

Application No: 17/00816/FULL Full Application

Site: The Lodge Malwood, Lyndhurst Road, Minstead, Lyndhurst, SO43
7HA

Proposal: Creation of Access; entrance gates and fencing

Applicant: Mr J Williamson

Case Officer: Liz Young

Parish: MINSTEAD

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Ramsar Site
Site of Special Scientific Interest
Special Protection Area
Special Area of Conservation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
CP1 Nature Conservation Sites of International Importance
CP2 The Natural Environment
CP8 Local Distinctiveness
DP6 Design Principles
CP7 The Built Environment

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Minstead Parish Council: Recommend approval subject to the existing access being closed up and that the new access would be used only by the occupants of Malwood Lodge.

8. CONSULTEES

- 8.1 Landscape Officer: No objection.
- 8.2 Ecologist: Comments awaited.
- 8.3 Tree Officer: No objections subject to conditions.
- 8.4 Forestry Commission: No comments received.
- 8.5 Verderers of the New Forest: No comments received (no objections raised in respect of previous application, 17/00231).
- 8.6 Highways England: No objections.
- 8.7 Highway Authority (HCC): No objections subject to conditions.
- 8.8 Natural England: Insufficient information to assess impact upon designated sites.
- 8.9 Building Design & Conservation Area Officer: Comments awaited.

9. REPRESENTATIONS

- 9.1 One letter of support from a neighbouring property:
 - Proposal would be sympathetic and estate fencing would be in keeping with the local area.
 - Would offer highway improvements.
 - Suggest that a drainage pipe should be included in the scheme.

10. RELEVANT HISTORY

- 10.1 Creation of access; entrance gates (17/00231) refused on 18 May 2017
- 10.2 Application for a certificate of Lawful Development for a proposed completion of single storey extension (17/00323) Permitted Development 05 May 1017

11. ASSESSMENT

- 11.1 The Lodge is a characterful Victorian building located in a wooded garden near to the A31 junction. The Lodge post-dates Castle

Malwood House, and was built between 1872 and 1897. The lodge historically had wooded grounds surrounding it and it is accessed via the Castle Malwood slip road from the A31 or round from Lyndhurst Road. The site lies within the Forest Central (south) Conservation Area (Character Area A, Minstead), and the locality comprises a dispersed, linear rural settlement set against mature woodland. The Lodge is specifically noted within the Conservation Area Character Appraisal for its vernacular interest. The verges immediately adjacent to the site boundary all form part of the designated New Forest Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site.

Proposal

- 11.2 Permission is sought for an access track onto Lyndhurst Road at the side / rear of the property. When the dwelling was built, it occupied a wooded location with no real curtilage, as confirmed by historic maps of the area. The eastern boundary of the curtilage is not clearly defined, having been overgrown for a long time, however it is clear that the access would cross a historical field boundary, as well as a ditch and a grassed forest verge (designated as part of the open forest SSSI/SAC as well as Crown Land) before it reached the carriageway of Lyndhurst Road. Certificate B has therefore been signed and notice has been served on the Forestry Commission.

Background

- 11.3 This application has been submitted as a follow up to a previously refused scheme which was turned down for four reasons:
- Harmful impact upon / net loss of designated sites (SSSI, SAC, SPA).
 - Insufficient parking and turning.
 - Inappropriate boundary treatments.
 - Cattle grid would have a harmful impact upon tree roots.
 - An ecology report has now been submitted detailing habitat creation and mitigation measures (including return of land to grazing).

The main issues to assess therefore relate to whether this latest application overcomes the concerns set out above. The cattle grid is proposed in the same location as the previous application, although an arboricultural report and ecology survey has been provided. The main vehicular gate is no longer proposed and the proposed fence has been simplified. The plans also indicate that part of the existing curtilage would become part of the open verge to compensate for the loss of part of the SSSI (although this was also the case with the previous scheme).

Consideration of Issues

- 11.4 Whilst the submitted plans indicate that some of the existing curtilage would be opened up as forest verge following the reconfiguration of the curtilage boundary, this does not sufficiently address the concerns raised at the time of the previous application in relation to the impact upon the designated SSSI, SAC, SPA and Ramsar sites, particularly as this approach was not considered to offer adequate mitigation at the time of the previous application. Whilst an ecological survey has accompanied the application, Natural England consider that it is still not clear how mitigation would be achieved, or what the value of the area is which would be lost. In short it remains the case that the proposal is still not capable of being delivered without harm to the designated sites, by providing suitable compensation for the loss of the area of designated site. Natural England state that the extra grazing area does not ensure no net loss of the designated site. As such the proposal fails to comply with Policy CP1 and CP2 of the New Forest National Park Core Strategy.
- 11.5 The Conservation Area Character Appraisal describes Minstead as being characterised by small irregular fields edged by mature boundary hedgerows and parkland associated with the country estate. The appraisal states that boundaries to plots are formed by hedgerows, metal estate fencing or low timber fencing. The piecemeal loss of hedgerows is one of the key issues identified affecting the Conservation Area along with the dominance of cars in the landscape (the provision of off road parking at the expense of boundary hedgerows is also referred to). As noted previously the current character of the lane adjacent to the site is one with an established hedge line and enclosed verdant forest edging with the Lodge sitting discretely within the site and the surrounding open space forming a key part of its character and appearance. The Lodge is very much orientated at the west of the site and is closely associated with the driveways and access point to Malwood House. In contrast the site of the proposed access is characterised by trees, vegetation and understorey growth.
- 11.6 Notwithstanding the simplified fence and the absence of any objection from the Tree Officer, the proposed removal of up to 10 metres of boundary hedge with wide vehicle overruns and additional driveway (unchanged since the previous scheme) would result in a harmful impact upon the rural setting and would erode the verdant character of the roadside, opening up views into the site to the detriment of both the character of the Lodge and the wider conservation area. It remains the case that there is very little information on the proposed hardstanding and landscape details and the proposal would harm the setting of an undesignated heritage asset. Pages 11, 12 and 63 of the Design Guide Supplementary Planning Document set out the importance of ensuring the retention of hedged enclosures and historic features, avoiding forced grandeur, providing low key parking,

retaining roadside boundaries and strengthening the characteristics of rural lanes. The proposal is not considered to adhere to these requirements and would therefore be contrary to Policies DP1 and CP8 of the New Forest National Park Core Strategy, the requirements of Section 12 of the National Planning Policy Framework and the Design Guide Supplementary Planning Document.

Conclusion

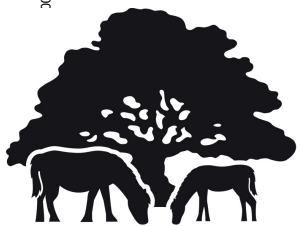
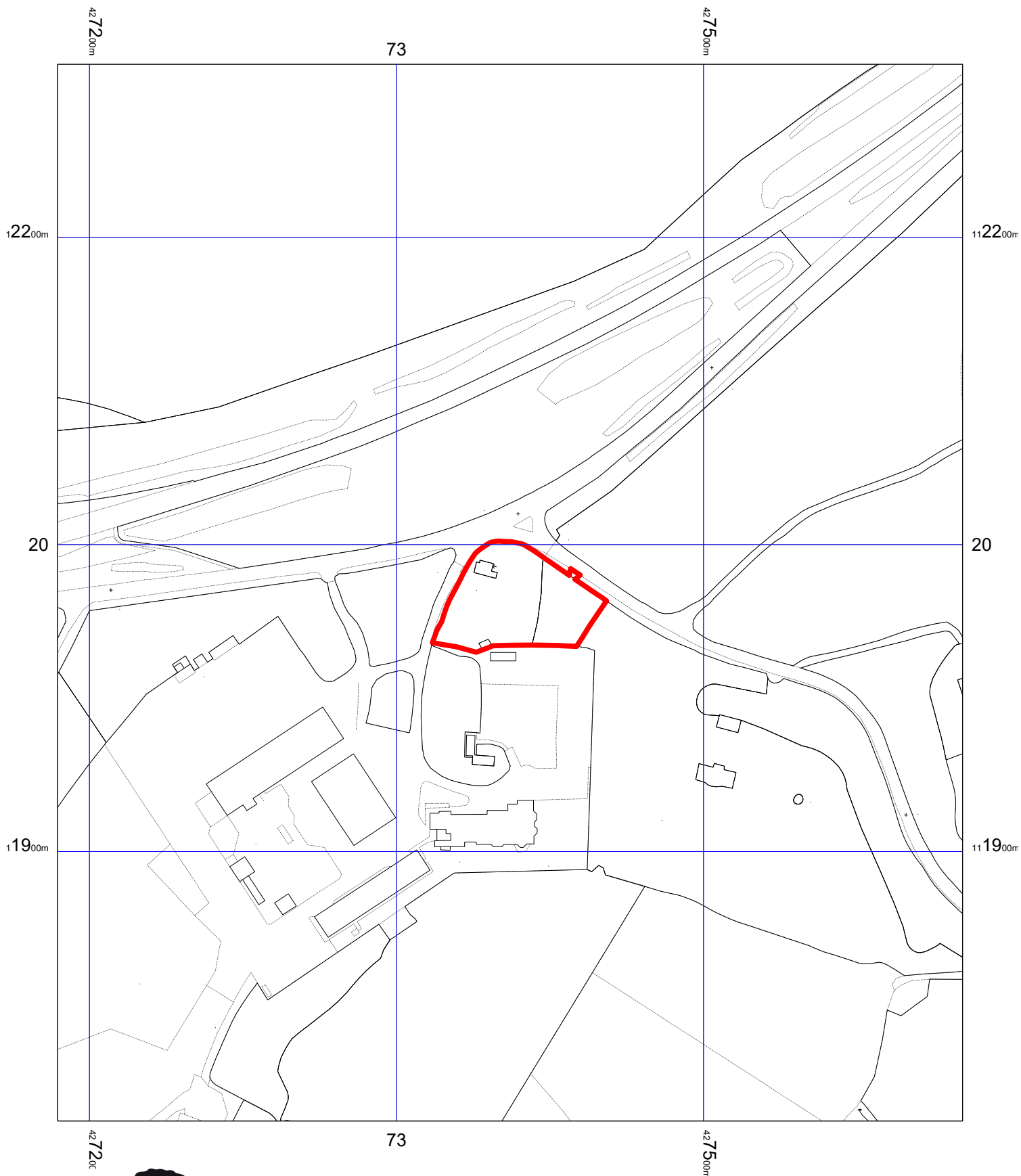
- 11.7 Notwithstanding the fact that Tree Officer and Highways concerns have been addressed (and that the retention of the existing access was not raised specifically as an issue at the time of the previous application), there is still insufficient information accompanying the application to demonstrate that the development would not lead to direct harm and irreversible loss of the New Forest SSSI, SAC, SPA and Ramsar Site. Furthermore the combined impact of the removal of a substantial section of hedgerow and the formation of a substantial new area of hard surfacing would have an unacceptably harmful impact upon the setting of The Lodge (which already benefits from adequate access) and the character of the wider Conservation Area. It is therefore recommended that the application should be refused.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 It has not been demonstrated that the proposal could be provided without harm to the Special Area of Conservation (SAC)/ Site of Special Scientific Interest (SSSI) adjacent to the site. As such the proposal is contrary to Policies CP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010), as well as the National Planning Policy Framework (in particular Section 11).
- 2 The proposed accessway and necessary removal of hedgerow would present an overly formal, polite and domesticating form of development into an otherwise rural landscape, adversely impacting upon the forest character of the Conservation Area at this point. As such the proposal is contrary to Policies DP1, DP6, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) along with the requirements of the Design Guide Supplementary Planning Document.



NEW FOREST
NATIONAL PARK

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Date: 09/11/2017

Ref: 17/00816/FULL

Scale: 1:2500

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