

Application Number: 17/10854 Full Planning Permission

Site: Land of BUCKLAND GRANARIES, SWAY ROAD, LYMINGTON
SO41 8NN

Development: Development of 12 houses comprised: 2 terraces of 3 houses; 1 terrace of 2 houses; 4 detached houses; access; landscaping; parking; demolition of existing buildings

Applicant: DMG Retirement Trust

Target Date: 04/10/2017

Extension Date: 12/01/2018

<p>RECOMMENDATION: Grant Subject to Conditions</p>

<p>Case Officer: Jim Bennett</p>

1 REASON FOR COMMITTEE CONSIDERATION

The application constitutes a departure from the provisions of the Development Plan

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Buckland Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy
CS15: Affordable housing contribution requirements from developments
CS17: Employment and economic development
CS21: Rural Economy
CS25: Developers contributions

Local Plan Part 2 Sites and Development Plan Management Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM20: Residential development in the countryside

National Planning Policy Framework

Chapter 9 - Protecting Green Belt Land

Chapter 12 - Conserving and Enhancing the Historic Environment

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

Housing Design, Density and Character

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

Parking Standards SPD (Oct 2012)

SPD - Mitigation Strategy for European Sites

Residential Design Guide for Rural Areas of the New Forest

6 RELEVANT PLANNING HISTORY

6.1 The planning history of the site is quite extensive, though it appears that the site and buildings have been used for B8 storage purposes for a number of years.

6.2 13/11228 Use of office as residential dwelling (Prior Approval Application) - 06/12/2013 Prior Approval not required. (Epicurion House).

6.3 The applicant sought the Local Planning Authority's pre-application advice on a similar form of development to that proposed, which evolved during the course of and following discussions.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council - Recommend REFUSAL. There are still issues relating to access to the farm and other existing properties. Until these are resolved we cannot approve the application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 District Valuer: following receipt of the latest viability information, the main area of contention were the external costs as the submitted figures, at approximately 25% of build costs, are higher than would normally be expected. However, having reviewed the submitted external costs in greater depth and had a fresh look at the proposed layout on site, due to the amount of work required outside of the plots, the submitted costs are not unreasonable. With this in mind, it is only when no on-site affordable housing is provided that the Residual Land Value (RLV) is at a level significant enough to incentivise a landowner to sell for residential redevelopment. In this case the RLV for a 100% private residential scheme is at £1,856,148, which is approximately 20% above my opinion

of CUV at £1,550,000. Consequently the scheme cannot accommodate provision of affordable housing.

- 9.2 Landscape Officer: despite the sensitivities of the location of this site, the proposed development would not have a harmful impact on landscape character or visual amenity, as demonstrated through the LVIA. There are opportunities to enhance the underlying landscape character through the appropriate choice of planting and hard materials. Care must be taken to retain the current access for existing agricultural requirements and to ensure the perception of PROW routes through the site are not changed.
- 9.3 Conservation Officer: having looked through the submitted revisions and revisited site, the changes to Plots 8-10 have addressed the bulk and dominance issues raised. However the lowering of the roof has resulted in a non-contextual pitch. The roof pitch should remain the same as it was previously, which would still mean a reduction in ridge and eaves but the roof would appear more comfortable than the oddly proportioned lower pitch currently proposed. The dominance of parking has been mitigated a little through increased planting and landscape proposals except for in the main courtyard. It is suggested that half of the courtyard is restricted by a raised element which stop vehicles parking across its whole extent. This could be done with a small discrete step in the surface maybe detailed with oak timber bollards to prevent vehicle access. This would help mitigate this large main area being dominated by parking. Poor quality and visually discordant close boarded fences need to be replaced with more natural hedging and boundary treatments. With the above adjustments, the application could be supported with a full set of material and landscape conditions.
- 9.4 Environmental Health Section (Contaminated Land) - no objection, subject to the standard planning conditions 14a-14e, as the previous use of the site has included potential contaminative activities and records show that there is an underground diesel tank on the adjacent site.
- 9.5 Hampshire County Council Highway Engineer: it is proposed that 25 on site parking spaces be provided for the new dwellings, the applicant has provided no details of any proposed cycle parking facilities. Turning space would be provided to allow all vehicles including refuse and emergency vehicles to turn within the site and thus enter the carriageway in Sway Road in a forward gear. The NFDC document 'Parking Standards Supplementary Planning Document (SPD)' would require 34 spaces to be provided. However it is the Highway Authority's view that the proposed site layout site could adequately accommodate further on site parking spaces without compromising any facilities required for the turning of vehicles within the site. Any shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network. Cycle parking should also be provided at the site at least to the level recommended by the SPD. In respect of the vehicular movements that might arise from the proposed use of the site, the applicant has provided a Transport Statement which demonstrates that the number of vehicle movements that might be generated by any existing lawful use at the site would be greater than that would arise as a result of the proposed development. It is therefore considered that the proposals would result in a net reduction in the use of the existing vehicular access onto Sway Road. No objection subject to parking, cycle storage and turning conditions.

- 9.6 Hampshire County Council Rights of Way: object. This proposal in a countryside location near to the New Forest National Park, would make use of Footpath 59 for access, contrary to paragraph 7.8 of the Defra Rights of Way Circular 1/09 which states that rights of way should not be incorporated within estate roads. In addition, the erection of houses fronting the right of way would have an urbanising effect on this rural route, to the detriment of its character and enjoyment to users.
- 9.7 New Forest National Park Authority: no comments received.
- 9.8 Hampshire County Council Lead Local Flood Authority: request further information on surface water disposal from the site.
- 9.9 Ecologist: no objection subject to development being conditioned to be carried out strictly in accordance with the method statement and details within the two ecology reports. In particular the importance of ensuring the traditional bitumastic felt is used as a roofing material as per the specification. The results of any post construction biodiversity monitoring required by licensing also to be copied/submitted to the Council.
- 9.10 Archaeologist: the site's archaeological and heritage potential has possibly been compromised by the current use and the construction of the existing buildings. A reasonable archaeological mitigation strategy would be by means of an archaeological watching brief in relation to the ground works phases of the development. No objections, subject to conditions to ensure no demolition is undertaken until a programme of archaeological works has been approved.
- 9.11 Southern Gas Networks: no objections, but give informatives.
- 9.12 Waste Management: the structure of the highway, including cobbled areas, need to be constructed to take a 20tonne. Refuse collection vehicle and glass recycling would normally be made from individual property boundaries. It is likely that a communal collection point will be too far for residents to carry as it exceeds 40 metres for properties 2,3 and 4.
- 9.13 Southern Water: there is no public foul sewer in the vicinity/area of the site. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness. Furthermore, the proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. The Environment Agency should be consulted to ensure the protection of the water supply source. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure their long term maintenance.

10 REPRESENTATIONS RECEIVED

Comments have been received from ten notified parties, one in support, five objecting and four make comments only. The concerns raised are as follow:

- A safe and accessible footpath should be provided to Southampton Road;
- Loss of view
- Concern raised over restriction of access rights
- The development is too large
- Increased traffic generation and loss of highway safety
- Footprint of Plot 1 is over the services of existing properties
- Lack of green space/gardens
- Lack of parking
- The housing density is too high
- Consideration needs to be given to archaeology
- Proper consideration needs to be given to waste/sewage disposal
- Loss of privacy to Buckland Stead from Plot 7
- Provision should be made for affordable housing
- The development should be undertaken in accordance with the Considerate Builders Scheme
- The access track to the rear of Buckland Manor should be improved

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £14,688 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £61,028.00.

Tables setting out all contributions are at the end of this report.

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 the applicant sought the Council's pre-application advice on a similar form of development to that proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information and plans in respect of viability, building massing, site drainage, foul water disposal, access and revised plans, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site is beyond any built-up area, as defined by the development plan and is within designated Green Belt and Buckland Rings Conservation Area lies opposite. It is quite closely bound by existing residential development to the east, south and west. It is occupied by large buildings, originally erected as agricultural buildings around a central yard area, but are now used predominantly for B1 and B8 industrial and storage units. The site is utilised for these purposes, particularly at peak periods in the morning and afternoon. The building on the right hand side of the access, within the yard area has been converted to residential use, following a prior approval application granted in December 2013. It is proposed to demolish all buildings on the site and to erect 12 no. dwellings, with access taken directly from an existing point off Sway Road, with parking and turning proposed predominantly within a courtyard area to the centre of the site. The proposed buildings are arranged in a courtyard layout, informed by the layout of existing buildings on the site, though their form takes a more contemporary appearance.
- 14.1.2 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework

and all other material considerations are as follow:

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

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

The application site is located within the Green Belt and therefore the proposal must be assessed against Green Belt policies. The National Planning Policy Framework (NPPF) suggests that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions outlined by paragraph 89, where development may be considered appropriate. The last exception states:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

In light of the NPPF's stance on redevelopment of previously developed sites within Green Belt, a case is made for redeveloping this site for residential purposes, as appropriate development, which officers accept, on the basis of the brownfield nature of the site, the permanence of structures on site and impact on the openness of the Green Belt.

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

The proposed development would undoubtedly change the appearance of this land with the provision of new buildings, accesses, garden curtilages and landscaping.

Existing development on the site is comprised mainly of a large, former agricultural buildings indicated by the dashed line on the proposed site plan, which are of limited visual merit. However, the impact that any new residential development would have upon the openness of the Green Belt needs to be fully assessed. In this respect it is noted that the proposal would be for redevelopment of the site in a manner that would not increase the volume of built form, in comparison with the buildings already in situ. A volumetric calculation has been submitted which demonstrates that the existing structures equate to 6,149 cubic metres in volume and that the cumulative volume of the proposed dwellings is 5,925 cubic metres, which equates to a small reduction in built form over the site. Given the

reduced built volume, existing screening by trees and existing dwellings to the east, south and west and a degree of proposed new tree and hedgerow planting, it is felt that the proposal would have no greater impact on the openness of the Green Belt, which weighs in its favour.

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

a) New dwellings in the countryside. Policy DM20 of the Local Plan Part 2 restricts development of new dwellings in the countryside. However, this proposal has arisen in light of the NPPF's stance on limited infilling within Green Belt, as well as changes to the GPDO, where the change of use of B1 and B8 premises to residential use could be brought about under the prior approval procedure. While a change of use is not proposed here, the ethos of the prior approval procedure is followed, as dwellings would be provided, of better quality appearance than the existing buildings and which would not harm the character of the area, conservation area or setting of the National Park, which could not be delivered by the prior approval process, ie conversion of the existing structures. The proposed siting follows the footprint of existing buildings on the site and do not encroach into open parts of the site, bound by existing residential development to the east and west and with opportunity for new landscaping and planting to assist with its integration into the landscape. The site is not elevated and is not prominent within the landscape, particularly as buildings of greater mass and limited visual merit would be demolished and replaced with dwellings of good design and materials. Consequently dwellings of the quality proposed may be supported, as a departure to the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings.

b) Design, Character and Heritage Considerations. Policies CS2 and CS3 of the Core Strategy and Policy DM1 of the Local Plan Part 2, stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside and should not impact adversely on identified heritage assets. The application is accompanied by a Design and Access Statement, Heritage Assessment and Landscape Visual Impact Assessment, which have assisted determination of the proposal. The site is occupied by buildings of agricultural appearance, but not of traditional construction. They are laid out in a manner similar to that of a traditional farmyard, but are of limited visual merit. The massing and layout of the proposal evolved during the course of pre-application enquiries and during the course of the current submission to a point where officers consider that the scheme would contribute positively to local distinctiveness and be sympathetic to the setting of heritage assets. The Landscape Officer considers that the LVIA has demonstrated that the proposed development would not have a harmful impact on landscape character or visual amenity, subject to ensuring the appropriate choice of planting and hard materials. The Conservation Officer raises no objections to the proposal, subject to receipt of further amended plans to alter the roof pitch of Plots 8-10, to address the dominance of car parking within the central courtyard and to address boundary treatments,

which the applicant has been requested to provide. The Council's Archaeologist raises no objections to the proposal, subject to condition. Subject to receipt of amended plans to address the Conservation Team's concerns, the proposal would cause no harm in respect of its design, character impacts or upon identified heritage assets.

- c) Loss of employment site. Core Strategy Policies CS17 and CS21 set out the strategy for the economy. Key to this strategy is the retention of existing employment sites for continued employment use. The proposal would result in the loss of buildings in B1 and B8 use and, in the absence of overriding circumstances, would be contrary to policy. However, the application is accompanied by a justification statement (within the Planning Statement) referring to the applicant's fall-back position under the prior approval procedure, which notes that buildings on the site may be suitable for change of use from B1 or B8 to C3 under that procedure. The justification statement also goes on to explain why the existing buildings and location are quite marginal in relation to the delivery of good quality employment opportunities. Officers accept that a good proportion of the buildings currently in situ could be converted to residential use under the prior notification procedure, indeed one has already been converted. In this instance a pragmatic stance is followed, which would see a development of no greater volume than existing buildings on the site, but of significantly greater visual quality. Although this would result in loss of employment buildings, their loss could not be resisted if converted under the prior approval procedure and it is accepted that the site offers only marginal employment benefits. Consequently the proposed development may be supported, as a departure to the provisions of Policies CS17 and CS21.
- d) Impact on Footpath. The County Rights of Way Officer considers that use of Footpath 59 for vehicular access, would be contrary to paragraph 7.8 of the Defra Rights of Way Circular 1/09 which states that rights of way should not be incorporated within estate roads. However, your officers consider that use of the site for residential purposes would result in less intensive use by motorised traffic than the existing commercial use by heavier commercial vehicles, a view supported by the consultation response of the County Highway Authority. Consequently, in this instance the proposed access arrangements are considered to be acceptable. The Rights of Way Officer also considers that the erection of houses fronting the right of way would have an urbanising effect on this rural route, to the detriment of its character and enjoyment to users. In this respect the quantum of built form on the site will be less in terms of volume than existing structures and while it is accepted that the nature of the land use will change officers do not consider the proposal would have a harmful impact upon the character of the area, as a potentially intensive commercial use of the site would be replaced by residential development of acceptable character and appearance. This would be subject to the appropriate use of planting and hard materials, to ensure the perception of the PROW route through the site is not changed.
- e) Highway Impacts. It is proposed that 25 on site parking spaces be provided where the SPD would normally require 34 spaces.

layout site could adequately accommodate further on site parking spaces without compromising any facilities required for the turning of vehicles within the site. Any shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network. The applicant has provided a Transport Statement which demonstrates that the number of vehicle movements that might be generated by any existing lawful use at the site would be greater than that would arise as a result of the proposed development. It is therefore considered that the proposals would result in a net reduction in the use of the existing vehicular access onto Sway Road. Consequently no highway objection is raised, subject to conditions

- f) Site Drainage and Sewage Disposal .Policies CS2 and CS4 state that all new buildings should be designed to meet sustainable building standards and utilise Sustainable Urban Drainage systems (SUDS) wherever feasible. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS), but full details have not been provided. The County Drainage Authority have requested further information on surface water disposal from the site, which the applicant has provided. The Drainage Authority has been re-consulted on the additional drainage details. Southern Water advise that there is no public foul sewer in the vicinity/area of the site and the applicant confirms that investigations had taken place, which confirm the same. In light of the unavailability of the drainage connections, it is intended that a treatment plant will be specified with disposal to a drainage field within the site. In light of the fact that full details of foul and surface water disposal and future maintenance details of these systems have yet to be provided, it is considered appropriate to secure these details by appropriately worded pre-commencement conditions.
- g) Residential Amenity Impacts .Overall, there is an opportunity to improve residential amenities given the juxtaposition of potentially noisy employment uses to the rear curtilages of adjoining dwellings. However, comments have been received from neighbouring occupiers raising concerns over amenity. Loss of view is not material to consideration of planning applications, although it should be noted that no. 2 New Cottages is in excess of 30m from the gable of Plot 1, which is an acceptable level of separation and no windows are proposed in the eastern elevation of Plot 1. It is suggested that Buckland Stead would suffer a loss of privacy from Plot 7. One first floor window would overlook the front curtilage of Buckland Stead and the window to window distance is over 23m. Furthermore there is tall vegetation between the properties, which would reduce intervisibility. Concern was raised by officers over the opportunity to overlook the rear curtilage of Stable Cottage from Plots 5 and 6, should the tall ornamental hedge be lost, which is currently supported by the building adjoining Stable Cottage's curtilage. In this respect, the applicant has offered to support the hedge, with heavy duty, steel fence posts, if necessary and to plant heavy standards in the rear gardens of Plots 5 and 6 to prevent intervisibility, details of which will be firmed up by landscape and boundary treatment conditions. Consequently the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

to development being conditioned to be carried out strictly in accordance with the method statement and details within the two ecology reports. The results of any post construction biodiversity monitoring required by licensing also to be copied/submitted to the Council.

- i) Affordable Housing. As a proposal for residential development exceeding 10 no. units, the Council is committed to ensure that a proportion of almost all new housing is provided as 'affordable housing' (see Policy CS15, Local Plan Part 1 - Core Strategy). For this proposal the Council would normally seek 50% of all new dwellings on the site to be affordable housing, of which 35% of the total dwellings shall be social rented housing and 15% of the total dwellings will be intermediate housing to be secured through the completion of a S.106 agreement. However, the applicant considers that the scheme would be unviable with the level of contribution sought and has submitted a financial viability statement to justify a reduced level of contribution. The viability appraisal has been assessed by the District Valuer, who reports that the proposed scheme cannot support an affordable housing contribution.
- j) Other material considerations. With regard to concerns raised by notified parties and consultees over the restriction of access rights posed by the development, the greatest concern is with regard to the pinch point between Plots 10 and 11. At 4m wide it was suggested this would restrict access for vehicles. The applicant has amended their plans in this respect, to widen the pinch point to 5.2m, as shown on amended drawing no. 04 Rev D.

With regard to the footprint of Plot 1 being over the services of existing properties, the applicant points out that the neighbouring site currently benefits from easements which allows drainage to the existing septic tank for the application site and for electrical connections. It is intended that as part of the foul drainage, the eventual detailed drainage arrangements will be specified to allow those properties to continue to drain to the site and connections to any new infrastructure would be provided, which will be ensured by condition.

The applicant confirms that the structure of the highway, including cobbled areas will be constructed to take a 20tonne ReV.

It is often a consequence of new development that disturbance may be caused to adjoining occupiers. It is anticipated that the site developer would want to implement the development with minimum disruption, however the Planning Authority is not in a position to insist that the development be undertaken in accordance with the Considerate Builders Scheme, which is a matter for the developer to consider.

Improvement of the access track to the rear of Buckland Manor is not necessary to implement the scheme and it would be unreasonable of the Council to impose this cost on the developer.

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

Consideration 1 - The proposal is for twelve dwellings of more limited massing and of higher quality appearance than the structures they

would replace and would not impinge upon the openness of the Green Belt, which weighs in favour of the proposal

Consideration 2 - The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development do not significantly and demonstrably outweigh the benefits and, although the site lies within the Green Belt and affects designated heritage assets it would not cause any harm to those assets and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application. The proposal would assist with meeting an identified housing need within the District.

Consideration 3 - the proposal would not cause any other non-Green Belt harm, subject to conditions, which weighs in favour of the proposal.

14.1.7 (v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?

Substantial weight attaches to any harm to the Green Belt, However, as set out above the proposed development amounts to appropriate development in the Green Belt, which would not result in any loss of openness of the Green Belt and no specific harm to the Green Belt is identified.

With respect to 'any other harm', it is acknowledged that the development would see new residential development in the countryside and loss of an employment site, which would be contrary to adopted policies. However, reasoned justification is made to depart from policies to safeguard employment opportunities and the countryside. In its favour heritage assets would be enhanced, as would landscape setting and the ecological value of the site. The proposal would fulfil an identified need for housing in the District. Non-provision of affordable housing weighs against the proposal, but a robust viability case has been made and agreed with the District Valuer. Precise details concerning site drainage and sewerage can be addressed by condition. No highway concerns are raised and the proposal is not considered likely to have any harmful impact on residential amenity, again subject to conditions. Your officers are not aware of any other matters raised in representations that would weigh against the scheme.

In your officers' view the matters which weigh in favour of the development clearly outweigh the very limited harm to the Green Belt caused by the proposal.

14.1.8 Contributions

Since April 2015 the Council has imposed a charge on all new residential development to fund necessary infrastructure such as

transport improvements and public open space. This is known as the Community Infrastructure Levy. The Levy is charged at a rate of £80 per square metre of new floorspace Index Linked using the All-In Tender Index Price published by the Build Cost Information Service (BCIS) and is collected on commencement of development.

In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.1.9 Conclusion

The proposed development is appropriate development within the Green Belt, which would not harmfully impact upon its openness. Its design is considered to be of good quality and the environmental benefits of the scheme weigh in its favour. The proposed development could take place without detriment to the ecology, trees or amenities of the wider area, and without adversely affecting highway safety. While no affordable housing would be provided, the scheme would assist in meeting targets for new housing in the District. Therefore, subject to conditions to ensure that the scheme's specific benefits are fully delivered, the application is recommended for permission.

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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	6	0	6
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£6,600 if CIL paid in full	£6,600 if CIL paid in full	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1798	1104.5	693.5	693.5	£80/sqm	£66,837.54 *
Subtotal:	£66,837.54					
Relief:	£0.00					
Total Payable:	£66,837.54					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

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 the following approved plans: 15059 01, 15059 04 Rev D, 15059 06, 15059 07, 15059 10, 15059 11, 15059 20, 15059 21, 15059 22, 15059 30, 15059 31, 15059 32, 15059 40, 15059 50 Rev B, 15059 52 Rev D, 15059 60, 15059 61, 15059 70 and 15059 71.

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 CS2 of the Core Strategy for the New Forest District outside 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 prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. 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 (including signage) 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 Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 7 to 10 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised,

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

8. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

9. Where a remediation scheme has been approved in accordance with condition no. 8, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition no. 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no.8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. 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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwellings remain of a size which are appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (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 maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) 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 New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

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

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

way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

14. The works hereby approved shall be undertaken in strict accordance with the method statement and details as outlined in the Report on Biodiversity prepared by Philip Smith (Conservation Consultant) ref. Buckland Granaries 19102016, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

15. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (including details of a watching brief), in accordance with a written scheme investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

17. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site.

18. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety.

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

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

20. Before development commences details of the means of the future maintenance of the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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 the applicant sought the Council's pre-application advice on a similar form of development to that proposed and has submitted the requisite documents and plans in respect of this application. The applicant was requested to provide additional information and plans in respect of viability, building massing, site drainage, foul water disposal, access and revised plans, in light of the comments of consultees and notified parties, but otherwise the application was acceptable as submitted and no specific further actions were required.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be

exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

3. The Council's Contaminated Land Team advise that conceptual site model and preliminary risk assessment is required in the first instance to inform any potential site investigation to ensure the site is safe and suitable for the proposed sensitive end use as stated in the NPPF.
4. In discharging condition no. 12 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
5. Southern Gas Networks refer the applicant to the Plan extracted from their mains records of the proposed work area enclosed for your guidance. The plan is shown on the Council's website, but only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If SGN know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to SGN pipes can be extremely dangerous for your employees and the general public. The cost to repair SGN pipelines following direct or consequential damage will be charged to your organisation.
6. In relation to condition no. 14, the Council's Ecologist advises that it is of particular importance to ensure the use of traditional bitumastic felt as a roofing material, as per the specification. The results of any post construction biodiversity monitoring required by licensing also to be copied/submitted to the Council.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
January 2018

Item No: 3g

Land at Buckland Granaries
Sway Road
Lymington
17/10854
SZ3196

Scale 1:1250

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

