

**Application No: 17/00878/FULL Full Application****Site:** Pound Bottom Landfill Site, Forest Road, Redlynch**Proposal:** Completion of landfill; restoration of phase 4; re-engineering works to landfill cap of cells 1 - 4; temporary retention of gas utilisation plant, leachate storage tanks; stockpiling area; retention and enhancement of site conservation area**Applicant:** Dr Carnell, Cleansing Service Group (Ltd)**Case Officer:** Paul Hocking**Parish:** REDLYNCH**1. REASON FOR COMMITTEE CONSIDERATION**

Major Development

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles

CP2 The Natural Environment

1 Sustainable minerals and waste development

4 Protection of the designated landscape

9 Restoration of Minerals and Waste Developments

10 Protecting public health, safety and amenity

12 Managing traffic

13 High-Quality design of minerals and waste development

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 11 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Redlynch Parish Council: Recommend permission but happy to accept a

delegated decision: The details and final landform of the scheme are appropriate in terms of scale, appearance, form, siting and therefore acceptable when considered against policy DP1. The proposals in relation to the retention and enhancement of site conservation area complied with Development Plan Policy 4 (Protection of the designated landscape) and Section 11 of the National Planning Policy Framework (Conserving and enhancing the natural environment).

## **8. CONSULTEEES**

- 8.1 Ecologist: No objection subject to conditions: Welcome the retention and enhancement of the nature conservation area which it is understood has been the subject of consultation with Wiltshire Wildlife Trust. This represents an improvement on the previous scheme and allows for the area to continue to deliver biodiversity benefits.
- 8.2 Environment Agency: No objection
- 8.3 Natural England: No objection subject to appropriate mitigation being secured.
- 8.4 Highway Authority (WC): No objections received
- 8.5 Highway Authority (HCC): This Highways Authority is satisfied there will be no detrimental impact to the local or surrounding road network.
- 8.6 Landscape Officer: No objection subject to conditions: The Landscape restoration plans offer a full and comprehensive response to the extensive mineral workings and then landfill operations that have been operational at the site over many years.
- 8.7 Planning Policy Officer: No objection subject to conditions: The applicant proposes to utilise soils and clays for the purpose of engineering and that as far as reasonably practicable these have had all recyclable aggregates removed for recycling. As such, the proposal accords with Policy 30 of the Hampshire Minerals and Waste Plan (adopted October 2013) which states that such proposals will be supported. It will however need to be ensured that a recycling facility is not established at the site as a consequence.

## **9. REPRESENTATIONS**

- 9.1 One representation received from the Friends of the New Forest: It has been quite pleasing to see the site being restored in the last year or two and the Company seem to have adopted a responsible and caring approach with adequate community involvement.

## **10. RELEVANT HISTORY**

- 10.1 Breach of Condition Notice (98363) served on 07 February 2014 and complied with on 12 June 2014
- 10.2 Importation of soils to improve the restoration of phases 1 and 2 (98363) granted on 19 June 2013
- 10.3 Temporary use of land for stockpiling; skip storage; site office; parking (98193) refused on 11 April 2013 and appeal allowed in part (temporary use of land for stockpiling) on 23 April 2014
- 10.4 Temporary use of land for the storage and processing of inert material (97365) refused on 20 July 2012
- 10.5 Enforcement Notice - importation of materials and engineering operations served on 02 December 2011 and appeal dismissed on 14 May 2012 and complied with on 14 May 2013
- 10.6 Importation of soils to improve restoration of phases 1 and 2 (96535) refused on 11 October 2011 and dismissed at appeal on 14 May 2012
- 10.7 Installation and operation of a landfill gas utilisation plant (92070) approved on 23 November 2007
- 10.8 Composting facility for shredded recycled and green waste (90326) approved on 6 September 2006
- 10.9 Extraction of building sand and backfilling with waste materials (90/00485) granted on 18 April 1991

## **11. ASSESSMENT**

- 11.1 Pound Bottom landfill site is a longstanding minerals and waste site in the Wiltshire area of the National Park. The site lies within the West Wellow Heaths and Commons landscape character area with a landscape component type of 'heath associated estates'. It is adjacent to several important designated nature conservation sites (SSSI, SPA, SAC, Ramsar, Wiltshire Wildlife Sites) and is accessed by B-roads across the grazed open forest. There is a small cluster of residential properties to the north-west of the site.
- 11.2 This planning application proposes a comprehensive scheme pursuant to the final restoration and closure of the Pound Bottom landfill site. It also consequently involves the consolidation of earlier planning permissions.
- 11.3 The key planning considerations are to ensure the scheme is appropriate in respect of policy requirements; that the final landform is appropriate in respect of the landscape character of

the area; and that there are no other unresolved planning issues arising in the context of the final restoration and closure of the site.

- 11.4 There is an extremely long and complex planning history commencing in the 1980's when sand was first extracted. This resulted in four phases of mineral working with the resultant voids being permitted for landfilling. Phases one to three have been restored and the only substantive permission for the remaining phase four dates from 1991. This was naturally before the designation of the New Forest as a National Park. The Operator has therefore been working to this permission but recognises there are practical limitations to what was originally proposed. Furthermore, owing in part to sub-standard capping in earlier cells and greater than estimated waste settlement, a further planning application was required in any event. In turn, it is recognised by Officers that the original scheme could be improved upon in terms of final landform and the delivery of other consequent benefits. Moreover, this would allow for updated and enforceable planning conditions to be applied to any comprehensive planning permission.
- 11.5 Members may also recall there were significant enforcement breaches at the site which resulted in various actions being taken between 2011 and 2014. It can be reported that all such breaches have now been concluded owing to the extended efforts of both Officers and the Operator. This has then enabled pre-application discussions to take place in order to consider how to best deliver the final restoration and closure of the site.
- 11.6 It will be noted that, subject to the receipt of amended plans, no objections have been raised by consultees, subject to conditions, which includes the Environment Agency and Natural England. The final landform is intended to mimic the horizon to the east and in the context of that previously approved, and in recognition of the need to provide particular contouring to deliver a suitable cap to modern Environment Agency standards, the proposal is considered appropriate and the wider landscape character of the area will consequently not be impacted. The final planting and grassland mix would closely follow that which existed in 1989 before works in phase four commenced and thus would lead to the re-establishment of that landscape and habitat for 'forest grazing'.

The quantum of material required for the restoration over the next 18 months is equivalent to the volume the site has historically been permitted for each year by the Environment Agency and therefore there is not considered to be an adverse impact regarding vehicle movements over this comparatively short period.

- 11.7 The scheme is considered to be compliant with both adopted National Park and mineral and waste policy requirements and objectives. It is recognised that the closure of the site will be welcome noting the consequent reduction in vehicle movements across the forest. Landfilling operations are proposed to conclude by the end of May with the period until the end of 2019 required to complete the restoration of phase four to include seeding and planting as well as the removal of site infrastructure.
- 11.8 A schedule of enforceable conditions is therefore recommended which will secure an end-date to operations at the site (which there currently is not) and the delivery of other controls and benefits such as litter management and ecological mitigation. Much of this would not have previously been possible. These conditions have already been agreed by the Operator as acceptable and should avoid other planning issues arising. The Operator has also agreed to enter into a legal agreement, for the avoidance of doubt in respect of the 1991 permission and given this application consolidates earlier permissions, such as for the gas utilisation plant. This again secures the enforceability of this comprehensive application.
- 11.9 This application follows our pre-application advice and shows the Operators commitment to suitably conclude operations at the site and restore it within the next 2 years. The recommendation to grant planning permission subject to a legal agreement and schedule of conditions is accordingly made.

## **12. RECOMMENDATION**

Subject to the prior completion of a section 106 agreement, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

- 1 The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans and the recommendations contained within the reports, referred to below:
  - L.01 Rev A - Restoration Concept (dated February 2018)
  - L.02 - Landscape Details (dated July 2016)
  - SUR/53-4 Issue W1 - Proposed Presettlement Levels (dated 01/2/15)
  - PHS-01 Issue F - Cells 1 to 7 Restoration Phasing Plan (dated 11/07/16)
  - PLA-01 Issue F - Application Boundary (dated 15/01/16) (Contours)
  - LA.01 - Site Overview (February 2016)
  - PLA-02 Issue W1 - Phase 4 Cells 1-7 (dated 18/01/16)
  - Cells 8-14 Restoration Phasing Plan (dated 18/06/16)

Figure 2 - Pound Bottom Compound Layout (dated 12/10/10)

Planning Statement (dated September 2017) which includes the following;

Phase 1 Habitat Survey (dated March 2016)

Restoration Design Statement (dated April 2016)

Litter Management Plan

Landscape and Restoration Management Plan (dated 26 February 2018)

Reason: For the avoidance of doubt and to ensure the satisfactory restoration of the site.

- 2 Except in the event of emergencies, or unless otherwise agreed in writing by the Waste Planning Authority, the waste management operations and restoration hereby approved shall only be undertaken between the following hours: 07:00 – 17:00 Mondays to Fridays and 07:00 – 13:00 on Saturdays. There shall be no working on Sundays or recognised public holidays. In the event of emergency access occurring outside of the permitted hours the Waste Planning Authority shall be notified in writing of the time and reason for the access within 7 days.

Reason: In the interests of local amenity.

- 3 The acceptance and deposit of non-hazardous waste and asbestos waste (i.e. the landfill operation) shall cease on or before 31st May 2018. The operator will confirm in writing, within 28 days of the cessation of the landfill operation that it has ceased.

Reason: To secure satisfactory restoration of the site.

- 4 The restoration of cells 1 – 7 in Phase 4 shall be completed in accordance with the phasing details shown on drawing no. PHS/01 - Issue F and shall be completed on or before 31st December 2019.

Reason: To secure satisfactory restoration of the site.

- 5 The restoration of cells 8 – 14 in Phase 4 shall be completed in accordance with the phasing details shown on Cells 8-14 Restoration Phasing Plan (dated 18-06-16) on or before 31st December 2019.

Reason: To secure satisfactory restoration of the site.

- 6 The landfilling and restoration shall be completed in accordance with the pre-settlement levels shown in drawing no. SUR/53-4 - Issue W1 on or before 31st December 2019..

Reason: To secure satisfactory restoration of the site.

- 7 The restoration of the site shall be completed in accordance with drawing L.01 Rev A Restoration Concept and the details of the Landscape and Restoration Management Plan on or before 31st December 2019.

Reason: To secure satisfactory restoration of the site.

- 8 Only inert material for use in restoration works shall be stockpiled within the area shown on drawing no. CSG/A077797/PLA/02 Rev A. Stockpiles shall not exceed the levels shown on drawing CSG/A077797/PLA/03 as referenced from the approved datum point located as show on drawing CON-01.

Reason: In the interest of public amenity and to protect the landscape of the National Park.

- 9 The use of the land shown on drawing no. CSG/A077797/PLA/02 Rev A for stockpiling shall cease and the land restored in accordance with the pre-settlement levels shown in drawing no. SUR/53-4 Issue W1 on or before 31st December 2019.

Reason: To ensure the full and satisfactory restoration of the site.

- 10 The ditch forming the boundary of the stockpiling area to the north and east adjacent to the Site of Special Scientific Interest and Special Area of Conservation shall be retained and kept clear of all tipped material.

Reason: To protect the features and designation of the SSSI and SAC.

- 11 All structures forming the site office and welfare facilities, and the site weighbridge, shall be removed from the site and the land restored in accordance with the details shown on drawing L.01 Rev A and the details of the Landscape and Restoration Management Plan on or before 31st December 2019.

Reason: To ensure the full and satisfactory restoration of the site.

- 12 The former wheel wash area shall be restored in accordance with the details shown on drawing L.01 Rev A and the details of the Landscape and Restoration Management Plan on or before 31st December 2019. See point 7 of the covering email.

Reason: To ensure the full and satisfactory restoration of the site.

- 13 Within three months of the date of this permission a Leachate Management Plan shall be submitted to the Waste Planning Authority for approval in writing. The management plan shall make provision for a biennial review to evidence the ongoing requirement for this infrastructure. In the absence of this, or it is

concluded by the Waste Planning Authority the installation can be removed from the site, this shall be the case and the land restored within 12 weeks of that date in accordance with the details shown on drawing L.01.

Reason: To ensure the full and satisfactory restoration of the site and enable the Authority to review the ongoing requirements for leachate and landfill gas management following completion of landfilling.

- 14 Within three months of the date of this permission a Landfill Gas Infrastructure Plan shall be submitted to the Waste Planning Authority for approval in writing. The management plan shall make provision for a biennial review to evidence the ongoing requirement for this infrastructure. In the absence of this, or it is concluded by the Waste Planning Authority the installation can be removed from the site, this shall be the case and the land restored within 12 weeks of that date in accordance with the details shown on drawing L.01.

Reason: To ensure the full and satisfactory restoration of the site and enable the Authority to review the ongoing requirements for leachate and landfill gas management following completion of landfilling.

- 15 Unless otherwise agreed in writing by the Waste Planning Authority all restoration planting and aftercare shall be undertaken in accordance with details contained in the Landscape and Restoration Management Plan (26 February 2018) as shown on drawing L.01 Rev A. For the avoidance of doubt the aftercare period shall run for 10 years after completion of the restoration.

Reason: To secure satisfactory restoration of the site.

- 16 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 secure satisfactory restoration of the site.

- 17 Unless otherwise agreed in writing by the Waste Planning Authority the management of litter shall be undertaken in accordance with the Litter Management Plan (as detailed in Appendix H to the Planning Statement (dated September 2017)). For the avoidance of doubt within 3 months of the cessation of landfill operations all litter deposited around the site shall be removed.

Reason: In the interests of public amenity.



- 18 Best practicable means must be used to ensure there is no noise or dust nuisance from the site. All mechanical equipment used on site shall be fitted with appropriate and effective silencers.

Reason: In the interests of public amenity.

- 19 No external lighting shall be installed at the site without the prior written approval of the Waste Planning Authority. Details shall include measures to prevent light pollution and to protect the landscape character of the surrounding National Park landscape. Development shall be carried out in accordance with the approved details and shall be retained thereafter in accordance with those details.

Reason: In the interests of public amenity and to protect the National Park landscape.

- 20 For the duration of the permitted waste management operations the site haul road shall be maintained so as not to result in the trafficking of mud from the site on to the public highway.

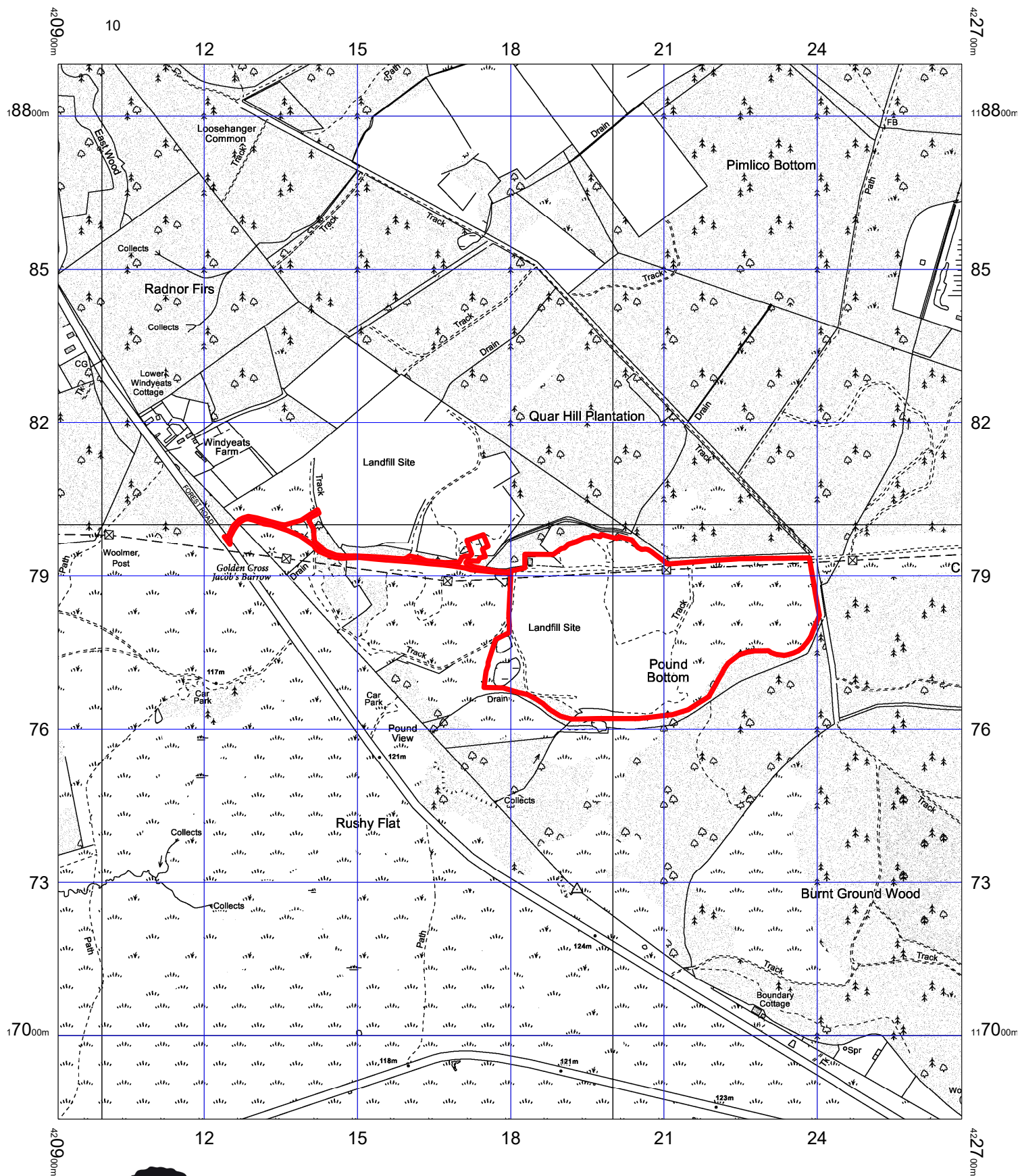
Reason: In the interests of public amenity.

- 21 All materials, machinery, waste materials and spoil shall be stored within the site as shown edged red on Dwg. PLA-01 Issue F. All contractors working on site shall be made aware of the designation afforded to the New Forest as a SSSI/SAC and shall be provided with a map that clearly shows the defined boundary of the SSSI/SAC in relation to the development site.

Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy CP2 the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fixed plant or machinery, buildings, structures or erections, or private ways (other than private ways within the site of the approved restoration works) shall be erected, extended, installed or replaced at the site except those authorised by this consent, without the prior agreement in writing of the Waste Planning Authority.

Reason: To protect the amenity and landscape of the National Park.



New Forest National Park Authority  
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Lymington, SO41 9ZG

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Date: 07/03/2018

**Ref: 17/00878/FULL**

**Scale: 1:10000**

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**Application No: 17/00939/FULL Full Application**

**Site:** Tatchbury Manor, Tatchbury Lane, Winsor, Southampton, SO40 2HA

**Proposal:** Conversion of former care home to 8 No. apartments and 2 No. dwellings; associated works; car parking; refuse and cycle stores

**Applicant:** Mr Harrison

**Case Officer:** Clare Ings

**Parish:** NETLEY MARSH

**1. REASON FOR COMMITTEE CONSIDERATION**

For applications which are contrary to plan policy but are recommended for approval.

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

CP8 Local Distinctiveness  
 CP11 Affordable Housing  
 CP12 New Residential Development  
 CP14 Business and Employment Development  
 CP15 Existing Employment Sites  
 CP19 Access  
 DP1 General Development Principles  
 DP6 Design Principles

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 6 - Delivering a wide choice of high quality homes  
 Sec 7 - Requiring good design  
 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**

Netley Marsh Parish Council: Recommend permission for the following reason:

- Old and attractive property was falling into disrepair. Proposals will provide a sustainable future and enable the property to be retained.

## **8. CONSULTEEES**

- 8.1 Tree Officer: No objection subject to conditions.
- 8.2 Building Design & Conservation Area Officer: No objection subject to conditions
- 8.3 Landscape Officer: No objection subject to conditions
- 8.4 Archaeologist: No comments received
- 8.5 Ecologist: No objection subject to conditions re mitigation and enhancement
- 8.6 Highway Authority (HCC): No objection subject to conditions
- 8.7 Housing Development NFDC: No comments received
- 8.8 Planning Policy Officer: Comment that policies support a range of potential re-uses for the building, including employment; unrestricted residential use could be considered if it is concluded that it represents the optimal viable use of a heritage asset; residential should consider affordable units

## **9. REPRESENTATIONS**

- 9.1 None received.

## **10. RELEVANT HISTORY**

- 10.1 Change of use of dwelling from residential to use as a rest and retirement home (81/20358) - granted permission on 28 October 1981
- 10.2 2 storey addition forming bedrooms/laundry/reception and lift (87/35283) - granted permission on 9 September 1987

## **11. ASSESSMENT**

- 11.1 Tatchbury Manor is an unlisted building situated within the Forest North East Conservation Area. The building has been highlighted within the character appraisal as being of local historic vernacular interest (a non-designated heritage asset) and is described as follows within the document:

*Tatchbury Manor represents a larger higher status dwelling within the area and is a small country house in large landscaped gardens. Tatchbury Manor dates from the early 19th century and may be located on the site of the medieval manor of Tatchbury. The present building is an eclectic mixture of architectural styles, with Dutch gables, crenellations and Tudor hood mouldings to windows all in evidence. It is a substantial stuccoed building running parallel with the road, but set back within substantial grounds behind a mature hedgerow. It is the only survivor of a small group of important country houses in this particular area, which originally included Tatchbury Mount and Loperwood Manor, the latter site being to the northeast of the area.*

The existing building internally is in a poor state of repair, but has recently been re-roofed to prevent further degradation due to water ingress.

- 11.2 To the rear of the building is a large tarmacked car park. Its previous use as a residential care home (38 bedrooms) ceased some years ago due to the failure to meet modern day care standards and the building has remained vacant ever since. Immediately adjoining the northern boundary is a dwelling, with other residential development more sporadically located in the area.
- 11.3 The proposal is to convert the building into ten residential units comprising eight apartments of one and two bedrooms and two dwellings each with two bedrooms. Twenty parking spaces would be provided and the grounds would be landscaped as a communal garden area. Two new buildings would be erected to provide a refuse store and cycle/garden shed.
- 11.4 The key considerations would be:
  - The principle of the conversion to residential use;
  - The works required and their impact on the non-designated heritage asset and the character and appearance of the conservation area;
  - The impact on trees and landscape;
  - The impact on ecology (protected species); and
  - Any impact on the amenities of the adjoining occupier.

Pre-application advice was sought over a year ago, and the advice identified that none of the policies of the Core Strategy would support the re-use of the building for residential use in the first instance, requiring consideration to be given to alternative uses and evidence to demonstrate that such other uses would not be appropriate in this instance. The loss of the previous employment use would also need to be addressed. The building was not worthy of listing but as it is a non-designated heritage asset, consideration has to be given to securing a use which would preserve the building and enhance its immediate setting

(para 55 of the National Planning Policy Framework (NPPF)) including residential. As part of any assessment, consideration should also be given to a less intensive use (that scheme was also for eight apartments and two houses).

### Principle of Conversion

- 11.5 The site is located within the open countryside and the proposals for ten open market dwellings do not meet the requirements of Policy CP11 (Affordable Housing); CP12 (New Residential Development); or Policy DP19 (Re-use of Buildings outside the Defined Villages) in the adopted Core Strategy (2010). Paragraph 55 of the NPPF gives examples of the "special circumstances" that may justify isolated homes in the countryside. It states that isolated new homes should be avoided unless there are special circumstances such as:

*"Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

*Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting."*

- 11.6 As part of the application, a Viability Assessment was submitted which looked at the retention of a care home-type use, as well as other employment uses such as offices. This concluded, in respect of a care home, that the existing accommodation would be well below current market expectations, and that an appropriate route to maintain the use would either be to completely demolish and rebuild for such a use, but significantly larger, the current floorspace being too small. The conclusion relating to potential office use was that where offices are required, this demand tends to be for more modest buildings, but that there was also sufficient space elsewhere in the Authority area to cater for demand. Other uses, such as schools or hotels were not specifically considered, but evidence from other applications submitted in the Authority appears to indicate that there is little support for development such as new hotels, and a use for a school would be quite specialised, and independent schools are well catered for within the Authority. It would appear therefore that alternative uses are unlikely to come forward, and that a residential use would be acceptable in this case.

- 11.7 The number of units proposed is ten, comprising two dwellings and eight flats. Both at pre-application stage and during the process of the application it was suggested that the number of units should be reduced as it could be seen to be an over-intensification of the site. However, as the previous use of the building was a residential care home for thirty eight bedrooms, which would have attracted considerable activity, it is considered that the ten residential units (seven of which would fall below

100m<sup>2</sup> in terms of floorspace and would provide small dwellings) could be accommodated successfully without any significant additional impact on the surrounding area.

11.8 The NPPF also states that (paragraphs 131 and 132):

*"In determining planning applications, local planning authorities would take account of:*

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *The desirability of new development making a positive contribution to local character and distinctiveness.*

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..."*

11.9 Given the importance of the heritage asset, and its current lack of use, considerable weight should therefore be given to finding an appropriate use to help its preservation. In addition it is recognised that considerable work would be required to enable any form of re-use of the building - the interior has been partially stripped out (leaving some original walls) and the more recent extension requires total renovation. The proposal for residential is therefore seen as the optimal viable use of the non-designated asset, and given the amount of work to be undertaken, would not attract any contributions.

#### Impact on Heritage Asset

11.10 The works required to preserve the building propose reinstating blank windows and doors, removing later fire escapes and later openings, and broadly restoring the external envelope of the building. All these would make a positive contribution to the overall appearance of the building, and would enhance its immediate setting together with the character and appearance of the conservation area, and therefore would be welcome. In addition, the proposals to reinstate timber sash and case windows is also encouraged. The Authority's Building Design and Conservation Officer has not objected to the proposals. To ensure that the work would be carried out in an appropriate manner, a condition would be recommended requiring a detailed method statement of the proposed treatment of exterior walls, materials and methods of repairs and restoration. It is therefore considered that the proposal would comply with Policies CP7 and DP6.

### Impact on Trees and Landscape

- 11.11 As the proposal would relate to an existing building, with no extensions proposed (other than two small buildings for cycles and refuse on the existing car park) its impact within the landscape and on trees would remain unaltered. Of more concern would be the proposed landscaping of the site, and the plans submitted indicate that little significant change is proposed. The building would retain its overall appearance of a distinctive small country house within a rural setting, and within its own grounds. Concerns have been raised by the Landscape Officer over some of the details of the submitted landscape scheme, especially that there should not be any subdivision of the site. An acceptable landscaping scheme has now been submitted, although further details of any proposed lighting (to be kept to a minimum) are still required. The changes to the access are minimal, and no gates or signage is proposed.

### Impact on Ecology

- 11.12 No objections have been raised by the Ecology Officer other than ensuring that appropriate enhancement and mitigation can be secured through condition - especially the inclusion of bat tubes, or other structures, and the need to provide biodiversity enhancements for swifts. The site, however, does lie within 5.6km of the Solent SPA, and it would therefore be necessary to seek a contribution towards potential impacts on this SPA (£181 per residential unit) under the Habitats Regulations. The developer has indicated a willingness to make this contribution which again can be secured through condition.

### Other Issues

- 11.13 Tatchbury Manor is adjoined by a single dwelling (to the north), and it is not considered that the proposals would adversely harm their private amenities, through any increased activity.
- 11.14 No objection to the proposal has been received from the Highway Authority; sufficient parking is being proposed (2 spaces per unit), but as no specific visitor parking is proposed, it is necessary that the spaces should remain unallocated, and this is required by condition. No changes are proposed to the entrance, but it would be necessary to ensure that appropriate visibility splays are maintained and this would also be conditioned.

### Conclusion

- 11.15 The proposed conversion of the former nursing home, which has been identified as a non-designated heritage asset and therefore worthy of preservation and re-use, to residential use is considered to be the optimal use of the building (in the absence of other viable options) and therefore would be acceptable in this instance.



The works proposed are considered necessary and acceptable, and would enhance both the building itself and the character and appearance of the conservation area. As the whole building is being re-used without any requirement for extensions, no additional impacts on the wider landscape or ecology would result. Permission is therefore recommended.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 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 Development shall only be carried out in accordance with drawing nos: LLD1161-LAN-FIG-001 Rev 02, 17-971-008-C, LLD1161-ECO-FIG-001 Rev 01, 17-971-012-C, 17-971-010-C, 17-971-015-B, 17-971-016-B, LLD1161-ARB-DWG-002 Rev 00, LLD1161-ARB-DWG-001 Rev 02.

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.

- 3 Prior to the commencement of development, including any site clearance, a detailed method statement of the proposed treatment of exterior walls, materials and method of repair and restoration should be submitted to and approved in writing by the National Park Authority.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 No windows/doors shall be installed until the following details have been submitted to, and approved in writing by the New Forest National Park Authority.

a) Typical joinery details including window/doors, eaves, verge, bargeboards.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 No development shall take place until a written scheme of historic building investigation (WSI) to include:

A The programme and methodology of historic building investigation and recording and the nomination of a competent persons(s) or organisation to undertake the agreed works; and

B The method of dissemination and deposition of resulting material (this part of the condition shall not be formally approved until these element have been fulfilled in accordance with the programme set out in the WSI has been submitted to and approved by the National Park Authority in writing covering the points in the informative.

Reason: The building is a non-designated heritage asset where the recording of features of historic and architectural interest should be carried out prior to the development taking place in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

(a) a specification for new planting (species, size, spacing and location);

(b) 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 safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP1 and CP6 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 Prior to the commencement of development ecological mitigation for the Solent Special Protection Areas, Special Areas of Conservation and/or Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies CP1 and CP2 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD, Development Standards SPD and the SRMP.

- 9 Prior to the commencement of development (including site and scrub clearance), measures for ecological mitigation and enhancement (including timescales for implementing these measures) shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity. The measures shall be based on the recommendations set out in the ecological report approved as part of this planning application.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 The development hereby permitted shall not be occupied until the arrangements for the 20 unallocated car parking spaces (as indicated on drawing no. LLD1161-LAN-FIG-001 Rev 02) shall be provided within the curtilage of the site and subsequently maintained and kept available solely for that purpose at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 11 Visibility splays in accordance with the relevant standards shall be provided at the junction of the proposed access with the public highway before development commences and this visibility splay shall thereafter be kept free of any obstacles over 600mm in height at all times.

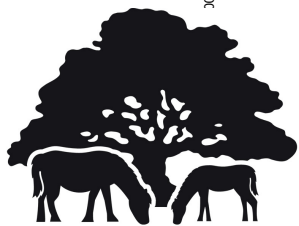
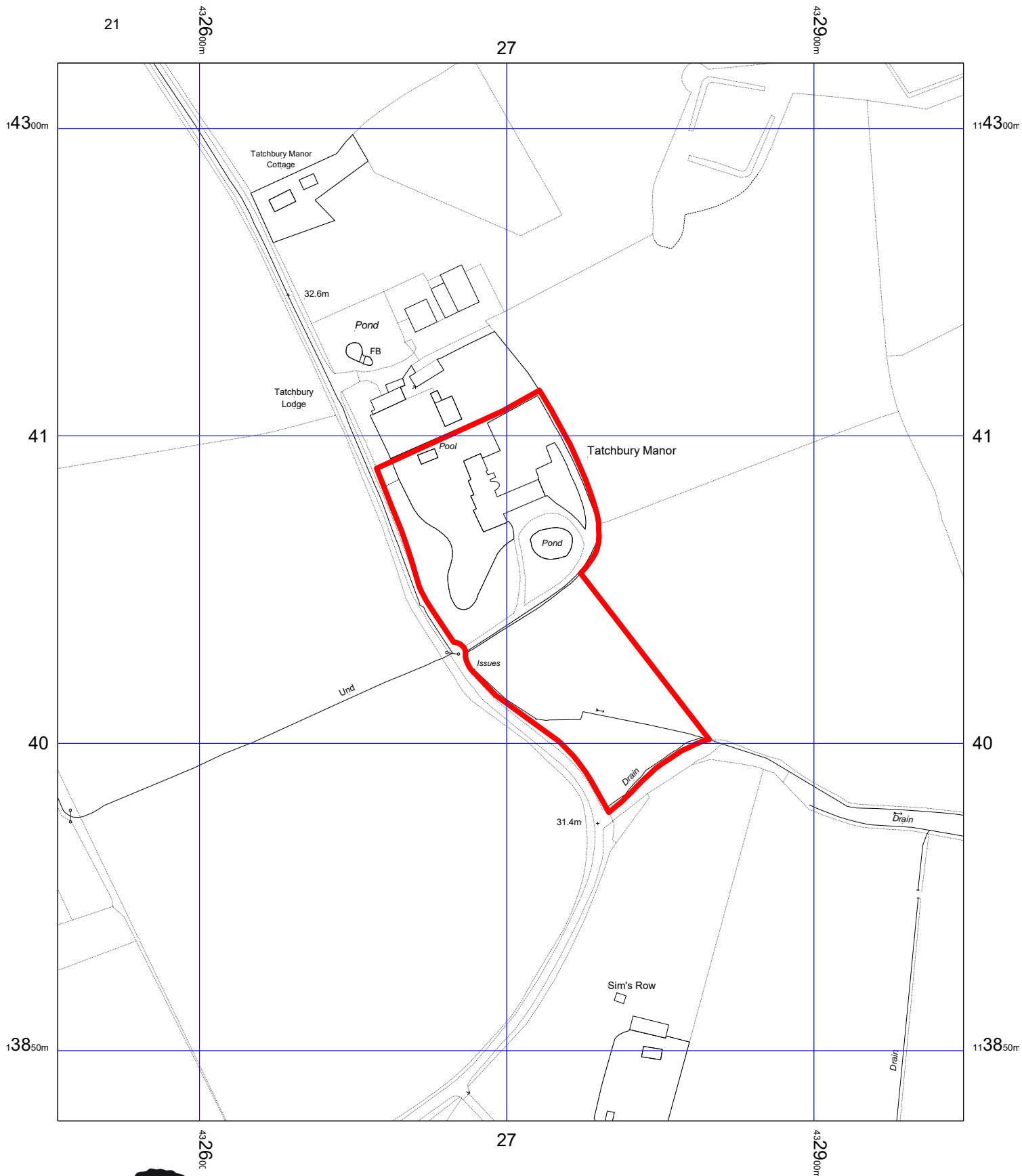
Reason: In the interest of highway safety and to comply with Policies CP19 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 12 No demolition or 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 in accordance with a written scheme investigation which has been submitted by the applicant and first approved in writing by the New Forest National Park 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 DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

**Informative(s):**

- 1 In connection with condition 5 relating to historic building recording, as a minimum the written scheme of investigation will need to be prepared and implemented by a suitable professionally accredited heritage practice. The work needs to consist of a full photographic record with two sets of photographs being provided (digital coloured photographs on high grade photographic paper are acceptable) and suitably mounted and provided in archival binders. The photographs should be numbered and a plan provided showing the location from which the images have been taken. The digital images should be provided on a CD along with the plan and a brief note of the circumstances of the work to be provided. Photographs need to contain a photographic scale and indication of the north point on the site. The photographic image should be submitted to the New Forest National Park Archaeologist for onward transmission to the Hampshire County Record Office and the Christopher Tower Library at the New Forest Centre. The digital record should be made available to the Archaeological Data Service.



NEW FOREST  
NATIONAL PARK

New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 06/03/2018

**Ref: 17/00939/FULL**

**Scale: 1:2500**

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**Application No: 18/00015/VAR Variation / Removal of Condition****Site:** Pondhead, Near Lyndhurst, New Forest**Proposal:** Application to vary Condition 2 of planning permission 15/00294 to allow minor material amendment to retain the western link channel as built**Applicant:** C/O Agent, Forestry Commission**Case Officer:** Ann Braid**Parish:** LYNDHURST**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view  
 Application made pursuant to the New Forest Higher Level Stewardship (HLS) scheme for wetland restoration

**2. DEVELOPMENT PLAN DESIGNATION**

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

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

CP1 Nature Conservation Sites of International Importance  
 CP2 The Natural Environment  
 CP3 Green Infrastructure  
 CP4 Climate Change  
 CP6 Pollution  
 CP19 Access  
 DP1 General Development Principles  
 DP2 Safeguarding and Improving Water Resources  
 DP4 Flooding and the Coast  
 DP6 Design Principles

**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**

Lyndhurst Parish Council: Recommend that permission be refused. The link was not built in accordance with the location or detail of the applicant's own flood risk assessment and it is not considered that it has been properly tested as built at the present time. Weather conditions anticipated have not come to fruition and the link has not been properly tested as there has not been any significant flooding. Any significant flooding taking place to the western flow would have a significant impact on properties upstream.

## **8. CONSULTEES**

- 8.1 Natural England: No comment
- 8.2 Environment Agency: Support
- 8.3 Verderers of the New Forest: None received

## **9. REPRESENTATIONS**

- 9.1 Three letters of objection have been received (2 from the same representee); the plans should have been implemented in accordance with the approved scheme and monitoring has been insufficient to determine whether the link channel would function during extreme rainfall. There is insufficient evidence to show that the western side drain may be filled in without adverse impacts upstream. Runoff from the neighbouring farm directly enters the watercourse through the new link channel.

## **10. RELEVANT HISTORY**

- 10.1 Wetland restoration comprising the replacement of 290m of artificial channel with 388m of restored meander; bed level raising for a total length of 874m; replacement of 175m of the western side channel with a shallow channel; bed level raising of the eastern side channel for a total length of 50m; the installation of an open channel linking eastern and western side drains; the creation of a gravel stock crossing and the relocation of an existing bridge across the restored watercourse (15/00294) granted on 27 June 2016

## **11. ASSESSMENT**

- 11.1 Members will recall that consent was granted in June 2016 for the restoration of the wetland at Pondhead. There was concern that the alterations to the catchment would exacerbate flooding upstream of the work, and put residential properties at risk. A condition of that consent (16/00294) required the work to be

undertaken in phases. The majority of the work would be undertaken as Phase 1 and comprised restoring the meanders and raising stream bed levels, the construction of a stock crossing and the relocation of a bridge. It also involved digging a channel to link the existing western side drain to the eastern side drain. There would follow a period of nine months of monitoring to ensure Phase 1 of the restoration would be capable of accommodating the water flows. The results of this monitoring process would be submitted for approval to the National Park Authority before Phase 2, the infilling of the existing side drain, would be carried out.

The full wording of the condition is;

*"The scheme hereby approved shall be implemented in two phases. Phase 1 will comprise Items 1-5 and 7-13 as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'. Phase 2 will comprise Item 6 on the same drawing: 'Infill western side channel, leaving a shallow overflow channel'.*

*Phase 2 will only be undertaken following a nine month period of monitoring between the months of October and June, following implementation of Phase 1 to assess whether the link is sufficient to carry the necessary flows into the eastern side drain. Details of the programme of monitoring of the link and the conclusions drawn shall be submitted in writing to, and approved by, the New Forest National Park Authority following the completion of the nine month monitoring period. Should it be demonstrated at that stage that the link is sufficient to carry the necessary flows then any temporary dam can be removed and the western side drain infilled, leaving the shallow overflow channel as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'.*

*Notwithstanding the details of the proposed link between the eastern and western side channels shown on 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A', the link shall be implemented as per **'Figure 1a: Pondhead Location of Western Link Channel'** submitted on 17 June 2016, unless otherwise agreed in writing by the New Forest National Park Authority."*

The reason for the condition was; *"To allow time to monitor and assess the performance of the link between the western and eastern channels and to minimise the effect of flooding on the occupants of the adjacent properties in accordance with Policies DP1 and DP4 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)."*



- 11.2 It should be noted that Phase 1 of the development has not been completed, and the nine-month monitoring exercise required by the condition has yet to be undertaken. One of the first elements of Phase 1 that was undertaken was the construction of the new link channel to link the western side drain to the eastern side drain upstream of its confluence with the watercourse along which the restored meanders would be created. Condition 2 required the new link channel to be constructed in accordance with a numbered plan, which showed the location, depth and profile of the link channel. Following construction it was found that the link channel had not been built in accordance with the approved plan, as its northern end was approximately 10 metres south of the approved location and its southern end was 2 metres north of the approved location. An enforcement investigation was undertaken, the applicant was advised that rather than refill and construct in the approved location, it would be less disruptive to the SSSI to block the western side drain temporarily to divert flows into the new channel and then monitor the link as built, to see if it would be fit for its purpose within the overall restoration scheme.
- 11.3 Monitoring of the performance of the link channel as built has been undertaken between January and December 2017 and the results form the basis of this application. The applicant seeks approval of the channel as built through the variation of condition 2 to refer to a revised detailed plan in place of "Figure 1a Pondhead Location of Western Link Channel." By this means the applicant would secure approval of the western link channel in its current location. As part of this procedure, all previous conditions may be reimposed and any other necessary conditions added to the consent.
- 11.4 The western side drain is fed by a number of relatively short drains which cross the flood plain east of Pondhead farm. The eastern watercourse now referred to as the Beaulieu River tributary (formerly the eastern side drain) is much longer and is the watercourse which carries surface water from the southern end of Lyndhurst. To measure the flow rates, data loggers supplied by the Environment Agency were installed on the eastern side drain under the footbridge, and further downstream at Holmhill Passage. Time lapse photography and fixed point photographs have also been submitted to show water levels.
- 11.5 The submitted monitoring report states that on the wettest day during the monitoring period, 29 July 2017, 24mm of rain fell which raised the flow within the watercourse from 0.15 metres to 0.69 metres in just less than 4 hours. The revised location of the link channel would not affect its capacity to transport flows and therefore the discharges calculated in the original Flood Risk Assessment are still valid. The photographic evidence reinforces this as the channel has not overflowed during the monitoring period. The submitted reports conclude that the revised location of the link channel would have little impact upon its performance within Phase 1 of the restoration scheme.

- 11.6 The revised angle of the link channel means that the link would be shorter and flows would turn at a sharper angle into the link. The report accepts that this may result in erosion at its northern end, but concludes that the likely speed of flow into the link channel (which only drains relatively short sections of field drain) makes this erosion unlikely. The link is shown to be shorter but also wider. The plan of the cross sections of the east-west slope shows the upstream cross-section as 0.5 metres deep and the downstream section as 1.2 metres deep. With regard to erosion, if flow velocities are high, there would be some likelihood of erosion at the northern end of the link channel, where the flow is forced to turn at a sharper angle. At the expected flow rate of 92 litres per second, the water would have a mean velocity of 0.112 metres per second (m/s) at the upstream end and 0.038m/s at the downstream end. Both these velocities are too slow to erode non-cohesive material (0.2m/s) and cohesive materials such as clay plugs require a velocity of 1 m/s before erosion takes place.
- 11.7 Concern has been expressed by neighbours that there could be deposition at the southernmost end of the link channel, which would restrict the flow of the eastern side drain (which carries surface water from the southern part of Lyndhurst, including the improved drains along Gosport Street). Any restriction to the flow of water in this channel could have adverse impacts on properties up stream as in the past, during extreme conditions, the eastern side drain stream has flooded close to the level of their property. No such extreme weather conditions have been experienced since construction of the link channel, and therefore it remains to be seen whether it would be capable of accommodating high flow rates. However, as it has been shown that erosion would not be likely to occur, it follows that the risk of deposition would also be low. Neighbours are also concerned about run off from the nearby Pondhead farm. The letter states that water and contaminants from the farm used to filter through the western side drain, but now run straight through the link, and enter the watercourse. However, the Environment Agency has not raised any objection to the revised link and the farm has been taking advice from Natural England and is looking to take steps to achieve better run-off management, including proposals for new buildings to provide dry covered areas for livestock.
- 11.8 During discussion prior to Committee consideration of the full application in June 2016, the applicant held a meeting with neighbours. A conceptual design diagram was provided to show that there would be sufficient fall between the western and eastern channels to enable water to flow from the western to eastern channel. The slope for the proposed link would prevent the possibility of a backwater effect. It has been confirmed that this drop has been incorporated into the link channel as built. The applicant therefore provides assurances that the revised location would not make a material difference to the performance of the link as, apart from location, it has been built in accordance with

the approved plans and the restoration proposals will not increase flood risk to adjacent properties.

- 11.9 It has been raised by local residents that the rainfall experienced since construction of the link channel has not been at the levels experienced in the locality in recent years and for this reason the link has not been sufficiently tested. The Parish Council also raise this issue as a concern in their recommendation of refusal. Photographic evidence has been submitted to show the level of flooding that has been experienced in the Pondhead flood plain during extreme events, and last year was not especially wet. However a similar extreme event may not occur for some time, and, in any case, following completion of Phase 1 in its entirety, the monitoring over a nine month period will be undertaken as required by the original Condition 2 attached to the consent. This would establish whether the restored wetland can accommodate the water flow along the Parkhill Lawn Stream, the western side drain and the Beaulieu River tributary. Once this is established and results submitted to the Authority, Phase 2, which involves the permanent infilling of the western side drain downstream of the link channel, may proceed.
- 11.10 It is therefore recommended that Condition 2 of 15/00294 should be varied to refer to the revised plan, and other conditions re-applied as necessary.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 1 The scheme hereby approved shall be implemented in two phases. Phase 1 will comprise Items 1-5 and 7-13 as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'. Phase 2 will comprise Item 6 on the same drawing: 'Infill western side channel, leaving a shallow overflow channel'. Phase 2 will only be undertaken following a nine month period of monitoring between the months of October and June, following implementation of Phase 1 to assess whether the link is sufficient to carry the necessary flows into the eastern side drain. Details of the programme of monitoring of the link and the conclusions drawn shall be submitted in writing to, and approved by, the New Forest National Park Authority following the completion of the nine month monitoring period. Should it be demonstrated at that stage that the link is sufficient to carry the necessary flows then any temporary dam can be removed and the western side drain infilled, leaving the shallow overflow channel as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'.  
Notwithstanding the details of the proposed link between the

eastern and western side channels shown on 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A', the link shall be implemented as per 'Figure 1a: Pondhead Location of Western Link Channel- Revision A' hereby approved, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To allow time to monitor and assess the performance of the link between the western and eastern channels and to minimise the effect of flooding on the occupants of the adjacent properties in accordance with Policies DP1 and DP4 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 2 The works shall be carried out in accordance with the details as set out in the submitted Construction Environmental Management Plan and Biodiversity Statement prepared by LUC dated April 2015, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To safeguard protected species and habitats in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 A) All ground works or development will be subject to the submitted Written Scheme of Investigation for Archaeological Mitigation Works (WSI) by Oxford Archaeology dated July 2016 Issue Number 3. The programme and methodology of site investigation and recording will conform to the submitted Written Scheme of Investigation WSI in respect of:

The programme for post investigation assessment

The methodology as defined in the WSI for site investigation and recording

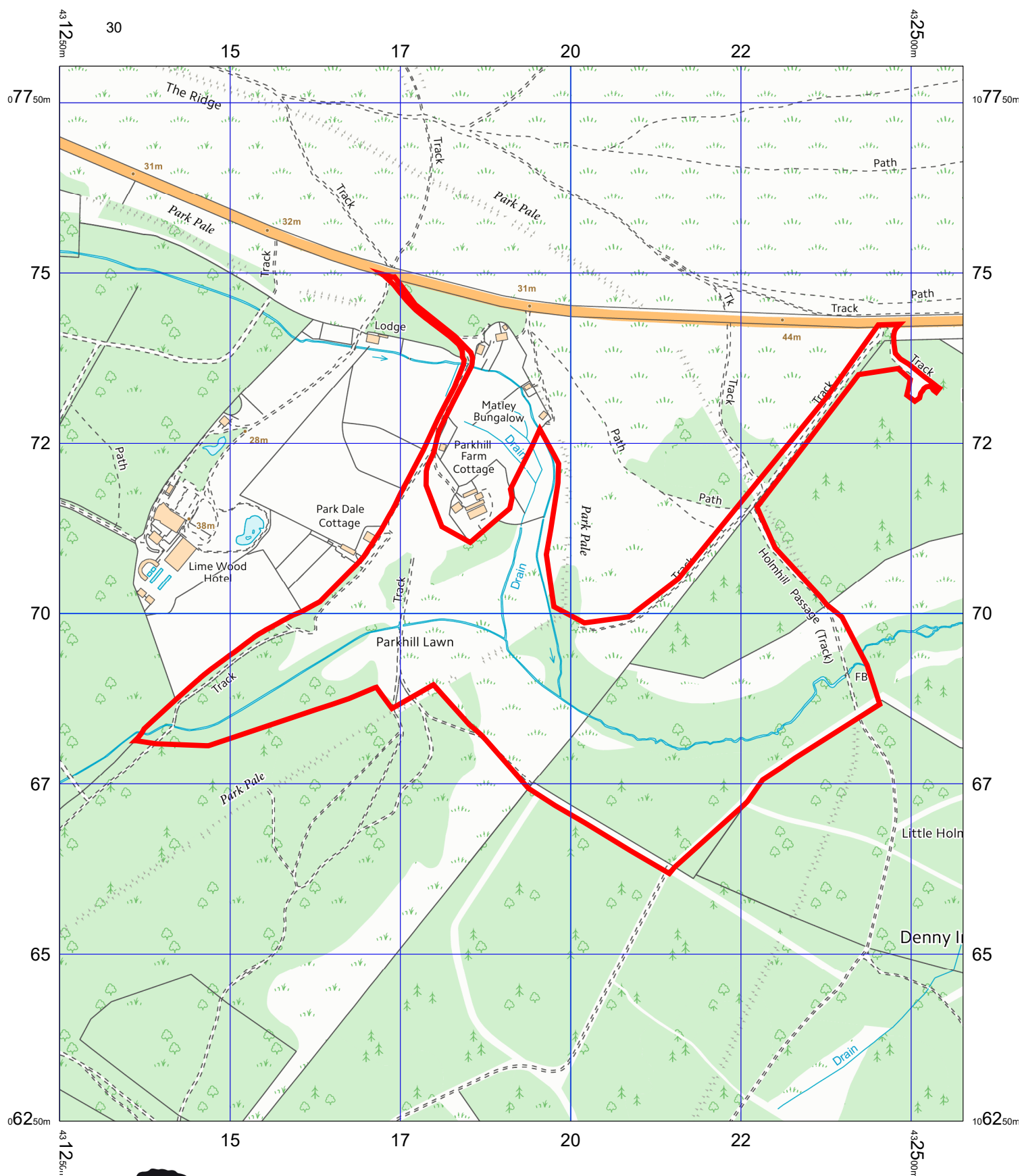
The methodology for publication and dissemination of the analysis and records of the site investigation as provided in the WSI

The archive deposition of the analysis and records of the site investigation as provided in the WSI.

That a competent person or persons/organisation undertakes the works as set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. The site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition to be submitted for agreement by the New Forest National Park's Archaeologist.

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 DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



New Forest National Park Authority  
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Lymington, SO41 9ZG

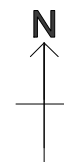
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Date: 06/03/2018

**Ref: 18/00015/VAR**

**Scale: 1:7500**

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**Application No: 18/00022/VAR Variation / Removal of Condition****Site:** Hall And Former Scout Hut, Brookley Road, Brockenhurst**Proposal:** Application to vary condition 2 of appeal reference  
APP/B9506/W/15/3139150 to planning permission 15/00342 to allow  
minor material amendment**Applicant:** Mr R Govier**Case Officer:** Liz Young**Parish:** BROCKENHURST**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**Conservation Area  
Defined New Forest Village**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**DP1 General Development Principles  
CP12 New Residential Development  
CP7 The Built Environment  
CP8 Local Distinctiveness  
CP2 The Natural Environment  
CP1 Nature Conservation Sites of International Importance  
CP19 Access**4. SUPPLEMENTARY PLANNING GUIDANCE**Design Guide SPD  
Development Standards SPD**5. NATIONAL PLANNING POLICY FRAMEWORK**Sec 6 - Delivering a wide choice of high quality homes  
Sec 7 - Requiring good design  
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**

Brockenhurst Parish Council: Recommend refusal:

- Concerns over the sensitive nature of the site; consider that the changes are not minor.
- The changes are not compliant with paragraph 9 of the appeal decision which removes permitted development rights.

## **8. CONSULTEES**

- 8.1 Environment Agency: No comments received.
- 8.2 Tree Officer: No objections raised.
- 8.3 Ecologist: No objections raised.
- 8.4 Building Design & Conservation Area Officer: No objections raised.
- 8.5 Landscape Officer: No objections subject to the approved landscaping scheme being implemented.
- 8.6 Highway Authority (HCC): No objections based upon amended plans.

## **9. REPRESENTATIONS**

- 9.1 Five letters of objection received from neighbouring residents and the Friends of Brockenhurst:
  - There was significant opposition to the development in its original form.
  - Condition 2 was clearly imposed to ensure the size of the development would not be increased.
  - The amendments are too significant to enable them to be approved as a minor amendment.
  - Concern that a stop notice has not been issued.
  - Concern that continual applications to amend schemes will lead to overdevelopment.

## **10. RELEVANT HISTORY**

- 10.1 Application to Vary Section 106 Agreement to waive financial contribution towards affordable housing, public open space and transport to Planning Permission 15/00342 (16/00556) Approval without conditions on 24 August 2016
- 10.2 3 dwellings, associated car park, bike storage, demolition of existing building (15/00342) refused on 21 July 2015 (Appeal against refusal allowed with conditions on 26 April 2016)



## 11. ASSESSMENT

11.1 This application relates to the site of a former Hall and Scout hut which had fallen out of use. Permission was granted on appeal in 2016 to replace the hall with a terrace of three properties and associated parking. Works are now well underway on the 0.1 hectare site which is situated within the Defined Village of Brockenhurst, behind the public car park off of Brookley Road and adjacent to the bowling green. A small lane adjacent to the site provides access to a dental surgery and there are residential properties nearby.

11.2 Consent is now sought to vary Condition 2 of the approved development. Condition 2 reads as follows:

*The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250 and Drg Nos 703:25 A, 703:27 B, 703:28 D, 703:29 A and 703:30 B.*

The reasoning for applying to vary the condition is to enable minor material amendments to the approved plans to regularise the fact that development has not been carried out fully in accordance with the approved details. The main changes are summarised as follows:

- A slight increase in depth and length of the building has resulted in an overall footprint increase from 114 square metres to 120 square metres (length increased from 20.2 metres to 22 metres and depth increased from 6.2 metres maximum to 6.5 metres maximum).
- The building has been re-positioned slightly closer to the north boundary with a separation of 1.3 metres now at the closest point compared with 2.4 metres in the case of the approved scheme.
- The building has been re-positioned slightly further from the west boundary (now with a separation of 4.4 metres as opposed to 4 metre in the case of the approved scheme).
- The overall depth of the application site has increased by approximately 1.5 metres (the applicant having previously indicated that the approved site plan was inaccurate).

The overall design, materials and parking layout remain unchanged from the approved scheme.

11.3 As noted by the Planning Inspector prior to allowing the appeal the provision of three new homes within the boundary of Brockenhurst, as defined within Core Strategy Policy CP9, would conform to part a) of Core Strategy Policy CP12 which deals with the location and type of new residential development required within the New Forest National Park over the development plan period. Amended plans submitted during the course of the

application confirm that the same number of parking spaces are now proposed compared with that of the approved scheme and Highways have confirmed that they raise no objections to the proposal. The main issues to assess would therefore be the impact the development would have upon the character of the area, any potential loss of amenity to neighbours and also the conditions of the Bowling Club green which lies immediately to the north (which was a key issue raised at the time of the previous appeal).

- 11.4 With regard to the views from across the public car park to the south and also the dental surgery, it is considered that the slight re-positioning of the building would ensure there would be no detrimental impact upon the character of the area. The repositioning to the north and away from the southern boundary would result in a greater degree of separation from the boundary with the car park. This increased separation and the landscaping scheme approved under condition 4 (incorporating woven willow fencing and native hedgerow planting) would ensure the proposal would not appear overly cramped when viewed from the public car park.
- 11.5 Whilst the distance between the north elevation of the dwellings and the bowling green to the north would be reduced by 1 metre, it is considered that this would not lead to an unacceptably harmful additional impact in light of the Inspector's previous findings. It has been established previously that the proposal would lead to shadows being cast over the playing surface during winter months. It has also been established that the pre-existing fence, building, dental surgery and numerous trees led to a degree of loss of light over the playing surface. Having regard to this, along with the fact that the height of the three dwellings remain unchanged from the approval and the fact that there would still be a separation of over a metre between the bowling club boundary and the development, it is considered that the proposal in its amended form would not lead to an unacceptably harmful impact upon the bowling green to the north.
- 11.6 With regard to the concerns raised by the Parish Council, the application relates to a minor *material* amendment as it has already been determined that the amendments are material and would therefore not be approved through the non-material amendment procedure (Condition 2 would not enable this in any event). The removal of permitted development rights from the original consent would prevent any further development from being carried out without planning consent. However, it does not remove the right to apply formally to regularise changes from the approved plan (or future alterations and extensions). Based upon this, along with the fact that there would be no additional harm to the character of the wider area (as set out above) it is recommended that planning consent should be granted.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 1 Development shall only be carried out in accordance with drawing nos: A266-411 Rev B, A266-410 Rev B, A266-111, A266-110. 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 All Joinery details shall be in accordance with the details approved under Condition 3 of planning consent 15/00342.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 All landscaping on the site shall be implemented fully in accordance with the details approved under Condition 4 of Consent 15/00342 (Drawing A266-402). The landscaping shall be implemented in full prior to the occupation of the development.

Any trees or plants which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 The development shall be carried out in accordance with the Tree Survey Schedule, Tree Protection Plan and Arboricultural Method Statement, drawing no. TSS/TPP/AMS/18/06/01, and the recommendations of the Tree Report dated 18 June 2015, Ref TR/18/06/15.01 (as approved under Consent 15/00342).

Reason: To safeguard trees and natural features which are

important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 No dwelling unit shall be occupied until the parking and cycle parking facilities have been provided in accordance with drawing no. A266-411 Rev B (surfaced in gravel). These areas shall thereafter be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 6 The means of disposal of surface water shall be carried out in accordance with the details approved on 09 August 2017 under Condition 8 of Consent 15/0042.

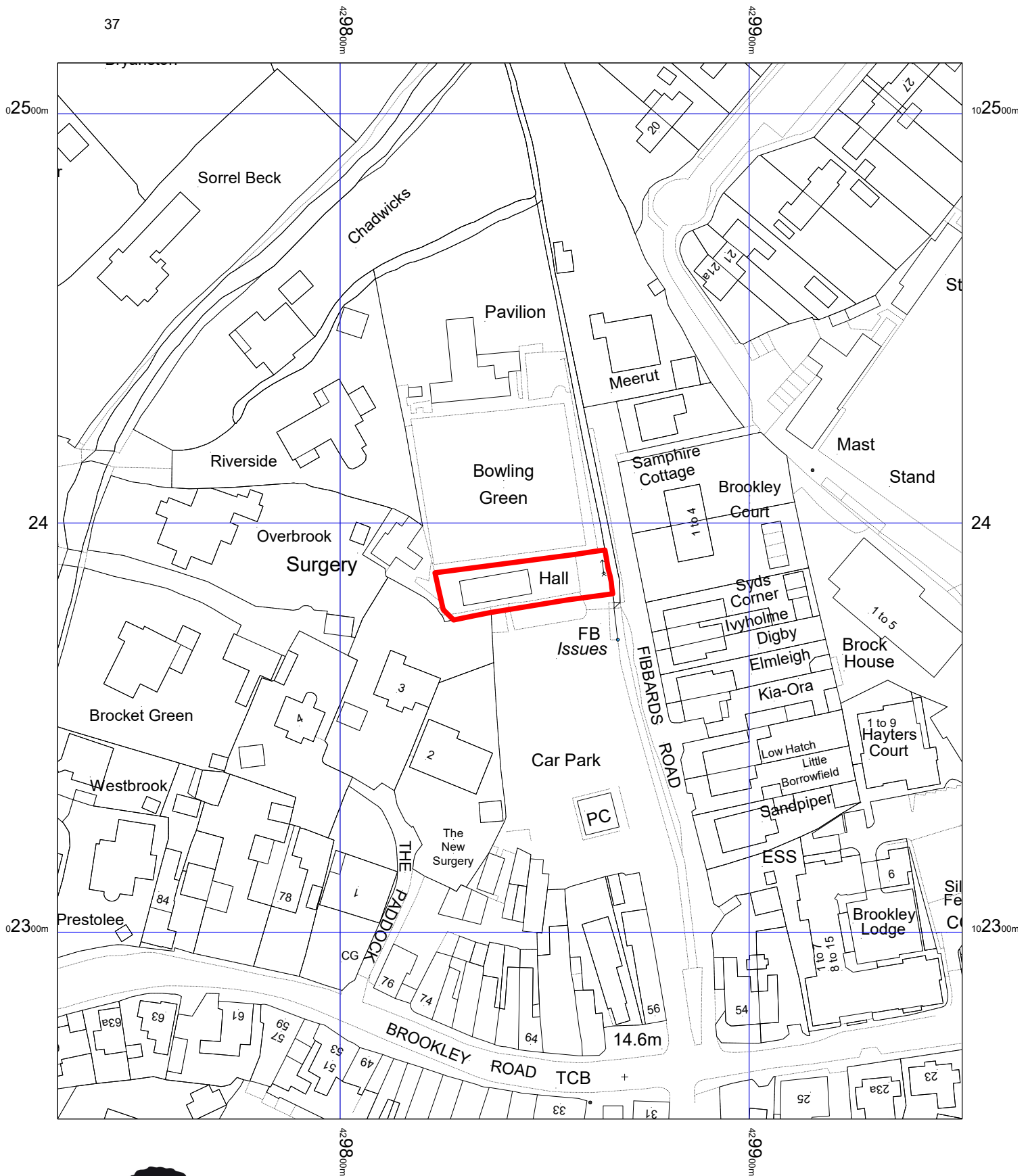
Reason: To ensure development would be carried out in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations, outbuildings or enclosures as permitted under Schedule 2, Part 1, Classes A, B, C and E of the Order, or means of enclosure, other than those expressly authorised by this permission, as permitted under Schedule 2, Part 2, Class A of the Order, shall be undertaken or constructed in relation to the dwellings hereby permitted.

Reason: To ensure the dwellings remain of a size which is appropriate to its location within the countryside and to comply with Policies DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 The three first floor windows indicated to be obscurely glazed on the west elevation, as shown on drawing no. A266-111, shall at all times be obscurely glazed and fixed shut. No further windows shall be added to the west or south elevations of Unit 3 at first floor level or above.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



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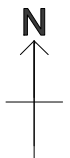
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