

Application No: 16/00696/FULL Full Application

Site: Land To The Rear Of Toby Cottage, Back Lane, Sway, Lymington, SO41 6BU

Proposal: Retention of Manege (revised land levels)

Applicant: Mr & Mrs Payne

Case Officer: Lucie Cooper

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP23 Maneges
CP8 Local Distinctiveness
CP2 The Natural Environment

4. SUPPLEMENTARY PLANNING GUIDANCE

Guidelines for Horse Related Development SPD
Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 7 - Requiring good design

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal for the reasons listed below:

The applicant has not complied with the terms of the original consent. As a consequence the manege which has been constructed has adversely impacted the visual amenity of the area to the detriment of the neighbours.

Furthermore, the applicant has failed to respect the established landscape features such as the hedgerow along the north eastern boundary of the site.

8. CONSULTEES

- 8.1 Landscape Officer: - Objected to previous application (although the application was subsequently granted) and similarly raised concerns regarding cumulative impact on landscape.
- 8.2 Environment Agency: - Confirmed that the discharge of clean surface water into the water course would not require consent from the Environment Agency.

9. REPRESENTATIONS

- 9.1 Four letters of objections received from neighbouring properties. Issues raised include:
- the increase in height and difference in levels of the manege over and above what was originally proposed and approved and resultant visual intrusion and loss of outlook to neighbouring properties
 - the increase in height stated in the current application over and above that previously approved appears to be wrong
 - construction of the kickboards and fencing are not as shown on the plans and add to the visual intrusion
 - anomalies in the drainage plans in place and those originally proposed and detailed in this application and potential of increased flood risk on adjacent land and downstream from the ditch
 - banking of soil following construction of the manege and additional impacts upon flooding to adjacent land
 - loss of trees and soft landscape to facilitate the development and the increased visual impact of the manege which has resulted
 - the height of the hedge required by the condition is not adequate to screen the manege but a 3m hedge would appear overbearing and difficult for neighbours to maintain
 - the applicant should plant suitable hedging on their own land
 - smells emanating from the manege surface and the impact that this has on the amenity of adjacent properties

10. RELEVANT HISTORY

- 10.1 Manege (15/00812) approved on 19 January 2016.

11. ASSESSMENT

- 11.1 Members will recall that this application was deferred at the February Committee pending further negotiation between the

applicant and officers with regard to the landscaping and screening of the site. The applicant has had discussions with the occupiers of neighbouring properties and a screening plan has been submitted for consideration. The neighbours concerned have had the opportunity to input into the plan and various amendments have been made in an attempt to satisfy the comments of officers and neighbours.

- 11.2 To recap, Toby Cottage is a detached, character dwelling with a thatched roof and rendered walls. It has a longitudinal form and is positioned side-on to Back Lane in Sway. It is surrounded by other residential properties, but is outside of the Defined Village boundary.
- 11.3 There are paddocks located to the rear (south, east and west) of the property, which are under the same ownership and are separated by post and rail fencing. The site comprises approximately 4 acres in total. There are two field shelters and a stable block located within the paddocks. There are also two protected trees within the rear grounds of the property close to the dwelling house and there is dense tree cover and soft landscaping along the boundaries of the paddocks. The land slopes downwards towards the south west.
- 11.4 This application proposes the retention of a 20m x 40m manege which has been constructed within the paddocks to the south of the property. The manege was constructed following planning permission 15/00812 being granted in January 2016, however the levels of the arena have changed from those of the original consent. The applicant advises on the application form that the *'land levels were slightly different on constructing the arena as materials were needed to be brought in'* to achieve a level surface.
- 11.5 The manege is sited along the north eastern boundary close to the rear boundaries of adjacent properties on Back Lane. An existing hedge separates the paddocks from the properties. The manege is accessed via the same track through the property which serves the stables and through a gateway in the paddock fencing within the site. The manege has a rubber surfacing with timber kick boards and post and rail fencing around its perimeter.
- 11.6 Given the extant permission for the manege, involving cut and fill of the landscape, it has been established that the principle of the development is acceptable in this location. Therefore the main issues to consider are the impact of the importation of material and minor change in level on:
- Landscape and visual amenity of the area;
 - Drainage
 - Ecology
 - Neighbouring amenity;

- Trees.

- 11.7 The case officer report for the previous consent sets out that the siting of the manege would be approximately 27m from the closest TPO protected tree. It was stated that the installation of the manege would result in level changes but was considered to be a sufficient distance away to mean that it was unlikely that there would be any adverse impact upon the protected trees. The changes in levels to the manege as built would not have had any adverse impact upon trees. The large mature trees and dense hedgerows within the site and surrounding area continue to positively contribute to the area's visual amenity, character and setting.
- 11.8 The hedgerow along the north eastern site boundary and adjacent to the siting of the manege offers some screening to neighbouring properties. A condition was attached to the original consent, stipulating that this hedgerow was to be retained in perpetuity and maintained at a minimum height of 2m and minimum width of 1m. This was to ensure the satisfactory appearance and setting of the development and to protect the amenity of neighbouring properties. Alongside the levels proposed at that time this was considered to offer acceptable screening of the manege from neighbouring properties. This is not considered to be materially affected by the increase in the level of the manege by approximately 150mm. Further planting and reinforcing of the hedge and manege has been put forward in a landscaping plan which is considered to further mitigate the impact of the manege on neighbouring properties.
- 11.9 At the time of the case officer site visit for this application a section of this hedgerow (adjacent to Ivy Lodge and Forest Croft) had been removed. The applicant advised that this hedge was removed at the request of the occupants of one of the neighbouring properties (Forest Croft). The part of the hedge that was removed was holly and is proposed to have been replaced with "bare root" hedging to include dog rose and hawthorn. This is considered to be an acceptable solution and should offer an opportunity for the hedgerow to grow in due course and such retention may be secured by an appropriately worded condition.
- 11.10 Policy CP2 requires all development to be sensitive to the wellbeing of protected species and habitats. The case officer's report for the original application set out that as the land has been in use previously as a pony paddock there is minimal chance that the wellbeing of any protected species would be further compromised by the manege, providing that no lighting is used and no additional hedgerow or tree removal will occur. The loss of hedgerow is minimal and as such is unlikely to have had any significant impact upon species or ecology, subject to no further loss and the replacement of what has been removed as proposed on the applicant's land all of which will be secured by condition.

- 11.11 With regard to the changes in levels for the manege as built, the case officer report for the previous application set out that *'it is noted that some cutting away of the land will be required to construct the manege due to the slope in the land at the site, to a maximum of 550mm as set out in the D&A Statement. However, it is not considered that this would adversely affect the landscape character of the site'*.
- 11.12 The information in the Design & Access Statement sets out that the levels of the manege changed when it was constructed as material was needed to be brought in to stabilise the ground and raise the levels slightly due to the wet conditions of the ground. It sets out that the manege only requires cutting in to a depth of 400mm – 430mm at the highest point in the landscape resulting in an increase of no more than 150mm higher than the original application.
- 11.13 The information submitted with the originally approved application showed that the north western most corner of the manege (Point A) had a depth of 150mm into the ground; the north eastern most corner (Point B) had a depth of 550mm into the ground (being the most excavation required); the south eastern most corner (Point C) a depth of 400mm into the ground and the south western corner (Point D) being at ground level. However, it was established during construction that a level manege could not be achieved without filling at points C and D.
- 11.14 The information submitted with the current application shows that Point A has a depth of 430mm into the ground; Point B 400mm (resulting in a change of +150mm from the approved level), Point C 550mm fill out of the ground and Point D 730mm fill out of the ground. The site contours and spot heights plan also demonstrates this change.
- 11.15 Details submitted set out that the fencing as built is as per the dimensions included in the original application. The increase in levels obviously means that this fencing is also at a higher level (+150mm) from the original ground levels as previously proposed.
- 11.16 The Landscape Officer objected to the original application on the basis that the manege was not sensitively sited within the landscape but overall it was considered that the landscape character of the area would not be adversely affected. In response to this application the Landscape Officer is concerned that the removal of parts of the hedgerow and unprotected trees has resulted in the manege being more visually intrusive but this can be overcome by the proposed replacement hedge planting secured by an appropriate condition.
- 11.17 Since the grant of planning permission 15/00812 Local Land Drainage at New Forest District Council has ceased to operate.

Land drainage is now split between the Lead Local Flood Authority (Hampshire County Council) who deal with ordinary watercourses and surface water drainage in relation to 'Major Developments and the Environment Agency who deal with 'Main rivers' and flooding. The relevant body in this matter, given that this is defined as minor development and the designation of the stream to which runoff discharges, is therefore the Environment Agency.

- 11.18 The site lies outside Flood Zones 2 & 3 and, in relation to flooding, when assessing the proposals against the Environment Agency's standing advice, no flood risk assessment or consultation is required since the scheme does not lie within 20m of the main river and it is less than 1 hectare in area. Information submitted sets out that water from the site originally drained down the hill into the small stream/ditch at the bottom of the applicant's paddocks.
- 11.19 Drainage details for the manege were secured on the previous permission by condition and those details were submitted in relation to this condition in April 2016. NFDC Land Drainage Officers were consulted on these proposals and noted that no additional surface water would be passed to the watercourse and recommended that the surface water condition could be discharged on this basis. These details were agreed and the condition discharged on 28 April 2016 and have been implemented in order to deal with the run off from the manege.
- 11.20 In addition to these approved drainage works a trench has been dug along the entire north eastern side of the manege with a 'french drain' installed which directs water runoff from adjacent properties into a drainage pipe which also connects the soakaway across the paddocks into the stream/ditch at the bottom of the applicants land. Further drainage plans have been submitted in order to clarify what has been carried out but these works do not form part of this application. Having regard to the concerns relating to the additional drainage to the watercourse it has been confirmed by the Environment Agency that the discharge of surface water into the stream would not require consent.
- 11.21 Concerns have also been raised regarding top soil that was removed from the area of the manege and deposited on the lower paddock of on the applicants land. The deposition of the top soil does form part of this application but in any event is not considered to be development and therefore does not require planning permission.
- 11.22 In summary, the importation of material and minor increase in the level of the manege is considered to not adversely impact on the visual amenity of the area or neighbouring properties and, with the additional screening and replanting of the hedgerow, the manege sits comfortably in the landscape. The changes do not have any

greater impact on trees or ecology than the previously approved scheme.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Development shall only be carried in accordance with drawing nos: 001, JA 0001 VA Sht 1 of 1, JA-PA01-SITE-DE01 REV A, JA-PA01-SITE-DRAIN01, Screening Plan Version 1.00 Status: Final. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 2 The manege the subject of this permission shall only be used for the exercising of horses belonging to the owner of the site (or their successors in title) and shall not be used for any commercial riding or training purposes or as an equestrian show arena.

Reason: The use of the manege on a commercial basis would cause harm by reason of increased activity and pressure on the National Park and this would be contrary to Policy DP23 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 No lighting shall be installed to illuminate the manege hereby approved.

Reason: To safeguard the visual amenities of the countryside and the amenities of nearby residential properties in accordance with Policies DP1, DP23 and CP6 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 The hedgerow along the north eastern boundary of the site adjacent to properties Brick Cottage, Myrtle Cottage, Forest Croft and Ivy Lodge and adjacent to the manege, including the replanted section adjacent to Forest Croft, hereby approved shall be retained in perpetuity and maintained at a minimum height of 2m and minimum width of 1m.

Any trees or plants which within a period of 5 years from the completion of the development die or become seriously damaged or diseased shall be replaced in the next planting season with

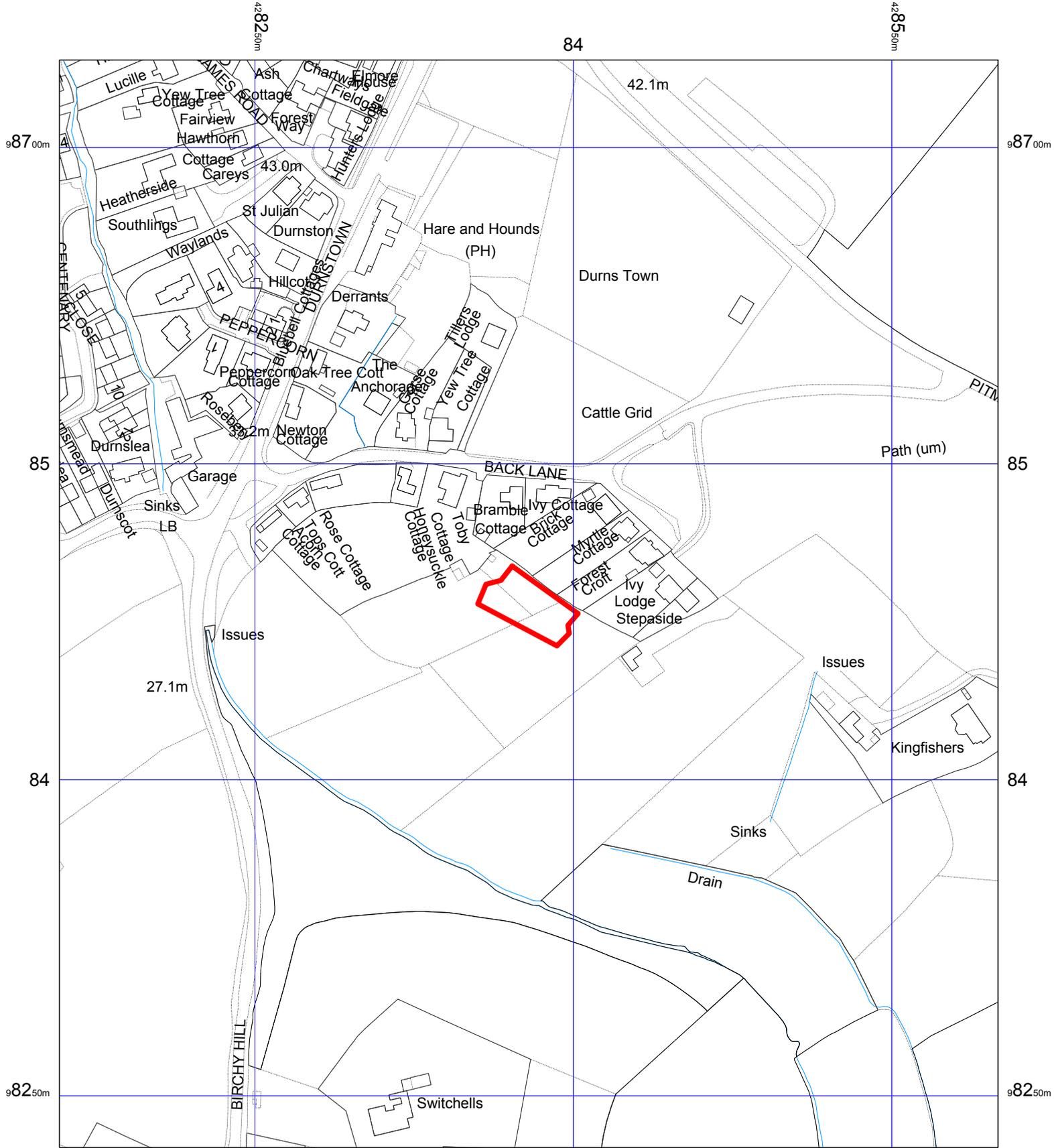
others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to protect the amenity of neighbouring properties to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 All additional screening works shall be carried out in accordance with the Screening Plan, Version 1.00 Status: Final. The works shall be carried out in the first planting following this decision (by March 2018).

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 National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



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