

Application No: 19/00265/FULL Full Application

Site: Hollins Nursery, Sway Road, Pennington, Lymington, SO41 8LJ

Proposal: 8no. single storey B1 (office) units with associated parking for 12 vehicles; new access; demolition of existing buildings

Applicant: Mr J Shield

Case Officer: Liz Young

Parish: LYMINGTON AND PENNINGTON

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
 CP8 Local Distinctiveness
 DP6 Design Principles
 CP19 Access
 CP14 Business and Employment Development

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 6 - Building a strong, competitive economy
 Sec 12 - Achieving well-designed places
 Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Permission; Continue to support the development of much needed office units and are pleased to see that concerns around parking and trees have been overcome.

8. CONSULTEEES

- 8.1 Tree Officer: No objections subject to conditions.
- 8.2 Planning Policy Officer: Proposal would be contrary to Development Plan policies.
- 8.3 Highway Authority (HCC): No objections subject to conditions.
- 8.4 Ecologist: No comments received.

9. REPRESENTATIONS

- 9.1 Two representations received, one objection and one comment:
- The proposal if granted could set a precedent for similar changes of use from horticulture.
 - A proposal for diversification is more likely to be acceptable.
 - The site does not lie within a local development area.
 - Concerns raised over the implications of demolition and contamination.
 - No significant changes have been made since the earlier application.
 - The site is not on previously developed land.
 - The reduced scale of the application proposals is negligible.
 - The proposed parking would be insufficient based upon the number of units proposed.
 - The previous reason for refusal has not been overcome.

10. RELEVANT HISTORY

- 10.1 11 no. single storey B1 (office) units with associated parking for 25 vehicles; new access; demolition of existing buildings (18/00029) refused on 29 March 2018
- 10.2 Creation of new vehicular access (15/00933) refused on 16 February 2016
- 10.3 Determination as to whether prior approval is required for proposed change of use of agricultural building to a flexible use with shops, financial and professional services, restaurants and cafes, business, storage or distribution, hotel or assembly or leisure (15/00476) refused on 10 August 2015
- 10.4 Creation of new vehicular access (14/00861) withdrawn on 16 January 2015
- 10.5 Determination as to whether prior approval is required for proposed change of use of agricultural building to a flexible use with shops, financial and professional services, restaurants and cafes, business, storage or distribution, hotel or assembly or

leisure (14/00636) refused on 02 October 2014

- 10.6 Part Change of use to offices and storage (retrospective) (01/72181) granted on 08 August 2001.

11. ASSESSMENT

- 11.1 This application relates to a nursery site, which has fallen into disrepair and is no longer operating. There is no evidence of any subsequent uses having been instated on the site and it remains (for the purposes of planning) under agricultural use / open countryside. The site is elevated from the road with a significant vegetated bank running along the roadside boundary. However, the site itself is predominantly flat and is located immediately to the north of the National Park boundary which runs alongside Sway Road. To the east of the application site lies a detached residential property, which is the house (and shared access) associated with the Nursery. The setting is essentially rural, and the roadside boundary is dominated by the substantial verge, established hedgerows and trees.
- 11.2 Consent is sought to erect seven B1 office units within the site. The units would be accommodated within four detached single storey buildings which would be sited towards the central and rear sections of the site. A parking area of either a gravel or grasscrete surface and new access is proposed to the front of the site. The parking area would accommodate up to 12 cars. The vehicular access itself would cut through a vegetated roadside bank and would necessitate the removal of much of this bank along with under storey vegetation. The units themselves would each have a ridge height of five metres. External facing materials have not been specified but the plans appear to suggest a combination of facing brick work and timber cladding on the walls.
- 11.3 This application has been submitted in order to address the concerns which led to the refusal of a previous application to introduce business units on the site. This previous scheme also included a proposal of parking and a new access and the five main concerns were summarised as follows:
- No provision in the New Forest National Park Core Strategy for new business development in the open countryside, particularly as it would not involve the re-use of existing buildings or the redevelopment of an established employment use (it had not been demonstrated that the proposal would be of any direct benefit to the local community or that it would contribute to the understanding and enjoyment of the New Forest).
 - Harm to the rural landscape and further erosion of the visual amenities of the area along with a significant increase in vehicular activity with the new access opening up views into the site.
 - The parking and access layout did not meet highways standards

- relating turning and circulation space within sites.
- Harmful impact upon protected roadside trees.
- Harmful loss of amenity to neighbours arising from the proximity between the proposed parking area and the neighbouring property.

11.4 Following the receipt of further feedback from Highways and Tree Officers, it has been established that the proposals (based upon changes to the layout along with additional information submitted in the form of a tree report) would not have any harmful implications for protected trees or highway safety standards. The main issues to assess would therefore relate to planning policy requirements relating to where new business development should be located, landscape impact and also the amenities of neighbouring residents. The requirements of the policies of the emerging Local Plan would also need to form part of this consideration having regard to its advanced stage of preparation (and the increased weight of these policies since the earlier refusal). These emerging policies provide a greater degree of protection to the National Park landscape and are now considered to have significant weight.

11.5 As noted at the time of the previous application, Policy CP14 seeks to ensure business and employment development would be small scale and would be allocated to the four defined villages. Outside these areas, business development will only be permitted through the re-use or extension of existing buildings, the redevelopment of existing employment sites, farm diversification or home working. The policy also seeks to ensure this form of development would help the wellbeing of local communities. At the time pre-application advice was offered on the proposals in 2016 the Authority advised that new buildings to accommodate a business use would not be compliant with Policy CP14 because it would amount to the introduction of a new business use onto agricultural land. Whilst the overall built footprint has been reduced down from this earlier pre-application submission and subsequent refusal it remains the case that because of the number of units proposed and the fact that the development would occupy the majority of the site would not enable it to be considered as sufficiently small scale for the purpose of satisfying Policy CP14.

11.6 In an attempt to address the previous policy objections and also the concerns raised at the pre-application stage, the applicant makes the following points:

- Providing employment opportunities within the National Park will reduce the need for people to commute elsewhere.
- The revised National Planning Policy Framework (NPPF) suggests a more flexible approach and that proposals should be considered on a site by site basis.
- The reduced scale of the proposal since the earlier application is now more in keeping with Policy CP14 and this policy does permit employment uses outside the four defined villages.

- Other sites in the National Park, such as Setters Farm, have already set a degree of precedent.
- The views of a local property consultant have been sought and this confirms a need for units of this scale in this location

- 11.7 In contrast to the current proposal at Hollins Nursery, the workshop use at Setters Farm referenced by the applicant was established through the re-use of an agricultural building in the 1990s (also prior to the National Park designation and prior to the adoption of the current Core Strategy). Whilst the applicant's reference to the NPPF's reference to encouraging a flexible approach to employment development is noted, this policy document should be read as a whole. The site is located within the New Forest National Park where national policy recognises that “the scale and extent of development within these designated areas should be limited” (NPPF, paragraph 172). This paragraph also states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks..... which have the highest status of protection in relation to these issues.” Paragraph 11 of the NPPF also confirms that for decision taking the presumption in favour of sustainable development will not apply if policies in the NPPF that protect National Parks provide a clear reason for refusing the development proposed. The highest status of protection in Paragraph 172 of the NPPF for conserving and enhancing landscape and scenic beauty in National Parks supports the restriction of development in the open countryside, and thus the presumption in favour of sustainable development does not apply.
- 11.8 With regards to the correspondence from the Property Consultancy, this does not specifically identify a need within the locality of the application site but suggests that demand is more likely to originate from neighbouring built up areas such as Lymington. Furthermore, it appears that another factor which may suggest a higher demand in rural areas relates to the higher cost of high street locations which serves to further compound the Authority's concern that the units are likely to serve a need which originates from neighbouring built up areas. In summary, it is important to note that whilst it is agreed that Policy CP14 does not rule out new business development outside the defined villages, this policy seeks to ensure that this is accommodation within existing buildings. Even if a specific need for the number of units were to be demonstrated, it may well be the case that this need could be met on an alternative site through the conversion of existing buildings. The additional information provided by the applicant therefore does not overcome the Authority's previous policy objections.
- 11.9 As highlighted by the Authority Policy Officer, since the previous planning application, the emerging Local Plan 2016 – 2036 also introduces an additional policy (Policy SP7) which relates specifically to Landscape Character. This policy has in part been informed by the Landscape Character Assessment (Appendix 2) which post dates the current Core Strategy and also closely reflects

the requirements of paragraph 172 of the NPPF. This policy (and the accompanying sub text) makes reference to a number of key objectives which include:

- Restoration of landscapes where features have been lost or degraded.
- Ensure the Landscape Character Assessment is used to inform decisions regarding the location and design of development and the capacity of the landscape to absorb potential changes.

The policy also makes reference to the key issues identified within the Landscape Action Plan and notes the importance of intrinsic character. Importantly this policy states also that landscape character cannot solely be determined by what is visible from a publicly accessible location. It is the combination of all the various elements and features of the landscape that make the National Park's landscape character special. This policy was supported by Natural England at the Examination hearing sessions in November 2019 and is consistent with national policy.

11.10 It remains the case that the proposed development would fail to preserve the rural character of the site and that the proposed access would exacerbate the impact of the development further by opening up views into the site from the public highway. The emerging policy context referenced above adds further to the Authority's strong landscape objection to the development. As noted at the time of the 2018 application, the applicant was advised at pre-application stage that the proposal would have a harmful, urbanising impact in an essentially rural location. Whilst the design and elevational treatment of the buildings has been changed, the proposal now to have a series of detached structures dispersed across the site would exacerbate the overall impact of the buildings by introducing a sprawling and less contained form of development across more than half of the site. The proposal now to locate the parking area to the front of the site would further exacerbate the impact of built development.

11.11 The additional information provided in relation to the alterations to the ground levels which would be required to facilitate the new access reinforces the Authority's earlier concerns raised in the case of application 18/00029 and also the 2016 application (reference 15/00933) for the access. In the case of the 2016 application, the Authority at the time considered that the creation and maintenance of formalised visibility splays of the required distance and condition, as well as cutting through the bank to change its character, would significantly affect the visual amenity of the site, increasing its visibility and decreasing the height and vegetated appearance of the front boundary of the site. It remains the case that the frontage would change from one with a rural vegetated nature to one which would be characterised by hard engineering and an open more suburban appearance to the detriment of the character of the area.

The overall scale and harmful urbanising impact of the development would not therefore appear appropriate to the existing level of business use at the site and the development would therefore be contrary to Policies DP1 and CP8 of the New Forest National Park Core Strategy.

- 11.12 In conclusion, the Authority (following the refusal of the access in 2015 and the subsequent application of 2018) remains concerned that the nursery has operated in the past using the shared access with the dwelling to the east of the nursery, and it remains the case that no essential requirement for the additional access has been put forward. Consent was previously refused for prior approval of the flexible use of the buildings at Hollins Nursery for business use, and the site does not lie in an area where business uses would be encouraged (as set out above). The emerging policies of the Local Plan (specifically Policy SP7) now add increased emphasis upon the need to preserve the landscape character of the National Park. Having regard to the identified landscape harm and conflict with policy, the emerging landscape policies of the Local Plan and the scale and urban form of the development, it is recommended that the application should be refused.

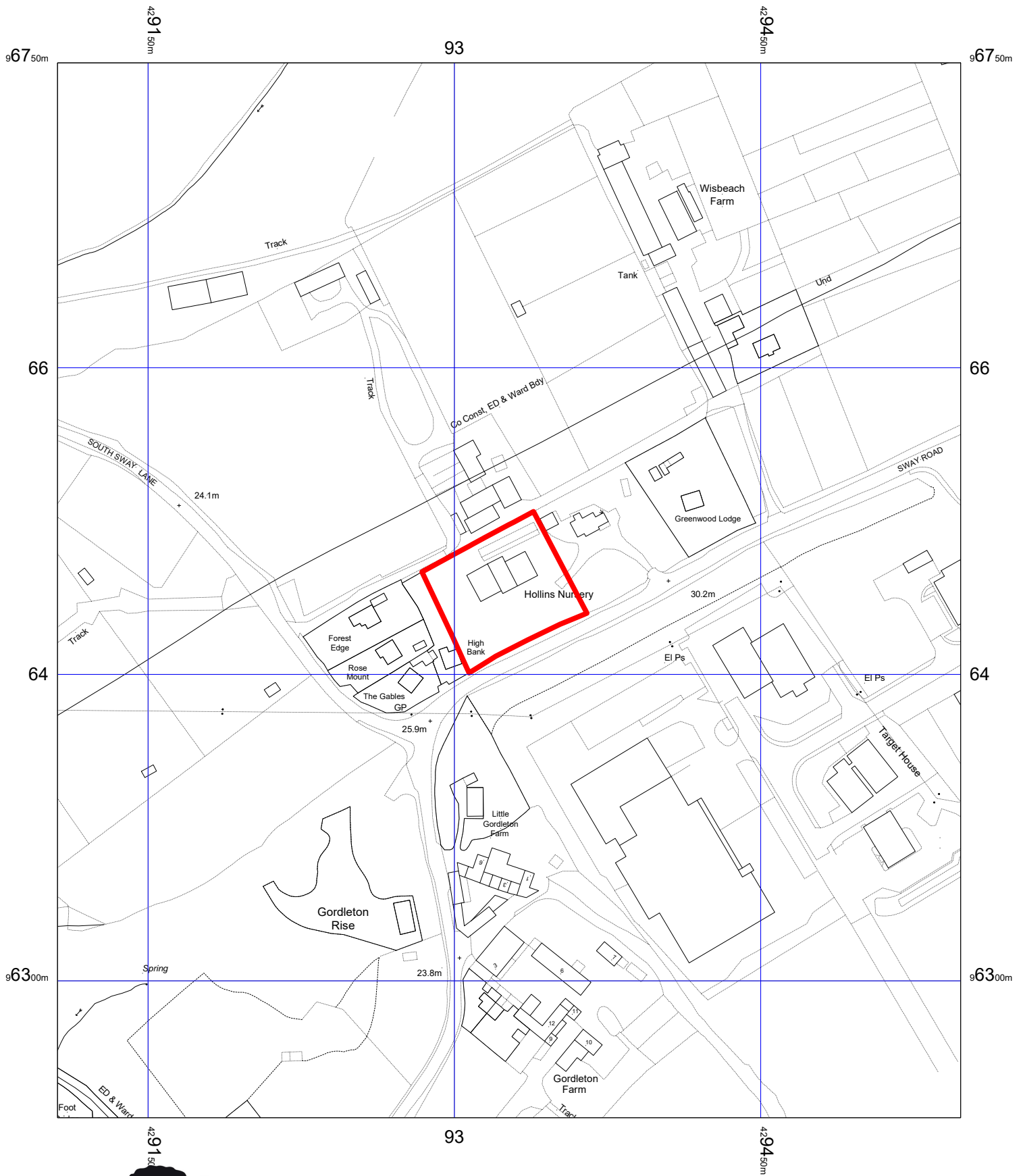
12. RECOMMENDATION

Refuse

Reason(s)

- 1 There is no provision in the New Forest National Park Core Strategy for new business development in open countryside, particularly as it would not involve the re-use of existing buildings or the redevelopment of an established employment use. It has not been demonstrated that the proposal would be of any direct benefit to the local community or that it would contribute to the understanding and enjoyment of the New Forest. The proposal would set an undesirable precedent for similar proposals thereby leading to further erosion of the visual amenities of the area and a significant increase in vehicular activity. The proposed development would therefore be contrary to policies DP1 and CP14 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).
- 2 The proposed office units, parking and access would constitute an undesirable and unjustified form of development in this part of the New Forest National Park, which would have an adverse visual impact upon the intrinsic character of the site and the rural street scene. The buildings by virtue of their scale and expansive, spreading layout, would be at odds with the rural characteristics of the site and the wider area. Their impact would be exacerbated further by the proposed access which would open up views into the site, particularly when having regard to the likely

requirement to remove additional vegetation to provide adequate visibility splays. The proposed development would therefore be contrary to Policies DP1 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).



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

Tel: 01590 646600 Fax: 01590 646666

Date: 04/06/2019

Ref: 19/00265/FULL

Scale: 1:2500

© Crown copyright and database rights 2019 Ordnance Survey 100014703

