same as the approved scheme to which neither the HCC Rights of Way Officer or the Parish Council raised any concerns. This was subject to compliance with standard conditions and informative's relating to the impact of construction and development on the right of way which would be imposed again should permission be forthcoming. The more recent comment from the Rights of Way Officer (Countryside Services) raises concern about the use of the track beyond the access gate together with the associated turning on a public right of way. In these respects, the right of access is a separate matter to planning and there would be no more harm to the users of the right of way than the extant permission.

Ecology and on-site Biodiversity

The buildings offer limited ecological benefit at present. Given the removal of hard surfacing and its replacement with a small garden area, there is scope to increase biodiversity within the site as well as the green roof proposed on the dwelling. Ecological enhancements are also referred to in the ecological appraisal and these can be secured through an appropriately worded planning condition.

Habitat Mitigation and off-site recreational impact

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 need to enter into a Section 106 legal agreement, which secures the required habitat mitigation contribution as detailed below.

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that

circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Air Quality

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 NOx, 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 need to enter into a Section 106 legal agreement, which secures the required air quality monitoring contribution as detailed below.

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 no kerbside development, no solid fuel appliances and the installation of electric car charging points.

Developer Contributions

The extant scheme secured the following contributions:

- Air Quality Monitoring - £91 and
- Habitat Mitigation (infrastructure) £5,597 and (non-infrastructure) £813

These figures are at the 2022 rate and as there is no change to the number of bedrooms in the proposal, there is no requirement for any uplift to these figures.

However, a confirmatory deed will be required in order that the funds paid against 20/10975 can be transferred to the new application.

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

| Type | Proposed Floor space (sq/m) | Existing Floor space (sq/m) | Net Floor space (sq/m) | Chargeable Floor space (sq/m) | Rate | Total |
|-----------------|-----------------------------|-----------------------------|------------------------|-------------------------------|---------|---------|
| Dwelling houses | 215 | 215 | 0 | 0 | £80/sqm | £0.00 * |

| | |
|----------------|-------|
| Subtotal: | £0.00 |
| Relief: | £0.00 |
| Total Payable: | £0.00 |

11 OTHER MATTERS

In view of the proposal resulting in the same layout and visual appearance as the extant scheme, further views of the Highway Authority and AONB office were not sought with the report being based on their previous comments.

12 CONCLUSION / PLANNING BALANCE

The proposal would have no materially greater impact on the character or appearance of the area nor result in any additional harm to users of the adjacent footpath compared to the extant scheme. Although a new dwelling would be contrary to Policy DM20 and NPPF Para. 80, in this case it is considered that the fall back position (the existing planning outweighs any harm a new dwelling would have in this location. Planning permission is therefore recommended subject to planning conditions and the prior completion of a legal agreement in order to secure the transfer of the appropriate contributions.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Air Quality Monitoring and Habitat Mitigation financial contributions
- ii) the imposition of the conditions set out below.
- iii)

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:

Planning and Heritage Statement
Sustainability Statement
Ecology Report
00-101 - location plan - existing
01-103 - block plan - existing
01-104 - site plan - existing
01-111 - ground floor plan - existing building A
01-112 - ground floor plan - existing building C
01-116 - existing elevations - building B
01-113 - existing elevations - building A
01-114 - existing elevations - building C
01-115 - ground floor plan - existing building B
03-103 - block plan - proposed
03-104 - site plan - proposed
03-105 - site section - existing and proposed
03-111 - ground floor plan - proposed
03-113 - roof plan - proposed
03-120 - NE elevation - proposed
03-121 - SW elevation - proposed
03-122 - SE elevation - proposed
03-123 - NW elevation - proposed
03-124 - section AA - proposed
03-130 - garage and stores - proposed

Reason: To ensure satisfactory provision of the development.

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

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

5. 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 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.

6. 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.

7. The development hereby approved shall not be occupied unless

- 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;
- proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

8. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
- a) A programme of and phasing of demolition and construction work;
 - b) The provision of long term facilities for contractor parking;
 - c) The arrangements for deliveries associated with all construction works;
 - d) Methods and phasing of construction works;
 - e) Access and egress for plant and machinery;
 - f) Protection of access track including pedestrian routes during construction, monitoring damage during construction and plans to restore post-construction;
 - g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - h) Address any further issues as outlined in the conditions requested by HCC Countryside Services.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and in accordance with Policy ENV3 of the Local Plan Part 1.

9. The development hereby permitted shall not be occupied until the spaces shown on plan 03-111 for the parking and garaging of motor vehicles and cycles have been provided. The spaces shown on plan 03-111 for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwellings hereby approved at all times.

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

10. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the 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).

11. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

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

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

12. Prior to the commencement of works relating to the floor of the proposed dwelling, details of a hydrocarbon resistant membrane shall be submitted for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwelling.

Reason: In the interests of public safety and in accordance with Policy CCC1 of the Local Plan Part 1: Planning Strategy for the New Forest outside of the National Park.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) 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, means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order or additional openings in the external walls/roof shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the size of the plot and its location within the countryside and AONB, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area, the character of the countryside or AONB, contrary to Policies STR2, ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

14. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the building would not be harmful to the Cranborne Chase Area of Outstanding Natural Beauty and Dark Skies Reserve contrary to the provisions of Policies, STR2 and ENV3 of the Local Plan Part 1 2016-2036 for the New Forest outside of the National Park.

15. The works hereby approved shall be undertaken in strict accordance with the Ecology Report (KP Ecology Ver 4 dated January 11th 2020) submitted with the planning application unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancements in Section 7.0 of the Ecology Report shall be implemented prior to first occupation of the dwelling 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 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, and, DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

Further Information:

Vivienne Baxter

Telephone: 023 8028 5442

NFDC



New Forest
DISTRICT COUNCIL

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

David Norris
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

September 2023

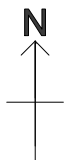
Springbourne Farm
Rockbourne

23/10307

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N.B. If printing this plan from
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NFDC

Planning Committee 13 September 2023

Application Number: 23/10586 Listed Building Alteration
Site: NEVIS, NELSON PLACE, LYMINGTON SO41 3RT
Development: Rear extension (Application for Listed Building Consent)
Applicant: Mr & Mrs Phillips
Agent: Morgan Building Design
Target Date: 02/08/2023
Case Officer: Julie Parry
Officer Recommendation: Refuse
Reason for Referral to Committee: Town Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the historic significance and character of the listed building.
- 2) Impact on historic fabric.

2 SITE DESCRIPTION

Nevis is a two-bay double-pile 18th century Grade II listed town house located on Nelson Place within the Lymington Conservation Area. The form of the main building and the ancillary buildings to the west appear to have been unaltered since the mid-19th century. To the rear, the building has two full height projecting bays. These bays are well proportioned, and the original rear elevation has greater architectural interest above typical 18th century town houses in this part of Lymington. There are a number of listed buildings along this road, including the adjoining neighbour, Nelson House.

The semi-detached dwelling sits within the front north-eastern corner of the plot and benefits from attached garages to the side which front the highway. The rear garden is relatively large and extends beyond the garage block.

Map regression shows that the garden wall on the eastern boundary was historically a “crinkle-crankle” wall until the early 20th century, but this appears to have been replaced with a straight garden wall.

In 2015, consent was granted for the current garden room extension which projects to the rear of the western bay and includes a roof lantern which sits to the front of a first floor window located on the rear elevation.

3 PROPOSED DEVELOPMENT

The proposal is to extend the existing timber extension across the width of the property. This would re-use some of the existing materials and continue in the same moulding detail as the existing extension. The proposed addition would incorporate the garden wall by underpinning the wall and building above with the

same style of brickwork finished with a parapet at the top. The roof would incorporate a roof lantern to match that used on the existing extension.

A previous application for a similar proposal was recently refused. The changes from this previous application are that the proposed extension now incorporates the side boundary wall instead of a separate parapet wall, which results in the centralising of the roof lantern and doors.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|---|---------------|-------------------------------|---------|
| 23/10320 Single-storey rear extension | 15/05/2023 | Refused | Decided |
| 23/10321 Single-storey rear extension (Application for Listed Building consent) | 15/05/2023 | Refused | Decided |
| 15/11702 Single-storey rear extension | 28/01/2016 | Granted Subject to Conditions | Decided |
| 15/11703 Single-storey timber framed glazed extension with roof lantern (Application for Listed Building Consent) | 28/01/2016 | Granted Subject to Conditions | Decided |
| 92/NFDC/50943/LBC Addition of dummy external shutters to north elevation | 13/01/1993 | Refused | Decided |
| 92/NFDC/50944/LBC Repaint north elevation/display window silhouette of Nelson | 03/12/1992 | Granted | Decided |
| 90/NFDC/45157 Erection of a conservatory | 12/07/1990 | Refused | Decided |
| 90/NFDC/45158/LBC Erection of a conservatory | 10/07/1990 | Granted | Decided |
| XX/LYB/12415 Additional room in roof and extensions. | 15/05/1970 | Refused | Decided |
| XX/LYB/01281 Conversion of existing store into two garages. | 13/12/1952 | Granted | Decided |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Permission but would accept a delegated decision

7 COUNCILLOR COMMENTS

Cllr England supports the application for the following reasons:-

- The application mirrors the previous permission for a single-storey rear extension
- the proposal provides symmetry to the rear elevation
- the rear is not visible
- no impacts on the street scene

8 CONSULTEE COMMENTS

Conservation Officer

Objects. As proposed, the development by reason of its scale, detailing and proportions would detract from the rear elevation of the historic building, which is considered to be of high architectural and aesthetic interest. The development would result in less than substantial harm. As per Paragraph 199 of the NPPF, great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm. The application should be refused.

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

Principle of Development

The main considerations when assessing this application are the impact on the historic fabric of the Listed Building, along with any effect on its significance, character and layout. The National Planning Policy Framework 2021 (NPPF) makes clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Local Plan Part 2 Policy DM1 provides that development proposals and other initiatives should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets.

Design, site layout and impact on the historic significance and character

On the rear elevation, the property has two full height projecting bays which are well proportioned and of high architectural and aesthetic interest. The existing extension, with its relatively high, bulky roof form and roof lantern, has resulted in some change to the historic building's rear elevation. Currently, with the existing gap between this extension and the boundary wall, there is a view of one full bay on the rear elevation and the evolution of the property can be easily read. The gap remaining to the side of the extension is important and allows the original form, evolution and understanding of the building to remain.

The proposed extension, as a result of its size and depth, would be an unduly large and dominant addition that would be detrimental to an appreciation of the original historic rear façade. By creating an almost continuous built form across the rear of the two properties, the extension would have a detrimental impact on the character and significance of the host listed building.

Whilst the proposed extension would match the existing and provide a symmetrical built form across the plot, the proposed design would have little regard for the simple rear façade of the original building and would remove any remaining legibility of the historic bays at ground floor level when viewed from the rear. The additional roof lantern would further impose on views of the original rear façade.

In terms of the effect on historic fabric, there would be no change to the existing French doors leading from the bay into the new floorspace. Furthermore, conditions could be added to any approval for the exact details of the materials to be used, along with the method of connection to the existing historic fabric, to be submitted and approved prior to the work being carried out.

12 CONCLUSION / PLANNING BALANCE

The combined effect of the new and existing extension, taken together, would have an overwhelming and dominant impact on the simple, plain rear façade of the historic building which retains significant architectural and aesthetic interest.

As proposed, the development, by reason of its scale, detailing and proportions would detract from the rear elevation of the historic building which is considered to be of high architectural and aesthetic interest. As such, the development would result in less than substantial harm. As per Paragraph 199 of the NPPF, great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm.

The National Planning Policy Framework (NPPF) advises that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to the asset's conservation. Apart from economic benefits from employment during construction, there are no clear public benefits arising from the proposal, only personal ones. Whilst guidance does recognise that benefits do not have to be visible or accessible to the public (such as works to a listed building to secure its future), in this case the works proposed are not required to sustain its future and would harmfully erode the heritage asset's significance. The proposal would therefore conflict with the Act, policies within the National Planning Policy Framework and local planning policies. Accordingly, the application is recommended for refusal.

13 RECOMMENDATION

REFUSE LISTED BUILDING CONSENT

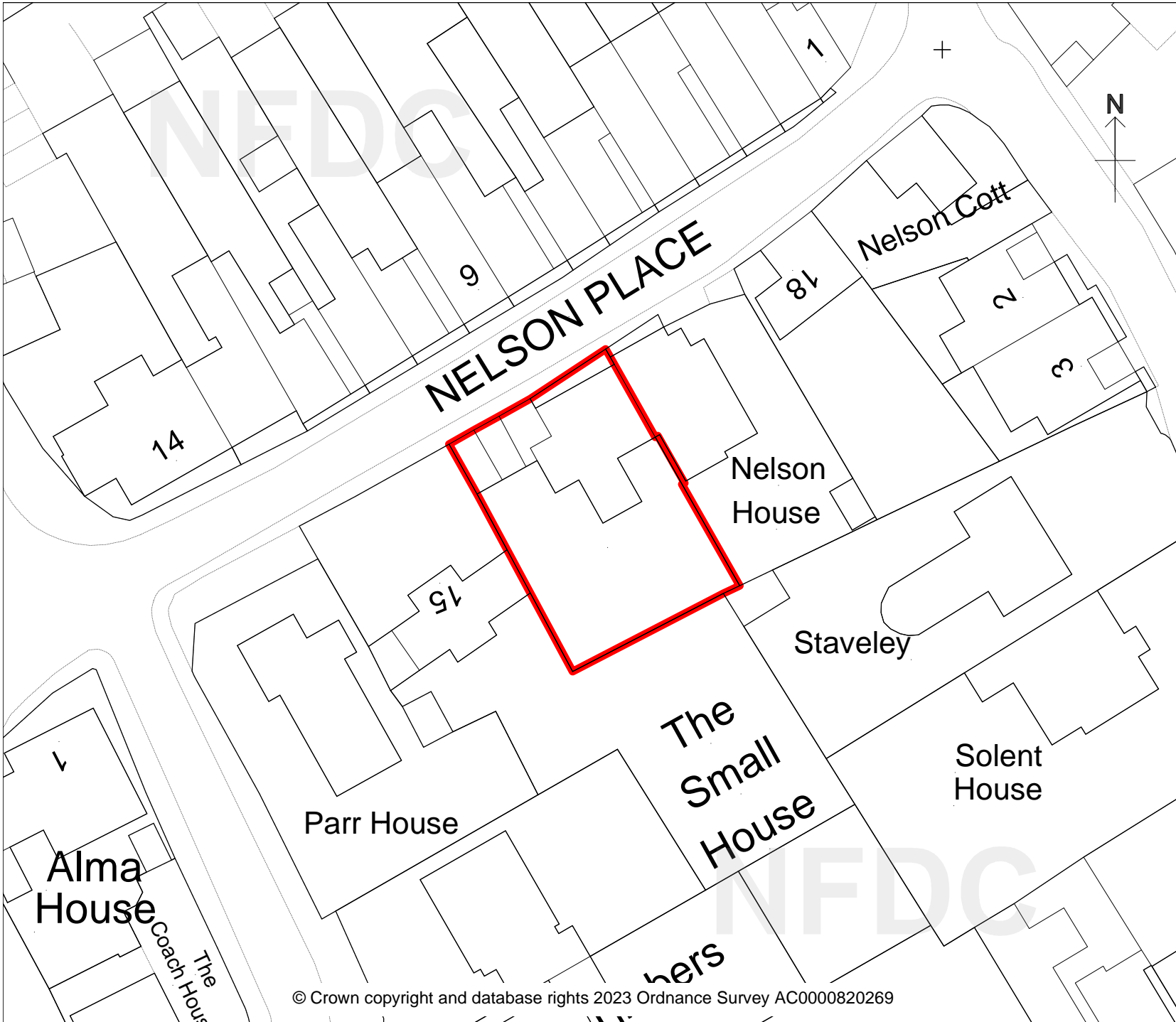
Reason(s) for Refusal:

1. The proposed single-storey extension, as a result of its size, design, proportions and position, adjacent to an existing extension to the rear of the building, would result in the loss of the important design form at the rear of the property, detracting from the historic bay features and eroding the character and significance of the listed building. The new and existing extension, taken together, would appear as an unduly large and dominant addition to the rear façade of the historic building, which retains significant architectural and aesthetic interest. This would cause less than substantial harm to the overall character and significance of the listed building, but without public benefits to outweigh that harm. The development would therefore be contrary to Policy ENV3 of the Local Plan Part 1, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan, and Chapters 12 and 16 of the National Planning Policy Framework.

Further Information:

Julie Parry

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David Norris
Service Manager
Development Management
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PLANNING COMMITTEE

September 2023

Nevis
Nelson Place
Lymington
23/10586

Scale 1:500

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

Planning Committee 13 September 2023

Application Number: 23/10593 Full Planning Permission
Site: NEVIS, NELSON PLACE, LYMINGTON SO41 3RT
Development: Rear extension
Applicant: Mr & Mrs Phillips
Agent: Morgan Building Design
Target Date: 02/08/2023
Case Officer: Julie Parry
Officer Recommendation: Refuse
Reason for Referral to Committee: Councillor Countrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the historic significance and character of the listed building
- 2) Affect on the Conservation Area
- 3) Design and scale

2 SITE DESCRIPTION

Nevis is a two-bay double-pile 18th century Grade II listed town house located on Nelson Place within the Lymington Conservation Area. The form of the main building and the ancillary buildings to the west appear to have been unaltered since the mid-19th century. To the rear, the building has two full height projecting bays. These bays are well proportioned, and the original rear elevation has greater architectural interest above typical 18th century town houses in this part of Lymington. There are a number of listed buildings along this road, including the adjoining neighbour, Nelson House.

The semi-detached dwelling sits within the front north-eastern corner of the plot and benefits from attached garages to the side which front the highway. The rear garden is relatively large and extends beyond the garage block.

Map regression shows that the garden wall on the eastern boundary was historically a “crinkle-crankle” wall until the early 20th century, but this appears to have been replaced with a straight garden wall.

In 2015, consent was granted for the current garden room extension which projects to the rear of the western bay and includes a roof lantern which sits to the front of a first floor window located on the rear elevation.

3 PROPOSED DEVELOPMENT

The proposal is to extend the existing timber extension across the width of the property. This would re-use some of the existing materials and continue in the same moulding detail as the existing extension. The proposed addition would

incorporate the garden wall by underpinning the wall and building above with the same style of brickwork finished with a parapet at the top. The roof would incorporate a roof lantern to match that used on the existing extension.

A previous application for a similar proposal was recently refused. The changes from this previous application are that the proposed extension now incorporates the side boundary wall instead of a separate parapet wall, which results in the centralising of the roof lantern and doors.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|---|---------------|-------------------------------|---------|
| 23/10320 Single-storey rear extension | 15/05/2023 | Refused | Decided |
| 23/10321 Single-storey rear extension (Application for Listed Building consent) | 15/05/2023 | Refused | Decided |
| 15/11702 Single-storey rear extension | 28/01/2016 | Granted Subject to Conditions | Decided |
| 15/11703 Single-storey timber framed glazed extension with roof lantern (Application for Listed Building Consent) | 28/01/2016 | Granted Subject to Conditions | Decided |
| 92/NFDC/50943/LBC Addition of dummy external shutters to north elevation | 13/01/1993 | Refused | Decided |
| 92/NFDC/50944/LBC Repaint north elevation/display window silhouette of Nelson | 03/12/1992 | Granted | Decided |
| 90/NFDC/45157 Erection of a conservatory | 12/07/1990 | Refused | Decided |
| 90/NFDC/45158/LBC Erection of a conservatory | 10/07/1990 | Granted | Decided |
| XX/LYB/12415 Additional room in roof and extensions. | 15/05/1970 | Refused | Decided |
| XX/LYB/01281 Conversion of existing store into two garages. | 13/12/1952 | Granted | Decided |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Permission but would accept a delegated decision.

7 COUNCILLOR COMMENTS

Cllr England supports the application for the following reasons:-

- The application mirrors the previous permission for a single-storey rear extension
- the proposal provides symmetry to the rear elevation
- the rear is not visible
- no impacts on the street scene

8 CONSULTEE COMMENTS

NFDC Conservation Officer:

Objects. As proposed, the development by reason of its scale, detailing and proportions would detract from the rear elevation of the historic building, which is considered to be of high architectural and aesthetic interest. The development would result in less than substantial harm. As per Paragraph 199 of the NPPF, great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm and the application should be refused.

HCC Rights of Way:

No objection. Requested an informative an any permission for no vehicles, machinery, spoil, scaffolding or anything else associated with the works to be left on or near to any public highway to cause obstruction.

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

Principle of Development

The main considerations when assessing this application are the impact on the historic fabric of the Listed Building, along with any effect on its significance, character and layout. The National Planning Policy Framework 2021 (NPPF) makes clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Local Plan Part 2 Policy DM1 provides that development proposals and other initiatives should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets.

Design, site layout and impact on the historic significance and character

On the rear elevation, the property has two full height projecting bays which are well proportioned and of high architectural and aesthetic interest. The existing extension, with its relatively high, bulky roof form and roof lantern, has resulted in some change to the historic building's rear elevation. Currently, with the existing gap between this extension and the boundary wall, there is a view of one full bay on the rear elevation and the evolution of the property can be easily read. The gap remaining to the side of the extension is important and allows the original form, evolution and understanding of the building to remain.

The proposed extension, as a result of its size and depth, would be an unduly large and dominant addition that would be detrimental to an appreciation of the original historic rear façade. By creating an almost continuous built form across the rear of the two properties, the extension would have a detrimental impact on the character and significance of the host listed building.

Whilst the proposed extension would match the existing and provide a symmetrical built form across the plot, the proposed design would have little regard for the simple rear façade of the original building and would remove any remaining legibility of the historic bays at ground floor level when viewed from the rear. The additional roof lantern would further impose on views of the original rear façade.

In terms of the effect on historic fabric, there would be no change to the existing French doors leading from the bay into the new floorspace. Furthermore, conditions could be added to any approval for the exact details of the materials to be used, along with the method of connection to the existing historic fabric, to be submitted and approved prior to the work being carried out.

Conservation Area impact

The proposed extension would be to the rear of the property and even though it is not visible from public vantage points, consideration has been given to the impact on the wider Lyminster Conservation Area. With its position on the property and being only single-storey and constructed of timber with significant glazing, the impact on the Conservation Area would not be significant. Nevertheless, by harming a Listed Building within the Conservation Area, there would be some negative impact on the character and appearance of the Conservation Area, which would add to the harm already identified.

Residential amenity

The proposed extension would be sited alongside the adjoining neighbour's extension at Nelson House, and therefore there would not be any adverse impact on this neighbour's outlook or light.

12 CONCLUSION / PLANNING BALANCE

The combined effect of the new and existing extension, taken together, would have an overwhelming and dominant impact on the simple, plain rear façade of the historic building which retains significant architectural and aesthetic interest.

As proposed, the development, by reason of its scale, detailing and proportions would detract from the rear elevation of the historic building which is considered to be of high architectural and aesthetic interest. As such, the development would result in less than substantial harm. As per Paragraph 199 of the NPPF, great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm.

The National Planning Policy Framework (NPPF) advises that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to the asset's conservation. Apart from economic benefits from employment during construction, there are no clear public benefits arising from the proposal, only personal ones. Whilst guidance does recognise that benefits do not have to be visible or accessible to the public (such as works to a listed building to secure its future), in this case the works proposed are not required to sustain its future and would harmfully erode the heritage asset's significance. The proposal would therefore conflict with the Act, policies within the National Planning Policy Framework and local planning policies. Accordingly, the application is recommended for refusal.

13 RECOMMENDATION

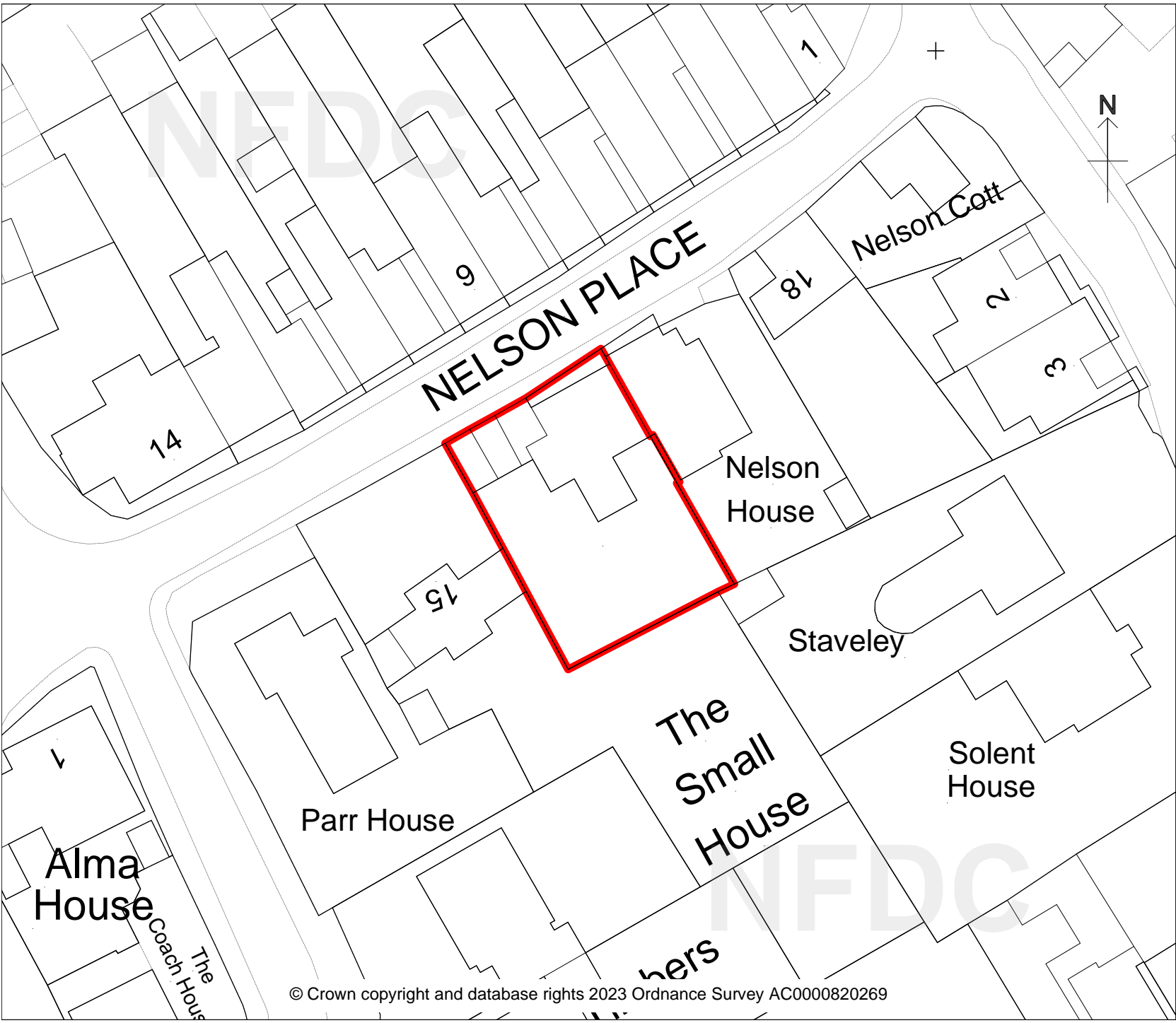
Refuse

Reason(s) for Refusal:

1. The proposed single-storey extension, as a result of its size, design, proportions and position, adjacent to an existing extension to the rear of the building, would result in the loss of the important design form at the rear of the property, detracting from the historic bay features and eroding the character and significance of the listed building. The new and existing extension, taken together, would appear as an unduly large and dominant addition to the rear façade of the historic building, which retains significant architectural and aesthetic interest. This would cause less than substantial harm to the overall character and significance of the listed building, but without public benefits to outweigh that harm. Due to the proposal's adverse impact on the character of the Listed Building, the proposal would additionally cause harm to the character and appearance of the Lymington Conservation Area. The development would therefore be contrary to Policy ENV3 of the Local Plan Part 1, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan, and Chapters 12 and 16 of the National Planning Policy Framework.

Further Information:

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PLANNING COMMITTEE

September 2023

Nevis
Nelson Place
Lymington
23/10586

Scale 1:500

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

Planning Committee 13 September 2023

Application Number: 23/10778 Full Planning Permission
Site: 28 BEECH CRESCENT, HYTHE SO45 3QG
Development: Front porch extension with pitched roof; fenestration alterations
Applicant: NFDC
Agent:
Target Date: 20/09/2023
Case Officer: Julie Parry
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Applicant is NFDC

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Scale and design
- 2) Character of the area
- 3) Residential amenity

2 SITE DESCRIPTION

The application relates to a two-storey mid-terrace property within a row of similar properties. Some dwellings in the local vicinity have porch additions to the front elevation. The front garden is enclosed with a picket fence and a gate allowing access to a hard surface providing an area for parking. The front door is currently protected with a flat roofed porch with open sides.

3 PROPOSED DEVELOPMENT

The application seeks planning permission for a porch on the front elevation, to provide a small bathroom on the ground floor, and to move the front door.

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Neighbourhood Plan

Hythe and Dibden

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend permission

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

Principle of Development

The site is located within the built-up area, where the principle of development is acceptable. Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

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

The proposal is for the introduction of a porch on the front elevation of the property, replacing the existing open sided porch roof. The proposed porch would be modest in size and height, which along with its mono-pitched roof would be a sympathetic addition to the front elevation.

There are other properties in close proximity which have porch additions to their front elevations and therefore the proposed addition would not be out of keeping in the area.

The proposed alterations would include moving the front door across the front of the property where there is currently a window. This alteration would be an acceptable amendment to this dwelling.

The materials proposed are to match the existing property, and a condition will be applied to any approval to this effect.

Neighbour amenity

The adjoining neighbour to the south-west, number 26, does have a ground floor window on the front elevation close to the proposed porch extension. This elevation is north-west facing, and therefore the impact in terms of loss of light would be limited. With the modest depth proposed, along with the limited height, the proposed porch would have an acceptable impact on this neighbour's outlook.

The other neighbour is sited a sufficient distance from the proposed extension so as not to be affected.

12 CONCLUSION / PLANNING BALANCE

The application has been considered against all relevant material considerations, including the development plan, relevant legislation, policy guidance, and government advice. The views of interested third parties have been taken into account. It is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene, and it is therefore recommended that permission be granted subject to conditions.

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 received 12th July 2023:

Location plan
Block plan
01-02/23 Existing plans
02-02/23 Proposed plans

Reason: To ensure satisfactory provision of the development.

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

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

Further Information:

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PLANNING COMMITTEE

September 2023

28 Beech Crescent
Hythe

23/10778

Scale 1:500

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the internet, it will not be to
scale.

Planning Committee 13 September 2023

| | |
|--|--|
| Application Number: | 23/10003 Full Planning Permission |
| Site: | NFDC CAR PARK, THE FURLONG, RINGWOOD BH24 1AT |
| Development: | Installation of ultra-rapid electric vehicle charging hubs and associated infrastructure |
| Applicant: | MER UK Charging Ltd |
| Agent: | DPP Planning |
| Target Date: | 20/03/2023 |
| Case Officer: | Jessica Cooke |
| Officer Recommendation: | Grant Subject to Conditions |
| Reason for Referral to Committee: | 1) Parish Council Contrary View 2) Applicant is NFDC |

UPDATE REPORT TO COMMITTEE MEMBERS

Members will recall that this application was previously considered at the May 2023 Planning Committee.

The original Officer Report is set out in full at the end of this Update Report which described and assessed all of the main planning considerations for this application.

May 2023 Committee

Members expressed concerns about the location of the Electric Vehicle Charging Points (EVCP) and associated infrastructure. The agent advised during the Committee that the applicant had explored alternative locations within the car park. However, it was not viable to move the location of the scheme, given the requirement to connect to the existing substation and the extensive cabling involved with moving the scheme. This would result in the scheme being undeliverable in a different location to that proposed on the application site. However, Members voted to defer the application so that alternative locations could be explored.

Post May 2023 Committee actions and developments

In order to respond to the issues raised by Members, the applicant and agent explored the alternative location to the north of the car park, as suggested by Ringwood Town Council and undertook a viability assessment for the financial costs of running cables across the car park. The *additional* costs of moving the EV charging points and associated infrastructure to the northern side of the car park would be an extra £62,242 and the scheme would not be viable in this instance.

Ringwood Town Council

The Committee agreed NOT to amend its observation and recommended refusal of the application (R4).

The Committee had no objection in principle to additional electricity hubs being installed in the car park, but it felt the location indicated was inappropriate and out of keeping and the 2.5 meter high closedboard fencing would be overbearing and

visually intrusive. Regard should be given also to its proximity to the entrance of the car park. It was suggested that the northern area of the car park would be a more suitable location, where the compound would not be quite so visible.

Assessment

For clarification on the above comments, RTC's objection makes reference to a 2.5m high fence, however, the height of the fence was reduced to 1.9m in height during the course of the original application and the Town Council were reconsulted on this at this time.

Officers maintain that whilst it is accepted the fencing which encloses the infrastructure would be close to the highway and would have some visual impacts on the open character of the car park, there are already various paraphernalia and built form in its vicinity and the application has been assessed within the existing context.

Additionally, the site lies outside of the Conservation Area. Although the site is adjacent to the part of Conservation Area comprising Waitrose car park there are limited visual impacts of the proposal on this part of the Conservation Area which would amount to 'less than substantial harm' as per paragraph 202 of the NPPF whereby this harm should be weighed against the public benefits of the proposal.

The applicant is undertaking this proposal on behalf of NFDC under the Hampshire County Council's Electric Vehicle Charging Point Southern Regional Framework which seeks to improve and increase publicly available charging points across Hampshire and the South of England. There are significant environmental benefits to electric vehicles, such as zero emissions whilst running, reduced air pollution and decreased dependence on fossil fuels, which are harmful to the environment and contribute to climate change. As such, the public benefits of the scheme are considerable and outweigh any potential 'less than substantial harm' to the Conservation Area.

It is pertinent to note that the financial information submitted by the applicant/agent demonstrates that moving the location of the proposal would create additional costs of £62,242 and as a result of this the proposal would be unviable and undeliverable. This would result in the applicant withdrawing from the scheme which would have implications on delivering the HCC Southern Regional Framework for increasing EV charging points across the County. Additionally, moving the proposal to the north of the car park would result in the requirement to dig up the road surface across the car park, which could result in implications for the use of the NFDC car park and its subsequent revenue.

Conclusion

Officers carefully considered the concerns raised by Members at the May Planning Committee however, officers consider the proposed development would not have an unacceptable impact on the character and appearance of the area. Any visual impacts of the proposal on the adjacent Conservation Area and Waitrose car park would be limited and, in accordance with the NPPF, it is concluded that the public benefits of the proposed electric vehicle charging points outweighs the 'less than substantial harm' that may result to the Conservation Area. These public benefits being the provision of sustainable energy and transport in line with NFDC's sustainability initiatives and Hampshire County Council's Southern Regional Framework for the provision of EVCP. The recommendation therefore remains one of approval subject to conditions.

PREVIOUS COMMITTEE REPORT - MAY 2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Scale, design, materials and impact on the surrounding area
- 3) Parking provision and highway safety
- 4) Amenity Considerations

This application is to be considered by Committee as the car park is owned by New Forest District Council and there is a contrary Town Council view.

2 SITE DESCRIPTION

The application relates to an existing NFDC car park located adjacent to The Furlong in Ringwood.

The site lies adjacent to but outside of the Ringwood Conservation Area.

3 PROPOSED DEVELOPMENT

The proposal seeks planning permission for the installation of 5no. ultra-rapid Electric Vehicle charging hubs in an existing car park with associated infrastructure to facilitate 9no. electric vehicle charging spaces at the NFDC Car Park at The Furlong. A substation with associated equipment and infrastructure is proposed to the south west of the parking spaces and these would be enclosed by a 1.9m high close-boarded fence.

The charging points and infrastructure would be located close to the entrance to the car park to the north of the Ringwood Gateway building.

4 PLANNING HISTORY

No relevant planning history

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving sustainable development

Policy ENV3: Design quality and local distinctiveness

Policy ECON5: Retail development and other main town centre uses

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM4: Renewable and low carbon energy generation

Supplementary Planning Guidance And Documents

SPD - Ringwood Local Distinctiveness

Relevant Advice

NPPF Chap 12: Achieving well designed places

NPPF Chap 14: Meeting the challenge of Climate Change, Flooding and coastal change.

Constraints

SSSI IRZ Rural Residential
SSSI IRZ Water Supply
SSSI IRZ Waste
SSSI IRZ Minerals Oil and Gas
SSSI IRZ Infrastructure
SSSI IRZ Rural Non Residential
SSSI IRZ Residential
SSSI IRZ Wind and Solar Energy
Archaeological Site
Aerodrome Safeguarding Zone
Planning Agreement
Plan Area
SSSI IRZ Combustion
SSSI IRZ All Consultations
SSSI IRZ Discharges
SSSI IRZ Compost
SSSI IRZ Air Pollution
Avon Catchment Area

Conservation Area: Ringwood Conservation Area

Plan Policy Designations

Employment
Town Centre Boundary
Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

R(4) Recommend refusal. The Committee had no objection in principle to additional electricity hubs being installed in the car park, but it felt the location indicated was inappropriate and out of keeping and the 2.5 meter high closed-board fencing would be overbearing and visually intrusive. Regard should be given also to its proximity to the entrance of the car park. It was suggested that the northern area of the car park would be a more suitable location, where the compound would not be quite so visible.

Re-consult on amended plans:

Ringwood Town Council

R(4) Recommend refusal. The Committee repeated earlier comments as amendments to the plans do not make any difference to those already submitted. There was no objection in principle to additional electricity hubs being installed in the car park, but it felt the location indicated was inappropriate and out of keeping and the 2.5 meter high closed-board fencing would be overbearing and visually intrusive. Regard should be given also to its proximity to the entrance of the car park. It was suggested that the northern area of the car park would be a more suitable location, where the compound would not be quite so visible.

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

The Ringwood Society

It is considered that the development is large, high and visually obtrusive, especially as it is in a Conservation Area, and masks the view of the Furlong. We submit that it is in the wrong place and should be moved to a less conspicuous location and constructed to fit in with the surroundings instead of a bare wooden fence. Whilst fully endorsing more charging points we recommend that this application is refused

9 **REPRESENTATIONS RECEIVED**

No representations received.

10 **PLANNING ASSESSMENT**

Principle of Development

The proposal is sited within the defined built-up area where there is a presumption in favour of development, subject to material considerations.

The stated Key Issues, Strategic Objectives and policies, within the Local Plan provides a clear promotion and support for the use of renewable resources within sustainable limits and the reduction where possible of vehicular emissions. In addition, guidance provided by the NPPF identifies 'the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles'. Furthermore, in the light of the New Forest declaring a Climate Change emergency and its Climate Change Action Plan (February 2023), the provision of charging facilities to promote the use of electric vehicles is encouraged and as such, the proposed development is considered acceptable in principle.

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

The proposal is sited within a large existing car park at The Furlong in Ringwood. The car park is predominantly open in character and is enclosed by a post and rail timber fence. The proposed infrastructure and ancillary equipment would be sited north of the Ringwood Gateway building and lies adjacent to the entrance to the car parking area. Opposite the proposal lies a retail development at The Furlong, including the Waitrose car park.

When submitted, the substation and ancillary equipment was proposed to be enclosed by a 2.5m high fence. The Town Council raised an objection to the height of the fence being out of keeping with the area, overbearing and visually intrusive. Amended plans have been submitted to reduce the height of the close-boarded fence by 0.6m to 1.9m. However, the Town Council maintained their objection.

It was additionally suggested by the Town Council that the proposal was moved to an alternative location to the north of the car park where it would not be as visible.

In light of these comments, relocating the proposal to the north of the car park was explored. However, the point of connection to the electricity network is located adjacent to the current proposal, therefore delivering the equipment to the north of the site would require extensive and disruptive cabling across the car park and would subsequently result in the proposal being unviable and undeliverable.

It is accepted that the fencing enclosing the substation and infrastructure would be close to the highway and it would have some visual impact on the open character of this part of the car park. However, there is various paraphernalia and high level walls

and fencing which exist in the vicinity of the application site and in association with the retail development and the visual impacts of the proposal need to be considered within this context.

Options to relocate the proposal to a less prominent part of the car park would not be viable and in addition, this relocation would make them less visible to customers. Given this and the wider considerations in respect of the sustainability benefits of the proposal, which are in line with the Council's climate agenda, the visual impact of the proposals are considered acceptable.

Conservation Area impact

The proposal lies adjacent to but outside of the Ringwood Conservation Area. The closest part of the Ringwood Conservation Area comprises retail development and Waitrose car park, whereby there is various paraphernalia such as bike shelters, high level palisade fencing and bollards.

By reason of its siting, positioning and orientation in respect of the Conservation Area, any impacts would be limited and would be considered less than substantial harm in accordance with NPPF Paragraph 202 and therefore, this harm should be weighed against the public benefits of the proposal.

On the planning balance, in accordance with the NPPF and having considered all relevant factors, it is concluded that the public benefits of the proposed electric vehicle charging points outweighs the less than substantial harm that may result to the Conservation Area by virtue of the provision of sustainable energy and transport.

Highway safety, access and parking

As a consequence of the installation of the proposed EV charging equipment and parking bays, the number of parking spaces within the location of the proposal would be reduced by 7 parking spaces from 16 parking spaces to 9 parking spaces.

The reduction in parking spaces should be balanced against the clear sustainable benefits of the provision of EV charging facilities within the car park in an accessible location.

Residential amenity

The EV charging apparatus and equipment is located within an established car park on the edge of Ringwood Town Centre and is not within close proximity to any residential properties. As such, the proposal is not anticipated to give rise to any adverse impacts on residential amenity.

11 CONCLUSION

Having regard to local and national planning policy, the proposed development is considered acceptable in principle and the provision of improved electric charging infrastructure is supported and is considered to outweigh the very minor impact upon the Conservation Area.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

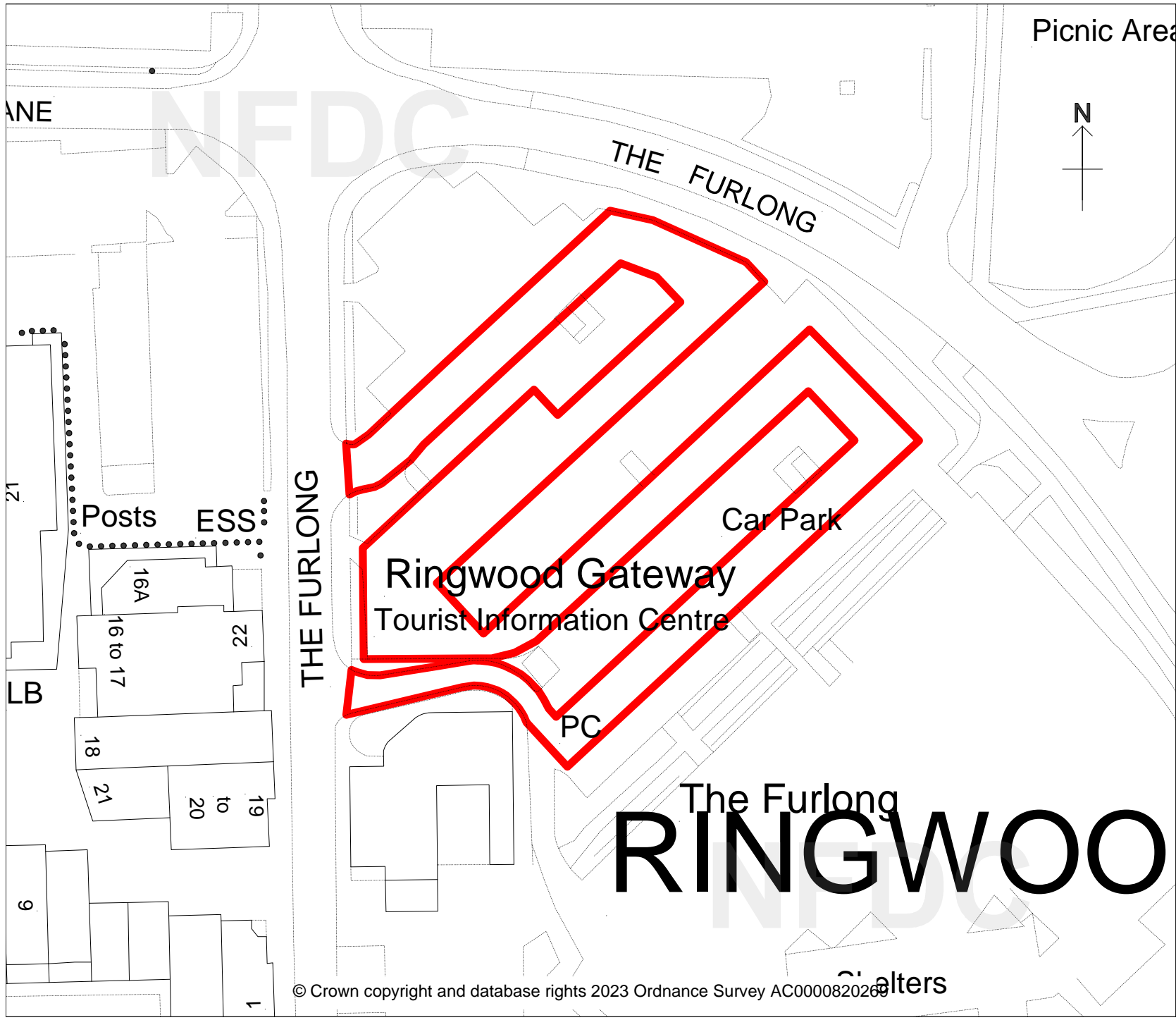
- E22-0170-P-004 REV D Elevation Plans
- E22-0170-P-006 Location Plan
- E22-0170-P-007 REV B Planning Existing Plan
- E22-0170-P-008 REV B Proposed Site Plan

Reason: To ensure satisfactory provision of the development.

Further Information:

Jessica Cooke

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New Forest
DISTRICT COUNCIL

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David Norris
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

September 2023

NFDC Car Park
The Furlong
Ringwood
23/10003

Scale 1:750
N.B. If printing this plan from
the internet, it will not be to
scale.

Planning Committee 13 September 2023

Application Number: 23/10490 Full Planning Permission
Site: Land of 24 & 26 MOORLAND AVENUE, BARTON-ON-SEA,
NEW MILTON BH25 7DD
Development: Sever land and erect single-storey dwelling; removal of
outbuildings; parking; existing access retained
Applicant: Mr & Mrs M.Cowles & S.Grace
Agent: Kee Design
Target Date: 06/07/2023
Case Officer: Jessica Cooke
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council Contrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Design, site layout and impact on local character and appearance of area
3. Residential amenity
4. Highway Safety
5. Impacts on Ecology
6. Air Quality
7. Habitat Mitigation
8. Housing Land Supply

2 SITE DESCRIPTION

The site lies within the built up area of New Milton in a residential area. The application site comprises the rear garden of numbers 24 and 26 Moorland Avenue which are chalet bungalows with a frontage onto Moat Lane.

Moat Lane comprises single-storey bungalows, whilst the neighbouring stretch of Moorland Avenue to the rear of the application site comprises chalet bungalows.

3 PROPOSED DEVELOPMENT

The proposal seeks to construct a 2-bedroom single-storey bungalow in the rear gardens of 24 and 26 Moorland Avenue with access from Moat Lane.

4 PLANNING HISTORY

No relevant planning history

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Relevant Advice

NPPF 2021

NPPG

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

SPD - Housing Design, Density and Character

SPD - New Milton Local Distinctiveness

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: STRONGLY OBJECT (Non-Delegated)

1. Out of character as it
 - (a) introduces an incongruous roof form, so contrary to Local Distinctiveness study text on page 72 and 'Key Dimensions' text on page 73.
 - (b) introduces a high-level fence on the front boundary which is contrary to text on page 72.
2. Its siting along the rear boundary makes it of greater impact to rear neighbours and removes available rear amenity space
3. Potential conflict on this well used pedestrian/cycle route, so concerns on highway safety.
4. Historical archaeological reports from this area have not been represented in the planning application.

7 COUNCILLOR COMMENTS

No comments received.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land

Comment only - No concerns with the application.

HCC Rights of Way

Comment only - No comment

HCC Highways

Comment only - HCC Standing advice applies.

NFDC Archaeologist

Comment only - No objection subject to conditions.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Concern with the access onto to Moat Lane, the development will cause disruption for residents and visitors, the lane has been deteriorated in the last 18 months due to Albany Close residents accessing gardens with trades persons.
- Additional dwelling likely to cause additional noise and light pollution to existing residents.
- Concern the submitted plans do not show that Moat Lane is a single road track, an additional property would add to this traffic and deterioration of the road.
- Access for the building and construction works will have to be from Moat Lane and will be disruptive for 6 months to a year and will cause deterioration to the road surface, concern with construction noise. Further concern with health and safety over heavy vehicles.
- Access and egress for emergency vehicles could potentially risk loss of life, ambulances access the lane regularly following an emergency call.
- Concern that the proposed access is on a blind bend.
- The planned dwelling is inappropriate and out of character for Moat Lane and would be detrimental to the environment and character.
- Concern with the size of the property.
- Concern with drainage as properties in Albany Close have issues with flood water in rear gardens, concern with additional flooding.
- Environmental impact of trees and plants being removed from Moat Lane and no replacements.
- Concern the removal of trees, shrubs and plants would decimate the landscape and habitats, trees have been removed on the site, question of whether this is legal.
- Concern with loss of trees in the garden, previous removal of trees in the lane has impacted the character of the lane.
- Concern the building work would result in the removal of shrubs on the land to access the site and hedgehogs would lose their habitat.
- Bats, owls etc. will be affected by the construction.
- The lane is a narrow single track with no pathway for pedestrians, it has a dead end with no turning point or access beyond no. 1, the lane is in use by children, pedestrians, older persons with walking difficulties, cyclist, mobility scooters and the addition of another dwelling would make it seem like an inner city rather than rural.
- The design is out of keeping with neighbouring properties and is on a blind bend which is narrow at this point.
- The proposal is symptomatic of overdevelopment, concern 24 Moorland Avenue would have an overbearing impact on the occupiers of the future dwelling, poor outlook from the rear kitchen window, oppressive feel inside the dwelling due to north facing windows, the 3.5 metre high roof would shade the gardens of 24 and 26 Moorland Avenue and be overbearing.
- An additional dwelling would cause unacceptable noise and disturbance to 22 Moorland Avenue, the roof form at 3.5m would be overbearing on the garden of 22 Moorland Avenue and result in loss of outlook, create an enclosed and oppressive feel and create harmful shading of the rear garden of no. 22 and Brickbank.

- Concern with additional noise and light pollution.
- Question as to whether case officer has visited the site, concern that a site notice was erected on Moorland Avenue rather than Moat Lane.
- Concern with inconveniences by deliveries and homeowners would not be able to access their homes until the work was complete.
- Moat Lane is a residential amenity used by pedestrians, concern that construction will result in an accident. Visitors may park in the lane or against neighbouring fences.
- The proposal will make the area overdeveloped with yet another back garden sold off to make way for a property that would look out of character and crammed in.
- Concern work had started as a workman with a transit type van was clearing bushes and shrubs, use of power tools.
- Concern that the site lies within a moated enclosure and no archeological report has been submitted.
- Concern that the frontage of the site was cleared during the application in an attempt to create more of a frontage to the plot and it is clear some clearance works have already been commenced within the application site and works need to cease and an archaeological report should have been provided.

For: 0

Against: 12

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within the built-up area of New Milton where the principle of new residential development is acceptable and there is a presumption in favour of development. However, the benefits of the proposal must be weighed against material considerations, particularly in accordance with Policy ENV3 of the Local Plan Part 1 2016-2036.

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

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

The proposal seeks to divide the rear gardens of the detached chalet bungalows at no. 24 and 26 Moorland Avenue and construct a detached single storey bungalow with an access onto Moat Lane. The character of the immediate area of Moat Lane is largely defined by single storey bungalows which are sited on varying polygon plot sizes. To the rear of the proposed dwelling, the development on Moorland Avenue is predominantly chalet bungalows and single storey bungalows of mixed styles and materials.

The proposed dwelling features mono pitched roofs and has an attractive appearance which is of architectural merit. Concerns have been raised regarding the design of the dwelling, however, whilst the proposal is not a traditional style of single storey bungalow, there is a considerable mix in character of development in the immediate area and as such the proposal raises no concerns in respect of its design.

Concerns were raised that the proposal constitutes overdevelopment, however, the proposal is considered to be appropriate for the site and its context equating to a density of 33.3 dwellings per hectare (dph). The density of development on the nearby 2 and 2a Moat Lane is 38.46dph and Policy DW-E2 Density and Mix of Housing Development of the Housing design, density and character SPD (2006) states residential development within the defined built-up areas should be a minimum of 30dph and therefore 33.3dph is considered to be acceptable. Chapter 11 of the NPPF refers to making effective use of land and paras 124-125 specify how appropriate densities should be achieved to make efficient use of land and avoid homes being built at low densities.

Concerns were raised regarding loss of habitat and vegetation on the highway verge at the front of the site. This area falls outside of the application site. It forms the adopted highway extent and does not form part of this proposal. The site layout demonstrates some hedging and tree planting are proposed. A planning condition is recommended for the submission and implementation of a landscaping scheme.

With regard to the above planning assessment and having considered the third party objections received, it is concluded that the proposed dwelling has been designed sympathetically to the streetscene, which is of mixed character, and is of appropriate size and scale for its plot and would appear proportionate to its location within the streetscene. Whilst the proposal is not of a traditional style for a single storey bungalow, it is of architectural merit and there is a variety of development and materials within the streetscene of Moat Lane and Moorland Avenue which is visible to the rear. The density of development is acceptable within the built up area and by virtue of the design, positioning and orientation on the plot, the proposed development is not considered to be out of keeping with the context or the streetscene.

Residential amenity

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

The proposal is a single storey bungalow which raises no concerns in respect of overlooking to neighbouring properties. The properties on Moorland Avenue are chalet bungalows whereby their rear windows would face the application site.

Whilst the relationship between these dwellings has a limited separation distance of 14m, the proposal is single storey and it has been designed in such a manner to preserve residential amenity by reason of its orientation on the plot and window placements on the elevations.

The built form is sited towards the rear boundary of the plot with properties of Moorland Avenue, with the proposed amenity space sited to the north whereby potential for overlooking into this space would predominantly be blocked by the built form of the proposal or be at an oblique angle. The spatial relationship of the proposed dwelling to the properties on Moorland Avenue would be similar to the

relationship of other existing bungalows of Moat Lane by reason of the limited separation distances in this vicinity. As such it is considered acceptable.

Concerns were raised regarding the outlook from the proposed kitchen window facing the boundary fence, however, this is a secondary and high level slimline window serving an open plan kitchen/living/dining room where the main light source of 5 panel patio doors faces to the north. This is considered to provide an acceptable level of amenity for future occupiers.

Further concerns were raised in respect of the relationship between the proposed development and 22 Moorland Avenue and Brickbank. The concerns relate to additional noise and disturbance by reason of the siting of the garden for the proposed dwelling bounding the garden of 22 Moorland Avenue. In relation to this point, the proposal is sited within the existing garden space for the 24/26 Moorland Avenue which is adjacent to no. 22 in any case. Whilst the level of activity associated with the garden of an independent dwelling may be marginally increased, it would remain modest for this small 2 bedroom dwelling and activity would be domestic in nature making its impact acceptable.

Additionally, the representation advises there would be an overbearing and shading impact of the proposal upon the rear gardens of nos. 22, 24 and 26 Moorland Avenue. However, the proposal is 3.8m in height at the highest point of the roof, which slopes down to 2.5m and the remaining element is 3.4m. The proposed height of the roof raises no concerns in respect of shading and overbearing impact on the amenity of these neighbouring properties.

The proposal is of an appropriate size for a 2no. bedroom dwelling and provides a satisfactory level of amenity space for the proposed dwelling. The proposal has been designed in a manner which reduces impacts on residential amenity of the future occupiers and raises no concerns in respect of impacts on existing neighbours. As such, it is not considered that the proposal would have adverse impacts upon neighbouring properties in respect of noise, light, visual intrusion and privacy due to the orientation, positioning of the dwellings on the plot.

Highway safety, access and parking

Moat Lane is a single track road with no parking restrictions. There is currently an existing rear access to 24 Moorland Avenue which is proposed to be used for the new dwelling and there would not be any new or altered access.

HCC Highways Authority were consulted on the application following a number of objections on highways grounds and as the proposal is for the creation of a new dwelling from an unclassified road where no new or altered access is proposed, HCC Standing Advice is applicable, of which the proposal complies.

Whilst this is not a requirement of a single dwelling in accordance with HCC Standing Advice, the proposal provides a turning area within the plot for vehicles to be able to leave the site in a forward facing gear. Highway safety concerns were raised in respect of pedestrians using Moat Lane with the additional dwelling, however, a number of other properties within Moat Lane benefit from access onto Moat Lane and one additional dwelling would not create a significant traffic generation and any additional vehicular movements would be readily absorbed into the existing highway network.

The proposal comprises 2no. bedrooms. In accordance with NFDC Parking Standards SPD (2022), the requisite parking spaces for a 2no. bedroom dwelling is

2no. on plot spaces. The dwelling is proposed with 2no. spaces and as such, the proposal complies with the NFDC Parking Standards SPD in relation to vehicle parking.

2 long stay and 1 short stay cycle parking spaces are required to be provided for a 2no. bedroom property in accordance with the Parking Standards SPD. A cycle store is provided and as such, the proposal complies with NFDC Parking Standards in relation to cycle parking.

A planning condition is required in respect of the provision of electric charging points in accordance with Policy IMPL2 Development Standards, NFDC Local Plan Part 1.

As such, the proposal is considered to have no adverse impacts upon highway safety, access and parking.

Ecology and On Site Biodiversity and protected species

An Ecological Assessment was submitted as part of this application which has identified no harmful impacts would result from the proposal to habitats, though it is recommended that the site is cleared under ecological supervision to ensure no animals are harmed. Ecological enhancements are proposed in the Appendix of the report and a planning condition is recommended for the proposal to be implemented in accordance with the Ecological Assessment.

Concerns were raised by neighbours in respect of the removal of shrubs and vegetation to the front of the site on Moat Lane and the impacts on habitat and biodiversity. This area of shrub and vegetation falls outside of the defined red line boundary and is not within the ownership of the applicant, it therefore does not form part of this application.

Habitat Mitigation

a) Recreational Impacts

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. This contribution can be secured by a completed Legal Agreement prior to a decision being issued.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to

mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. This contribution can be secured by a completed Legal Agreement prior to a decision being issued

c) Nitrate neutrality and impact on Solent SAC and SPAs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. A Grampian Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

Air Quality Statement

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:

- The development has been designed to reduce users of the sites exposure to pollutants, the dwelling will feature heating systems that utilise low carbon technologies.
- The development is not classified as kerbside development
- The property will have the facility for the charging of electric vehicles
- The proposals incorporate the planting of trees and shrubs within the site

Housing Land Supply

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances para. 11d of the NPPF indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be afforded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement prior to determination:

- Habitat Mitigation £4887
- Air quality monitoring £103

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 | 81.72 | 0 | 81.72 | 81.72 | £80/sqm | £8,926.34 * |

| | |
|----------------|-----------|
| Subtotal: | £8,926.34 |
| Relief: | £0.00 |
| Total Payable: | £8,926.34 |

11 OTHER MATTERS

This section addresses other matters raised not covered in the planning assessment.

Objections were raised by neighbours and the Parish in respect of the archeological potential of the site and no archeological report being submitted as part of the proposal.

The NFNPA archeologist was consulted on the application and raised no objection to the proposal, however, recommended an Archeological Watching Brief of all ground works to be secured and conducted. Planning conditions are recommended for these works.

Comments were raised during the application that construction work and site clearance had begun in association with the application. The applicant advised this was his own van which he parks on his property and he had removed and replaced the previously existing cracked rear wall and gate and replaced it with a new gate, which he is entitled to do under Permitted Development Rights and this has no bearing on the application.

12 CONCLUSION / PLANNING BALANCE

It is considered that the proposal would not have a harmful impact upon the character of the area, highway safety, ecological interests or neighbour amenity. The Habitat Mitigation contributions will be secured by legal Agreement prior to a decision being issued.

Therefore, subject to conditions, the proposal would be in accordance with the policies of the Development Plan and is accordingly recommended for approval subject to conditions.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion by, of a planning obligation entered into by way of a Section 106 Agreement to secure habitat Mitigation and Air Quality contributions.
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

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

- MAV 01 Location Plan and Street View
- MAV 02 Block Plan
- MAV 03 Site Plan
- MAV 04 Floorplans and Elevations
- Design & Access Statement
- 0586 Ecological Assessment by Peach Ecology

Reason: To ensure satisfactory provision of the development.

3. Before development commences above slab level, 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. The development hereby permitted shall not be occupied until the spaces shown on plan MAV 03 Site Plan for the parking of motor vehicles and cycles have been provided.

The spaces shown on plan MAV 03 Site Plan for the parking and garaging of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwellings hereby approved at all times.

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

5. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the 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).

6. The works hereby approved shall be undertaken in strict accordance with the Ecological Assessment methodology and details 0586 by Peach Ecology dated 26 April 2023 submitted in accordance with planning application 23/10490 unless otherwise first agreed in writing with the Local Planning Authority.

Before occupation of the dwelling hereby approved, and notwithstanding the submitted details, the scheme of the provision of ecological enhancements shall be submitted to and approved in writing with the Local Planning Authority. The development shall only be implemented in accordance with the approved details and the ecological enhancement measures retained in perpetuity.

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).

7. Before development commences above slab level, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place 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.

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

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

9. No demolition/development shall take commence until a programme of archaeological work has been secured, including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

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.

Further Information:

Jessica Cooke

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New Forest DISTRICT COUNCIL

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www.newforest.gov.uk

David Norris
Service Manager
Development Management
New Forest District Council
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PLANNING COMMITTEE

September 2023

Land of 24 & 26 Moorland Avenue
Barton-on-Sea
New Milton
23/10490

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scale.



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Planning Committee 13 September 2023

Application Number: 23/10420 Full Planning Permission
Site: HIGHER FARM, MARTIN ROAD, MARTIN SP6 3LN
Development: Proposed manege for exercising of personal horses
Applicant: Mr Peaty
Agent: Acorus Rural Property Services
Target Date: 04/07/2023
Case Officer: Jessica Cooke
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Parish Council contrary view.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact upon the character and appearance of the area, including the Cranborne Chase Area of Outstanding Natural Beauty.

2 SITE DESCRIPTION

The application site comprises a parcel of land associated with the property know as 'Higher Farm' in Martin. Part of the site is within the Martin Conservation Area.

The site lies outside any defined settlement boundary and is therefore within the open countryside. It is also located within the Cranborne Chase Area of Outstanding Natural Beauty (AONB).

3 PROPOSED DEVELOPMENT

The proposal seeks to construct a 30m x 40m manege for the exercising of personal horses. It is an all weather surface to allow the horses to be exercised all year round, with a surface of rubber chippings. It is proposed to be bounded by a post and rail fence 1.36 m in height.

4 PLANNING HISTORY

No relevant planning history.

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

DM1: Heritage and Conservation

DM20: Residential development in the countryside

DM25: Recreational uses in the countryside - including horse-keeping/riding

National Planning Policy Framework

NPPF 2021

6 PARISH COUNCIL COMMENTS

Martin Parish Council

Martin Parish Council met on the 26th of June and decided on PAR 4 REFUSAL in regard to these proposed plans. The menage is too close to the adjacent property and will affect the enjoyment of their property. It is hoped that the menage could be set back further to increase the distance from the adjacent property.

7 COUNCILLOR COMMENTS

No comments received.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency: No objection.

NFDC Conservation : Support.

9 REPRESENTATIONS RECEIVED

No representations received.

10 PLANNING ASSESSMENT

Principle of Development

The site is in Martin which lies outside any established settlement boundary in the countryside and within a sensitive area of open countryside designated as part of the Cranborne Chase Area of Outstanding Natural Beauty (AONB). Policy STR1, STR2 and STR3 point to such areas being protected from any harmful development.

Guidance in relation to development within an Area of Outstanding Natural Beauty is contained within Chapter 15 of the NPPF, the advice of which is broadly echoed within Policy STR2 of the Local Plan Part 1 which attaches great importance to the Cranborne Chase AONB. NPPF Paragraph 176 advises that great weight should be afforded to conserving and enhancing landscape and scenic beauty in AONBs and the scale of development should be limited, sensitively located and minimise adverse impacts on such designated areas.

Policy DM25 of Local Plan Part 2 is applicable in this case and relates to recreational uses in the countryside including horse keeping and riding. The policy states that development associated with recreational uses will be permitted where it will:

- a) help meet a local recreational need; and/or
- b) will assist in the diversification of an agricultural enterprise; and/or

c) will assist in relieving harmful pressures on a sensitive part of the New Forest National Park;

provided that there will not be unacceptable impacts on the amenities of local residents, the rural character of the area, local roads or other environmental or agricultural interests (including nearby parts of the New Forest National Park and coast).

The policy follows on to state that development related to recreational horse keeping and riding will be permitted provided the scale is appropriate to the rural setting and character and that it will not result in harmful increases in riding pressures on sensitive parts of the New Forest (in particular those subject to international nature conservation designations) or otherwise have unacceptable impacts on neighbouring uses, the rural landscape, local roads or on road safety.

In assessing the proposal within this context, the policy is supportive of recreational uses including horse keeping and riding. The applicant owns 5 personal horses which are kept at the 6.8 hectare landholding and were seen during a site visit to the property. The principle of development is therefore acceptable within the countryside in accordance with policy.

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

The proposed development would be located within a highly sensitive part of the countryside, in an Area of Outstanding Natural Beauty. Both local and national planning policies give great weight to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas.

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

The proposal does not include any external lighting or floodlighting. The proposed materials comprise a surfacing of rubber chippings which is typical of a menage and a 1360mm high post and rail fence.

Planning policy states that development in the countryside should be of an appropriate design, scale and appearance and should not be harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts. The proposed menage is well screened from Martin Road, though it could be visible from some public vantage points from the Public Right of Way (PRoW) to the north (Martin. 19). However, the PRoW is located 350-400m to the north of the proposal and the proposal is of an appropriate size, scale and appearance for such a location. Accordingly, the proposed development can be considered to be compliant with the Development Plan.

Conservation Area & Listed Buildings impacts

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving the heritage asset or its setting or any features of special architectural or historic interest which it possesses.

NPPF Chp 16 relates to conserving and enhancing the historic environment. Para 197 sets out that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of the heritage asset. Paragraph 199 states that when considering the impact of a proposed development on the asset's conservation, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 further states any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

The proposed site lies behind the line of development on Martin Road and falls partially within the Martin Conservation Area and nearby the Grade II Listed Buildings West House and Anvil Cottage. Approximately half of the menage would fall within the Martin Conservation Area and the remaining would fall outside this boundary. NFDC Conservation Officer was consulted on the application and did not consider that the proposal would have an adverse impact upon the Listed Buildings or the Conservation area by reason of its siting and limited views possible from the main road. The Conservation Officer subsequently supported the application and the planning officer concurs with this view. As such, the proposal is considered to be acceptable in this respect..

Residential amenity

Parish concerns were raised regarding the proximity of the menage to the neighbouring property Penylan Cottage. Penylan Cottage is a T-shaped building whereby the nearest part of the cottage is located 24m away from the proposed menage which is considered to be an acceptable separation distance to preserve neighbour amenity.

The horses are currently exercised in the same location as the proposed menage and there would be little change in respect of noise impacts. The proposal does not contain any floodlighting or external lighting and would therefore only be in use during daylight hours. Additionally, the omission of external lighting would preserve residential amenity and this can be controlled by condition.

Following the Parish Council's concerns, the applicant considered relocating the menage, however, this location is the most suitable for access and the topography of the land as the site is relatively flat, whilst the land further to the north of the proposal has a relatively significant slope so the proposal remains as submitted.

By reason of its siting and location in proximity to the neighbouring properties and the proposal not containing any floodlighting, the proposal is not considered to cause unacceptable impacts upon residential amenity of neighbouring properties.

11 CONCLUSION / PLANNING BALANCE

The proposal is to provide a menage for the exercising of personal horses within the countryside and AONB. The proposed menage would be of an acceptable appearance for its rural location, including within the AONB and is not considered to impact upon residential amenity.

Accordingly, the proposal is recommended for approval subject to conditions.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans:
 - PHF/HD23/01 100_01 Proposed Manege Site Plan and Section
 - Planning Statement
 - Heritage Statement
Reason: To ensure satisfactory provision of the development.

3. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area in accordance with Policy ENV3, Policy ENV4 and Policy STR2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

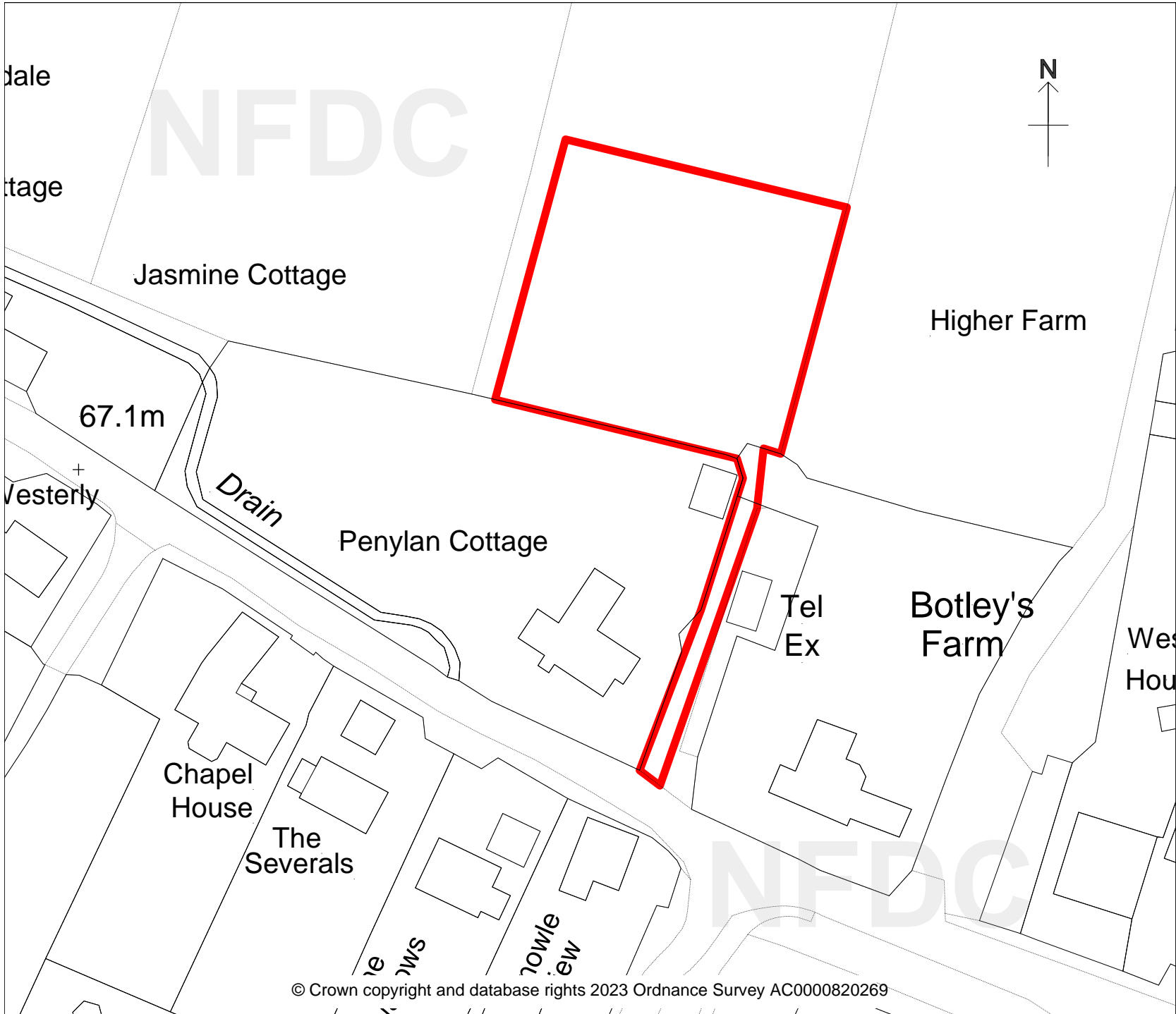
4. The manege shall be used only for the exercising of horses belonging to or under the control of the owner of the land edged red on the approved plans, and shall not be used for any commercial riding or training purposes or as an equestrian show arena.

Reason: The use of the manege on a commercial basis would cause harm to the character and appearance of the countryside and adjoining amenity in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy for the New Forest District outside of the National Park and Policy DM25 of the Local Plan for the New Forest District outside of the National Park. (Part 2: Sites and Development Management).

Further Information:

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PLANNING COMMITTEE

September 2023

Higher Farm
Martin Road
Martin
23 10420

Scale 1:740

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scale.

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Planning Committee 13 September 2023

Application Number: 23/10766 Full Planning Permission
Site: 10 HEATH ROAD, HORDLE SO41 0GG
Development: Side extension; roof conversion; x2no front dormers and x1no rear dormer; roof lights
Applicant: Mr Pease
Agent:
Target Date: 06/09/2023
Case Officer: Kate Cattermole
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Parish Council Contrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Street scene, and character and appearance of the area.
- 2) Neighbour amenity

2 SITE DESCRIPTION

The application site is situated in an established residential road, in the built up area of Hordle. The Hordle Village Design Statement describes the immediate area as: *'now fully developed with a mixed assortment of designs, predominantly chalet bungalows or bungalows with loft conversions plus a small terraced development of flats at the corner of Danecrest Road.'* Within the road there are examples of front and rear dormers on the bungalows that have been enlarged and extended into the roof space.

The application site consists of a detached hipped roof bungalow with single storey flat roofed extension spanning the rear elevation. The dwelling is situated in a reasonable sized plot enclosed by fencing. There is currently a high conifer hedge behind the rear boundary fence, which is in the control of 9 Pinewood Road.

To the east of the site (8 Heath Road) is a detached hipped roof bungalow with rooflights on the sides and front elevations, whilst to the west is 12 Heath Road which has been extended resulting in a higher chalet style dwelling with cropped gable side elevations and rooflights in both the front and rear elevations. To the rear of the site are two storey houses fronting Pinewood Road.

3 PROPOSED DEVELOPMENT

The current proposal is for a side extension, roof alterations including raising ridge height and hip to gable on side elevations finished in grey upvc cladding, and front and rear dormers and roof lights.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|-------------------------------|---------|
| 23/10275 Side extension; front dormer; roof lights; roof alterations; fenestration alterations | 25/04/2023 | Granted Subject to Conditions | Decided |
| 22/10259 Side extension; roof alterations to include raising roof height in association with new first floor | 29/04/2022 | Granted Subject to Conditions | Decided |
| XX/LYB/03525 Erection of three bungalows with construction of accesses. | 12/07/1956 | Granted Subject to Conditions | Decided |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Hordle Village Design Statement

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council

Parish 4. Recommend refusal. The Council noted the neighbours' concerns about overlooking and loss of privacy as a result of the large rear dormer window.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 4

- The proposal is larger than previously approved schemes on the site, and would result in the loss of the hipped roofs for more substantial and dominant gables, resulting in an overdevelopment of the property and adverse impact on the amenities of neighbours
- overlooking and loss of privacy to neighbouring gardens arising from the introduction of a rear dormers with uninterrupted run of glazing
- if approved would welcome condition to add obscure glazing
- no issues with previous applications, but this would introduce a living space at first floor level with large rear dormer resulting in overlooking and loss of privacy
- previous applications which showed storage area at first floor level served by rooflights was acceptable

Comment from applicant:

- glazing area would be 4m
- first floor never been identified as storage area in this or previous applications
- third application due to evolving needs of applicant and family
- loft space likely to be used as 2 bedrooms and one bathroom and therefore two of the middle windows likely to be obscure glazed
- resulting building would be approx 1m lower than previously approved conversion and lower than most surrounding houses including those in Pinewood Road
- increase in width as previously approved and consistent with surrounding properties
- 8 houses in Pinewood Road 2 storey and sometimes views into neighbouring gardens. Any gained views would be of a reciprocal nature
- 4 houses in Heath Road previously created larger dormer extensions and/or high levels of glazing through large velux windows resulting in reciprocal views onto Pinewood Road
- Distance with properties in Pinewood Road approximately 35m
- Existing vegetation provides screening, but if failed would work with neighbours to retain privacy for all parties
- have local connections and lived in Hordle for past 10 years

10 PLANNING ASSESSMENT

Principle of Development

As the site is located in the built up area the principle of the development is acceptable. Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

The Hordle Village Design Statement provides guidance for development and emphasizes that it should respect the local character and be of sympathetic design, '*taking into account the size, scale, density and design of the surrounding buildings including story heights and spacing*' (GBE-04), and '*respect existing buildings and features*' (GBE-09). However roof conversions which are unsympathetic or out of character to neighbouring properties, or will have a negative impact on the amenity of adjoining properties should be avoided (GBE-11).

Planning Background

This site has been the subject of two previous applications submitted 2022 and 2023.

The 2022 application (22/10259) proposed a side extension with main roof extended over this extension, coupled with an increase in the ridge height by an additional 1.5m, and introducing gables to the side elevations with rooflights on the front and rear elevations serving an open plan living space. This was granted under delegated powers on 29 April 2022, and there were no objections received.

A subsequent application was submitted earlier this year (23/10275) which also proposed a side extension (albeit set back from the front elevation) with the hipped roof extending over the side extension, but would respect the existing height of the dwelling (5.5m) and introduce a front gable and rooflights on the rear and both side elevations serving a loft space. This application was granted under delegated powers on 25 April 2023 and there were no objections received.

The current application is similar in form to the originally approved scheme in 2022, as it proposes the footprint of the originally approved side extension with roof extended over. The alterations to the roof form would also replicate the 2022 plans, in that it would introduce gables on the side elevations. There are also differences between the two schemes, as the ridge height on the current application would only be raised by 0.5m whereas on the earlier scheme it would have been raised by 1.5m, and the current scheme would introduce front and rear dormers and rooflights, but no windows are proposed on the side elevations now.

The two previous consents are extant and ground works on the side extension have been commenced on site.

Street scene, and character and appearance of the area

The change in roof form coupled with the increase in height and width would result in the extended dwelling being more visible within the street scene. However, the form of the roof and cladding materials would be similar to the previously extended dwelling to the west of the site (12 Heath Road), albeit the resulting dwelling would be approximately a metre lower in height than its neighbour. Also there are other similar previously extended dwellings within Heath Road, which have raised roof heights and front and rear dormers, which are read in context with the application site. As such the resulting dwelling would be in keeping with the street scene.

The proposed extensions would be proportionate in scale and design to the existing dwelling and could be accommodated comfortably within the curtilage. There is a mixed palette of materials across other properties within Heath Road and the wider area, and the design would reflect features on other properties. Furthermore, the extended dwelling would be lower than its immediate neighbour, 12 Heath Road. As such it is considered that the resulting development would be appropriate to the character and appearance of the area.

Residential amenity

Even though the proposed side extension would bring the built form closer to the western boundary, the building would be set off the boundary and there would be a reasonable degree of separation between the two dwellings. No objection has been received from either of the neighbouring properties in Heath Road.

The only objections that have been raised in respect of neighbour amenity, relate to the introduction of the proposed rear dormer. Even though the previously approved schemes included fenestration on the rear elevation, this was in the form of rooflights only, whereas the rear dormer has now been introduced on this most recent proposal.

The objections have been raised by the three dwellings to the rear of the application site, 7,9 and 11 Pinewood Road, and mainly relate to overlooking and loss of privacy from the rear dormer window. No 9 Pinewood Road shares the largest extent of the rear boundary with the application site and has a high conifer hedge in this location; the hedge is pruned back every autumn, but is stated as being in poor health and its longevity is not guaranteed. All three properties are two storey dwellings with clear glazed windows at first floor level, and the back to back distance between these properties and the application property ranges between 35m-40m, and the dormer window would be approximately 20m from the common rear boundary.

The existing conifer hedge provides some screening between the application site and the Pinewood Road properties, however it is accepted that this cannot be relied on long term to provide screening to the proposed rear dormer window.

Notwithstanding this, the properties are located within the built up area and a degree of reciprocal overlooking is not untypical in this environment. Furthermore, taking into account the separation distances, and the positioning of the dormer on the roofslope it is not considered that this would create an unacceptable or harmful level of overlooking to the neighbours to the rear that would justify a refusal of this application.

It has been suggested that a condition could be applied to obscure glaze the rear dormer window. However, as the proposed window is not considered to create an unacceptable level of harm to the amenities of the neighbours, there is no justification to mitigate the impact of this window by applying a condition in this case.

11 OTHER MATTERS

None.

12 CONCLUSION / PLANNING BALANCE

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained with the National Planning Policy Framework (2021) and other Local Plan policies. Permission is therefore recommended.

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:
 - LP01 v0.1 SITE LOCATION PLAN as deposited with the Local Planning Authority on 12 July 2023
 - SP01 v0.1 BLOCK PLAN as deposited with the Local Planning Authority on 12 July 2023
 - EFP01 AND PFP01 v0.1 GROUND FLOOR PLANS as deposited with the Local Planning Authority on 12 July 2023
 - ELP01 AND PLP01 v0.1 FIRST FLOOR PLANS as deposited with the Local Planning Authority on 12 July 2023
 - ELP01 AND PLP01 v0.1 ROOF PLANS as deposited with the Local Planning Authority on 12 July 2023

- ENE01 AND PNE01 v0.1 FRONT NORTH ELEVATION as deposited with the Local Planning Authority on 12 July 2023
- ESE01 AND PSE01 v0.1 REAR SOUTH ELEVATION as deposited with the Local Planning Authority on 12 July 2023
- EEE01 AND PEE01 v0.1 SIDE EAST ELEVATION as deposited with the Local Planning Authority on 12 July 2023
- EWE01 AND PWE01 v0.1 SIDE WEST ELEVATION as deposited with the Local Planning Authority on 12 July 2023

Reason: To ensure satisfactory provision of the development.

Further Information:

Kate Cattermole

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David Norris
Service Manager
Development Management
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PLANNING COMMITTEE

September 2023

10 Heath Road
Hordle

23/10766

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Planning Committee 13 September 2023

Application Number: 23/10780 Full Planning Permission
Site: ANDREW LANE, ASHLEY, NEW MILTON BH25 5QD
Development: Alterations to x 2 no existing garage blocks including removing the cement corrugated roofing sheets and replacing with a timber deck and felt finish. Removal of the parapet walls to the top of the front and side elevations of each garage block; uPVC fascia boards
Applicant: Housing Services New Forest District Council
Agent: New Forest District Council
Target Date: 19/09/2023
Case Officer: John Fanning
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Applicant is NFDC

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Character and amenity
- 2) Parking and facilities

2 SITE DESCRIPTION

The site is situated within the defined built-up area of New Milton. Andrew Lane is a residential area featuring a mix of detached, terraced and flatted accommodation. There is a slight change in site levels across the site, with the rear of the garage blocks being set at a lower level than the surrounding street scene.

3 PROPOSED DEVELOPMENT

The application relates to the modifications to and re-roofing of two existing garage blocks which are positioned to the front of a flatted development.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|----------------------|---------|
| XX/LYB/07092/1 Erection of 32 flats and garages and construction of access road. | 19/09/1963 | Granted | Decided |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy
Policy ENV3: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

Neighbourhood Plan

New Milton Neighbourhood Plan

Policy NM4 - Design Quality

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council:

ACCEPTABLE (Delegated) subject to adherence to Neighbourhood Plan policy NM4 (Design Quality) on the need to mitigate the impacts of climate change and create biodiversity net gain.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

At present the garage blocks have a monopitch, corrugated iron roof. This is visually screened within the context of the surrounding street scene by a parapet wall structure that runs around the front and sides of the structure. Due to storm damage a process of repair and refurbishment of the structures has been proposed. The application proposes the removal of the parapet wall and replacement of the existing corrugated iron roof with a felt roof, utilising a much shallower roof pitch.

Character and amenity

The garage blocks are positioned in a visually prominent location within the context of the surrounding street scene, both in terms of the visual entrance as one moves into Andrew Lane and on the prominent corner.

The removal of the parapet structure will somewhat reduce the visual massing of the development. The fascia board and edge would be partially visible within the wider street scene, but the main visibility of the replacement felt roof would be from the existing flatted units, with the main visual impact being a reduction of the development's massing.

It is considered that the proposed alterations would represent a relatively minor visual alteration to the existing garage blocks, and no objection is therefore raised to the proposed alterations in terms of the visual quality or character of the development, or in terms of the existing occupiers or wider street scene.

Parking and facilities

While there will potentially be some disruption to available facilities during construction works, this would be temporary in nature and the facilities and amenities would otherwise remain unchanged as a result of the proposed development. No objection is raised on this basis.

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

For the reasons outlined above, it is considered that the proposal would have a relatively minor impact on the visual appearance of the structures, and no other concerns are considered sufficient to justify refusal of the application. As such, the application is recommended for conditional approval.

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: PL01 (Location plan) Dated: 19.06.2023, Received: 25.07.2023

Drg No: PL02 (Block plan) Dated: 19.06.2023, Received: 25.07.2023

Drg No: PL03 Rev A (Existing elevation) Dated: 20.07.2023, Received: 25.07.2023

Drg No: PL04 (Existing section and site plan) Dated: 19.06.2023, Received: 25.07.2023

Drg No: PL05 Rev A (Existing elevation) Dated: 20.07.2023, Received: 25.07.2023

Drg No: PL06 (Existing section and site plan) Dated: 19.06.2023, Received: 25.07.2023

Drg No: PL07 Rev A (Proposed elevation) Dated: 20.07.2023, Received: 25.07.2023

Drg No: PL08 Rev A (Proposed section and site plan) Dated: 20.07.2023, Received: 25.07.2023

Drg No: PL09 Rev A (Proposed elevation) Dated: 20.07.2023, Received:
25.07.2023

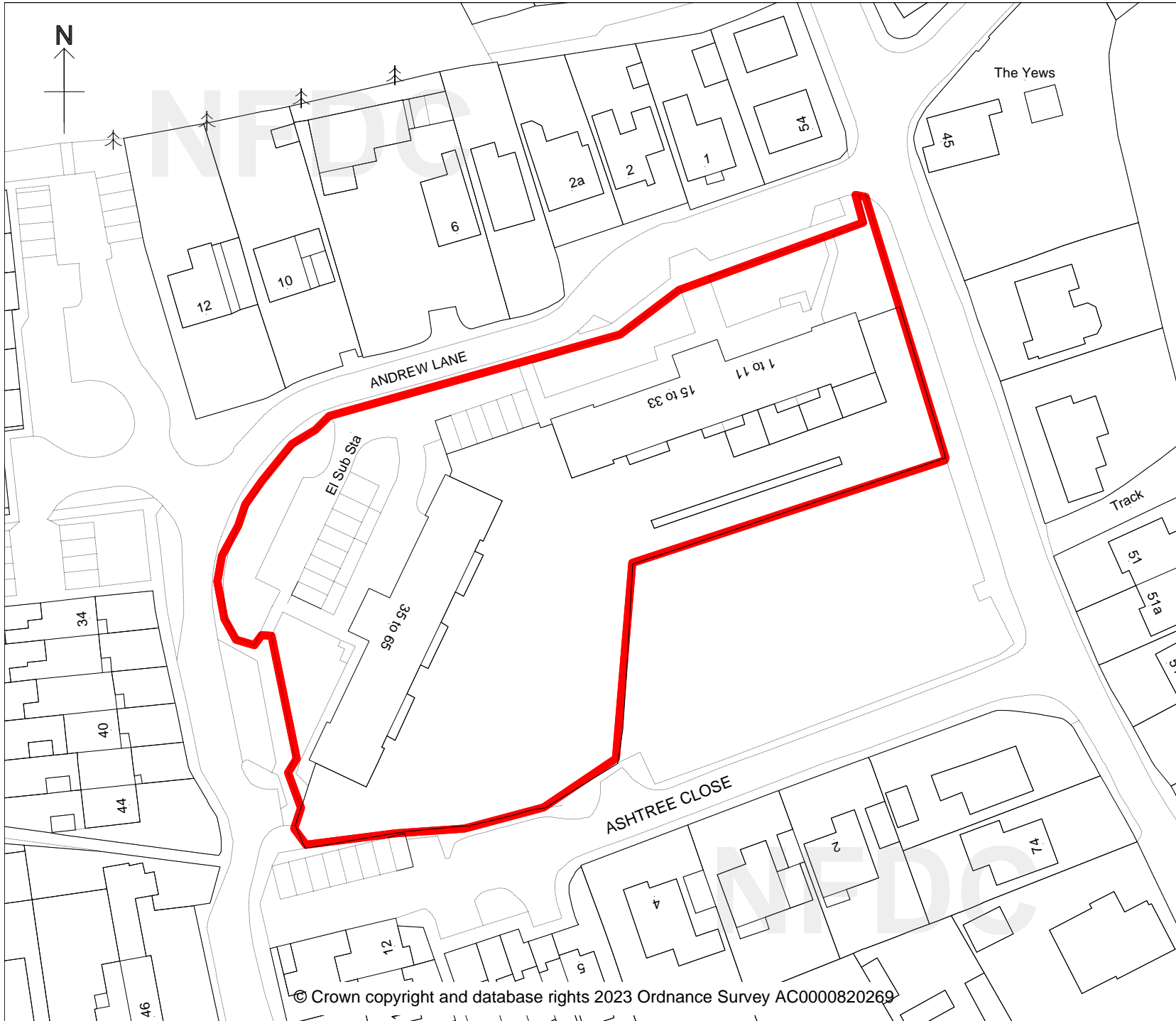
Drg No: PL10 Rev A (Proposed section and site plan) Dated: 20.07.2023,
Received: 25.07.2023

Reason: To ensure satisfactory provision of the development.

Further Information:

John Fanning

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New Forest

DISTRICT COUNCIL

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Service Manager
Development Management
New Forest District Council
Appletree Court
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SO43 7PA

PLANNING COMMITTEE

September 2023

Andrew Lane
Ashley
New Milton
23/10780

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