

Application Number: 16/11315 Full Planning Permission

Site: SHOREFIELD COUNTRY PARK, SHOREFIELD ROAD,
DOWNTON, MILFORD ON SEA SO41 0LH

Development: Bund bordering 3 The Bucklers (Retrospective)

Applicant: Shorefield Holidays Ltd.

Target Date: 16/11/2016

Extension Date: 10/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
SINC
Green Belt
Local Nature Reserve

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM5: Contaminated land

National Planning Policy Framework

Chapter 9 - Protecting Green Belt Land

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Village and Town Design Statement; Milford-on-Sea

6 RELEVANT PLANNING HISTORY

There is an extensive planning history for the site and its environs related to holiday park related development and pitches, but the most relevant applications are outlined below:

14/10146 - Change of use of land from open storage to use for 30 holiday lodge caravans - refused May 2014, subsequently dismissed at appeal

07/89582 Continued use of land for storage of materials in connection with Shorefield Holiday Parks (Lawful use certificate for retaining an existing use) - was lawful June 2007

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council: recommend refusal. The Parish Council is concerned about the amount of construction undertaken for this project on Greenbelt land. In addition, it has concerns about some of the plant species proposed in the planting scheme which will grow too tall and could be invasive. The Parish Council was also very concerned about the content of the compost dressing on the top of the bund, which contains a high level of domestic refuse which is detrimentally affecting the neighbouring property and the Studland Common SINC and requests this be removed and replaced with higher quality compost without refuse.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Ecologist: no objection. The removal of Tamarix addresses earlier comments and the planting scheme appears to complement the local wildlife interests. The proposals would be in accordance with policy CS3 and DM2.
- 9.2 Natural England: no objections
- 9.3 Environmental Design Team (Landscape): the revised drawing 2065/1A Landscape Proposals is an appropriate treatment for the planting of the existing bund, and will represent a positive addition to the biodiversity of this area of Shorefields. No Objections
- 9.4 Environmental Health (Contaminated Land): Environmental Protection have visited the owners of 3 The Bucklers concerning the containment of rubbish within the top 20 cm of the compost on top of the bund and found pieces of plastic and shredded bits of plastic bags. Although this is not an ideal surface covering, there is no impact on human health. During the proposed planting of the bund it would be desirable for the applicant to further pick out any refuse material. It is also recommended that the Environment Agency are consulted as they regulate/enforce large deposits of waste greater in size than 20m³.

9.5 Environment Agency - no comments received

9.6 Southern Gas Networks - give informatives

10 REPRESENTATIONS RECEIVED

10.1 Correspondence has been received from the adjoining occupiers (no. 3 The Bucklers) raising concerns over:

- the fire risk posed by planting gorse,
- there is no stipulation of an unobstructed margin to allow maintenance of the boundary fence,
- the choice of Silver Poplar is queried as this is an invasive species with a massive root system that can spread up to 30 metres and therefore has the potential to encroach into our garden through the bund,
- no comment is made about how it is intend to remove rubbish from the compost layer prior to planting.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case following clarification from the applicant over the specific plant species mix and litter picking from the site, the application was acceptable as amended and no specific further actions were required.

14 ASSESSMENT

- 14.1 The proposal relates to a portion of Shorefield Country Park at its southern extent, close to dwellings on West Road and The Bucklers and adjoining another part of the holiday park known as Amberwood to the north east. The site is within countryside defined as Green Belt and adjoins the Site of Importance for Nature Conservation and Local Nature Reserve at Studland Common. An area to the north of the application site is currently used for the storage of building materials associated with the day to day operations of the holiday park and appears to have been subject to levels changes over some years.
- 14.2 Save for the bunding, the subject of this retrospective planning application, the southern portion of the site is largely unaffected by storage or levels changes and is greenfield. The new bunding is approximately 7.6m wide, 2.1 m high and 61m long and has been established along the northern boundary of no. 3 The Bucklers. No planting has been implemented, but it is the applicant's intention to plant the bund in accordance with a landscaping scheme, which has now been submitted. The bund and planting seek to define the southern boundary of the site, which until recently was formed by a line of coniferous trees, which were blown over some 2 to 3 years ago.
- 14.3 The appropriateness of the development must be considered with regard to the site's location within defined Green Belt, as well as its impact upon the openness of the Green Belt, in accordance with Policy CS10 and Chapter 9 of the NPPF. Consideration must also be given to the impact of the proposal upon adjoining occupiers, the visual impacts of the proposal and its ecological impacts, in light of the guidance offered by Policies CS2, CS3 and DM1, as the bund directly adjoins the Studland Common Local Nature Reserve.
- 14.4 It must be considered whether the development is appropriate within the Green Belt by definition and what would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt? In these respects the proposal extends the higher landform immediately adjoining no. 3 The Bucklers, in the form of a bund, which has yet to be planted with native species. The land form would not appear as an urban feature or incongruous within the local landscape or impact harmfully upon the openness of the Green Belt, particularly when planted, which will assist with integrating the bund into the landscape. The Landscape Section raises no concerns that the bund and proposed planting would be unacceptable within the local landscape or harmfully impact upon the openness of the Green Belt. These

operations are consistent with the character of the locality and it is not considered that they would have any significant adverse impact upon visual amenity or openness of the Green Belt, subject to a condition to ensure the submitted landscaping scheme is implemented in the interests of protecting local visual amenity and the Green Belt. The formation of the extended bund is considered to be an engineering operation, which would not conflict with any of the purposes of the Green Belt and which is considered to be appropriate development in the Green Belt.

- 14.5 The bund does have a very close relationship to the residential curtilage of no. 3 The Bucklers. The occupiers of no.3 have raised concerns over the proposed planting mix, lack of service margin and quality of planting medium. In respect of these issues, the Landscape Architect has never known gorse to spontaneously combust due to lack of management, although the dead brash of any species may be a fire hazard in hot dry weather. In planning terms there is no requirement to maintain a 1.5m maintenance strip against the neighbouring boundary. The Landscape Architect considers *Populus Alba* to be an acceptable tree in this location, given that the proposed planting position is about 18m and lower in level than the nearest built structure, the likelihood of damage is very limited. The quality of the planting medium can be enhanced by litter picking before planting, as pointed out in the letter from Farwells on behalf of the applicant. The Contaminated Land Team confirm the proposal poses no risk to human health, subject to clearing litter from the planting medium prior to planting, which may be ensured by condition. It is concluded that there would be no impact on residential amenity by way of noise and disturbance, visual impact, inappropriate planting mix or contamination. Consequently, the impact of the proposal upon adjoining amenity is considered to be acceptable and in accordance with Policy CS2.
- 14.6 The purpose of the proposal is to provide an appropriately landscaped boundary between the applicant's site and no. 3 The Bucklers, where a line of mature conifers previously stood. These conifers were blown down 2 or 3 years ago. The Landscape Section and Ecologist both consider the revised landscaping arrangement will enhance biodiversity. No concerns are raised that the bund and proposed planting would be unacceptable within the local landscape. The identified ecological and landscape benefits of the scheme weigh in favour of the proposal, which complies with the provisions of Policies CS2, CS3 and DM2.
- 14.7 In light of the above, the proposal would not conflict with any of the purposes of the Green Belt and is considered to be appropriate development in the Green Belt. Subject to conditions, the proposal would deliver landscape and ecological benefits without affecting neighbouring amenity. Accordingly it is recommended for approval.
- 14.8 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. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with drawing nos. 1:1250, Location Plan, 1:1250 Location Plan and 2065/1A

Reason: To ensure satisfactory provision of the development.

3. All planting shall be carried out in accordance with approved plan no. 2065/1A within two months of the date of this permission. 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 achievement and long term retention of an appropriate quality of development and to comply with Policies CS2, CS3 and CS10 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. Before the scheme of planting hereby permitted commences, all litter shall be hand picked from the bund's top dressing of compost.

Reason: To ensure that the site is clear of contaminated materials and in the interests of visual amenity, to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following clarification from the applicant over the specific plant species mix and litter picking from the site, the application was acceptable as amended and no specific further actions were required.

Further Information:

Major Team

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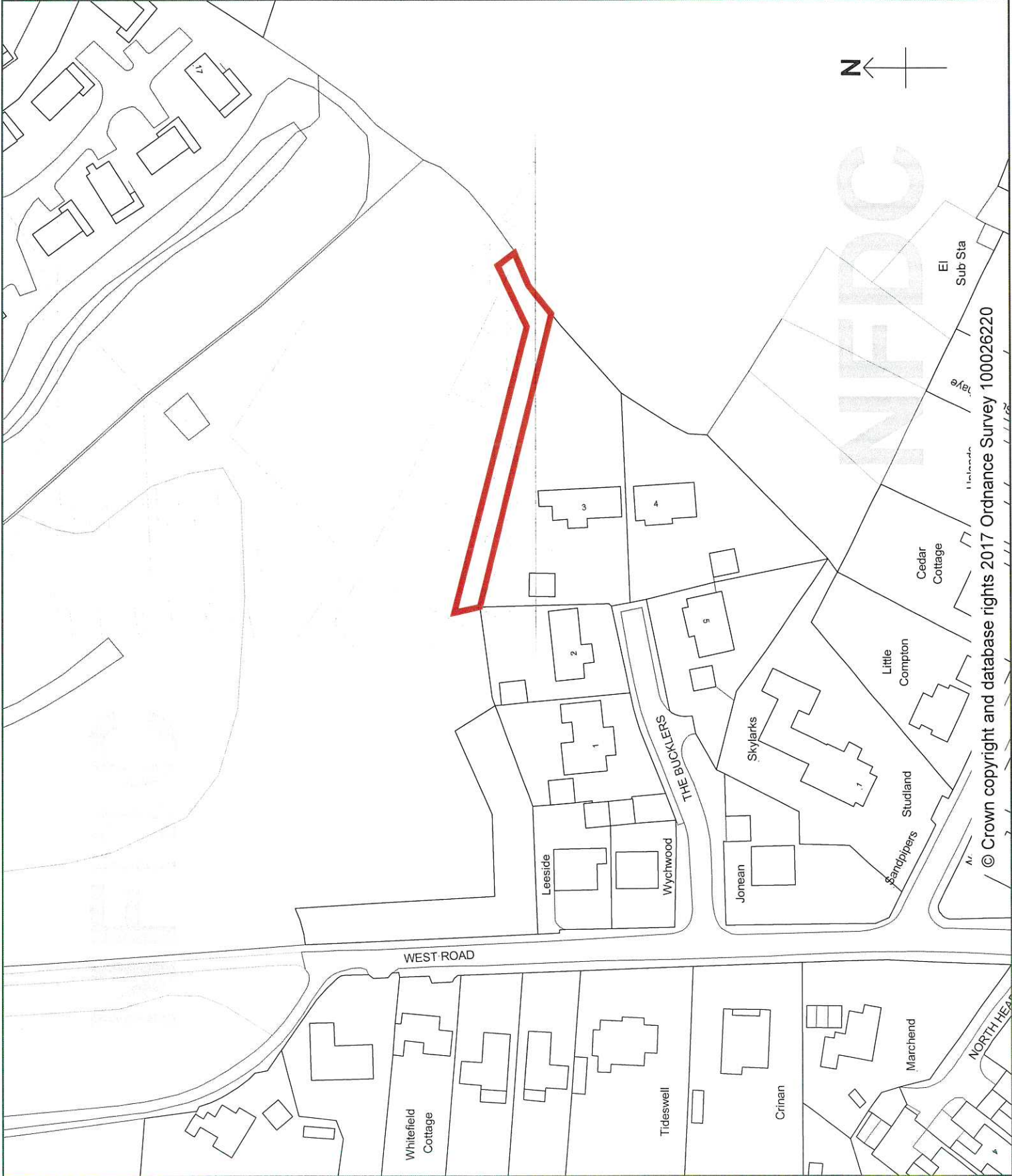
**Planning Development
Control Committee
February 2017**

Item No:3e

Shorefield Country Park
Shorefield Road
Downton Milford on Sea
16/11315
SZ2792

Scale 1:1250

N.B. If printing this plan from
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scale.



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