

Application No: 24/00270FULL Full Application

Site: Langford Farm, Paradise Lane, Woodlands, Southampton,
SO40 7GS

Proposal: Change of use from Dwellinghouse (C3) to Mixed Use
Dwellinghouse (C3); Bed & Breakfast (C1)

Applicant: Ms S Carlile

Case Officer: Liz Marsden

Parish: Netley Marsh Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Development Plan Designations

Conservation Area

Principal Development Plan Policies

DP2 General development principles
SP42 Business and employment development
SP46 Sustainable tourism development
SP16 The historic and built environment

NPPF

Sec 6 - Building a strong, competitive economy
Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Netley Marsh Parish Council: Recommend refusal. It was felt the increase in traffic caused by B & B customers would be totally unacceptable on this very narrow road.

5. CONSULTEEES

None required.

6. REPRESENTATIONS

One letter of objection on the grounds that:

- Further escalation of activity on the site, which has little regard to planning restrictions and has resulted in significant additional traffic, light and noise pollution to the detriment to the residents along the lane.
- Paradise Lane is narrow with only one lane and regular use by horse riders and walkers and is not suitable to safely accommodate additional traffic.
- Would be detrimental to the occupants of houses along the lane.

7. RELEVANT HISTORY

Single storey extension; detached garage (22/00345) granted on 18 October 2022

Detached garage with storage over (19/00541) refused on 18 September 2019

Application for a Certificate of Lawful Development for a proposed mobile home for residential purposes ancillary to main dwelling (18/00810) – certificate issued (permitted development) on 28 December 2018

One and two storey extension (07/91759) refused on 17 August 2007

House (04/83524) granted on 08 February 2005

8. ASSESSMENT

Application Site

- 8.1 The property is a two-storey dwelling, set slightly back from Paradise Lane, with a good-sized garden to the rear. To the front (east) of the house there is a wide gravelled area with a range of outbuildings and stables along its eastern and northern sides. There is an extant consent for a single storey extension and garage building that has not yet been implemented.

Proposed Development

- 8.2 The application seeks consent for the change of use of the property from a single dwellinghouse to a mixed use of dwelling and bed and breakfast accommodation. There are not proposed to be any alterations to the dwelling to facilitate the proposed use. Information has been provided that a maximum of three out of the five existing bedrooms would be used for B&B

guests. It is also noted that the entire property has, on occasion, been let out as holiday accommodation. The key considerations are:

- The implications for Policy DP46.
- The impact on the character of the residential property
- Any impact on the surrounding conservation area
- Any impact on neighbour amenity

Consideration

- 8.3 Policy DP46 seeks to restrict the provision of new tourist accommodation to within the defined villages unless it is part of a farm diversification scheme. However, it should be noted that the use of bedrooms in a dwelling as B&B, where it does not materially alter the domestic use of the property (generally 50% of the bedrooms or fewer), does not generally require planning permission. Therefore, in this case, two of the existing bedrooms could be used as bed and breakfast without any permission and the assessment must be made as to whether the use of a single additional bedroom for holiday accommodation would have a material and detrimental impact on the residential character of the property or that of the surrounding area or the special qualities of the National Park.
- 8.4 In terms of the impact on the property, there is to be no alteration to the exterior of the building or its internal layout in order to facilitate the increased B&B use. There would therefore be no direct impact on the character and appearance of the dwelling or that of the conservation area within which it is located and any adverse impact would therefore be from the intensified use of the site.
- 8.5 With regard to the number of visitors, the increased occupation of the site could generate an increase in noise and disturbance, though the likelihood is that this would not be as significant, with the owners remaining in situ, as when the entire house is let out to large groups, as advertised on the website for the farmhouse, which refers to a total sleeping capacity of 14 people. The nearest neighbour is located around 50m away. It is recognised that the proposal would result in additional vehicle movements to the site along the narrow lane and this is the primary concern that has been raised by the Parish Council and neighbours. However, as set out previously, again this would only be one additional vehicle than would be the case if only two bedrooms were let out without the requirement for planning permission. There is a large area to the front of the property that can be used for parking cars and it would not therefore lead to the requirement for any off-site parking that would be a hazard on the narrow lane.

Conclusion

- 8.6 The proposal would not involve any physical changes which would affect the character and appearance of the dwelling or that of the conservation area or the special qualities of the National Park. The limited increase in guests that could be accommodated would mean that it is unlikely to result

in a material increase in activity, disturbance or vehicular movements on the site.

9. 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 plans:

Location Plan

Block Plan

SC_01 - Existing and proposed ground floor plan

SC_02 - Existing and proposed first floor plan

1 - Existing and proposed front and side elevations

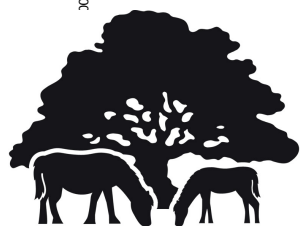
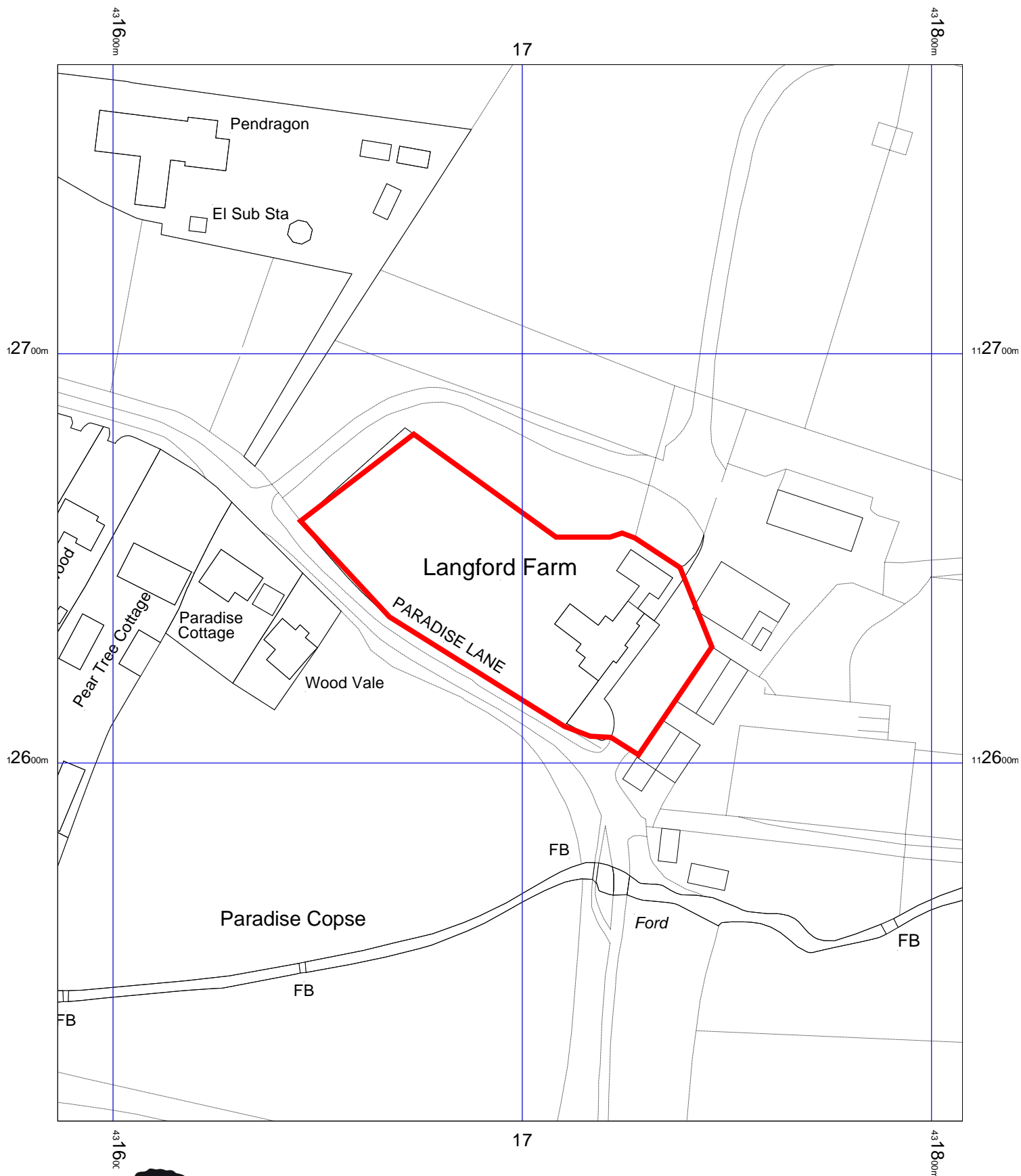
2 - Existing and proposed rear and side elevations

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 SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. No more than three rooms within the dwelling shall be used for the purposes of accommodating bed and breakfast guests at any time.

Reason: To accord with the terms of the application and prevent any intensification of the bed and breakfast function



NEW FOREST
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 04/07/2024

Ref: 24/00270FULL

Scale: 1:1250

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Application No: 24/00283FULL Full Application

Site: Land On South Side Of, Newtown Lane, Mockbeggar BH24 3NN

Proposal: Barn for agricultural/forestry use

Applicant: Mr R Mays & Mrs A Skeates

Case Officer: Lindsey Chamberlain

Parish: Elingham, Harbridge and Iblsey Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Conservation Area

Principal Development Plan Policies

DP2 General development principles
DP18 Design principles
DP50 Agricultural and forestry buildings
SP6 The natural environment
SP7 Landscape character
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP48 The land-based economy

Supplementary Planning Documents

Design Guide SPD

NPPF

Sec 12 - Achieving well-designed and beautiful places
Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Elingham, Harbridge and Iblesey Parish Council: Recommend permission for the reasons listed. Cllrs agreed that supporting genuine young commoners who wish to work and earn their living in and from the New Forest should be supported where possible.

Opinion was mixed about how the applicants had developed the site prior to submission of a planning application.

The Parish Council would like the following issues looked into:

- To understand the current site designation and permitted uses.
- To see a business plan submitted.
- To see an ecology report for the site and potential impact(s) of the commercial activity(s).

5. CONSULTEES

Tree Officer: No Objection. The site is subject to W1 of TPO 1374. The retention of the pole barn will not have a detrimental impact on any existing trees. Would discourage the removal of leaf mulch and organic matter from under the trees, as in time the retention of such material will aid in the recovery and development of the woodland floor and allow whatever seed bank beneath to germinate and establish.

Ecologist: Comment. This application is not supported by any professional ecological information and the biodiversity checklist has not been completed by a relevant professional. Therefore, in reaching a recommendation on this application, the Authority is legally required to give weight to the need to protect the habitat and conserve its biodiversity value. Regrettably the retrospective application does not engage in biodiversity and conservation of wildlife beyond the completion of the checklist. Although I note the Authority's arboriculturist cannot identify direct harm to the trees on site in arboricultural planning terms, the activities on the site are resulting in compaction and degradation of woodland soils, loss of ground flora and inappropriate planting and management that is likely to be harmful to the long-term nature conservation value of the woodland. Accordance with local plan Policy SP6 and the NPPF has not been demonstrated in relation to both habitat value and species. I therefore cannot support the proposal as it stands, and note it also sets a very unwelcome precedent for other woodland in the setting of a protected landscape where tranquillity, landscape and conservation of wildlife are given great weight by government.

Given there has been longstanding harmful impacts to the woodland from past and current management, it may be the case that the value of the priority habitat may currently be reduced. However, it is likely that actions could be undertaken to restore the site in such a way it provides greater contribution to the nature recovery the government and public expects to see in National Parks.

6. REPRESENTATIONS

11 representations in support:

- In keeping with the local agricultural environment.
- Situated in a wooded copse and not obtrusive.
- Activities undertaken are beneficial to the community.
- Continuation of the rural economy.
- Supporting local workers.

One representation of objection:

- Land has been cleared, was previously a wooded cops this with undergrowth and natural vegetation.
- Domestication of the site, large wooden gates and fencing have been constructed.
- Further buildings and potential accommodation.
- Land utilised as a storage facility.
- Small scale of the site, 0.4 hectares.
- Building is large and out of keeping, not comparable to the farm buildings mentioned opposite.

7. RELEVANT HISTORY

No relevant planning history.

8. ASSESSMENT

Application Site

8.1 The 0.4ha application site is located to the south of Newtown Lane, in an area known as Shepherds Copse. The site is within the Western Escarpment Conservation Area and is designated as priority habitat deciduous woodland with a group TPO covering the site. Directly adjacent to the northern boundary is the SSSI designation that runs the length of Newtown Lane. SPA and SAC designated sites are approximately 314 metres to the east and Ramsar 350 metres to the east.

Proposed Development

8.2 This application seeks retrospective planning permission for a barn that has been submitted as a result of an enforcement investigation. The barn has been constructed around and atop 2 no. storage containers that are located at each end of the barn and it is currently open fronted. It is proposed to clad the walls in metal and timber and the roof in corrugated profiled metal. The structure is 16.5 metres in length and has an overall height of 5.9 metres. The width of the barn including the overhang is 8.4 metres.

8.3 The key considerations when reviewing this application are:

- Compliance with Policy DP50 (Agricultural and forestry buildings);

- The impact on heritage assets.
- The impact on the landscape; and
- The impact on protected trees and ecology.

Consideration

- 8.4 Policy SP48 of the adopted Local Plan supports the land-based economy where it is beneficial to the Forest and this includes the provision of new agricultural and forestry buildings (subject to Policy DP50). Policy DP50 states that permission will be granted for buildings for agriculture or forestry purposes, subject to meeting various criteria which are considered below.
- 8.5 Firstly, whether there is a functional need for the building and if its scale is commensurate with that need and its setting in the landscape (DP50a). In this regard, the overall site is just under 1 acre in size. The applicants advise that 6 New Forest ponies are turned out from the site to graze on the forest, together with 3 pigs. The site also houses 48 free range chickens. Whilst this utilises the applicants' rights of common, it does not in itself justify the need or requirement for the barn on this particular site (which is used to store machinery and logs).
- 8.6 As part of the application, a revenue plan has been submitted to support the application showing that the projected revenue, in 2025 and 2026, is largely to be sourced from logs, albeit that currently there is no income stream from this activity. There are a number of other activities listed that generate revenue including: baling, raking and rowing up, pigs, track grading and carpentry. These activities, with perhaps the exception of carpentry, are all undertaken off site reflecting the applicants' work as agricultural contractors. Overall, there is no proven functional need for this building on such a small site.
- 8.7 Secondly, DP50c requires the site to be related physically and functionally to buildings associated with the business - this site was previously a wooded copse. The site has been substantially cleared to allow for the tracks and the construction of the barn. It is noted that there is also a 'mess room' and shepherds hut on site, however these structures are not included in the current application.
- 8.8 Lastly, DP50d states that buildings will not be permitted if the proposed building would be large or obtrusive or generate a level of activity which would have a detrimental effect on the National Park. Notwithstanding the existing tree cover, the structure is considered overly large and fairly obtrusive in the landscape (especially when the trees are not in leaf). With regards to the level of activity, given the revenue projections suggest that by 2026 57% of the total revenue will be generated from logs and given the site is not the source of the logs, this will result in an increase in traffic to the site both in terms of the delivery of the raw goods, but also the resultant distribution. Therefore, this activity is

a substantial change from the revenue stream currently detailed, 0% of sales from logs and 73% of the revenue generated from carpentry. These projections would result in an increase in the level of activity which would have a detrimental effect on the National Park, given that the SSSI is directly adjacent to the northern boundary, the access road. In summary, whilst the Parish have noted their support for the proposal citing their support for young commoners, the retrospective permission for the barn and the subject of this application is not aligned to that of Local Plan DP50 given that the building is not reasonably required for the maintenance of the land. Furthermore, it is not considered that the proposal, due to its obtrusive nature, would preserve or enhance the character and appearance of the conservation area or conserve and enhance the landscape, contrary to Policies SP16 and SP7.

- 8.9 Whilst the Authority's Tree Officer has raised no objection noting that the retention of the pole barn would not have any detrimental impact on the existing trees, the overall use of the site with regards to the tracks and use of heavy machinery will result in compaction and degradation of woodland soils, noted also by the Authority's Ecologist. The Ecologist has noted that the activities on the site are resulting in compaction and degradation of woodland soils, loss of ground flora and inappropriate planting and management that is likely to be harmful to the long-term nature conservation value of the woodland. Accordance with local plan Policy SP6 and the NPPF have not been demonstrated in relation to both habitat value and species and the Ecologist cannot support the proposal as it stands. Thus, in relation to Local Plan Policy SP6, the current proposal does not protect, maintain or enhance the site with regards to habitat and species biodiversity importance, contrary to Policy SP6.

Conclusion

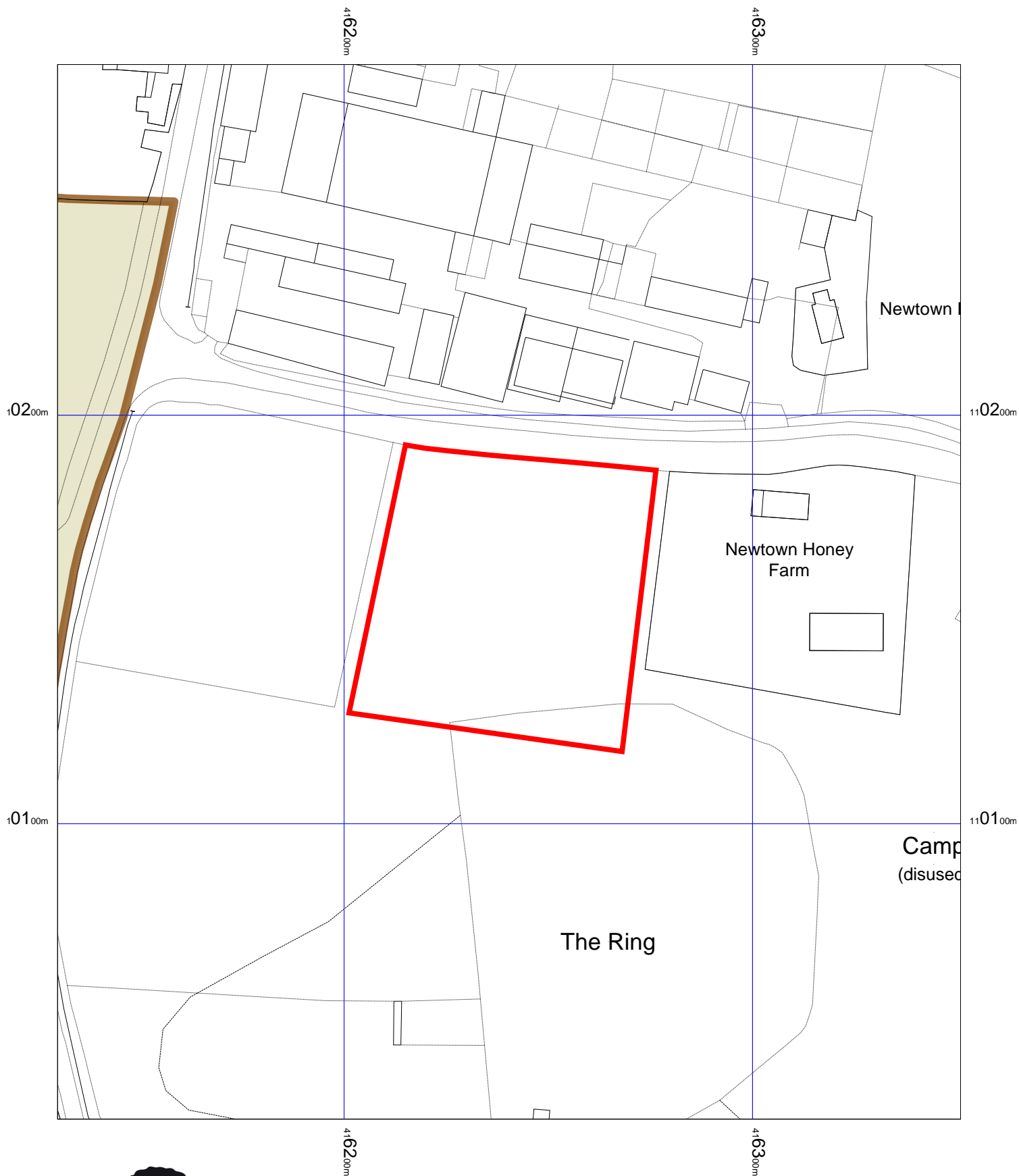
- 8.10 Whilst there have been 11 separate support comments received from individuals and it is clear there is support for the knowledge and skill set that the applicants bring to the area, this does not override the need for such buildings to be designed and used for agriculture or forestry purposes. The barn is a large structure that will in the main be used in association with the applicants' logging business. The increased activity is likely to adversely impact the adjacent SSSI. In addition, the copse has been cleared over the years and as noted by the Authority's Ecologist the site is a priority woodland habitat, with the activities on the site resulting in long-term harm to the nature conservation value of the woodland.
- 8.11 Overall, the proposal is contrary to Local Plan Policies SP48, DP50, DP2, SP6, SP7, SP16 and SP17. It is therefore recommended that this application should be refused.

9. RECOMMENDATION

Refuse

Reason for refusal:

It has not been demonstrated that the proposed barn would be reasonably necessary for the purposes of agriculture on this site. In addition, the activity generated is likely to be harmful to the long-term nature conservation value of the woodland. The development is therefore contrary to Policies SP48, DP50, DP2, SP6, SP7, SP16 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Sections 12, 15 and 16 of the National Planning Policy Framework.



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Date: 04/07/2024

Ref: 24/00283FULL

Scale: 1:1250

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Application No: 24/00332FULL Full Application

Site: Victoria Cottage, Lyndhurst Road, Minstead, Lyndhurst SO43 7FY

Proposal: Outbuilding (demolition of existing) and associated landscaping

Applicant: Mr S Fisher

Case Officer: Rhian Arquier

Parish: Minstead Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Development Plan Designations

Conservation Area

Principle Development Plan policies

DP2 General development principles

DP18 Design principles

DP37 Outbuildings

SP6 The natural environment

SP15 Tranquillity

SP16 The historic and built environment

SP17 Local distinctiveness

Supplementary Planning Guidance

Design Guide SPD

NPPF

Sec 12 - Achieving well-designed and beautiful places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received.

4. PARISH COUNCIL COMMENTS

Minstead Parish Council: Recommend refusal, the proposal does not appear to be subservient to the main building. Because of where it is and what it is, we believe it should have a report from a conservation officer. We consider the height and bulk to be excessive and will impact the character of the conservation area. A condition should accompany any possible permission granted that it is not to be used for accommodation at any point in the future.

Having been provided with the Conservation Officer's comments, the Parish reviewed the case again at their next meeting and provided the following comments: Having considered the conservation officer's report, we do not change our original response and comment on this application.

5. CONSULTEES

Building Design and Conservation Officer: No objection.

The proposed location and design of the outbuilding are in an acceptable style and design for this rural location. It will not be visible from the front of the site where planting is denser but may be visible from the rear. However, whilst relatively large with three bays, it will be subservient to the historic cottage and will be sympathetic to its setting within the Conservation Area. Recommend a condition to secure details of materials.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

Single storey rear extension (17/00915) granted on 19 December 2017

Retention of outbuilding (15/00296) granted on 01 June 2015

8. ASSESSMENT

Application Site

- 8.1 Victoria Cottage, formally known as Park Farm Cottage, is a two storey, detached, traditional thatched cottage to the south of Minstead within the Forest Central (South) Conservation Area. It is one of a few dwellings in this secluded, rural surrounding accessible by a gravel track off Lyndhurst road. The property has been identified

as a non-designated heritage asset (NDHA) and has been extended to the rear (under planning application 17/00915). It is accessed via a gravel driveway which extends along the width of the site and opens on to a gravelled parking area. The house and garden are enclosed from the driveway by fencing, hedge planting, and several trees.

- 8.2 The front (south) boundary of the site is adjacent to a detached cottage "Woodman Cottage" of a similar size whilst Park Farm House lies to the north (rear). Agricultural land lies to the east and west of the site.
- 8.3 The existing timber outbuilding, proposed for demolition, is in the south-west (front) corner of the garden, close to the western boundary which backs on to a field associated with Park Farm.

Proposed Development

- 8.4 The proposal is for an Oak-framed, timber clad garage and store, of dimensions 6.0 metres by 9.0 metres, comprising two open bays and an enclosed store at ground floor level. The overall height would be 5.6 metres with an eaves height of 2.4 metres. External steps on the north (side) elevation would extend the length by a further metre and would lead to a domestic storage area above. It would be clad in horizontal timber weatherboarding and the roof would be clad in slate with two rooflights on the eastern (front-facing) roof slope. It would involve the removal of a portion of established hedge and the existing timber outbuilding mentioned above, but it has been noted that an existing Oak within the hedge will remain.

Consideration

- 8.5 The key issues to assess are compliance with Policy DP37; the impact on the host dwelling (NDHA); the character and appearance of the surrounding Conservation Area and neighbourhood amenity; and whether the design and materials of the proposal would be aligned to policy.
- 8.6 Policy DP37 of the Local Plan sets out that domestic outbuildings will be permitted where they are proportionate and clearly subservient to the dwelling they are to serve in terms of their design, scale, size, height and massing. They should be located within the residential curtilage; be required for purposes incidental to the use of the main dwelling; not providing additional habitable accommodation; and should not reduce the private amenity space around the dwelling to an unacceptable level.
- 8.7 The main dwellinghouse has a ridge height of 6.4 metres, and an eaves height of 2.8 metres. Whilst it is appreciated that the proposed outbuilding is relatively large, its ridge and eaves height remain less than the main dwellinghouse, and as such it is considered

subservient in its proportions. It would be of timber construction with partially open sides and the Authority's Building Design and Conservation Officer has considered that it would be "subservient to the historic cottage and will be sympathetic to its setting within the Conservation Area". Furthermore, it is within the residential curtilage, and would not reduce the private amenity space to an unacceptable degree. The building is proposed for incidental purposes and this would be secured by condition. As such it is considered to accord with Policy DP37.

- 8.8 The proposed outbuilding would be constructed with an Oak frame, with horizontal feather edge Douglas-Fir weatherboarding, Charnwood Hampshire red brick plinth and natural slate to the roof, following advice from the Authority's Building Design and Conservation Officer. These are traditional materials seen on outbuildings in the New Forest and in alignment with the Design Guide SPD. The exact details of the slate have not been provided, and it is considered reasonable to condition that samples or exact details of the slate product are provided to ensure they are in keeping with the character of the area.
- 8.9 The siting of the proposed outbuilding would be in the south-western corner of the garden, close to the western boundary, and adjacent to the existing driveway. It would not be visible from or impact negatively upon the amenity of the neighbouring dwelling to the south, being screened by vegetation and outbuildings belonging to the neighbouring dwelling. Due to its position, it would not be visible from the street, and whilst it would be seen from Park Farm's field on the western boundary, it would not obscure or impact upon any sensitive views within the landscape. It is considered to be a more visually appealing replacement to the poor-quality wooden shed, which would be removed as part of the application. The siting of the proposed outbuilding would be sympathetic to the dwelling and its setting within the conservation area and, as such, would preserve and enhance the character and appearance of the conservation area in accordance with Policy SP16.
- 8.10 Two modest roof lights are proposed on the eastern (front-facing) roof slope. This is to allow some natural light into the domestic storage area. To ensure the design is sensitive to the historical character of the main dwellinghouse, it is considered appropriate to condition that these are conservation roof lights. Given the location of the proposed outbuilding within the conservation area, it is also considered reasonable and necessary to include a condition in relation to external lighting.

Conclusion

- 8.11 For the reasons set out above, it is recommended that permission be granted subject to conditions, as the proposal is in accordance with

Policies DP37, SP15, SP16, DP18 and DP2 of the adopted Local Plan.

9. 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 plans:

Location Plan, Block Plan, A101, DWG VC003.

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 SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. The external facing materials to be used in the development shall be as stated on the application form and drawings hereby approved, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. No development shall take place above slab level until samples or exact details of the roofing materials have been submitted to and approved in writing by the New Forest National Park Authority. Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

5. The building the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

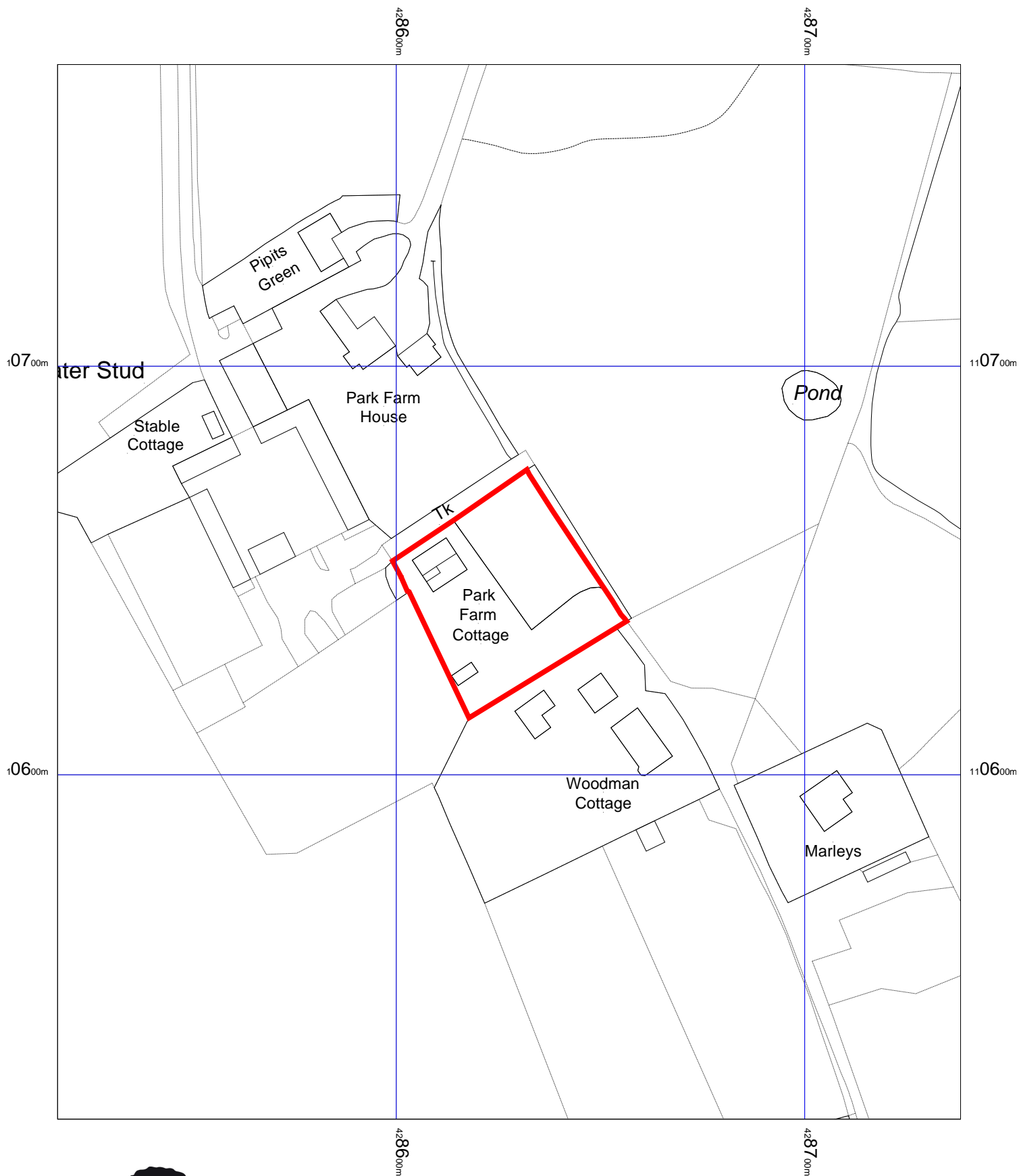
Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

6. 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 DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

7. All new roof lights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP2, DP18 and SP16 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



NEW FOREST
NATIONAL PARK

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Date: 04/07/2024

Ref: 24/00332FULL

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Application No: 24/00343VAR Variation / Removal of Condition

Site: Former Redmayne Engineering Works, Station Approach,
Brockenhurst SO42 7TW

Proposal: Application to vary condition 2 of planning permission 21/00164 (Residential development of 9no. dwellings consisting of 7no. terraced houses and 2 flats (affordable housing); garage block; bin store; bike store; parking and associated landscaping; demolition of industrial buildings) to allow a minor material amendment

Applicant: Bayview Developments Ltd

Case Officer: Natalie Walter

Parish: Brockenhurst Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2. POLICIES

Development Plan Designations

Defined New Forest Village Brockenhurst
Tree Preservation Order

Principal Development Plan Policies

DP2 General development principles
DP8 Safeguarding and improving water resources
DP10 Open space
DP18 Design principles
DP44 Redevelopment of existing employment sites
SP1 Supporting sustainable development
SP4 Spatial strategy
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP11 Climate change
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP19 New residential development in the National Park
SP21 The size of new dwellings
SP27 Affordable housing provision within the Defined Villages and on allocated
SP42 Business and employment development

Supplementary Planning Documents

Design Guide SPD

Development Standards SPD

NPPF

Sec 2 - Achieving sustainable development

Sec 5 - Delivering a sufficient supply of homes

Sec 6 - Building a strong, competitive economy

Sec 9 - Promoting sustainable transport

Sec 11 - Making effective use of land

Sec 12 - Achieving well-designed and beautiful places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

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

We do not believe the proposed amendments would be appropriate in the context of the consented scheme. We are concerned about the cumulative effect of the number of minor alterations to the originally approved application, resulting in significant deviations from the original plans. We also have concerns as to the width of the proposed footpath; both in terms of user safety and disability requirements.

5. CONSULTEES

Archaeologist: No objection; all archaeological work completed but no application for discharge of the remaining parts of Condition 16 of 21/00164.

Tree Officer: No objection; the proposed amendments using a no-dig cellular confinement system is unlikely to have any adverse impact on the protected Oak trees. There are no objections to this application on tree grounds.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

Residential development of 9no. dwellings consisting of 7no. terraced houses and 2 flats (affordable housing); garage block; bin store; bike store; parking and associated landscaping; demolition of

industrial buildings (AMENDED DESCRIPTION AND PLANS) (21/00164) approved on 11 October 2022; commenced on 16 October 2023.

Application to remove Condition 21 (Water efficiency and nutrient mitigation requirements) of planning consent ref: 20/00236; which itself was an application to vary condition 2 of planning permission 18/00497 for Construction of mixed use development including 7no. two storey dwellings; 2no. three storey dwellings, 4no office/retail units (use Class A1 and B1(A)) on ground floor and 5no office units (Class use B1(A) at first floor level, carports, parking and associated landscaping; Existing access retained; Demolition of redundant industrial buildings (21/00482) approved subject to legal agreement on 27 Jan 2022.

Application to vary condition 2 of planning permission 18/00497 for Construction of mixed-use development including 7no. two storey dwellings; 2no. three storey dwellings, 4no office/retail units (use Class A1 and B1(A)) on ground floor and 5no office units (Class use B1(A) at first floor level, carports, parking and associated landscaping; Existing access retained; Demolition of redundant industrial buildings (20/00236) approved subject to Section 106 agreement 8 January 2021.

Construction of mixed-use development including 7no. two storey dwellings; 2no. three storey dwellings, 4no office/retail units (use Class A1 and B1(A)) on ground floor and 5no office units (Class use B1(A) at first floor level, carports, parking and associated landscaping; Existing access retained; Demolition of redundant industrial buildings (18/00497) approved subject to Section 106 agreement on 01 May 2019.

24 retirement apartments; car parking; air source heat pumps and sub-station; landscaping (demolition of existing buildings) (15/00138) refused on 19 May 2015.

Change of use to mixed Class B1(office) and A1 (retail); cladding of existing buildings; addition of entrance lobby, rotunda, canopy, bike wash / bin stores and cycle hire building; associated landscaping (14/00229) approved on 2 June 2014.

Retention of two modular office buildings for 5 years (09/94760) temporary permission approved on 12 February 2004.

8. ASSESSMENT

Application Site

8.1 The application site comprises the northern end of the former engineering works site located to the north of Brockenhurst Station within the defined New Forest village boundary.

8.2 The site is accessed from Station Approach. Residential properties lie to the north, west and east. A car park and restaurant lie to the south and south east.

8.3 The remainder of the former engineering works site to the south west has been developed as nine residential units.

Proposed Development

8.4 The application follows the grant of planning permission reference 21/00164 for residential development of nine dwellings consisting of seven terraced houses and two flats (affordable housing); garage block; bin store; bike store; parking and associated landscaping; demolition of industrial buildings in October 2022.

8.5 The application seeks to vary condition 2 of planning permission reference 21/00164 (the condition which lists the approved plans) in order to make 'minor material amendments' to the approved scheme. The proposed amendments are summarised as follows:

- Removal of four-bay car port structure (uncovered parking is provided).
- New permissive pedestrian right of access on northern site boundary (1.2m in width) constructed of geo-cellular root protection and filled with grey coloured stone/ gravel.
- Fencing and one gate re-positioned to reflect the above.
- Relocation of private cycle storage from units 5 and 6 into larger communal cycle storage on southern side of central courtyard.
- Communal cycle storage enlarged to accommodate additional cycle storage from units 5 and 6.
- Provision of one additional EV charging point (total of five).

Elevational changes to the courtyard group units 1-7:

- SE elevation- fenestration changes (reduction in height) on units 1-3; arched brickwork header on unit 4; correction of drawing inconsistency in relation to roof form.
- NW elevation- minor changes to position of velux windows and introduction of four additional velux windows to achieve cross ventilation; addition of brickwork arches; façade to comprise exposed brick.
- NE elevation- amendment to pattern of windows to proposed unit 4 (removal of two high level windows and replacement with two velux windows); additional velux windows within units 6 and 7 to achieve cross ventilation; new high-level window to unit 5; façade to comprise exposed brick.
- SW elevation- removal of ground floor window of unit 5 and change to design of other ground floor opening (smaller) with brickwork header; brickwork header detail to ground floor windows of units 6 and 7; elevational treatment of units 6 and 7 amended from render to exposed brick to match the rest of the buildings.

- 8.6 The proposed amendments do not alter the description of the development. There is no change proposed to the number of units, the mix of units or the number of car parking spaces.

Consideration

- 8.7 As set out in the planning history above, there is an extant consent for the nine residential units on the site and associated parking. The principle of the development has been established and there is no change to the number and tenure of the residential units or the car parking provision. The key issue in this case is whether the proposed amendments would be appropriate in the context of the previously consented scheme.
- 8.8 Applications under Section 73 are covered by the requirements for publicity under Article 15 of the Development Management Procedure Order (as amended). The Government's online Planning Practice Guidance advises that, within the discretion they have, local planning authorities should adopt a proportionate approach. This approach has been adopted and relevant consultees to the proposed variation have been consulted.
- 8.9 In relation to the removal of the car port, the uncovered parking spaces in this location are in use by the dwellings which have been completed and occupied following the grant of planning permission 18/00497 as varied by planning permission 20/00236. There is no change to the total amount of car parking and the allocation of spaces is set out in the approved car parking management plan. The provision of car parking as uncovered car parking is considered to be acceptable.
- 8.10 In respect of the proposed permissive path to the rear of units 5, 6 and 7, the applicant's agent has indicated that, following engagement with neighbouring properties at 3 and 5 Brookley Road, a historic covenant relating to a right of access has been discovered. Whilst the matter of covenants is outside of the planning process, the applicant has agreed to re-instate a permissive right of access, and this would require an amendment to the approved site plan. The Authority's Tree Officer has been consulted, due to the proximity of a protected Oak tree. The proposal would use a no-dig cellular confinement system covered with permeable material which would not have an adverse impact on the protected Oak. The Authority's Tree Officer has no objection to the application.
- 8.11 The Parish Council have commented on the width of the path in terms of safety and disabled access. The applicant's agent has stated that it is intended to be accessible only to residents and to the neighbours for whom it provides a permissive access. The proposed width has been given careful consideration to ensure that the path provides a more than adequate access for pedestrian movement. Further stating that this does not need to cater for vehicles or to function as a disabled friendly access, as is not a public route; it is not the primary means of accessing any of the

units on or off-site; and disabled friendly points of access exist to all properties. On this basis, it is considered that a refusal on the grounds of inclusion of the path is not sustainable. It is noted that details of hard landscaping previously discharged are now proposed to be updated with this plan.

- 8.12 The amended communal cycle store, located on the southern side of the courtyard, would be lengthened to accommodate an additional three stands. There would be no change to the height of the store and the materials would be as approved previously through the discharge of conditions. The proposal would be acceptable in design terms and the number of stands would accord with the standards contained in Annex 2 of the adopted Local Plan. In addition, the provision of an additional electric vehicle charging point is supported.
- 8.13 In relation to the proposed elevational changes, it is considered that the proposed amendments to fenestration and brickwork headers would enhance the scheme. The additional velux windows are considered acceptable in the context of the overall scheme and the amendments to the north-east elevation would reduce the perception of overlooking to 5 Brookley Road. The additional new high level window to unit 5 would match the windows provided on unit 6 and would not result in a new pattern of overlooking. It is noted that no objections have been received from the neighbouring properties at 3 and 5 Brookley Road. The proposed elevational treatment changes to exposed brick would match the front-facing façade on the south east elevation and would be an appropriate material. The proposed amendments are considered to comply with Policies DP2, SP15 and DP18.
- 8.14 Planning permission reference 21/00164 included a Unilateral Undertaking to secure the necessary developer contributions and the delivery of the two affordable units. This undertaking included a relevant clause relating to Section 73 applications which means that a deed of variation is not required in this case.

Conclusion

- 8.15 The principle of development of this site for the proposed quantum of development was established with the grant of planning permission reference: 21/00164. The proposed variation does not alter the quantum of development, the tenure mix or the level of car parking provision. It is considered that the proposed amendments are acceptable in the context of the approved scheme and would accord with Policies DP2, SP15 and DP18. It is recommended that permission is granted subject to conditions. Reimposition of previous conditions is proposed, updated to incorporate details already approved in discharge of condition applications. A deed of variation to the Unilateral Undertaking is not required in this case and it is noted that the relevant developer contributions (New Forest Special Protection Area Mitigation Contribution, Solent Special

Protection Area Mitigation Contribution and Open Space Contribution) were paid prior to the commencement of development.

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. Development shall only take place in accordance with drawing nos:

- 9676/215 Rev B Proposed Site Layout
- 9676/216 Rev B - Proposed Floor Plans and Elevations Plots 1-7
- 9676/217 Rev A – Bike Store
- 9676/218- Bin Store
- 18084-3 - Tree Protection Plan
- 1541 4.08 Rev B – Location Plan of planning application reference: 21/00164
- 1541P22 Rev G – Proposed Floor Plans and Elevations Plots 8 and 9 of planning application reference: 21/00164.

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 SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

2. The parking management plan approved under application reference: 24/00111DOC shall be implemented before the development hereby permitted is occupied and retained as such at the site in perpetuity.

Reason: In the interests of highway safety and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Section 9 of the National Planning Policy Framework.

3. Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan 9676/215 Rev B shall be constructed and surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times in accordance with the approved Parking Management Plan or any subsequent variation thereof agreed in writing.

Reason: In the interests of highway safety and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Section 9 of the National Planning Policy Framework.

4. Before the occupation of any part of the development hereby approved, the cycle storage arrangements shall be erected and laid out as shown on drawing no: 9676/217 Rev A and shall contain stands where both wheels and frames can be locked. The arrangements shall thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote a sustainable mode of travel; in the interests of highway safety and to comply with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Section 9 of the National Planning Policy

5. Development shall only be carried out in accordance with the details of materials approved under application reference: 23/00799DOC, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the buildings in accordance with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

6. Development shall only take place in accordance with the details of the proposed slab levels in relationship to the existing ground levels and adjacent buildings, set to an agreed datum, which have been approved under application reference: 23/00799DOC.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

7. Development shall only take place in accordance with the soft landscaping details approved under application reference: 23/00799 and drawing no: 9676/215 Rev B (hard landscaping) and no alterations shall be made unless they have written approval of the Local Planning Authority.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policies DP2 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

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

National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

9. Unless otherwise agreed in writing by the National Park as Local Planning Authority development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (Lindsey Carrington Ecological Services Ecology mitigation and enhancement plan August 2020 approved under planning permission reference: 18/00497).

The measures thereby approved shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

10. Unless otherwise agreed in writing with the New Forest National Park as Local Planning Authority, tree protection measures shall be carried out in accordance with Arboricultural Assessment - Tree Protection Plan. 18084- 3 Barrell Tree Care.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2, SP6, SP7 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019)

11. Post demolition and site clearance, a finalised detailed scheme for remedial measures to deal with any contamination of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall take into account and follow the recommendations within Contamination Assessment Report- Phase 2 Ground and Water Sept 2020 and V.102 Desk top phase 1 contamination assessment. (Partial clearance as far as pre-commencement works for 18/00497). The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme, must be carried out in accordance with its terms at the relevant stage of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Prior to first occupation of any units and following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If any other previously undiscovered contamination is found during the development of the site, this shall be notified in writing to the New Forest National Park Authority immediately, along with a suitable risk assessment and where necessary, a remediation scheme. The remediation scheme shall be approved in writing by the New Forest National Park Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

12. Development shall take place in accordance with the noise assessment details approved under 23/00799DOC which shall be implemented, maintained and retained.

Reason: To minimise the transfer of noise due to the railway and proximity to neighbouring residential properties in order to minimise the impact upon the residential amenities of the future occupiers of the scheme and neighbouring properties in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

13. Development shall take place in accordance with the details of the means of disposal of surface and foul water from the site approved under application reference: 23/01196DOC, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

14. i) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under application reference 23/00799DOC.

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 DP2 and SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019)

15. The roof space of the residential buildings hereby approved shall not be converted to form habitable floorspace space and no additional windows or roof lights shall be inserted into the roof space (including the gable ends of the properties), other than those hereby approved.

Reason: In order to safeguard the residential and visual amenities of the occupiers of neighbouring occupiers in accordance with Policies DP2, SP17, SP21, DP36 and DP18 of the New Forest National Park Local Plan 2016-2036 (August 2019) to safeguard the character of the National Park.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwellings remain of a size which is appropriate to their location within the village and National Park to comply with Policies DP2, DP35, DP37 and DP36 of the New Forest National Park Local Plan 2016-2036 (August 2019)

17. Development shall only be undertaken in accordance with the Construction Environmental Management Plan approved under application reference: 23/00799 unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact upon the adjoining highway, residential and visual amenities of the occupiers of neighbouring properties in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

18. All first floor level windows and rooflights of the main residential terrace on the north east and north west elevations as shown on plan no 9676/216 Rev B hereby approved shall at all times be obscurely glazed and permanently fixed.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

19. The development hereby permitted shall not be occupied until:

a) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European sites, having regard to the conservation objectives for those sites; and

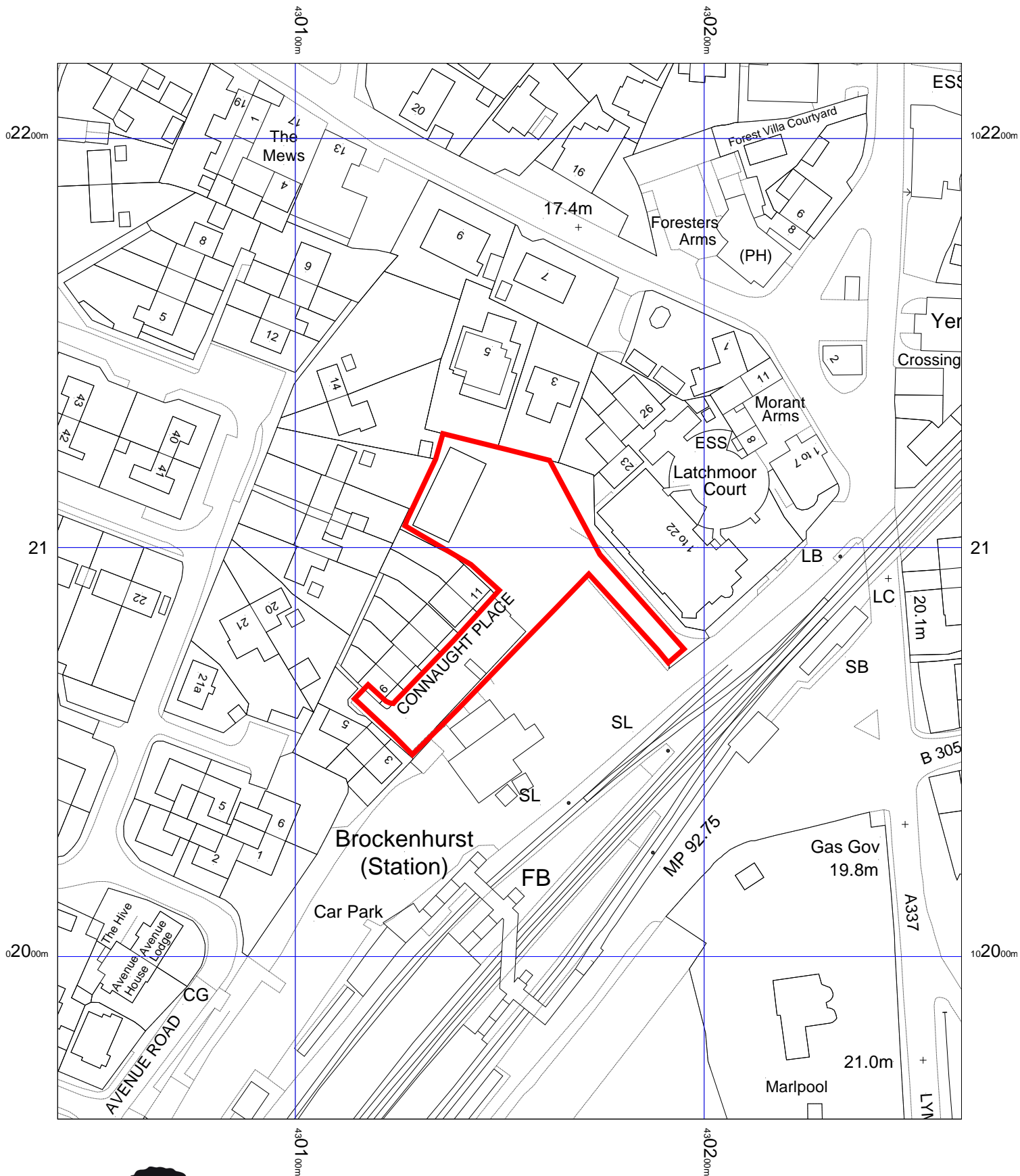
b) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

The development shall be carried out in accordance with and subject to the above details and in accordance with the water efficiency details approved under application reference 23/00799.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

20. Prior to first occupation, the scheme for the provision of facilities for the charging of vehicles (specification approved under application reference 23/00799 and number and layout as shown on drawing no: 9676/215 Rev B), shall be implemented in full accordance with the approved details and the charge points retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and Design Guide.



NEW FOREST
NATIONAL PARK

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Date: 04/07/2024

Ref: 24/00343VAR

Scale: 1:1250



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