

**Application Number:** 24/10792 Full Planning Permission  
**Site:** SCAFFOLDING YARD, THE OLD BRICKYARD, SALISBURY ROAD, OWER, COPYTHORNE SO51 6AN  
**Development:** Scaffolding racking unit (Retrospective)  
**Applicant:** S&K Scaffolding Ltd  
**Agent:** Jerry Davies Planning Consultancy  
**Target Date:** 05/11/2024  
**Case Officer:** John Fanning  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Parish Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning history
- 2) Principle of development
- 3) Amenity
- 4) Character, impact on the National Park and heritage asset
- 5) Highways

## 2 SITE DESCRIPTION

The application site lies outside of the defined built-up with area within the parish of Copythorne. The site is accessed off the main A36, Salisbury Road, with the site being well screened by vegetation from surrounding areas. The site (including land within the blue line area) currently operates as a scaffolding yard, with a parking area to the southern part of the site and a storage area to the northern part of the site. The surrounding area is rural in character, transitioning to a more residential environment to the north along Whinwhistle Road. There are some residential properties situated to the north of the application site, situated off Whinwhistle Road.

There is a Grade II listed building to the east of the application site, comprising a dilapidated brick kiln.

## 3 PROPOSED DEVELOPMENT

A previous scaffolding rack structure on the site was approved under application reference 10/96261. This structure, which replaced a smaller rack structure on the site, had a monopitched roof form, with the maximum height of the roof being 5.15m, reducing to 4.25m.

The Council became aware of works being undertaken on the site in July 2024, with the applicant advising this was due to emergency repairs to the former structure which had become unsafe. This application duly seeks retrospective planning permission for a new structure, with a maximum height of 5.25m, reducing to 4.65m.

The structure has a footprint of 137m<sup>2</sup> (occupying the same footprint as the previously removed structure).

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
14/11044 Single-storey extension	09/10/2014	Granted Subject to Conditions	Decided	
10/96261 Change of use to scaffold yard & retention scaffold racking unit including stairs; increased height of scaffold racking unit; installation of security lighting; retention of gantry	05/04/2011	Granted Subject to Conditions	Appeal Decided	Appeal Allowed - Condition Varied
10/95549 Retention of increased height of approved scaffold unit; installation of security lighting	02/11/2010	Withdrawn by Applicant	Withdrawn	
09/94008 1 office outbuilding	14/09/2009	Granted Subject to Conditions	Decided	
08/92191 2 temporary buildings; landscaping; demolition of existing	12/06/2008	Refused	Appeal Decided	Appeal Dismissed
07/90829 Use of land for parking; use of office and store ancillary to scaffolding use (Lawful Development Certificate for retaining an existing use)	18/03/2008	Was Lawful	Decided	
04/80433 Continued use of land and ancillary buildings for scaffolding business and parking for lorries and cars (Lawful Use Certificate for retaining an existing use)	20/10/2005	Granted in Part	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy CCC1: Safe and healthy communities

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

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

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

DM5: Contaminated land

DM22: Employment development in the countryside

DM24: Loss of rural employment sites, shops, public houses and community facilities

## **National Planning Policy Framework**

## **National Planning Policy Guidance**

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Copythorne Parish Council:**

We recommend REFUSAL, for the reasons listed below:-

- Concerned about the continuation of incremental growth of the structure over time
- Neighbours have presented concerns to the Parish Council that the conditions attached to the previous application (10/96261) - as partly amended by appeal - are not being observed, resulting in increased impact on them.

### **7 COUNCILLOR COMMENTS**

No comments received

### **8 CONSULTEE COMMENTS**

#### **Conservation:**

Will not have an impact on the setting or significance of adjacent listed building.

#### **Environmental Health (Pollution):**

Following the submission of additional details, no objection in terms of noise or lighting impacts of development.

### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 1 (site owner)

- Operator is a good tenant who has maintained site
- Similar to previous structure

Against: 2 (both received from same property)

- Increase in height
- Additional noise
- Overlooking of neighbouring residential properties
- Harmful amenity impact associated with lighting
- Screening provided by trees reduces in winter, exacerbating impact of development

### **10 PLANNING ASSESSMENT**

#### **Planning history**

A previous planning application affecting the site and adjacent land was granted in April 2011 (Ref: 10/96261). The permission related to use of land as a scaffolding yard and for a scaffold rack structure, and was subject to the following 6 conditions:

1. *No activity shall take place on the site in connection with the approved use other than between the hours of 0700 and 1800 Monday to Fridays, 0700 and 1300 Saturdays and not at all on Sundays and recognised public holidays*

2. *The lighting hereby permitted shall not be utilised between*
  - *1830 hours and 0700 hours Mondays to Fridays*
  - *1300 and 0700 on Saturdays and*
  - *not at all on Sundays**except in case of emergency call outs, logged in accordance with condition 1 above.*
3. *Details of the noise insulation to the racking unit shall be submitted to, for approval in writing by, the Local Planning Authority within 3 months of the date of this permission and the works shall be implemented and permanently maintained in accordance with the approved scheme within two months from the date of discharge of the condition.*
4. *Within 3 months of the date of this permission, a scheme to control light spillage from the lights hereby approved shall be submitted to, for approval in writing by, the Local Planning Authority. The scheme shall not exceed the obtrusive light limitations for Environmental Zone E2 as stated in the 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' 2005. The scheme shall be implemented and permanently maintained in accordance with the details approved within 2 months of the date of discharge.*
5. *No more than a total of 10 lorries or other vehicles associated with the transportation of scaffolding and related equipment shall operate from the site.*
6. *The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, plan 1790D.*

Condition 1 of this planning permission was subsequently appealed to amend the operation of the site. There were occasions when scaffolding was being requested on an emergency basis, and the conditions were amended to allow some additional 'out of hours' operation of the site. The appeal was allowed in February 2012. Condition 2 was amended as follows, and two additional conditions (7 and 8) were imposed:

2. *The lighting hereby approved shall not be utilised otherwise than between the hours of*
  - *0700 and 1800 on Mondays to Fridays*
  - *0700 and 1300 on Saturdays*
  - *not at all on Sundays or recognised public holidays**except in the case of emergency calls outs logged in accordance with Condition 8 below, at which times the lighting may be utilised between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays whilst operatives are present on the site but not otherwise.*
7. *Notwithstanding the generality of the restrictions imposed by Condition 1 above, not more than 2 pre-loaded vehicles may leave and subsequently return to the site between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays for the purpose of attending emergency call-outs. No activities other than the movement of vehicles onto and off the site may take place during these times.*
8. *Within 24 hours of the event, details of all emergency call-outs attended pursuant to Condition 7 above shall be recorded in a Log Book to be retained at the premises and made available for inspection by the Local Planning Authority when required. Details to be recorded shall include:*

- *date*
- *time call-out received*
- *time vehicle(s) left and returned to site*
- *nature of emergency attended*
- *name of party or organisation requesting emergency call-out*

Details discharging conditions 3 and 4 were received and formally accepted in February 2013.

The applicant has proposed to operate in accordance with the previously imposed conditions, subject to amendments to reflect the reconstructed structure.

Further to the above, it is noted that the land immediately to the north of the application site has historically been utilised by a mobile home occupied as an independent dwelling accessed through the application site but not directly associated with the operation of the scaffolding yard. The mobile home is currently vacant.

#### Principle of development

Policy ECON2 generally supports the retention of existing employment uses provided they would not have a significant detrimental impact on the operation of other business uses within the local area. Policy DM22 offers more detailed guidance for employment uses in countryside locations, noting that the redevelopment of an existing employment site will be supported where it results in local environmental benefits or extends an existing building but notes that development should be appropriate in terms of design, scale and appearance and should not be harmful to rural character by reason of visual impact, traffic and other activity or impacts.

The comments of the Parish Council regarding the incremental growth of the structure over time are noted. However, in this case, the proposed development is visually and functionally very similar to the previously permitted development on an existing commercial plot, with an increase in height of 0.1m-0.4m when compared to the previous rack structure.

While the principle of development is broadly acceptable within the context of the previous permission, consideration must still be given to the development's impact on its surroundings, having regard to current local and national planning policies.

#### Amenity

Policy ENV3 requires that development integrates with the visual character of the surrounding area, whilst avoiding harmful impacts, including those relating to noise and light pollution.

The proposed structure is constructed of scaffold poles with the walls featuring ply cladding painted green. The structure has a generally utilitarian appearance but broadly integrates with the other existing lower structures within the site. Outside of the immediate application site, the structure is well screened by vegetation both within the plot and surrounding area.

The nearest residential occupier is set to the north-east of the application site around 50m from the proposed structure and with some intervening vegetation screening the property.

Taking into account existing screening and the rack's degree of separation from neighbouring dwellings, it is not considered that the proposal would have a harmful impact on neighbouring occupiers in terms of the scale or massing of the development.

The use of the site as a scaffolding yard does generate some noise and activity, which along with the potential for additional illumination at high level has the potential to have some impact on the amenities of nearby properties.

The applicant has suggested they are amenable to the reimposition of the previous suite of conditions to control and mitigate the impacts of the site, which include conditions controlling the hours of illumination of lighting and additional restrictions on the general operation of the site to control the wider impacts associated with the use. It is not considered that the marginal additional height of the development would result in a material intensification of the existing lawful use.

The proposal incorporates 3 floodlights facing to the south-east into the existing scaffolding yard and cladding around the southern, western and northern aspects of the development which would provide some acoustic shielding.

The Council's Environmental Health team have reviewed the submitted information and are content that the proposed lighting arrangement and acoustic shielding are sufficient to acceptably limit the impacts of the development.

The cladding has been partly installed but further works to finish the development were put on hold while the application was submitted for consideration. It is considered appropriate to secure a condition to complete the installation of the cladding in the interests of visual and acoustic amenity.

On the basis of the issues outlined above, it is considered that suitable conditions would adequately mitigate any potential adverse impacts of the development.

It should be noted that if conditions are not complied with (as has been suggested by the Parish Council), then this can be considered separately to this application, with any claimed breach of planning control being referred to the Council's Planning Enforcement team for investigation and to consider the expediency of taking any enforcement action.

Overall, with regard to the provisions of Policy ENV3, it is considered that the proposal would integrate with the pattern and character of development within the site and would not be harmful to the wider character or appearance of the area. It is considered that suitable conditions can acceptably mitigate the impacts of the development in terms of additional noise, activity and lighting impacts such that there would not be a harmful impact on the amenity of neighbouring occupiers.

#### Character, impact on the National Park and historic significance

The site is situated in close proximity to the New Forest National Park, which lies on the opposite side of Salisbury Road. Policy STR2 of the Local Plans seeks to ensure that development will not have an unacceptable impact on the special qualities and purposes of the National Park. The new structure is well screened and integrates within the existing commercial context of the plot. While utilitarian in form, it is not

considered that the structure would be harmful to the character and appearance of the surrounding area or the special qualities of the National Park.

There is a Grade II listed building situated to the east of the application site that falls outside of the remit of the scaffolding yard operator. This is an original brick kiln building, which is in a state of extended decay and somewhat overgrown with vegetation.

Section 66(1) of the Listed Buildings and Conservation Areas applies. It requires that special regard shall be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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

Paragraph 210 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

There would be some visual screening between the proposed structure and the listed structure, and it would form part of an established context as a scaffolding yard. In this case, the proposal has been reviewed by the Council's Conservation Officer, who has assessed that the proposal would not have an impact on the setting or significance of the adjacent listed structure. This assessment is accepted. As such, it is considered that the proposal would preserve the existing setting of the adjacent listed building.

Overall, with regard to Policy DM1, it is considered that the proposal would preserve the character and setting of the nearby listed building. With regard to Policy ENV4, it is considered that the proposal would not be harmful to the rural character and appearance of the wider area.

### Highways

No intensification of use or alterations to the parking or access arrangements have been proposed as part of this development.

## **12 CONCLUSION / PLANNING BALANCE**

With regard to policies ECON2 and DM22 of the Local Plan, broad support is provided to the continued operation of an existing employment use within the countryside provided that the operation integrates within the context of the surrounding rural character and does not result in a harmful impact upon nearby properties.

This proposal represents an acceptably minor increase in the scale of development when compared to the previously permitted structure on the site and, with regard to policies ENV3 and ENV4, it is considered that subject to suitable conditions, the visual and amenity impacts of the development would be acceptable.

For the reasons outlined above, the application is recommended for conditional approval.

## 13 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. No activity shall take place on the site in connection with the approved development other than between the hours of 0700 and 1800 Monday to Fridays, 0700 and 1300 Saturdays and not at all on Sundays and recognised public holidays, other than as allowed for under Condition 2 of this Planning Permission.

Reason: To safeguard the amenities of nearby residential properties.

2. Notwithstanding the restrictions imposed by Condition 1 above, not more than 2 pre-loaded vehicles may leave and subsequently return to the site between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays for the purpose of attending emergency call-outs. No activities other than the movement of vehicles onto and off the site may take place during these times.

Within 24 hours of the event, details of all emergency call-outs attended pursuant to this condition shall be recorded in a log book to be retained at the premises and made available for inspection by the Local Planning Authority when required. Details to be recorded shall include:

- Date
- Time call-out received
- Time vehicle(s) left and returned to site
- Nature of emergency attended
- Name of party or organisation requesting emergency call-out

Reason: To safeguard the amenities of nearby residential properties

3. The lighting on the building hereby permitted shall not be utilised other than between the hours of:

- Monday-Friday: 07:00-18:00
- Saturday: 07:00-13:00
- At no time on Sunday or recognised public holidays

except in the case of emergency call-outs logged in accordance with Condition 2 above, at which times the lighting may be utilised between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays whilst operatives are present on the site but not otherwise.

Reason: To safeguard the amenities of nearby residential properties



4. Within 3 months of the date of this permission, the external cladding as outlined in the submitted Technical Note (24-0172 Scaffold Rack, Ower Acoustic Assessment TN01.2) and Drg No. DWG SK2 Rev A shall be fully installed on site in accordance with the submitted details. The development shall thereafter be permanently maintained in accordance with these details.

Reason: To safeguard the amenities of nearby residential properties

5. No more than a total of 10 lorries or other vehicles associated with the transportation of scaffolding and related equipment shall operate from the site.

Reason: To safeguard the amenities of nearby residential properties

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

(Planning Statement)

Drg No: DWG SK2 Rev A (Proposed plans)

(Site plan)

(Location plan)

(Technical note - lighting)

Drg No: 3701-DFL-ELG-XX-LD-EO-13001 (Lighting plan)

Drg No: 3701-DFL-ELG-XX-LD-EO-13002 (Outdoor lighting report)

Drg No: 3701-DFL-ELG-XX-DR-EO-13001 (Lighting layout)

(Technical note - noise)

Reason: To ensure satisfactory provision of the development.

**Further Information:**

John Fanning

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**New Forest**  
DISTRICT COUNCIL

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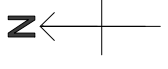
**PLANNING COMMITTEE**

**January 2025**

Scaffolding Yard  
The Old Brickyard  
Salisbury Road, Ower  
24/10792

Scale 1:500

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



NFDC

Brickyard

Shelter

SALISBURY ROAD

NFDC