

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 MARCH 2024 AT 9.00 AM

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

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PUBLIC PARTICIPATION:

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

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

Kate Ryan
Chief Executive

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It can also be made available on audio tape, in Braille and large print.

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 14 February 2024 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Land South of Hythe Road & East of St Contest Way, Marchwood (Application 23/10172) (Pages 5 - 28)**

Erection of a two-storey 66 bed care home (use class C2) with associated access, parking and landscaping and ancillary facilities.

RECOMMENDED:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a Section 106 agreement and the imposition of the conditions set out in the report.

(b) **The Old Cart Shed, Court Farm, Ringwood Road, Avon, Sopley (Application 23/11170) (Pages 29 - 36)**

Demolition of the existing barn; replacement with a new building to be used for commercial space (Class E (g) (retrospective)

RECOMMENDED:

Refuse

(c) **Springbourne Farm, Rockbourne (Application 23/11262) (Pages 37 - 50)**

Demolition of existing barn consented for conversion to 3 dwellings; replacement new barn to provide terrace of 3 dwellings with parking

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 impositions of the conditions set out in the report.

(d) **Land adjacent to Woodbury Day Nursery, Rolleston Road, Holbury, Fawley (Application 23/11050) (Pages 51 - 68)**

9 dwellings comprising: x3No. two-storey detached 4 bedroom dwellings with detached garages, x2No. 3-bedroom dwellings and x4No. 2 bedroom, semi-detached houses; new vehicle access; alterations and extensions to the existing nursery car park and formation of a new vehicle access to serve the nursery

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 or unilateral undertaking to secure those matters set out in the 'Developer Contributions' section of the report and the imposition of the conditions set out in the report.

- (e) **17 St Johns Street, Hythe (Application 23/11235) (Pages 69 - 76)**

Single-storey rear extension; fenestration alterations

RECOMMENDED:

Refuse

- (f) **17 St Johns Street, Hythe (Application 23/11236) (Pages 77 - 84)**

Single-storey rear extension; fenestration alterations (Application for Listed Building Consent)

RECOMMENDED:

Refuse listed building consent

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

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

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

Human Rights

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

Equality

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

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

To: Councillors:

Christine Ward (Chairman)
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 March 2024

Application Number: 23/10172 Full Planning Permission
Site: LAND SOUTH OF HYTHE ROAD & EAST OF ST CONTEST WAY, MARCHWOOD SO40 4WU
Development: Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities
Applicant: LNT Care Developments (3) Limited
Agent: LNT Construction
Target Date: 26/07/2023
Case Officer: James Gilfillan
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Contrary Parish Council view

1 THE MAIN ISSUES

The main issues are:

- 1) The principle of development and housing need
- 2) Impact on the character and appearance of the area and trees
- 3) Highway Safety
- 4) Residential Amenity
- 5) Ecology

2 SITE DESCRIPTION

The site is on the south side of Hythe Road on the edge of Marchwood defined built-up area. The A326 Marchwood bypass adjoins the southern boundary, and the boundary with the New Forest National Park lies immediately beyond the road.

The site is an open field and is allocated for housing by Policy Mar3 of the Local Plan part 2. There are trees along the east, south and west boundaries, protected by Preservation Orders.

There are field gate accesses in the north-east and west corners, from Hythe Road and St. Contest Way respectively, the latter being obstructed by concrete barriers. There is a public footpath linking Hythe Road with Marchwood by-pass, along the eastern edge of the site.

To the east is the Pilgrim pub, with hotel rooms. To the west are residential properties. The area has a mixed character, being at the point of transition from farmland and countryside to the east, with residential development on both sides of the road to the west.

There are two separate parcels of land designated as Sites of Importance for Nature Conservation to the north and south-west of the application site.

The site rises away from Hythe Road, towards the south by approximately 0.7m at its greatest.

3 PROPOSED DEVELOPMENT

Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
Application Site			
23/00599. Formation of vehicular access from Hythe Road	09/11/2023	Granted Subject to Conditions	Decided
Adjoining land			
02/76051 Form new estate road. Construct 31 houses and 6 flats with associated garages and car parking (Approval of details following outline permission 65657)	11/11/2004	Granted Subject to Conditions	Decided
NFDC/99/65657/OUT Residential development	29/05/2000	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 STR3: The strategy for locating new development
Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy HOU3: Residential accommodation for older people
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 CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
DM10: Residential accommodation for older people
MAR3: Land south of Hythe Road

Supplementary Planning Guidance And Documents

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

National Planning Guidance

NPPF (December 2023)
Planning Practice Guidance (Web based resource)

Tree Preservation Order: 49/00/T3

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: Objection PAR 4 – Members agree that the development was in appropriate within the neighbourhood. The development did not provide enough on site parking therefore, the lack of parking on an area already being negatively impacted by on street parking during busy periods would not be appropriate.

Patrons of the neighbouring public house were utilising the road during busy times; visitors to the dentist were also using the highway to park and parents during school drop-off and pick up times. The area was congested and dangerous to existing road users.

It was considered the addition of the development would further inbound the problems for residents of St Contest Way and the surrounding area. Members also agreed that public transport was lacking in the area and was not adequately provided for this would result in staff of the home having to use their own vehicles.

7 COUNCILLOR COMMENTS

Cllr Richard Young - Due to the paucity of public transport in the area, the level of parking proposed is inadequate and would result in highway safety risks for school children and adversely impact on local residents.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

New Forest District Council

Conservation: No harm to designated or non-designated heritage assets.

Ecologist: TBC

Environmental Health (Pollution): No objection subject to conditions.

Environment Design Team: It is not considered that the proposals are appropriate for the location or draw sufficiently on local context. Function appears to be the main driver of the design and this must be balanced against the other requirements of Policy ENV3. In addition, there is insufficient evidence in the LVA regarding potential landscape and visual effects and how these have informed the design and led to the most appropriate and positive design, as required by Policy ENV4.

Tree Team: Minor concerns regarding the proximity of the building to protected trees but accepts pruning and tree management could maintain separation. No objection subject to conditions.

Hampshire County Council.

Countryside Services: Acknowledges that the application site has been amended to remove the public right of way. Requests the applicant makes a £20,000 contribution to resurfacing the path and removes styles from either end of its route across the applicants land and replaces them with gates.

Highways: Acknowledges that the proposed access matches that already approved. No objection to the likely vehicle movements.

Surface Water: No objection to the revised site and drainage layout.

Others

Hampshire Fire & Rescue Service: Highlights fire safety design requirements, access requirements and points out concerns about on site energy storage batteries.

Southern Water: No objection.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Excessive development not for locals
 - Parking conflicts and highway safety concerns.
 - Conflict with school drop off and children walking to school
 - Increased traffic movements
 - Increased pressure on GP surgeries
 - Developer not local
 - No need as a care home is for sale locally
 - Noise and disturbance generated by shift working patterns of staff
 - Impact of construction and delivery vehicles on residents amenity
 - Poor design of the building
 - Poor site drainage inappropriate for construction
 - Loss of greenspace and the impact on wildlife
-
- Many representations recognise that the amended plans relocating the position of the access would avoid some impacts on residents of St. Contest Way.

For: 0

Against: 19

10 PLANNING ASSESSMENT

1. Principle of Development

The site is located within the built up area of Marchwood as defined by the Local Plan. It is allocated for residential development by policy MAR3 "Land South of Hythe Road of the Local Plan Part 2: Sites and DM policies adopted in 2014. The policy states:

MAR3: Land south of Hythe Road

Land south of Hythe Road is allocated for residential development, specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of

the Core Strategy. Seventy percent of the dwellings provided will be affordable housing. The site will be developed in accordance with the following site specific criteria:

- provision of vehicular access from St. Contest Way;
- provision of pedestrian/cycle access to the site which link with footpaths and cycleways, including a direct pedestrian link through the development to the Hythe Road footway;
- retention of important trees and hedgerows on the perimeter of the site;
- provision of a landscape buffer between the development and the A326 in order to screen the development, attenuate traffic noise and enhance biodiversity;
- provision of public open space in accordance with Core Strategy Policy CS7, to include natural play space for young children on the site.

Whilst a number is not included in the policy, supporting text suggests the site could accommodate around 15 dwellings.

The principle of residential development is appropriate. The scheme however, does not propose residential development within use class C3, but a residential care home that would fall within C2 of the use classes order.

The "Housing Supply and Delivery" section of the Planning Practice Guidance allows for other forms of residential development to count towards an area's housing land supply. This includes an allowance for residential care homes.

Policy HOU3 of the Local Plan Part 1, supports development of Care homes in locations appropriate to residential use. The character of the area adjoining this site is residential and the land is allocated for residential development, therefore it is a location appropriate for residential development in principle and therefore appropriate for a C2 care home.

The Justin Garner Consulting evidence base of Objectively Assessed housing need to support the Local Plan Part 1 also considered the specialist housing needs for the aging population, supplemented by demographic projections for the plan area, identifying that there would be significant increases in the percentages of the total population falling within in older age categories would need housing designed to cater for their health and mobility needs as residents live longer.

The report predicts 970 care bed spaces would be required in the District over the plan period, the greatest amount would be in the Totton and waterside 'sub-area' at 425. The provision of 66 bed spaces by this application would make a significant contribution towards that target, weighing heavily in favour of the application.

Whilst comments received from local residents object to the need for a care home locally, based on the evidence supporting the local plan there is clear need for the form of specialist residential care accommodation being provided for by the application.

Not only would the scheme make a significant contribution to the supply of specialist housing for the elderly, it would also result in the release of predominately under occupied housing locally. It is common place that residents moving in to care do so from a family home they have occupied for many years, potentially as single occupants of larger family homes, thereby releasing those homes to the open market.

As a care home falling within use class C2, the scheme is excluded from the requirement to provide affordable housing.

Whilst the site is allocated for housing, the principle of a care home provides a specialist form of housing for which there is a significant need. The PPG allows for this form of residential care to contribute towards meeting housing need. The principle of the development is considered acceptable.

The scheme would deliver economic benefits during construction but also provide employment in a range of roles supporting the operation of a care home, including building and grounds maintenance. It would achieve environmental benefits of delivering major scale development in an urban area capable of supporting such a scale of development. It would have social benefits of delivering much needed specialist care housing, in an area where there is a shortfall in the supply of housing and the significant welfare benefits for residents in need of such care and support.

These benefits contribute to the delivery of a sustainable development in accordance with policy STR1 and the NPPF.

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

The site is at the edge of the built up area of Marchwood, with the defined boundary wrapping around the site. Built form does extend beyond that boundary line to the east with the presence of the Pilgrim Public House and hotel rooms.

The site is allocated for residential development and being within the built up area, there is a presumption that a change in the character and appearance of the site, from the current open field, will occur and can be accommodated.

The scheme proposes a 66 bed care home, designed to ensure effective and efficient care can be provided, comply with care standards and provide attractive, safe and functional accommodation for its residents.

In addition to the 66 bedrooms for residents, communal lounges and dining rooms would be provided, as well as operational kitchen and laundry, staff welfare, offices, reception and stores.

The building is laid out with 4 wings accommodating all of the bedrooms, allowing all bedrooms to have views of the gardens. The operational facilities would be on the ground floor of one wing facing the car park to allow ease of access for deliveries. Communal lounges, dining rooms, reception areas would be located in the centre of the building, in order to bring residents together and would face onto and allow access in to the gardens.

Whilst the 'H' shape floor plan, providing the four wings, does break up the mass of the building when viewed from the sides, the front and rear elevations will cover the majority of the width of the site, the appearance of which would be larger than the prevailing pattern and layout of the area along Hythe Road.

The front and rear elevations has been articulated through the use of gabled projecting bays, a prominent entrance, recessive hipped roofs at either end and materials to break up the facade. These features reduce the perceived institutional scale of the building and the 'H' floor plan reduces the height of the roof that a large building might commonly include, however it will still be a large building in contrast to those around it

However due to its position on the site, set back from the frontage the large and prominent trees framing the site along the side boundaries would still be readily visible in front of it and views of dwellings on St. Contest Way and the thatched building at the Pilgrim Inn will still be prominent in views along the road.

In views from the A326, Marchwood by-pass, at the rear, the building would be glimpsed through the existing dense landscape. The articulated design to the elevation will not be readily appreciated due to the restricted views. However despite its size and form as a single building, those glimpsed views would not perceive the scheme as any larger or more dominant than any residential development that may occur in accordance with the allocation of the site for development.

The 'H' shape results in internal elevations of the wings that are not readily visible and do not include the same detailed design as the front and rear elevations. Given their position this has no bearing beyond the site. However the shape does significantly reduce the scale of the building when viewed from the neighbouring sites, two side elevations of a scale commensurate with the neighbouring sites would be visible close to the edge of the site, entirely acceptable and likely had a scheme of dwelling houses been proposed.

The communal lounge and dining rooms located in the centre of the building will have entirely glazed elevations to create light and airy internal environments to benefit residents, but sufficiently recessed within the building footprint that they would not have material impacts beyond the site.

The position of the building does allow for space around it in which to plant new trees and plants to enhance the landscape setting, especially along the frontage to Hythe Road where the building would be most readily viewed. It retains the majority of the hedgerow along its frontage, preserving the soft edge to the road a strong characteristic of Hythe Road.

Boundary fences proposed for the rear of the site would be absorbed in to the density of the existing and proposed landscape along the rear boundary, with the A326, preserving the character of that road.

Whilst detailed landscape proposals for the communal gardens on the site would be positive for the amenity and well-being of the residents, they would not be readily perceived from outside the site, due to the maturity and scale of existing trees and landscape along boundaries.

The design of the front and rear elevations has evolved in response to concerns of the NFDC Environment Design Team, however the applicant acknowledges that it would not be possible to break up his scheme to respond more closely to the prevailing pattern of layout surrounding the site and in this case the function of the site has to influence the form in order for it to perform for its intended use and therefore he would not be able to overcome the concerns raised..

The site is adjacent to the open countryside however it is within the defined built up area and it is important to make efficient use of land in the urban area in order to protect the more sensitive sites beyond the built up area. Furthermore concerns that insufficient planting is proposed to screen the development pre-supposes that being able to see the building causes harm and the surrounding environment can not adapt to or absorb change. The extent of glimpsed views should not be considered to cause such an impact to be harmful, or that the surrounding environment can not accept.

The NPPF at para. 182 requires great weight is given to conserving and enhancing the landscape and scenic beauty of National Parks. The scheme would not result in the loss of any important views into or out from the National Park, or erode the existing landscaped boundary.

The Public Right of Way that crosses the site, continues in to the National Park across the A326, allowing a degree of public access, the area of the National Park immediately inside its boundary appears to be private paddock grazing land rather than open common land from which wider panoramas of the National Park are enjoyed by visitors. As such any views of the building, most likely its roof visible in longer distance views would not interrupt any scenic beauty of the National Park and the character of built form visible around its edges would be preserved.

The site specific policy 'Mar3' sought to achieve a degree of permeability that would not be required or appropriate for the proposed development. As access is on to Hythe Road there is no direct conflict with the requirement to provide pedestrian and cycle access on to Hythe Road. Nor would Public Open Space be necessary for the specialist care nature of the proposal. Boundary landscape will be retained and enhanced.

The scheme strikes a balance between providing a development functional for its intended use with the design and layout of the site and area, making efficient use of the site and whilst this may not fully comply with ENV3 and the preferred process of design evolution, it does not render the scheme harmful.

Impact on and relationship with trees

There are mature trees along the site boundaries and overhanging the site covered by Tree Preservation Orders. All of which are identified as category A or B trees by the supporting Arboricultural survey and therefore material constraints to development of the site. There are some lower quality groups of trees and a hedgerow that would not be considered constraints.

None of the trees would be removed to facilitate the development. The proposed building is located beyond the rootzones of the trees avoiding direct impact on their health and retention.

The building is positioned close to the crowns of several trees which may give rise to a poor relationship between the trees and the building. However due to the design and layout of the building it would not result in any direct impacts on the well being of residents by way of overshadowing or obscuring views from windows and would simply require standard pruning of trees to maintain a reasonable separation, this would not have consequences for the health or retention of the trees.

Some minor landscape works, such as boundary fences and garden footpaths would be installed within rootzones, subject to using appropriate construction techniques these would not harm the trees and are acceptable to the NFDC Arboricultural officer.

Protective fencing is advocated during construction and ground protection required where fencing would compromise the construction process. This is accepted in principle and detailed proposals will be secured by condition.

A section of the hedge along the road frontage would be removed to facilitate the access. This is a low quality hedge so its removal is not unacceptable on arboricultural grounds.

By retaining all of the important trees on and around the site and avoiding any material harm during construction and unsustainable relationships for future health and well being, the scheme complies with policy MAR3 and local policy ENV3 and ENV4.

3. Highway safety, access and parking

The allocation policy for the site, as set out above, requires access to be provided for from St. Contest Way. Many of the representations received from local residents objected to that approach as originally included in the scheme.

Whilst adopted as Public Highway, the application site does not abut St. Contest Way, a section of land along the edge of St. Contest Way, designated as Public Open Space by the development having been retained in separate ownership.

The scheme subject to this application was amended to provide access from Hythe Road at the front of the site. In doing so the concerns of many of the local residents were resolved.

The safety of such an access has already been considered and accepted by the planning application for an access on to the site granted planning permission in 2023.

Sufficient visibility can be achieved along Hythe Road and sufficient access width to enable all vehicles likely to visit the site to manoeuvre in and out of the site in a forward gear and safely.

The bus stops on Hythe Road could be relocated to account for the proposed access, in doing so they would be improved to provide level access to buses.

The access and local highway network would adequately be able to accommodate the vehicle movements generated by the development.

As raised in representations, there will be short term conflicts with highway safety due to parents parking to drop off and pick up children from nearby schools. This is an existing problem that this application would not be able to solve, however there is no technical evidence or concern raised by Hampshire CC Highways Officers to suggest that such short term conflicts would render the scheme unacceptable, or that would give rise to severe cumulative impacts on the road network.

The scheme proposes 34 parking spaces for staff and visitors. For the size of the development that is a 7 space shortfall compared with the adopted parking SPD. The applicant has significant experience in operating care homes and contends that the proposed number of parking spaces is entirely adequate for the needs of the development.

The parking standards presume that all staff will drive to work, which is somewhat counter to the concept of locating developments of this nature in existing built up areas where alternative forms of travel can be achieved and encouraged, such as walking and cycling. It should also be noted that there are bus stops directly outside the site that would allow for staff to travel by bus.

The application is also supported by a travel plan setting out measures by which staff and visitors would be encouraged to take advantage of alternatives to single occupancy private car travel.

The adopted parking SPD does recognise that it is important to apply some flexibility to ensure land is use efficiently, the realistic needs arising from the proposed development and the accessibility of the location by other travel modes.

The applicant has increased the original number of parking spaces proposed. As considered in the design and layout assessment above, the extent of hard surfacing across the front of the site strikes a balance between providing parking but with sufficient landscape setting for the site and area. It would be inappropriate to dominate the frontage with parking that would be required on infrequent occasions.

Concerns raised in representations received regarding over spill parking at the point of the change in shifts have failed to recognise the incremental nature of the shift change over and most particularly the much smaller number of staff present overnight. Staff employed in catering, cleaning, medical, laundry and management roles would not remain on site overnight, furthermore they would all depart throughout the afternoon rather than en-masse. As such it is highly unlikely that overnight staff would arrive to find the car park already full. The applicant identifies that peak staff numbers on site occur between 10am and 2pm, in the unlikely event that the car park is full and off site parking required during this period, due to existing parking restrictions and residents predominately being at work highway safety and residential amenity in the area would not be compromised.

It is entirely plausible that there might be occasions, when there is a peak in visitors, such as Bank Holidays, Easter, Christmas or Mothers Day, however there are no visiting hours imposed by the care home, thereby avoiding artificial peaks in demand and visitors are unlikely to stay for prolonged periods of time that would materially compromise the amenity of local residents.

Furthermore those suggested peaks would be unlikely to co-incide with school parking peaks and there is no evidence to suggest the parking pressures arising from the school has a significantly harmful impact on highway safety.

It is considered that the scheme strikes an appropriate balance between providing for the reasonable parking needs of the development with the desire to achieve a landscape setting along the frontage. It is considered that the applicant has a clear understanding of the parking needs of their development and the shortfall, when assessed against the parking standards, is on paper only and would not result in demands for off site parking that are likely to be common or would prejudice highway safety and the amenity of residents

Sufficient manoeuvring space is provided, including for delivery vehicles likely to visit the site to ensure vehicles can enter and exit in a forward gear.

A bin store is proposed in an accessible location adjacent to the car park, where refuse wagons can wait without compromising access to the site or along Hythe Road.

Sufficient cycle storage is provided for in a prominent position at the front of the site to encourage and support visitors and staff to cycle to work. A shower and changing room would also be available for staff.

There is a Public Right of Way crossing the existing field, along the east boundary linking Hythe Road with the A326 Marchwood by-pass, where it continues beyond that road. The application site excludes the position of the path as shown on the definitive PROW maps. The PROW officer from Hampshire CC does not object to the proposal though requests details of the proposed boundary treatment along its length. They also request a contribution of £20,000 to resurface the path and that the stiles at either end are replaced with gates.

There is no clear link between the proposed development and increased use of the PROW to justify the request for the financial contribution to improve the surface,

however the applicant has indicated a willingness to replace the stiles with gates as part of the changes to the boundary treatment of their site. A suitably worded condition will be imposed to secure these works.

The scheme is considered to meet its parking and transportation needs in a manner that would not prejudice highway safety or residential amenity. It is located in the built up area close to existing residential areas providing staff and visitors with options to use by sustainable modes of travel. Highway and pedestrian safety will be maintained in accordance with STR1, ENV3 and CCC2.

4. Residential amenity

There are residential properties facing the site across St. Contest Way from the west and Hythe Road from the north. Those across Hythe Road are sufficiently far away that there would be no direct impact on the amenity of the occupiers from the proposals. The properties across St. Contest Way are approximately 27m from the proposed building, as such there would be no loss of light or outlook materially detrimental to the amenity of the occupiers. Furthermore there are mature trees along the west boundary and the design of the building would preclude any overbearing or loss of privacy.

Concerns raised by representations regarding the impact of vehicle movements on the amenity of residents along St. Contest Way have been resolved by the revisions to the position of the vehicular access on to the site.

There is nothing about the nature of a residential care home that would be inappropriate in a residential area, despite the number of residents they would still use the site in a manner commensurate with gardens in a residential area. The scheme does include a kitchen and laundry of a scale to serve the needs of the care home, however these are located in the eastern most part of the building, sufficiently far from the residential neighbours.

Similarly the residents of the development would not be exposed to noise and disturbance from the Pilgrim Inn Public House to the east of the site. The Public House and garden of that site being screened from the application site by the mature trees along the boundary and a large outbuilding, providing bedrooms associated with the pub, in the intervening space.

Noise from vehicles on the A326 to the south of the site has the potential to cause disturbance to residents. However as identified in the supporting noise assessments the design of windows and ventilation can ensure suitable internal amenity is achieved. Fences designed to limit noise ingress to the garden would satisfactorily minimise disturbance in the rear gardens. The wings of the building would offer adequate screening for the courtyards from road noise.

Therefore adequate internal and external amenity would be delivered for the residents of the scheme.

Whilst operation of the Care Home would not give rise to noise and disturbance out of character or harmful to the amenity of local residents, due to the size of the building and length of time to construct there could be short term disturbance and nuisance caused during construction. A construction management plan will be required by condition.

As such, subject to suitable conditions, the proposal accords with Local Plan Policy ENV3 criterion (ii).

5. Ecology

The site is not designated as a national or local site for nature conservation interest. There are Sites of Interest for Nature Conservation (SINC) nearby. Whilst the New Forest National Park boundary is immediately to the south of the A326, land therein is not subject to any of the international protection for nature conservation, that much of the National Park is designated for.

The scheme is supported by a detailed ecological survey of the site and impact appraisal. That survey concludes the scheme would not be likely to have any direct impact on any of the SINC's designated close to the site, such as Marchwood School field and Hythe Meadow north.

It does identify that the site is used, inhabited or has the right environment to support bats, reptiles and invertebrates and potentially a rare plant species, the narrow leaved water dropwort.

Surveys identified Slow worms are present on site, no notable rare invertebrates were identified on site, those recorded are common and widespread. Bats were identified as commuting through the site. Identification of the presence of the Narrow Leaved Water Dropwort on site is surprising as this species is a nationally scarce and threatened species that has not been recorded in Hampshire previously, being found predominately on sites along the River Severn.

It is readily possible to mitigate the effect of the development on Slow Worms through tried and tested capture and relocation methods and Bats by way of sensitive lighting design and supplementary planting on site. These are secured by conditions.

Due to the spread of the Narrow Leaved Water Dropwort across the centre of the site it would not be possible to undertake this or any other development of the allocated site whilst retaining the majority of it. The ecological appraisal has suggested that it would be possible to preserve part of the site currently inhabited. Seed collection and provision to Kew Gardens has already occurred. The majority of the specimens would be translocated to an appropriate donor site, in Hampshire, where hydrological and soil nutrient and pH conditions are compatible. A draft translocation strategy is proposed. Details, timings and protection for the receptor site can be secured by condition and S.106 agreement.

It should be noted that due to its rarity and the time of year it has proved difficult to guarantee the species identified on site is Narrow Leaved Water Dropwort. At this stage the applicant has undertaken a precautionary approach in proposing the above mitigation strategy as a worst case scenario.

Being mindful of the proximity of the site to the National Park and locally designated SINC's it would be prudent to secure a construction environmental management plan (CEMP) to ensure construction does not have a materially detrimental impact on sensitive habitats and species close to the site. An appropriately worded condition will be added.

Whilst ecological mitigation can be secured on site, because the size of the site and extent of the ecological baseline, it is unlikely that 10% Bio-diversity Net Gain can be achieved on site. A condition can be used to secure details of that scheme, how it delivers 10% net-gain and the monitoring and review mechanisms.

Habitat Mitigation

The site falls within the catchment of the New Forest and Solent protected habitats. However the scheme proposes a form of residential care accommodation that would not give rise to increased visits to those sites by residents. As such it can be screened out from giving rise to likely significant effects. This is recognised by the Mitigation Strategy for European Sites SPD.

Nitrate neutrality and impact on Solent SAC and SPAs

Whilst recreation impacts on New Forest and Solent habitats may not occur, the scheme proposes new overnight accommodation and will still give rise to increased nutrients being discharged that need to be mitigated for.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Subject to conditions and S.106 agreement the scheme would comply with adopted policies STR1 and ENV1.

Other matters

Drainage

The site is not at risk of tidal or fluvial flood risk. There is a small area in the north west corner of the application site predicted to suffer surface water flooding, however this area is not subject to any of the proposals. Despite this, the ground conditions could not support soakaway drainage of storm water captured by the roofs and hard surfaces of the proposed development.

The applicant has looked at off site surface water drains and proposes to provide attenuation on site before discharging to a piped drain in Hythe Road. Hampshire CC accept that sufficient calculations have been undertaken and a suitable solution identified.

There is a highway ditch along the A326 along the edge of the application site, that would provide a more sustainable solution to surface water drainage, being higher up the drainage hierarchy than the identified piped discharge. The applicant is in discussions with Hampshire CC highways regarding this as an alternative source of

surface water discharge. A condition could reasonably be imposed seeking agreement to the final drainage solution to facilitate this more sustainable solution if the applicant can agree details with Hampshire CC.

Developer Contributions

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

- Delivery of a plant translocation strategy, site and future monitoring and management of that site.

11 CONCLUSION / PLANNING BALANCE

When this application was submitted the Council was unable to demonstrate it had a 5 year supply of land for housing, the provision of Care bed spaces would contribute to reducing this shortfall. Furthermore the scheme would make a very significant contribution towards the provision of specialist elderly residential accommodation where demand is predicted to be very high over the plan period.

The site is allocated for housing development as such its character and appearance would undoubtedly change. The size of the scheme would have a significant impact on the appearance of the site, but would retain and enhance important landscape features and is a consequence of delivering much needed specialist housing for care.

The scheme would preserve highway safety. The shortfall of parking when considered against the adopted parking standards should not weigh against the scheme on the basis of the detailed parking needs assessment and analysis given by the applicant. Concerns alleging harm arising from overspill parking are given little weight as not proven to occur or cause conflict with highway safety to the result in an objection from the Local Highway Authority. In any event the benefits of the scheme would materially outweigh such harm.

The scheme has economic, environmental and social benefits that contribute to delivery of a sustainable development.

12 RECOMMENDATION

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

- i) the completion of a Section 106 Agreement to secure delivery of a strategy for species translocation, timings and future management and maintenance of the receptor site
- 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:

Location Plan: SO40 4WU-A-01A rec'd 26/04/23
Proposed Site Plan: SO40 4WU-A-03D rec'd 05/03/24
Proposed Floor Plan: SO40 4WU-A-04A rec'd 26/04/23
Proposed Elevations: SO40 4WU-A-05 rec'd 28/06/23
Proposed Internal Elevations: SO40 4WU-A-05.1 rec'd 26/04/23
Proposed Long Sections: SO40 4WU-A-08A rec'd 26/04/23

Reason: To ensure satisfactory provision of the development.

3. **Provide final drainage design**

Prior to the commencement of development hereby approved, details of the final design of the surface water drainage strategy, including specifications for its maintenance, shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall then be installed and available for use prior to occupation of the building, maintained in accordance with the maintenance regime and thereafter retained.

Reason: In order to ensure the most sustainable drainage solution is provided, to ensure it is sufficient for the scheme, does not cause down stream flooding and to protect trees on and adjoining the site and in accordance with policies ENV3 and CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the NPPF.

4. **Revised scheme of landscaping**

Prior to the commencement of development hereby approved a revised 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 reflect the revised parking proposals and ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Install tree protection fencing.

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Wharton Natural Infrastructure Consultants Arboricultural Impact Assessment Ref: 230511 1582 AIA V3 received 30th August 2023 and Tree Protection Plan Ref 230127 1582 TPP V3.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

6. Pre-comm Arb check

Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as specified at para 7.9 of the Wharton Natural Infrastructure Consultants Arboricultural Impact Assessment Ref: 230511 1582 AIA V3 received 30th August 2023.

Reason: In the interests of protecting important trees on and adjoining the site and in accordance with policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

7. CMP

Prior to the commencement of development on site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include, but not limited to, the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways, including preserving safe use of the PROW during construction.
- Details of parking and traffic management measures, site compound, delivery routes and storage areas.

- Measures to control light spill and glare from any floodlighting and security lighting installed.
- Pest control

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CMP so approved.

Reason: In the interests of highway, pedestrian safety and residents amenity and in accordance with CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

8. **CEMP**

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include, but not be limited to, measures to provide:

- Protective fencing and buffering of land proposed for Narrow Leaved Water Dropwort retention on site;
- Dust control and minimisation
- Pollution prevention measures;
- Lighting control;
- Noise control and minimisation
- Vegetation removal under supervision / timing of works e.g. birds and dormice; and
- Methods to prevent badgers (and other mammals) getting trapped in excavations.

The agreed plan shall then be implemented and followed for the duration of construction as appropriate to the nature of the works and impact.

Reason: In the interests of protecting sensitive features of nature conservation and in accordance with Policy CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM02 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

9. **Slow Worm relocation**

Development hereby approved shall not commence until the reptile mitigation strategy proposed at Appendix 7 to the Ecological Impact Assessment received 29/01/24 has been complied with and a verification report has been received and approved in writing by the Local Planning Authority.

Reason: In order to protect sensitive species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

10. **PROW gates**

Prior to the commencement of development, details of the precise siting and design of gates to be installed at either end of the PROW along the east edge of the site shall be provided and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to the commencement of use and thereafter retained and maintained.

Reason: In the interests of improved access to the public right of way network.

11. **BNG**

Prior to the commencement of development, a strategy for the delivery of Biodiversity Net Gain and a Monitoring and Management Plan shall be submitted and approved in writing by the Local Planning Authority. It shall include:

- Methods for delivering an increase in existing site BNG in accordance with the most up to date Natural England bio-diversity metric;
- Responsibilities for delivering BNG
- Description of the habitats to be managed;
- Ecological trends and constraints on site that might influence management;
- Clear timed and measurable objectives in the short, medium and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success;
- Define appropriate management options and actions for achieving aims and objectives;
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Preparation of a work schedule;
- Details for a formal review process when objectives are not fully reached;
- Key milestones for reviewing the monitoring;
- Establish a standard format for collection of monitoring data to make it repeatable and consistent;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

The BNG monitoring report shall be produced by a suitably qualified and experienced ecologist and shall include the following for the target habitats:

- Credentials of the ecologist undertaking the monitoring
- Assessment of habitats against the objectives defined in the management plan;
- Any presence recorded of target species;
- Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest;
- If the target species /habitat is not present, provide detailed site notes in factors that are / could hinder growth or establishment;
- Detailed specific recommendations (where appropriate) on management actions to promote growth /establishment of target species / habitats including timescales for undertaking actions and marked site plans to show the actions;

- Photographs from the fixed monitoring points detailed in the management plan using high quality images. The agreed methods of delivering BNG shall then be implemented in accordance with agreed timetable and thereafter managed and monitored as agreed.

Reason: In order to ensure appropriate delivery of bio-diversity net gain and in accordance with policies STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014.

12. Nitrate

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.

13. Acoustic Fence details and installation

Prior to the commencement of development above Damp Proof Course of the building hereby approved, details, alignment and specifications of the acoustic fence to be erected along the rear boundary, as indicated by the Venta Acoustics report received 29/06/23 and shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to first residential occupation of the building and thereafter retained and maintained.

Reason: In the interests of the amenity of residents and in accordance with policies ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

14. Sensitive lighting design

Prior to the commencement of development above Damp Proof Course of the building hereby approved details, layout and specification of external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The design shall be in accordance with the Bat Conservation Trust and Institute of Lighting Professionals guidance (BCT & ILP, 2023). The submitted details shall also demonstrate that internal lighting from the communal lounge and dining rooms no's 1-4, as shown on the approved plans, do not compromise the sensitive design of the external lighting.

Only the approved measures and lighting design shall be implemented and thereafter retained and maintained in accordance with the manufacturers instructions.

Reason: In the interests of protecting sensitive species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

15. Materials

Prior to their use, details of all external facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used.

Reason: In order to ensure the design detailing is delivered and in accordance with ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

16. Electric vehicle charging

Before first occupation of the building hereby approved, electric vehicle charging infrastructure shall be installed to serve the parking spaces as shown on the approved plan. It shall be made available to staff and visitors, maintained in accordance with the manufacturers instructions 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).

17. Do Access and parking

Prior to the commencement of use of the development hereby approved, the parking, access, manoeuvring space and pavements as shown on the approved plans shall be completed and available for use. They should thereafter be kept clear and available for use.

Reason: In the interests of highway and pedestrian safety and to ensure parking is available in accordance with policies STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

18. Comply with Acoustic report mitigation

The conclusions and recommendations of the Venta Acoustics noise impact assessment received 29/06/23 shall be implemented and installed during construction and thereafter retained.

Reason: In the interests of the amenity of residents of the scheme and in accordance with ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

19. Relocate Bus stops

Residential occupation of the development hereby approved shall not occur until the bus stops on Hythe Road in front of the site have been relocated as shown in principle on the approved plans.

Reason: In the interests of highway safety and to support sustainable modes of travel and in accordance with policies STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

20. Do travel plan measures

Concurrent with the commencement of use of the development hereby approved, the proposals and measures of the Travel Plan received 17/02/23 shall be implemented. It shall be reviewed and updated annually as recommended therein.

Reason: In the interests of promoting a sustainable approach to travel and in accordance with CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

21. **Details of outbuildings**

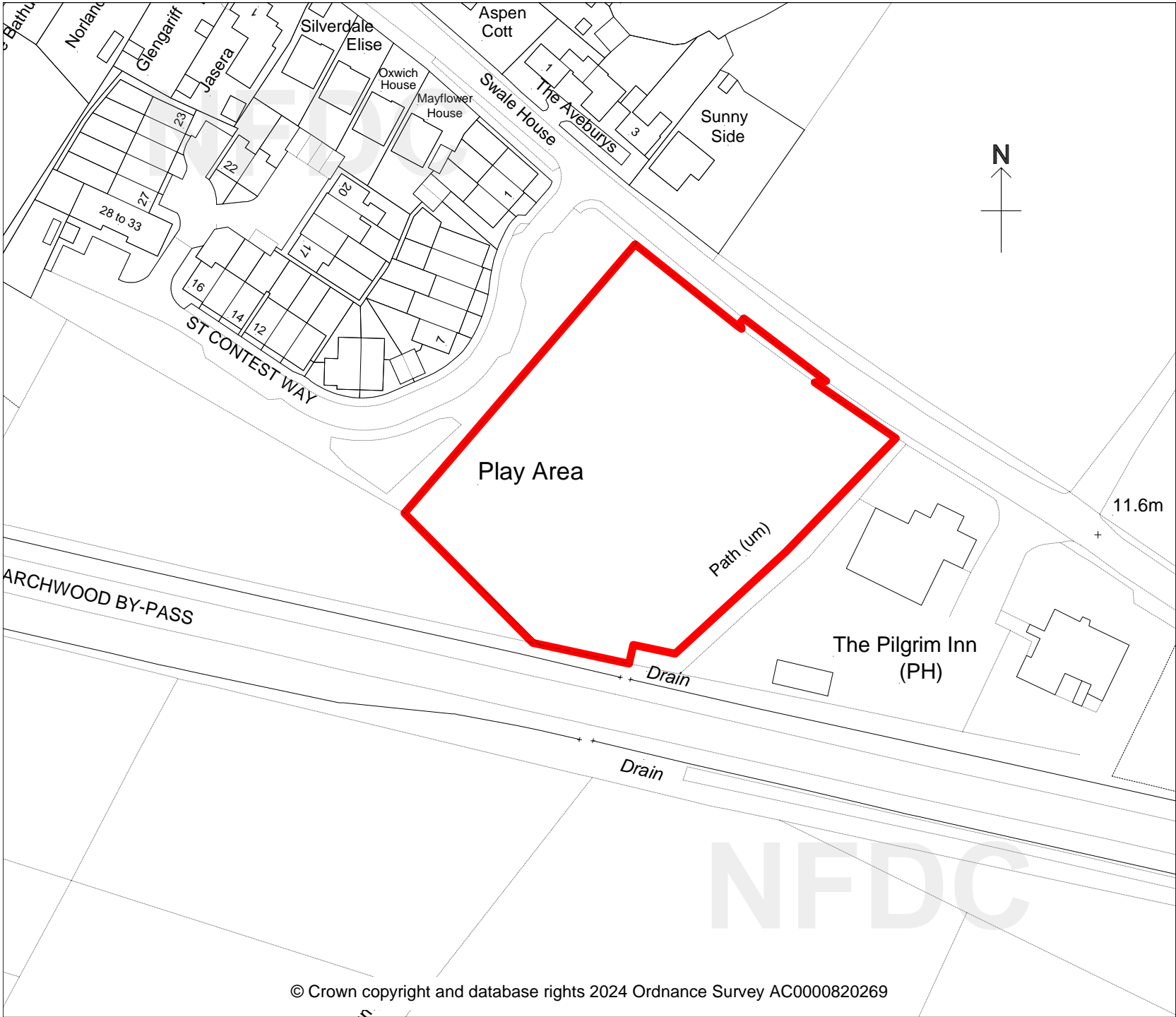
Prior to the commencement of development, details of the design and appearance of the outbuildings, as shown on the site layout plan hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented.

Reason: In the interests of the appearance of the site and character of the area and in accordance with policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

Further Information:

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PLANNING COMMITTEE

March 2024

Land South of Hythe Road
& East of St Contest Way
Marchwood
23/10172

Scale 1:1250

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

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Planning Committee 13 March 2024

Application Number: 23/11170 Full Planning Permission
Site: THE OLD CART SHED, COURT FARM, RINGWOOD ROAD,
AVON, SOPLEY BH23 7BG
Development: Demolition of the existing barn; replacement with a new
building to be used for commercial space (Class E (g)
(retrospective)
Applicant: Avon Tyrrell Farms
Agent: BCM
Target Date: 18/01/2024
Case Officer: Vivienne Baxter
Officer Recommendation: Refuse
Reason for Referral to Committee: Development Management Service Manager Decision

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Green Belt
- 3) Impact on the character and appearance of the area
- 4) Impact on the residential amenities of the area
- 5) Highway matters including parking
- 6) On-site biodiversity and protected species

2 SITE DESCRIPTION

The site lies within the countryside and Green Belt to the north of Sopley. Together with the adjoining farm complex and associated land edged blue, the site forms part of the wider Avon Tyrrell Estate.

The site is situated on the south-eastern corner of the junction of the B3347 Ringwood Road with Court Lane, opposite the Avon Causeway. It contains a partially constructed metal framed barn structure, abutting an adjoining commercial building within the land edged blue. This structure forms the northern boundary of the site. To the southern and western boundaries of the site is a wall which separates the site from the farmhouse and Ringwood Road. This results in the site being a substantially enclosed courtyard area accessed from the north-east through the main entrance into the wider complex off Court Lane.

3 PROPOSED DEVELOPMENT

The proposal is for the retention of the partially built structure and its completion as a new building for commercial purposes following the demolition of the previous structure. There are 8 parking spaces proposed within the site area.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
00/70755 Conversion of agricultural buildings to B1 offices	13/08/2001	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel
Policy ECON1: Employment land and development
Policy ENV2: The South West Hampshire Green Belt
Policy ENV3: Design quality and local distinctiveness
Policy IMPL2: Development standards
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
Policy STR6: Sustainable economic growth

Local Plan Part 2: Sites and Development Management 2014

DM22: Employment development in the countryside

Core Strategy(saved policies)

CS21: Rural economy

Supplementary Planning Guidance And Documents

SPD - Parking Standards
SPD - Air Quality in New Development. Adopted June 2022

National Planning Policy Framework

NPPF Ch. 6 - Building a strong, competitive economy
NPPF Ch.11 - Making effective use of land
NPPF Ch.13 - Protecting Green Belt land

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council original comment:

Recommend Refusal for the reasons listed below:

The proposal is non-compliant with Policy ENV 3, The originally distinct building has now been replaced with something completely different. In terms of Local distinctiveness, a 150 year old barn has now been replaced with a steel new structure.

No permission for demolition of existing barn.

No ecological report done on the old building.

The new building is out of character and an eyesore from the road.

Further to the applicant addressing a subsequent meeting of the Parish Council, the following comment has been received:

Sopley Parish Council further comment:
Recommend permission but happy to accept NFDC delegated powers.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Ecologist: Request a comprehensive package of mitigation and enhancement

HCC Highways: No objection

Natural England: No objection

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Introduction

Planning permission was granted for the conversion of the building to commercial use in 2001 (Ref 00/70755) . This permission was commenced within the five years and remained extant until the building was demolished in 2023. Work on the development ceased until more recently when movement was detected in the barn, resulting in it being demolished for safety reasons due to it being situated at the junction of a busy road.

The current application has been submitted following enforcement action relating to the subsequent commencement of construction of a replacement building in July 2023. The submitted proposals reflect works implemented so far on site, albeit that works have ceased pending the outcome of this application.

Principle of Development .

Policy ECON1 of the Local Plan sets out the criteria against which new employment development should be considered. Specifically, safe, suitable access needs to be provided, the development should not adversely affect visual or residential amenity, and nor should it adversely affect other businesses in the locality.

However, as the site is also located within the countryside, the development should also either comply with Policy CS21 of the Local Plan or allow for the establishment or growth of a high value-added or knowledge-based business. As the proposal is a speculative development and therefore the type of end user unknown, it would need to comply with Saved Policy CS21. With this in mind, the proposal would be expected to enhance the environment and contribute towards local distinctiveness in order to be considered as an acceptable farm diversification project.

Having regard to other local businesses within the farm complex, there are a variety of other uses, including heating engineers and a fitness suite. In addition to this, the Avon Tyrrell Estate (applicant) has its office at the farm, which still includes agricultural practices and associated storage. It is not considered that the proposed suite of self-service office/conference facilities would conflict with other existing businesses at the farm.

The proposal is therefore considered to be broadly consistent with relevant employment policy (policies ECON1 and CS21) subject to the consideration of the impact of the proposal on highway safety, the character of the area and the Green Belt, which are all discussed below.

South West Hampshire Green Belt

New buildings are not considered to be appropriate development within the Green Belt. However, under Paragraph 154d) of the NPPF, replacement buildings can be acceptable providing they are not materially larger than the one they replace and the use is the same.

It is noted that the proposed structure would be approximately 1m taller and 0.6m wider than the previous structure, although the length of the building would be around 1m shorter than the previous conversion scheme. Whilst this results in a building having a slightly greater bulk, it is not considered to be materially larger.

With regard to the use of the building, the matter is less clear cut. Prior to the demolition of the building, there was an extant permission for the conversion of the building to an office use following the commencement of works and conversion of the single-storey element of the building. However, the last use of the building now demolished, was agricultural and on this basis the current proposals would not be in the same use.

Whilst consideration of the following 5 tests is appropriate, whether or not there are very special circumstances to override Green Belt policy is also a material consideration.

1. Is the development appropriate in the Green Belt?

As the last lawful use of the building proposed to be replaced was agricultural, the proposal does not comply with part d) of paragraph 154 of the NPPF which (as discussed above) allows for replacement buildings subject to the use being the same. Nor does the proposal meet any of the other exceptions set out in Paragraph 154 of the NPPF. As such, the proposal must be viewed as inappropriate development within the Green Belt.

2. Would the openness of the Green Belt be adversely affected?

It is not considered that the replacement building would have a significant impact on the openness of the Green Belt. The wider farm complex contains several buildings of varying sizes, both larger and smaller than that proposed. The new building would not encroach into the countryside beyond the existing built form, being contained by the existing highway network.

3. Is there any non-Green Belt harm?

There are no concerns with regard to the impact of the proposal on residential amenity, highway safety or impact on the character and appearance of the area. (See further assessment below)

4. Are there considerations which weigh in favour of the development?

The proposal would provide 2 self-contained units of office/commercial accommodation which would complement the uses already in operation at the farm. In turn, this would provide further income in order to invest into the ongoing farm enterprise. The proposal would improve the appearance and security of the site, which would otherwise have an opening to its northern side where the previous structure was removed.

5. Do these benefits represent 'very special circumstances' that would outweigh any harm to the Green Belt?

Overall, it is considered that the benefits of the development weigh moderately in favour of the scheme, but, on balance, are not so significant or unusual as to amount to very special circumstances that would outweigh the harm to the Green Belt. Had the application been submitted prior to the demolition of the building, the fallback position of conversion would have been a valid consideration although given the particular circumstances of this application, there is no fallback position.

The applicant has put forward their own 'very special circumstances' which are as follows:

- an improvement in the appearance of the site - it is considered that there are alternative ways to improve the appearance of the site without the need for a two-storey building, such as a replacement boundary wall.
- greater biodiversity opportunities - there is a limited amount of planting proposed and opportunities would exist for bat/bird boxes on the proposed structure. This would offer greater opportunities than the existing site, although an alternative scheme could offer more biodiversity.
- improving employment opportunities in the area (both construction and office based). Paragraph 88 of the NPPF states that the development and diversification of agricultural and other land based rural businesses should be enabled through planning policies and decisions. Paragraph 89 goes on to say that such policies and decisions should recognise that development such as that proposed should not have an unacceptable impact on local roads and that it is sensitive to its surroundings.

However, on balance, it is not considered that these factors constitute very special circumstances that would be sufficient to warrant overriding Green Belt policy in this location. The proposal represents inappropriate development due to the fact that the proposed building would be in a different use to the one it replaces - the approved office use never commenced in the now demolished former building. As an agricultural use, the site is not considered to be previously developed land and, as such, the proposal is contrary to Green Belt policy.

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

The approved proposal was for the conversion of the L-shaped building for offices of various sizes with associated kitchen and toilet facilities. The change of use of the single-storey element of this was implemented and is presently occupied. The remaining two-storey element became unstable and, in view of its location on a busy road, was removed for health and safety reasons, and a new steel frame erected in its place.

As stated above, although the proposed building is slightly larger than the previous structure, given the overall scale of the proposal and its locational context, it is not considered that the resultant building would appear incongruous or harmful in this location where it would complete a previously enclosed courtyard area of the wider farm complex. The proposed materials of brick and timber cladding would reflect the previous building and would not appear out of context in this rural location.

The design of the proposed building incorporates two large barn door style openings to the north and south elevations which reflect traditional openings. Although the

proposal includes more windows than the approved conversion scheme, it no longer includes any roof lights.

Residential amenity

There are limited residential properties in the immediate area, with the barn being some 40m from the nearest one. Given this distance, it is not considered that the proposal would result in any loss of residential amenity in terms of overlooking, loss of light or noise and disturbance.

Highway safety, access and parking

The access to the site through the farmyard is existing and no alterations are proposed. The Highway Authority has considered the proposal and, although the replacement building would result in a small increase of trips compared to the existing use, they consider this increase acceptable in this instance.

It is noted that improvement works are due to be carried out at the junction of Court Lane with Ringwood Road as part of an extant permission for works to other buildings within the farm complex, although this permission has not been implemented to date. Previous highway improvements included in the original approval for the conversion of the building were implemented at the time the adjacent barn was converted.

The submitted plans indicate a turning circle for a fire appliance and two disabled parking bays. Previously, 15 spaces were to be provided for the conversion scheme and the proposal now includes only 8, as the converted section of the building uses a parking area outside of the site area to the east of the building. Although the site appears to be able to accommodate the number of spaces indicated on the form, this equates to 1.6 spaces less than the recommended level of parking for this area of commercial floor space. The plan does not demonstrate that these spaces are achievable whilst maintaining the emergency turning circle.

However, having regard to the previous parking layout and the proposed turning circle, it is considered that an appropriate parking layout could be achieved should permission be forthcoming. On this basis, it is not considered that the proposal would result in harm to highway safety.

On-Site Biodiversity and protected species

It is unfortunate that the previous building was demolished prior to the completion of any ecological surveys, as there is a possibility that the structure supported roosting bats and nesting birds. Any harm that may have occurred to protected species would be considered under the provisions Wildlife and Countryside Act.

The Design and Access Statement advises that internal surveys were not able to be undertaken due to the condition of the building. However, it is considered that external emergence/re-entry surveys could have been conducted from external viewpoints.

As the original building has now been demolished, it is considered appropriate that a comprehensive package of mitigation and enhancement measures are provided for the scheme. The application states that bat and bird boxes would be incorporated into the design of the building, although no enhancement features are indicated on the submitted plans. Appropriate mitigation measures and habitat enhancement can be secured by condition.

11 OTHER MATTERS

Having regard to the initial comments raised by the Parish Council about the removal of the original building, the site is not in a Conservation Area; nor was the previous structure a listed building, and a replacement building in the same use would not be considered inappropriate on this basis. As stated above, it is understood that the building was in such poor repair that it was unstable, such that a strong wind could have resulted in it collapsing onto the highway.

Whilst the metal frame structure is currently visible, this structure would be hidden when works are complete. Externally, the proposed materials would not appear out of context. The applicant is willing to provide ecological improvements and this could be secured through an appropriately worded condition should approval be granted.

12 CONCLUSION / PLANNING BALANCE

The proposal is not considered to have an adverse impact on the character or appearance of the area and would not give rise to unacceptable impacts on either residential amenity or highway safety.

However, the proposal does constitute inappropriate development within the Green Belt. Paragraph 152 of the NPPF advises that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." On balance, there are not considered to be any very special circumstances to outweigh the harm to the Green Belt and refusal is therefore recommended.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The site lies within the Green Belt where the provision of new buildings is inappropriate development unless it meets one of the 'exceptions' set out in paragraph 154 of the National Planning Policy Framework (NPPF). The proposal does not meet one of these 'exceptions' in view of the previous building being in a different use to that now proposed. As such, the proposal constitutes inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It is not considered that the application has demonstrated that there are very special circumstances that would outweigh the harm to the Green Belt. Therefore the proposal would be contrary to Policy ENV2 of the Local Plan Part 1 and paragraphs 152 and 154 of the NPPF.

Further Information:

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PLANNING COMMITTEE

March 2024

The Old Cart Shed
Court Farm
Ringwood Road
23/11170

Scale 1:848

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

NFDC

11.6m



The Calf Shed
The Byre
Court Farm

The Old
Cart Shed

B 3347

9.8m

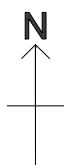


MP •

Court Farm
Cottage

NFDC

36



Pond

Planning Committee 13 March 2024

Application Number: 23/11262 Full Planning Permission
Site: SPRINGBOURNE FARM, ROCKBOURNE SP6 3NS
Development: Demolition of existing barn consented for conversion to 3 dwellings; replacement new barn to provide terrace of 3 dwellings with parking
Applicant: Roddys Retreat Ltd
Agent: Pell-Stevens Architects
Target Date: 29/01/2024
Case Officer: Vivienne Baxter
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Contrary Parish Council 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/Natural Landscape
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking and rights of Way
- 5) Ecology and habitat matters

2 SITE DESCRIPTION

The site lies at the edge of the village of Rockbourne along a track which also serves as a public right of way. It contains a single storey barn parallel to the track but separated by planting. It benefits from a vehicular access off the track to the north-east. Adjoining land to the south-east and south contains other farm buildings and a mobile home. The land rises to the rear (south-east).

3 PROPOSED DEVELOPMENT

The application follows planning approval for the conversion of the building into three holiday lets and a subsequent permission to remove the holiday let restriction. The current proposal would have an identical appearance and siting to the approved conversion scheme and the number of bedrooms and parking spaces would remain the same.

The proposal is for the replacement of most of a barn with a terrace of three single storey dwellings each comprising two bedrooms, bathroom, open plan kitchen, dining, sitting area and entrance lobby/utility area. There would be a rear patio to each property with garden raised up beyond this towards the boundary. Each dwelling would have two parking spaces, an external store and provision for charging electric vehicles. The south western section of the barn would be retained.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10307 Residential dwelling and garage/store; demolition of existing agricultural barn, stables and dilapidated outbuilding (adjacent barn)	12/02/2024	Granted Subject to Conditions	Decided
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 (adjacent barn)	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

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 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 - Air Quality in New Development. Adopted June 2022
SPD - Design of Waste Management Facilities in New Development
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

Neighbourhood Plan

N/A

National Planning Policy Framework 2023

National Planning Policy Guidance

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Rockbourne Parish Council PAR 4 We recommend REFUSAL, for the reasons listed.

The refusal is based on the following grounds:

- Allowing the change would be contrary to Policy STR2 re protecting the AONB
- Allowing the change would be contrary to Policy STR3 re promoting development in
- accessible locations
- Finally, the proposals are likely to result in considerably greater traffic density on a well used public footpath (note HCC Countryside Service have opposed the adjoining application for demolition/new build residential on the grounds of adverse impact to public safety on the footpath)

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way: No objection subject to conditions

NFDC Ecologist: No objection subject to securing measures in ecology report

Natural England: Offer advice

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Background

Application 20/10852 for the conversion of the building into three holiday lets was approved under delegated powers in December 2022. Members will recall a subsequent application (23/10278) for the removal of the restrictive holiday let occupancy condition which was determined favourably at Planning Committee in July 2023. These permissions both remain extant meaning there is planning permissions for either three holiday lets or three dwellings on the site

There is also an extant permission for the replacement of an adjacent barn with a single storey dwelling on land within the same ownership. This planning consent was granted in February 2024 following a resolution to grant at the end of 2023 (23/10307). The planning history for this property is similar to the current site.

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 84 of the NPPF which can allow for the conversion of redundant buildings where the immediate setting is enhanced.

However, the provisions of Para. 84 of the NPPF do not now apply as the proposal is to demolish the existing building on site and construct three new dwellings. 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 building 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 including the new NPPF and an increase to 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. Whilst the proposal is contrary to both Policy DM20 and NPPF Para. 84 - and there have been no material changes to planning policy since the previous approval - the proposed scheme is identical in its impact to those approved previously and which could be implemented. On the basis that there would be no materially greater impact 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.

Impact on the character and appearance of the area/Natural Landscape

The existing building (known as building B) comprises a linear structure of some 54m in length, parallel to the access track. To the rear (south-east) of this, the land slopes up and is divided into paddock areas with post and rail fencing marking the south-eastern boundary of the site around 16m from the rear of the building.

The majority of this building would be demolished with approximately 13m to the south west being retained - the application provides limited details for this smaller retained section which would remain in association with the use of the adjoining land in the same ownership. The proposed dwellings would be 9m from this retained section, separated by the proposed parking for two of the dwellings and access to the existing static caravan, and in the same layout as the extant permission.

Previously, in order not to result in the building becoming more intrusive, the floor level within the structure was proposed to be lowered slightly in order to achieve adequate head height and this combined with the levels with land sloping up to the rear would maintain a low key development which would have a limited visual impact from the footpath which runs from the village to the end of the track to the rear of the site, which is around 140m away from the buildings at its closest point. This lower floor level is reflected within the proposed plans and the scheme would have a limited impact on the wider area as a result. In view of the levels within the site, it is noted that the proposed ridge would be level with the top of the 1m high boundary fence to the south east.

The front of the existing building is currently partly screened by overgrown vegetation. This would be protected during construction as it provides suitable habitat for nesting birds. Behind this would be an existing path, which would be retained in order to allow access into the units. Each dwelling would have bathroom and bedroom windows in this front elevation. The retention of this landscaped area would offer an appropriate landscape setting for the new dwellings, respecting the rural countryside location. Although the application is supported with a planting maintenance schedule, no detailed landscaping scheme has been submitted but this can be secured by condition.

Whilst the proposed openings would be slightly different to the existing high level windows along this front elevation, there would be fewer openings, a rhythm would remain and the overall appearance would reflect that of the extant permission. To the rear of the building, patio doors and full height windows are proposed to each unit. However, in view of the lower floor level and raised garden area, combined with the proposed brise soleil at eaves level across the rear of the building, the full height of these features would not be readily visible nor would there be significant light implications within the Natural Landscape. This pattern of fenestration reflects the extant permission.

It is considered appropriate to impose conditions relating to materials and external lighting - as per previous planning permissions.

Residential amenity

The site is some distance from the nearest residential properties which are closer to the road, almost 200m away. There would be no loss of privacy or light and traffic movements would be negligible (having regard to the extant permissions) so as not to lead to unacceptable additional noise and disturbance. Any potential noise would be domestic in character and would be of a similar scale and intensity to that of the extant schemes. As such it would have a relatively modest impact on amenity so as to be acceptable.

Highway safety, access, right of way and parking

The proposal includes two access points off the track in the same layout as the extant permissions. The parking provision is also the same, offering two parking spaces for each dwelling along with provision for charging electric vehicles. The

Highway Authority has previously considered proposals at the site for both holiday lets and the conversion of the existing to dwellings and not raised any objections. Given these extant permissions coupled with the fact that traffic generation and layout would not be materially different the Highway Authority has not been consulted in this instance. Further, although previous consents required infrastructure to be secured for electric vehicle charging points this is now covered by changes to the Building Regulations and so a planning condition to secure this provision is not required.

With regard to the adjacent public right of way, Hampshire County Council Countryside Services have advised that they have no objection to the proposal providing the right of way is free of obstruction at all times and recommend a condition.

Ecology

There have been no objections raised to the proposal from an ecological point of view as the buildings do not appear to accommodate any significant wildlife habitats. Biodiversity can be addressed through appropriate landscaping. Ecological enhancements in the form of native hedge planting, three bat bricks and three bird boxes are identified in Section 6.0 of the Ecological Assessment. A condition is recommended to ensure that these ecological enhancements are implemented prior to first occupation of the dwellings and then retained in perpetuity.

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 enter into a Section 106 legal agreement to ensure that the required habitat mitigation contribution paid under the previous approval is transferred to the current application.

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 NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant will enter into a Section 106 legal agreement to ensure that the required air quality monitoring contribution paid under the previous approval is transferred to the current application.

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 combustion appliances, electric car charging points and native planting within the landscaping.

Developer Contributions

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

- Habitat Mitigation
- Air Quality Monitoring
- Habitat Mitigation Monitoring
-

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	206	206	0	0	£80/sqm	£16480 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£16,480

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The proposal is identical in appearance to the extant permission, albeit in a new building rather than a conversion. Taking this fall back position, it is considered that the proposal would not have an adverse impact on the character or appearance of the area nor adversely affect highway safety or residential amenity over and above extant schemes and as such, would be acceptable in these circumstances.

Subject to the prior completion of a S106 agreement to secure the transfer of habitat mitigation and air quality financial contributions already made, the application is considered acceptable in this instance.

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 transfer of Habitat Mitigation and Air Quality Monitoring financial contributions from previous permissions to the current scheme 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:

Planning and Heritage Statement & Appendix
Planting maintenance schedule
Ecological Impact Assessment dated 31 January 2024
Air Quality Statement
101-01 - location plan
101-02 - aerial image
101-04 - block plan - existing
101-05 - site plan - existing
101-10 - existing floor plan - Building B
101-11 - existing floor plan - Building B
101-12 - existing roof plan - Building B
101-13 - existing roof plan - Building B
101-20 - site section A-A existing
101-21 - site section B-B - existing
101-30 - existing NW elevation - Building B
101-31 - existing SE elevation - Building B
101-32 - existing elevations - Building B
103-04 - block plan - proposed
103-05A - site plan - proposed
103-06 - site/floor plan - proposed
103-10 - floor plan - proposed
103-11A - floor plan - proposed
103-12A - roof plan - proposed
103-13 - roof plan - proposed
103-22 - section D-D - proposed
103-23 - section D-D - proposed
103-29A - proposed elevation - Building B
103-30 - NW elevation - proposed
103-31A - SE elevation - proposed
103-32 - SW/NE elevation - proposed
103-33 - NE elevation - existing barn - 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 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 and Policy DM2 of the Local Plan Part 2. for the New Forest District outside of the National Park.

5. 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.

6. 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 for the New Forest outside of the National Park.

7. The development hereby permitted shall not be occupied until the spaces shown on plan 103-05 rev.A for the parking of motor vehicles have been provided. The spaces shown on plan 103-05 rev.A for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles 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.

8. 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.

9. Prior to the commencement of works relating to the floor of the proposed dwellings, 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 dwellings.

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

10. 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 external openings to the walls/roof shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the site and its location in the countryside and Natural Landscape, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area or the character of the countryside and Natural Landscape, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

11. 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. The external lighting to be undertaken only in accordance with the approved scheme.

Reason: To ensure the development would not be harmful to the Cranborne Chase Natural Landscape and Dark Skies Reserve contrary to the provisions of Policies STR2 and ENV4 of the Local Plan Part 1 2016-2036 and DM20 of the New Forest Local Plan Part 2 (Sites and Management Plan) 2014 for the New Forest outside of the National Park..

12. The works hereby approved shall be undertaken in strict accordance with the Ecological Impact Assessment (KP Ecology Ver 1 dated January 31st 2024) submitted with the planning application unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancements in Section 6.0 of the Ecological Impact Assessment shall be implemented prior to first occupation of the dwellings hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species and ensure ecological enhancements are delivered in association with the development in accordance with Policies ENV3 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 (Part 2: Sites and Development Management) for the New Forest District outside the National Park

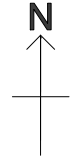
13. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

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.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5442

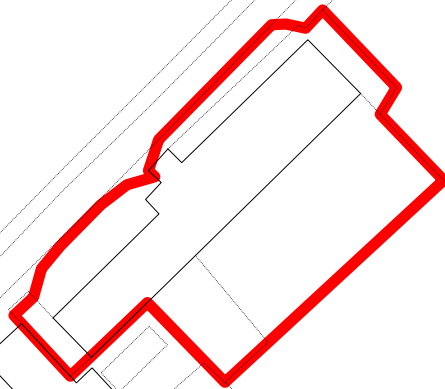


NFDC

53.0m

57.6m

50



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

March 2024

Springbourne Farm
Rockbourne

23/11262

Scale 1:1000

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

Planning Committee 13 March 2024

Application Number:	23/11050 Full Planning Permission
Site:	Land adjacent to WOODBERRY DAY NURSERY, ROLLESTONE ROAD, HOLBURY, FAWLEY SO45 2GD
Development:	9 dwellings comprising: x3No. two-storey detached 4 bedroom dwellings with detached garages, x2No. 3-bedroom dwellings and x4No. 2 bedroom, semi-detached houses; new vehicle access; alterations and extensions to the existing nursery car park and formation of a new vehicle access to serve the nursery
Applicant:	Development Matters Ltd
Agent:	The Planning Group Ltd
Target Date:	18/12/2023
Case Officer:	John Fanning
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	Contrary view of the Parish Council and a District Councillor. Furthermore, the recommendation is contrary to relevant local planning policy.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Relevant planning history
- 2) Principle of development
- 3) Housing Need and 5-year Housing Land Supply
- 4) Health and Safety Consultation Zone
- 5) Design, character and appearance
- 6) Amenity
- 7) Highways and parking
- 8) Ecology
- 9) Drainage
- 10) Habitat Mitigation
- 11) Developer Contributions

2 SITE DESCRIPTION

The application site forms part of the Woodberry Day Nursery site. The land lies to the south of Rolleston Road, near to its junction with Long Copse and Hampton Lane. The nursery building occupies the eastern part of the site on the corner with the junction, with a large car park and area of open land forming the western part of the site. The site lies just outside of the defined built-up area, positioned in an area of open space between Holbury and Blackfield.

Whilst those parts of the site covered by existing areas of hardstanding would constitute previously developed land, the majority of the application site, comprising

an extensive soft landscaped area belonging to the Day Nursery, would not constitute previously developed land (for planning policy purposes).

3 PROPOSED DEVELOPMENT

The application relates to the western segment of the site, currently used in part for car parking associated with the existing nursery. The application seeks to subdivide the existing site, with part of the site being redesigned to serve as a retained car parking area for the nursery use, served by a new vehicular access onto Rolleston Road. The other part of the site is intended to be developed to create 9 new dwellings consisting of 2 semi-detached pairs and 5 detached dwellings.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
21/11659 Replacement storage building	27/01/2022	Granted Subject to Conditions	Decided	
20/10978 Alterations and additions to existing property	09/12/2020	Granted Subject to Conditions	Decided	
18/10921 Removal of condition 6 of Planning Permission 09/93731 to allow occupancy based on Ofsted requirements	01/10/2018	Granted Subject to Conditions	Decided	
11/97122 20 houses (Outline Application with details only of access)	25/11/2011	Refused	Appeal Decided	Appeal Dismissed
09/94594 Day nursery for 40 children; demolition of existing	14/12/2009	Granted Subject to Conditions	Decided	
09/93731 Single-storey replacement nursery school	13/10/2009	Granted Subject to Conditions	Decided	
01/72988 To use social club as nursery school	01/02/2006	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities

Policy 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 HOU1: Housing type, size, tenure and choice

Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes

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

DM2: Nature conservation, biodiversity and geodiversity
DM9: Green Infrastructure linkages
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
SPD - Housing Design, Density and Character
SPD - Parking Standards

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:

We recommend refusal as this site is not an allocated site in the district plan.

Following a previous application, it was required to be landscaped to return it to its original greenfield status (it is not brownfield) and the community considers the green space as a defining boundary between Holbury and Blackfield. We would like to raise the issue of the splay; as shown, this seems inappropriate for the position adjacent to the traffic lights. The Council is also concerned about the removal of the car parking provision for drop-offs to the nursery and is further concerned that a traffic report is being used which was carried out during the Covid period, which it feels is unrepresentative. We support an updated badger survey/walkover taking place.

7 COUNCILLOR COMMENTS

Cllr Peter Armstrong -

- Development of site is contrary to local planning policy
- Concern regard vehicle speeds and potential highways safety
- Exacerbate existing highways issues in vicinity
- Site should be retained as open land
- Strong levels of objection among local population

8 CONSULTEE COMMENTS

HCC Highways:

Following the submission of updated details, no objection is raised by the Highways Authority. A condition is recommended to secure details of the construction management to ensure appropriate management of the highway during construction works.

NFDC Ecologist:

No objection subject to suitable conditions to secure the enhancement and mitigation measures outlined in the ecology report. Given new dwellings are proposed, appropriate mitigation of recreational and nitrate impacts will need to be secured.

NFDC Planning Policy:

The Council cannot currently demonstrate a 5-year land supply. As such in accordance with paragraph 11(d) of the NPPF local policies may be considered to be out of date.

Health and Safety Executive:

No objection

9 REPRESENTATIONS RECEIVED

19 letters of objection received from local residents:

- Inappropriate location/site should be retained as a green space
- Local infrastructure cannot support more dwellings
- Will exacerbate existing traffic problems
- Construction will generate disturbance for nearby occupiers
- Access position is dangerous
- Site should make provision for affordable/social housing
- Further development should not be approved within proximity to Fawley Refinery
- Concerns of previous refusal and appeal should be upheld
- Harmful overlooking of neighbouring residential properties
- Highways report took measurements during COVID period and are not representative

- Previous conditions required this development to be greenspace

Note: A set of landscaping conditions (3 and 5) were imposed on application reference 09/94594. The approved landscaping scheme showed a tarmac accessway running across the site to serve a parking area in the eastern section of the site, adjacent to the nursery building, with the rest of the site being grassed and with tree planting. This condition was discharged on 10.03.2010. While the site does not appear to be in full accordance with the approved layout, the general layout is in accordance with the consented details.

- Site can be registered as a local greenspace

Note: The application relates to land currently in use as a car park serving the existing nursery, and there is no indication of special designation in this regard.

10 PLANNING ASSESSMENT

Relevant Planning History

A previous outline planning application under reference 11/97122 for 20 dwellings was refused on the site in November 2011. In summary, this application was refused on the following grounds:

- The proposal was contrary to policy, representing an unjustified residential development in the countryside.
- The proposal was harmful to the character and appearance of the countryside.
- There were felt to be inadequate visibility splays for access.
- The proposal constituted inappropriate development within the Fawley Major Hazard Consultation Zone.
- There was a failure to make appropriate provision to mitigate wider impacts associated with additional residential development (affordable housing, open space, transport network).

The application was the subject of a subsequent appeal that was dismissed in August 2012.

At the time of the appeal decision, the Council had an adopted policy restricting the provision of new dwellings outside of the defined built-up areas, which was further supported by the (at the time) emerging Local Plan Part 2. The Inspector agreed that the proposal would be contrary to this element of the Council's local policies and upheld the refusal in this regard.

Significantly, the Inspector did not find that there would be identifiable harm to the character of the area. The Inspector concluded that the appeal site would be predominantly viewed within the context of the surrounding built form of Rolleston Road and would primarily relate to the main built-up Holbury environment. The inspector did not consider that the development of the site for 20 dwellings would have a harmful impact on the character and appearance of the countryside and, furthermore, did not identify any adverse landscape impact.

In assessing highway safety, the Inspector found that there was a potential for risk and that, in the absence of appropriate survey information, the proposal should not be supported.

With regard to concerns relating to the hazard consultation zone, the Inspector noted the objection from the Health and Safety Executive and concluded that the proposal would give rise to an unacceptable hazard risk in view of the number of dwellings proposed.

The Inspector concluded that the other key matters in the reason for refusal could be resolved by the use of an appropriate legal agreement.

The circumstances of the current proposal are substantially different from those considered under this previous application. Specifically, the application is for fewer units and has been submitted in full, rather than in outline, allowing for a greater degree of detail and certainty over the specifics of the proposal. In addition, it is noted that both local and national policies are materially different from those that existed in 2011/12.

Notwithstanding this, many of these considerations and key issues remain relevant to the site and current proposal, and these matters will be addressed in more detail below.

Principle of Development

The site lies outside of the defined built-up area, the boundary of which lies directly to the north on the opposite side of the road in Holbury (which is occupied by residential dwellings) and a few hundred metres to the south in Blackfield. Policies STR3 and STR4 of the Local Plan outline that the Council will typically seek to locate

new development within these defined development boundaries. Policies HOU5 and DM20 provide further context, outlining that residential development in countryside locations should only be supported in certain circumstances – where the site is providing affordable housing to meet local needs or similar community focused schemes, or where the proposal represents the replacement of an existing dwelling, or to provide for agricultural or forestry workers specifically.

The current scheme for 9 new dwellings does not fall within the remit of any of these exception criteria and, as such, the proposal is contrary to Local Plan policy (in the same way that the 2011/12 scheme was contrary to policy). Paragraph 47 of the National Planning Policy Framework references planning law which 'requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. This means that this proposal should not be approved unless there are considered to be material considerations that would justify a departure from policy.

Housing Need and 5-year Housing Land Supply

Notwithstanding the above, it is noted that there is a defined need for new dwellings within the district as a whole, with both local and national policies encouraging the provision of new housing.

In terms of the national policy context, the National Planning Policy Framework (NPPF) has historically required Local Planning Authorities to be able to demonstrate the provision of a 5-year housing land supply to demonstrate that sufficient housing provision is being made within the district. The Council has made significant efforts to address shortfalls in housing land supply, with the allocation of a number of strategic sites, as well as approval of windfall developments on unallocated sites. However, notwithstanding this, the Council cannot currently demonstrate a 5-year land supply, with the most recent assessment citing a supply of 3.07 years.

The NPPF was updated in December 2023, with the effect that a lack of a 5-year housing land supply no longer needs to be considered in the case where the adopted plan is less than 5 years old and the plan identified at least a 5-year supply of sites when it was adopted. However, with regard to footnotes 40 and 79 of the NPPF, any applications submitted prior to the date of the new NPPF still need to be considered in the context of the previous provisions of the NPPF, meaning these recent changes are not applicable to the current proposal - which was registered before the updated NPPF was published.

Section 11d) of the NPPF outlines that permission should be granted where 'the policies which are most important for determining the application are out of date' subject to compliance with the application of other policies within the NPPF. A caveat to this is presented in section 11d)ii. which states that if an application is to be refused in this circumstance then it must be on the basis that any adverse impacts from granting consent should significantly and demonstrably outweigh the benefits, within the context of the NPPF framework. Footnote 8 clarifies that for the purposes of housing provision, such policies will be considered to be out of date where the Local Planning Authority cannot demonstrate a five year housing land supply.

On the basis of the above and with regard to the consultation response from the Councils' Planning Policy team, these considerations are relevant and important in terms of how the proposed scheme should be assessed.

In the specific case of the current application site, it is also relevant to note that the proposal is situated in immediate proximity to the defined built-up area, with the other side of the road to the north being a relatively typical residential frontage, whilst the site is also a relatively small distance from the built-up area of Blackfield to the south. A more detailed consideration of whether the proposal integrates into the pattern and character of the surrounding area will be considered in more detail below.

Health and Safety Consultation Zone

As noted above, a previous application on the site was objected to by the Health and Safety Executive on the grounds that the proposal represented an inappropriate development within the consultation zone of the nearby Fawley Refinery and other associated sites. The specific concern raised was that the density of development was too high (specifically, development in excess of 40 dwellings per hectare) and would result in an unacceptable hazard risk.

In the case of the current proposal, it is noted that the density of the proposed development is much reduced compared to the previously refused scheme. Unit numbers have been reduced from 20 to 9, so the scheme would have a density of only 19 dwellings per hectare for the residential portion of the site. The Health and Safety Executive were consulted on the current proposal and raised no objections to the development. As such, one of the main objections to the 2011/2012 scheme would no longer apply.

Design, character and appearance

At present, the site is accessed from a single vehicular entrance point at the western end of the site, with the frontage being predominantly screened by a hedge, with a pedestrian access closer to the main building and a fenced boundary treatment around the nursery building. The application proposes the formation of a new vehicular access and hard surfacing roughly in the location of the existing pedestrian access to form a new car park for the nursery. The existing access would be removed and a new access formed further to the east. The frontage would be opened up, with an area of landscaping immediately on the site frontage and an access route running in front of a broken-up row of dwellings, set well back from the site frontage.

This would represent a substantial change to the existing appearance of the site within the street scene. There is existing residential development on the southern side of Rolleston Road further to the west, but there would be a retained visual break of open space between that development and the application site. The proposed development would represent a reasonably low-density residential form, with the buildings being well set back from the immediate site frontage and well spaced within the plot. It is considered that with regard to the appearance and layout, the proposed development would integrate with the residential street scene on the northern side of the road. It is not considered that the proposal would substantially erode any sense of the green gap retained between Holbury and Blackfield and instead would present as part of the existing envelope of development within Holbury, with the low density of development providing a transition to the retained open space beyond.

The alterations to the car park to serve the existing nursery, including the new access, would somewhat open up the parking area in the context of the visibility within the surrounding street scene. There would be an increase in visible hard surfacing. However, there would also be an improvement in accessibility and additional public surveillance of the parking area in terms of crime and safety.

Overall, it is considered that subject to a suitable landscaping condition the appearance of this section of the site would be acceptable in the context of the surrounding area.

As a whole, it is considered that the development would include generous areas of soft landscaping to provide an appropriately green setting. The development would have an attractive sense of spaciousness that would be responsive to the wider context. In the same way that the appeal inspector concluded that a more intensive development of the site would not be harmful to the character and appearance of the countryside, it is not considered that this significantly less intensive development would be materially harmful in terms of its visual and landscape impact, taking into account the site's location and broader context. As such, this does weigh materially in favour of the scheme, given the lack of a 5-year housing land supply.

More generally, it is important to note that the site sits in a comparatively sustainable location in immediate proximity to the nearby facilities and amenities associated with the built-up area and would sit within this developed context, rather than being situated in a more isolated rural environment. As the site is sustainably located, this again weighs somewhat in favour of the proposed development, given the lack of a 5-year housing land supply.

Amenity

The proposal would represent an intensification of the use of the site in terms of associated comings and goings and associated activity, in addition to introducing new dwellings into the street scene.

It is considered that the site is sufficiently set back from neighbouring properties to have no adverse impact in terms of privacy, light, outlook or general amenity. While there would be an increase in activity associated with the proposed residential use, it is not considered that this would be at a level that would be harmful to the amenities of the existing nearby residential properties or indeed the existing day nursery.

Highways and Parking

With regard to the new dwellings, the proposal identifies 2 or 3 parking spaces on the available site plan per dwelling, though it is noted that given the available hardstanding on the frontage, potentially more vehicles could be parked on the driveways. It is considered that this level of car parking would comply with the standards laid out in the Council's Parking Standards SPD.

With regard to the nursery use, at present the site benefits from a larger informal area of open land without specific parking bays and a smaller more formalised parking area close to the building. Following the proposal, the size of the available parking area would be substantially reduced, with 23 identified parking bays. Some improvements to accessibility are noted in terms of the provision of defined disabled access bays, proposed EV charging and 10 cycle hoops. Turning bays are proposed to ensure that vehicles can enter and leave the site in a forward gear.

Table 7 of the Parking Standards SPD outlines that day nurseries should typically seek to secure 1.5 parking spaces per member of staff, with 1 'long stay' cycle hoop per 6 full time staff and 2 'short stay' hoops per establishment. An application on the site in 2018 identified there were 27 staff employed (though it is noted this included both full time and part-time staff with no break down of full time equivalent numbers). In support of the current application, the applicant has provided some financial records which indicate that more recently in 2022, the average number of employees on the site is 16, which would still result in a potential shortfall of 1 space in the

context of the above parking standards. On balance, it is considered that the general suite of improvements to the parking layout in terms of accessibility improvements and support for alternate transport provision are sufficient to mitigate a potential shortfall of 1 parking space and, as such, no objection is raised in terms of the proposed parking arrangement.

The Highway Authority initially raised some concerns with regard to the formation of the two new accesses onto the highway and requested additional clarification of details and further surveys to be undertaken. Following the submission of additional details on the vehicle tracking within the site, sightlines for vehicles entering and leaving and site and traffic surveys, the Highway Authority have advised they do not have any objection to the new proposed accesses, subject to a suitable condition to secure details of construction works which may effect the highway. The condition recommended by the Highway Authority incorporates a requirement to provide a method statement on the phasing of development, which will be used to ensure appropriate continuity of access and facilities for the existing use during construction works.

For the reasons outlined above, it is considered that the proposal secures suitable parking provision for the proposed development and would not otherwise be harmful to highway safety. As such, another of the main objections to the 2011/2012 development would no longer be a reason to refuse planning permission.

Ecology

An ecological survey has been submitted with the application, which offers an overview of the existing ecological features of the site and a scheme of appropriate mitigation and enhancement that has been reviewed and accepted by the Council's Ecologist. Of note, evidence of the presence of badgers within the site was noted, so a condition is recommended in line with the Ecologist's recommendation to secure a further updated survey and management plan during construction. The proposal lists a suite of biodiversity enhancements as part of the development, and an appropriate condition is recommended to secure this aspect of the proposal.

Drainage

The site does not lie within an area of identified flood risk and no specific drainage concerns have been identified in relation to the proposed development. The application does potentially result in some increase in hard surfacing on the site with a potential for an increase in surface water run off. The application has submitted a scheme of works to address drainage within the site and appropriate conditions are recommended to secure these details.

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 those sites' 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.

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of those sites' 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 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation, together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition to address this is proposed.

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 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.

Developer Contributions

It is noted that Policy HOU2 requires an affordable housing commitment for developments of 11 or more dwellings or of more than 1000 sq m gross internal floor area. The development does not exceed these criteria and, as such, it is not considered appropriate to seek to secure any contribution in this regard.

It is noted that with regard to Policy CS7, there is an expectation for sites over 0.5ha to provide suitable on site public open space provision (including play space). While the application site as a whole is over this limit, at 0.59ha, this includes the part of the site to be retained to serve as the car park for the nursery use. The proposed residential portion of the site is 0.46ha. It is noted that the two elements of the proposal could have been submitted as individual applications. However, submission of the scheme as a single proposal is clearly beneficial to allow appropriate assessment of the scheme as a whole. Given the circumstances outlined above, it is not considered appropriate or necessary to require on-site open space or off-site contributions to be provided in association with the residential element of the scheme.

As part of the development, the following will need to be secured via a Section 106 agreement or unilateral undertaking prior to any grant of consent:

Air Quality Monitoring contribution: £927

Recreational Habitat Mitigation:

- Infrastructure Habitat Mitigation (Provision): £50,583
- Non-Infrastructure Habitat Mitigation (Access Management and Monitoring): £7,828
- Bird Aware Solent: £7,164

It is noted that these figures are index linked and will rise on the 1st April 2024.

As part of the development, subject to any relief being granted the following amount of 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	998.15	0	998.15	998.15	£80/sqm	£117,013.89 *

Subtotal:	£117,013.89
Relief:	£0.00
Total Payable:	£117,013.89

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The site is situated outside of the defined built-up area, with the proposed residential development being clearly contrary to the policies of the Council's adopted Local Plan.

However, it is considered that there are a number of material considerations that weigh significantly in favour of the proposal.

Firstly, due to the Council's lack of a deliverable 5-year housing land supply, there is evidently a strong need to secure additional housing within the area, and the 'tilted balance' of the NPPF must be applied to the proposal.

Secondly, having regard to the previous 2012 appeal decision affecting this site, it is considered that the proposed development would not have a harmful impact on the character and appearance of the countryside. Instead, it is considered the proposal would be well-designed and sensitive to the site's context, sitting comfortably in the context of the surrounding development on the edge of Holbury. It is considered that the development would integrate successfully into the surrounding area. Furthermore, the site is a sustainable location, with good access to local facilities and amenities.

It is also important to note that fundamental concerns raised by the previously refused development for 20 dwellings - in terms of highway safety and health and safety - have been addressed. It is considered that there will not be a harmful impact on highway safety, whilst adequate parking provision has been secured for the existing and proposed developments.

Accordingly, when applying the 'tilted balance' of the NPPF, it is not considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of providing 9 additional homes within a sustainable location. Therefore, whilst recognising that the provision of these homes in this countryside location would conflict with Local Plan policy, it is considered that on the basis of Paragraph 11d) of the NPPF, there are material considerations that fully justify making a decision that would be contrary to policy. As such, the application is recommended for conditional approval, subject to the prior completion of a Section 106 legal agreement to secure those matters set out in the report above.

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 or unilateral undertaking to secure those matters set out in the 'Developer Contributions' section of this report.
- 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:

Drg No: 839-22 (Access Assessment - Issue 3) Dated: 23.02.24,
Received: 23.02.24

Drg No: 839-22-05 Rev D (Access details) Dated: 22.02.24, Received:
23.02.24

Drg No: 839-22-30 (Drainage construction details) Dated: Sept 2023,
Received: 18.01.24

Drg No: 839-22-15 Rev B (Drainage site layout) Dated: 06.01.24,
Received: 18.01.24

Drg No: 839-22-02 Rev A (Site survey) Dated: 30.09.23, Received:
18.01.24

Drg No: 839-22-70 Rev A (Vehicle swept path analysis) Dated: 06.01.24,
 Received: 18.01.24
 (Road safety audit - brief) Dated: 20.12.23, Received: 18.01.24
 (Road safety audit - response) Dated: 04.01.24, Received: 18.01.24
 (Road safety audit) Dated: 24.12.23, Received: 18.01.24
 Drg No: J02737 (Energy Statement) Dated: 20.10.23, Received: 23.10.23
 Drg No: 6.0 Rev A (Shed elevation and floor plan) Dated: Feb 23,
 Received: 18.01.24
 Drg No: 2.0 Rev A (Proposed elevation and floor plan) Dated: 10.10.23,
 Received: 23.10.23
 Drg No: 3.0 Rev A (Proposed elevation and floor plan) Dated: 10.10.23,
 Received: 23.10.23
 Drg No: 4.0 Rev A (Proposed elevation and floor plan) Dated: 10.10.23,
 Received: 23.10.23
 Drg No: 1.02 Rev D (Proposed site plan) Dated: 14.01.24, Received:
 18.01.24
 Drg No: 1.0 Rev A (Site location plan) Dated: 10.10.23, Received:
 23.10.23
 Drg No: 1.01 (Block plan) Received: 23.10.23
 (High speed internet statement) Received: 23.10.23
 (Design and access statement) Received: 23.10.23
 Drg No: PEA 22-09 247.1 (Ecological appraisal) Dated: 14.09.2023,
 Received: 23.10.23
 (Planning statement) Received: 23.10.23

Reason: To ensure satisfactory provision of the development.

3. Prior to construction 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 development 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 access, cycle storage provision, areas identified as turning heads within the western part of the site and the hatched areas for vehicle turning in the eastern part of the site have been provided in accordance with the approved details. The turning areas and parking spaces shall thereafter be retained for those purposes 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. Prior to the commencement of development, a scheme of landscaping of the site shall be submitted to and approved 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.

Prior to the occupation of the development hereby approved, the hard surfacing and means of enclosure shall be implemented in accordance with the agreed 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 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.

7. The development hereby approved shall be undertaken in full accordance with the mitigation and enhancement measures set out in Section 6 of the submitted Ecological Appraisal (Ref PEA 22-09 247.1) unless otherwise first agreed in writing with the Local Planning Authority.

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).

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

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).

9. No development shall commence on site until a construction method statement has been submitted to and approved in writing by the Local 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 arrangement for deliveries associated with all construction works
 - d) methods and phasing of construction works, including details of management of existing facilities during construction works
 - e) access and egress for plant and machinery
 - f) protection of pedestrian routes during construction
 - g) location of temporary site buildings, compounds, construction material and plant storage areas
 - h) wheel washing facilities or prevention methods to prevent mud spilling on to the highway

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

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

10. Prior to commencement of development, a Biodiversity Enhancement Plan providing full details of ecological enhancement bird and bat boxes, (including number, specification and location) shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details and evidence of delivery of enhancements shall be provided prior to occupation of the dwellings hereby approved.

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).

11. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence

that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

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.

12. Prior to the occupation of the development hereby approved, the development shall be implemented in accordance with the details outlined in the submitted Drainage Strategy (Issue 2) (dated 18.01.24).

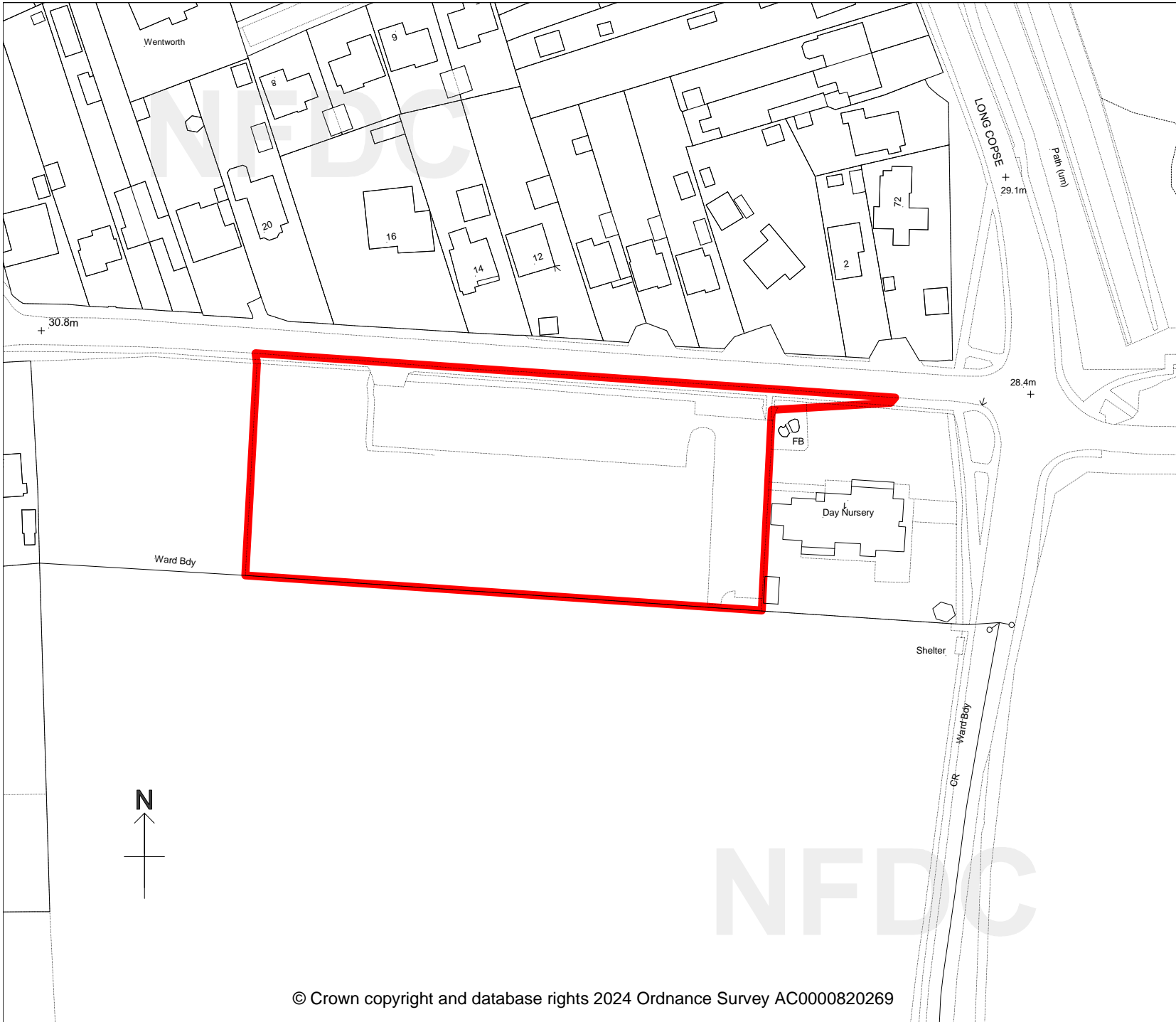
Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic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

13. Prior to the commencement of development, details of levels, including finished floor levels for all buildings, levels of hard surfacing and access routes, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that the development addresses the existing site levels and integrates with neighbouring land uses.

Further Information:

John Fanning
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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

March 2024

Land adj to Woodbury Day Nursery
 Rollestone Road
 Holbury
 23/11050

Scale 1:1250

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

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Planning Committee 13 March 2024

Application Number: 23/11235 Full Planning Permission
Site: 17 ST JOHNS STREET, HYTHE SO45 6BZ
Development: Single-storey rear extension; fenestration alterations
Applicant: Mr Willacy
Agent:
Target Date: 15/02/2024
Case Officer: Sophie Tagg
Officer Recommendation: Refuse
Reason for Referral to Committee: Contrary view of Parish Council and a local ward Councillor.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The impact of the works on the special architectural and historic interest and significance of the listed building and
- 2) The impact of the works on the preservation of the character and appearance of Hythe Conservation Area.
- 3) The impact of the works on the residential amenity of neighbouring occupiers
- 4) Flood risk considerations

2 SITE DESCRIPTION

The site comprises a grade II listed two-storey dwellinghouse that dates from the 18th century and forms part of a listed terraced group located in a prominent position within Hythe Conservation Area. The building is set within a long, narrow plot which at the rear extends to Southampton Water. There is a close-boarded fence to the north-western boundary, which is shared with No.15, another residential property that is also Grade II Listed.

The list description details the building as having a stuccoed brick front with jointed lines. On the front elevation there is a central 6-panelled door inside a flat roofed trellised porch, along with five 12-pane sashes in exposed frames.

3 PROPOSED DEVELOPMENT

The application is for a single-storey extension to the rear of the Listed Building.

The application follows on from a recent refusal of planning permission which sought the retention of a single-storey extension that had been commenced without consent in 2007/2008, and which whilst largely constructed has not been fully completed. The application was refused by the Local Planning Authority due to its adverse impact on the character and significance of the Grade II Listed host building, its adverse impact on the character and appearance of the Hythe Conservation Area, and also due to an unacceptable flood risk.

The Applicant appealed the Local Planning Authority's decision, and the proposal was dismissed by the Planning Inspectorate, with the Planning Inspector agreeing with all of the Local Planning Authority's main objections.

The as-built extension has entailed the remodelling and extension of a smaller single-storey projection which was made up of a collection of historically ancillary spaces that was situated adjacent to the site's boundary with 15 St John's Street. The internal space that has been created is habitable and in use by the occupants as living space/home office accommodation.

This revised proposal seeks to respond to the concerns of the Local Planning Authority and the Planning Inspector. The proposal seeks to reduce the depth of the existing unauthorised extension, bringing it in line with the neighbouring attached property No.15, with the formation of a new gable end. The width of the extension would be retained, but the roof would be altered to a lower slope constructed of lead. The proposals seek to remove a rooflight and alter the coupling so that the single rooflight remaining would sit lower into the roof. The ridge height of the addition, which sits higher than the permitted kitchen addition, would be retained.

The submission follows pre-application advice submitted by the Applicant. At the time, Officers, informed by the Conservation Officer, responded to the Applicant and advised that the proposal was unlikely to be supported because it did not fully address the matters of concern raised by the Planning Inspector.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
22/10239 Single-storey rear extension (Retrospective)	01/09/2022	Refused	Appeal Decided	Appeal Dismissed
22/10252 Single-storey rear extension (Application for Listed Building Consent)	01/09/2022	Refused	Appeal Decided	Appeal Dismissed
20/11082 Replace existing defective render and construct a section of slate hanging all in combination with external wall insulation (Application for Listed Building Consent)	15/04/2021	Granted Subject to Conditions	Decided	
75/NFDC/04160/LBC Alterations and addition of a kitchen (part of existing outbuilding to be demolished).	27/02/1976	Granted	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy STR1: Achieving Sustainable Development

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal

Relevant Legislation

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

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

Chap.16 - Conserving and enhancing the historic environment

Constraints

Flood Zone

Small Sewage Discharge Risk Zone - RED

Conservation Area: Hythe Conservation Area

Listed Building Grade: Grade II 552.11.022

Plan Policy Designations

Town Centre Boundary

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend PERMISSION.

7 COUNCILLOR COMMENTS

Councillor Alex Wade -

This application has my support as I do not consider the proposal to have a detrimental impact on this historic property. The listed building is within the Conservation area; however, there is no impact on the Streetscene or the front of the plot, and there is no change to the character of the area, with three linked cottages. The works are in the rear of the property and single-storey, and I understand efforts have been made to respond to previous concerns highlighted by Planning and Conservation Officers. The rear extension is sympathetic to the size of the plot, which has a long rear garden, and the height is only slightly above the next door property.

8 CONSULTEE COMMENTS

Conservation Officer - Objection

(Comments are available in full on the website)

The proposal does not fully address the Inspector's concerns set out within the appeal decision.

It would fail to preserve the special architectural and historic interest of No 17 and the significance derived from its composition within the plot.

Due to its situation relative to its surroundings, enclosures and landscape, the extension is all but hidden from views within the Conservation Area. Nevertheless, the character of the Conservation Area is not only reliant on visual effects and appearance from public vantage points. It follows that as the special interest of the listed buildings within the Conservation Area would be materially diminished, that the character and appearance of the Conservation Area as a whole, would also be similarly incrementally harmed, including by the constriction and erosion of the plot arrangement to the rear of No 17.

The proposed alterations to the unauthorised extension are harmful to the character and appearance of the No 17 and would not preserve the Conservation Area. The harm is less than substantial with no public benefit.

9 REPRESENTATIONS RECEIVED

1 letter of support from neighbouring property received.

- *Would require details relating to finishes and weathering in respect of the proposed works to the party wall between No.17 and No.15.*

10 PLANNING ASSESSMENT

Design, site layout and impact on the listed building

The application relates to the construction of a single-storey rear extension which would be set beyond and attached to an authorised, narrower single-storey addition which is attached to the main house.

As set out above, unauthorised works have largely been completed on a rear single-storey extension which were considered unacceptable, refused by the Local Planning Authority and dismissed at appeal by the Planning Inspector.

The Applicant now proposes to reduce the overall form of the extension by reducing the depth, removing the flat roof element at the rear, amending the roof form to a gable end, removing a roof light and amending the form of the existing retained rooflight and altering the flat roof of the south facing extension with a sloping roof. The extension would be constructed in timber frame with natural timber cladding, and the proposed roof would comprise a mix of slate and lead.

The main ridge line of the roof of the proposed extension would extend approximately 70mm above the adjacent addition which was approved in 1976. The Applicant has advised that the extension replaces what was previously a workshop and store. A series of ancillary outbuildings originally existed on the site prior to 1979, constructed in brick and slate, comprising a washhouse, workshop and store. The main part of the proposed extension (under the pitched roof) incorporates part of the original range of outbuildings.

The Conservation Officer has been consulted on the proposal and has advised that the original single-storey features are visible on historic maps and included a section which continued to the end of the neighbouring lean-to structure.

The Conservation Officer is of the view that the proposed extension would not satisfactorily address the issues raised within the previous application or in the appeal Inspector's decision notice.

The Inspector made the following comments regarding the previous proposal:

"The size, situation, proximity and detailing of a pair of large rooflights relate poorly to the roof in which they are set and the listed building as a whole. Its deeper plan brings it close to an existing woodshed and tool shed, narrowing the open space within the rear plot. Although the difference is relatively minor, the extension's taller ridge compared to the kitchen extension adds to the awkwardness of the arrangement."

The proposal seeks to amend the depth of the extension by reducing it and removing the flat roof element by approximately 2 metres in line with the attached adjacent property (No.15). The roof is proposed to be amended to form a gable end which would be more reflective of No.15. However, the proposal would not alter the width of the extension and instead seeks to amend the roof line to a sloping roof constructed of lead. The projection beyond the current kitchen offshoot would give the extension an awkward appearance which would not be reflective of the diminishing hierarchy and subservience of the previous / historic arrangement, and this is something that was found unacceptable by the Inspector. Additionally, the ridge height difference would not be reflective of a pattern of development expected in the traditional evolution of a listed building, and the hierarchy of the building form would be adversely affected and would add to what would be an awkward arrangement. The proposed sloping roof would now link to the eaves of the kitchen extension. However, it would not reflect the slope pitch to the rest of the extension, which would result in an incongruous and awkward appearance. The proposed vertical boarding is also not considered to relate well to the main listed building. The proposal would remove one rooflight and alter the coupling of the retained rooflight so that it would sit lower into the roof. However, in his decision notice, the appeal inspector considered both rooflights to be overly large, and no sections of the rooflight have been provided to demonstrate that the coupling can be realistically achieved.

It is considered that the original store and workshop buildings were appropriately simple in character and ancillary in design as additions to the main listed building. By contrast, the proposed extension is considered to be of a width, height, form and appearance that would detract from the main two-storey listed building when viewed from the side and rear, and to detract as well from the character of the single-storey lean-to style ancillary buildings originally on the rear of the property.

Having regard to the personal circumstances of the Applicant, the Planning Inspector drew upon this issue within the previous application and states the following:

"...such personal requirements carry negligible weight in support of the scheme... the evidence does not show that this particular scheme delivers any public benefits, including securing the optimum viable use of the building, such to outweigh the harm to the significance of the designated heritage assets."

Due to its impact on the setting and special architectural and historic interests of the listed building set out above, the extension is considered to be contrary to policy ENV3 of the Local Plan 2016-2036 Part 1 : Planning Strategy, policy DM1 of the Local Plan Part 2 : Sites and Development Management 2014, and policy D1 and policy D3 of the Hythe and Dibden Neighbourhood Plan.

Additionally, the works would result in less than substantial harm to the significance of the designated heritage asset. Paragraph 202 of the The National Planning Policy Framework (NPPF) advises that such harm is to be weighed against the public

benefits of a proposal. In this case, no public benefits have been identified that would outweigh the harm to the Listed Building.

Conservation Area impact

As set out within the Inspector's report, and also considered to be relevant to this revised application is the impact upon the character and appearance of the Conservation Area.

"I have also paid special attention to preserving the character and appearance of the Conservation Area and have also given great weight to this designated heritage asset's conservation. Whilst there is a less marked effect on its appearance given the largely obscured nature of the extension from outside the site, the development does not preserve its character and hence it harms its significance. Again, this heritage harm carries considerable importance and weight. "

It is considered by Officers that the addition would not conserve the character and appearance of the Hythe Conservation Area. A more appropriate and narrower building, similar to that previously in situ, which follows the ridge line or set lower than the ridge line of the existing single-storey buildings and footprint to the rear would potentially be more acceptable. The Applicant has been advised of Officers' views within the responses of recent pre-application enquiries submitted.

Residential amenity

The development is not considered to give rise to an unacceptable level of overshadowing or loss of light to the amenities of the neighbouring occupiers and is acceptable in this regard.

Flood Risk

17 St John's Street lies partially within an area at risk of tidal flooding. Parts of the property fall within Flood Zone 3, parts are in Flood Zone 2, and parts are in Flood Zone 1. The site of the extension is within Flood Zone 3. The application has been accompanied by a Flood Risk Assessment (FRA) and the measures required are considered to comply with flood risk policies and paragraph 167 of the National Planning Policy Framework. It is considered the FRA adequately addresses the flood risk concerns that were raised in connection with the previous application.

11 CONCLUSION / PLANNING BALANCE

It is recognised that the applicant has sought to respond to the concerns raised by the previously refused application. However, it is not considered that the amendments have gone far enough in addressing the harmful effects of the previous proposal.

Based upon the assessment set out above, the rear extension, by way of its siting, massing and detailed design, would result in a discordant and inappropriate form of development which would fail to respect the character, appearance and setting of the historic host property, which is a Grade II Listed Building; and nor would the proposal preserve or enhance the character and appearance of the Hythe Conservation Area. As such, the recommendation is one of refusal.

12 RECOMMENDATION

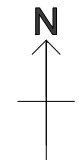
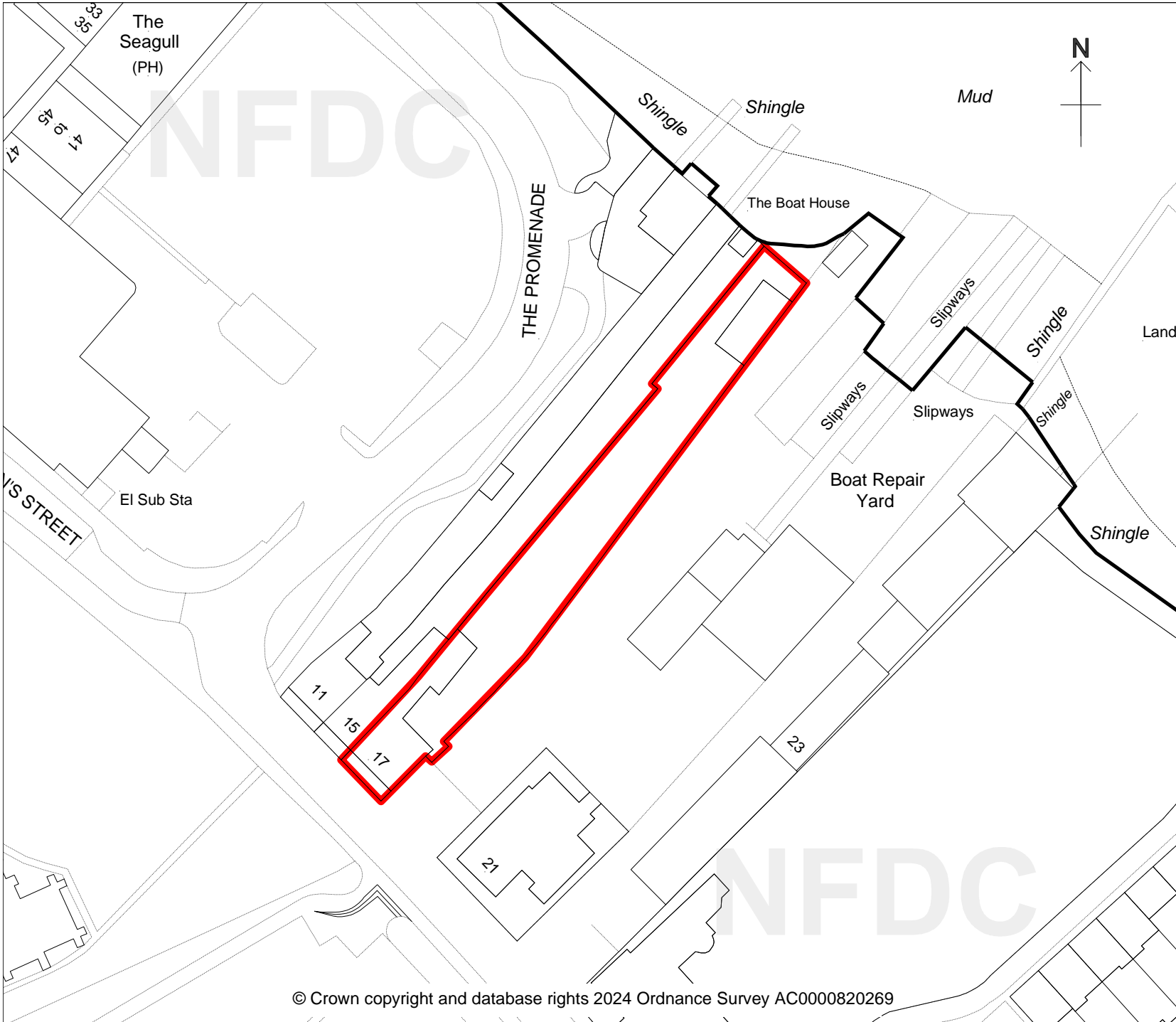
Refuse

Reason(s) for Refusal:

1. The proposed rear extension, by reason of its siting, massing and detailed design, would result in a discordant and inappropriate form of development which would fail to respect the character, appearance and setting of the historic host property, which is a Grade II Listed Building, and would not preserve or enhance the character and appearance of the Hythe Conservation Area and the setting of the neighbouring Grade II Listed property, No. 15 St Johns Street. As such, the proposed development would be contrary to policy ENV3 of the Local Plan 2016-2036 Part 1 : Planning Strategy, policy DM1 of the Local Plan Part 2 : Sites and Development Management 2014, and policy D1 and policy D3 of the Hythe and Dibden Neighbourhood Plan. The proposed development would lead to less than substantial harm to the significance of the designated heritage assets and fails to meet the tests in paragraph 202 of the National Planning Policy Framework, as the development does not bring public benefits, and therefore the harm caused to the designated heritage assets is unjustified. The development does not conform with the duty on decision makers to ensure that Listed Buildings are preserved and protected, and their setting is preserved or enhanced, as set out in Section 66(1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Further Information:

Sophie Tagg
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PLANNING COMMITTEE

March 2024

17 St Johns Street
Hythe

23/11235 & 23/11236

Scale 1:750

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

Planning Committee 13 March 2024

Application Number: 23/11236 Listed Building Alteration
Site: 17 ST JOHNS STREET, HYTHE SO45 6BZ
Development: Single-storey rear extension; fenestration alterations
(Application for Listed Building Consent)
Applicant: Mr Willacy
Agent:
Target Date: 15/02/2024
Case Officer: Sophie Tagg
Officer Recommendation: Refuse
Reason for Referral to Committee: Contrary view of Parish Council and a local ward Councillor.

1 SUMMARY OF THE MAIN ISSUES

The key issue relates to the impact of the works on the special architectural and historic interest and significance of the listed building.

2 SITE DESCRIPTION

The site comprises a grade II listed two-storey dwellinghouse that dates from the 18th century and forms part of a listed terraced group located in a prominent position within Hythe Conservation Area. The building is set within a long, narrow plot which at the rear extends to Southampton Water. There is a close-boarded fence to the north-western boundary, which is shared with No.15, another residential property that is also Grade II Listed.

The list description details the building as having a stuccoed brick front with jointed lines. On the front elevation there is a central 6-panelled door inside a flat roofed trellised porch, along with five 12-pane sashes in exposed frames.

3 PROPOSED DEVELOPMENT

The application is for a single-storey extension to the rear of the Listed Building.

The application follows a recent refusal of Listed Building Consent which previously sought the retention of a single storey extension that had been commenced without consent in 2007/2008, and which whilst largely constructed has not been fully completed. The application was refused by the Local Planning Authority due to its adverse impact on the character and significance of the Grade II Listed host building.

The Applicant appealed the Local Planning Authority's decision, and the proposal was dismissed by the Planning Inspectorate, with the Planning Inspector agreeing with all of the Local Planning Authority's main objections.

The as-built extension has entailed the remodelling and extension of a smaller single-storey projection which was made up of a collection of historically ancillary

spaces that was situated adjacent to the site's boundary with 15 St John's Street. The internal space that has been created is habitable and in use by the occupants as living space/home office accommodation.

This revised proposal seeks to respond to the concerns of the Local Planning Authority and the Planning Inspector. The proposal seeks to reduce the depth of the existing unauthorised extension, bringing it in line with the neighbouring attached property No.15, with the formation of a new gable end. The width of the extension would be retained, but the roof would be altered to a lower slope constructed of lead. The proposals seek to remove a rooflight and alter the coupling so that the single rooflight remaining would sit lower into the roof. The ridge height of the addition, which sits higher than the permitted kitchen addition, would be retained.

The submission follows pre-application advice submitted by the Applicant. At the time, Officers, informed by the Conservation Officer, responded to the Applicant and advised that the proposal was unlikely to be supported because it did not fully address the matters raised by the Planning Inspector.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
22/10239 Single-storey rear extension (Retrospective)	01/09/2022	Refused	Appeal Decided	Appeal Dismissed
22/10252 Single-storey rear extension (Application for Listed Building Consent)	01/09/2022	Refused	Appeal Decided	Appeal Dismissed
20/11082 Replace existing defective render and construct a section of slate hanging all in combination with external wall insulation (Application for Listed Building Consent)	15/04/2021	Granted Subject to Conditions	Decided	
75/NFDC/04160/LBC Alterations and addition of a kitchen (part of existing outbuilding to be demolished).	27/02/1976	Granted	Decided	

5 PLANNING POLICY AND GUIDANCE

In addition to the aims and objectives of the NPPF are:

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal

Relevant Legislation

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

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

Chap.16 - Conserving and enhancing the historic environment

Constraints

Conservation Area: Hythe Conservation Area

Listed Building Grade: Grade II 552.11.022

Plan Policy Designations

Town Centre Boundary

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend PERMISSION.

7 COUNCILLOR COMMENTS

Councillor Alex Wade -

This application has my support as I do not consider the proposal to have a detrimental impact on this historic property. The listed building is within the Conservation area; however, there is no impact on the Streetscene or the front of the plot, and there is no change to the character of the area, with three linked cottages. The works are in the rear of the property and single-storey, and I understand efforts have been made to respond to previous concerns highlighted by Planning and Conservation Officers. The rear extension is sympathetic to the size of the plot, which has a long rear garden, and the height is only slightly above the next door property.

8 CONSULTEE COMMENTS

Conservation Officer - Objection

(Comments are available in full on the website)

The proposal does not fully address the Inspector's concerns set out within the appeal decision.

It would fail to preserve the special architectural and historic interest of No 17 and the significance derived from its composition within the plot.

Due to its situation relative to its surroundings, enclosures and landscape, the extension is all but hidden from views within the Conservation Area. Nevertheless, the character of the Conservation Area is not only reliant on visual effects and appearance from public vantage points. It follows that as the special interest of the

listed buildings within the Conservation Area would be materially diminished, that the character and appearance of the Conservation Area as a whole, would also be similarly incrementally harmed, including by the constriction and erosion of the plot arrangement to the rear of No 17.

The proposed alterations to the unauthorised extension are harmful to the character and appearance of the No 17 and would not preserve the Conservation Area. The harm is less than substantial with no public benefit.

9 REPRESENTATIONS RECEIVED

None received

10 PLANNING ASSESSMENT

Design, site layout and impact on the listed building

The application relates to the construction of a single-storey rear extension which would be set beyond and attached to an authorised, narrower single-storey addition which is attached to the main house.

As set out above, unauthorised works have largely been completed on a rear single-storey extension which were considered unacceptable, refused by the Local Planning Authority and dismissed at appeal by the Planning Inspector.

The Applicant now proposes to reduce the overall form of the extension by reducing the depth, removing the flat roof element at the rear, amending the roof form to a gable end, removing a roof light and amending the form of the existing retained rooflight and altering the flat roof of the south facing extension with a sloping roof. The extension would be constructed in timber frame with natural timber cladding, and the proposed roof would comprise a mix of slate and lead.

The main ridge line of the roof of the proposed extension would extend approximately 70mm above the adjacent addition which was approved in 1976. The Applicant has advised that the extension replaces what was previously a workshop and store. A series of ancillary outbuildings originally existed on the site prior to 1979, constructed in brick and slate, comprising a washhouse, workshop and store. The main part of the proposed extension (under the pitched roof) incorporates part of the original range of outbuildings.

The Conservation Officer has been consulted on the proposal and has advised that the original single-storey features are visible on historic maps and included a section which continued to the end of the neighbouring lean-to structure.

The Conservation Officer is of the view that the proposed extension would not satisfactorily address the issues raised within the previous application or in the appeal Inspector's decision notice.

The Inspector made the following comments regarding the previous proposal:

“The size, situation, proximity and detailing of a pair of large rooflights relate poorly to the roof in which they are set and the listed building as a whole. Its deeper plan brings it close to an existing woodshed and tool shed, narrowing the open space within the rear plot. Although the difference is relatively minor, the extension’s taller ridge compared to the kitchen extension adds to the awkwardness of the arrangement.”

The proposal seeks to amend the depth of the extension by reducing it and removing the flat roof element by approximately 2 metres in line with the attached adjacent property (No.15). The roof is proposed to be amended to form a gable end which would be more reflective of No.15. However, the proposal would not alter the width of the extension and instead seeks to amend the roof line to a sloping roof constructed of lead. The projection beyond the current kitchen offshoot would give the extension an awkward appearance which would not be reflective of the diminishing hierarchy and subservience of the previous / historic arrangement, and this is something that was found unacceptable by the Inspector. Additionally, the ridge height difference would not be reflective of a pattern of development expected in the traditional evolution of a listed building, and the hierarchy of the building form would be adversely affected and would add to what would be an awkward arrangement. The proposed sloping roof would now link to the eaves of the kitchen extension. However, it would not reflect the slope pitch to the rest of the extension, which would result in an incongruous and awkward appearance. The proposed vertical boarding is also not considered to relate well to the main listed building. The proposal would remove one rooflight and alter the coupling of the retained rooflight so that it would sit lower into the roof. However, in his decision notice, the appeal inspector considered both rooflights to be overly large, and no sections of the rooflight have been provided to demonstrate that the coupling can be realistically achieved.

It is considered that the original store and workshop buildings were appropriately simple in character and ancillary in design as additions to the main listed building. By contrast, the proposed extension is considered to be of a width, height, form and appearance that would detract from the main two-storey listed building when viewed from the side and rear, and to detract as well from the character of the single-storey lean-to style ancillary buildings originally on the rear of the property.

Having regard to the personal circumstances of the Applicant, the Planning Inspector drew upon this issue within the previous application and states the following:

"...such personal requirements carry negligible weight in support of the scheme... the evidence does not show that this particular scheme delivers any public benefits, including securing the optimum viable use of the building, such to outweigh the harm to the significance of the designated heritage assets."

Due to its impact on the setting and special architectural and historic interests of the listed building set out above, the extension is considered to be contrary to policy ENV3 of the Local Plan 2016-2036 Part 1 : Planning Strategy, policy DM1 of the Local Plan Part 2 : Sites and Development Management 2014, and policy D1 and policy D3 of the Hythe and Dibden Neighbourhood Plan.

Additionally, the works would result in less than substantial harm to the significance of the designated heritage asset. Paragraph 202 of the The National Planning Policy Framework (NPPF) advises that such harm is to be weighed against the public benefits of a proposal. In this case, no public benefits have been identified that would outweigh the harm to the Listed Building.

11 CONCLUSION / PLANNING BALANCE

It is recognised that the applicant has sought to respond to the concerns raised by the previously refused application. However, it is not considered that the amendments have gone far enough in addressing the harmful effects of the previous proposal.

Based upon the assessment set out above, the rear extension, by way of its siting, massing and detailed design, would result in a discordant and inappropriate form of development which would fail to respect the character, appearance and setting of the historic host property, which is a Grade II Listed Building. As such, the recommendation is one of refusal.

12 RECOMMENDATION

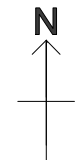
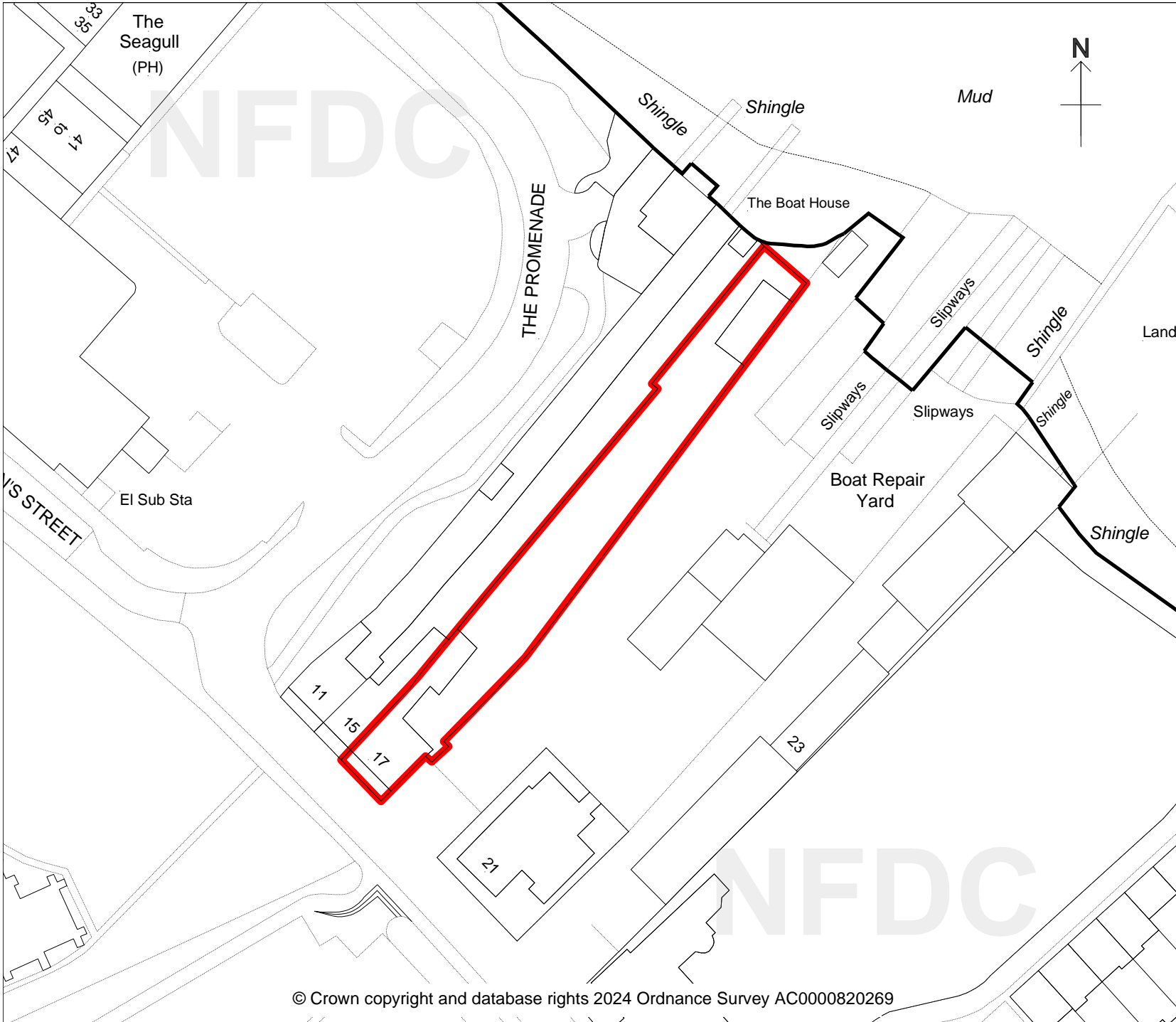
REFUSE LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. The proposed rear extension, by reason of its siting, massing and detailed design, would result in a discordant and inappropriate addition which would fail to respect the character and significance of the historic Grade II Listed host property. As such, the proposed works would be contrary to policy ENV3 of the Local Plan 2016-2036 Part 1 : Planning Strategy, policy DM1 of the Local Plan Part 2 : Sites and Development Management 2014, and policy D1 and policy D3 of the Hythe and Dibden Neighbourhood Plan. The works have lead and would lead to less than substantial harm to the significance of the designated heritage asset and fail to meet the tests in paragraph 202 of the National Planning Policy Framework, as the works do not bring public benefits, and therefore the harm caused to the designated heritage asset is unjustified. The works do not conform with the duty on decision makers to ensure that Listed Buildings are preserved and protected and their setting is preserved or enhanced, as required by Section 66(1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Further Information:

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PLANNING COMMITTEE

March 2024

17 St Johns Street
Hythe

23/11235 & 23/11236

Scale 1:750

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