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PLANNING, DESIGN, AND ACCESS STATEMENT IN SUPPORT OF PLANNING APPLICATION

BY

Mockbeggar Properties Ltd

FOR

***Change of Use of the Existing Building and Alterations to form 9 No. Dwellings with
associated Parking and Landscaping***

AT

Coles Yard, Stuckton Road, Stuckton SP6 2HE

PREPARED BY

ADAM BENNETT BA(HONS)

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1.0 Introduction

- 1.1 The following planning statement has been prepared on behalf of the Applicant Mockbeggar Properties Ltd in support of a Full Planning Application made to the Council in relation to Coles Yard, Stuckton Road, Stuckton SP6 2HE, seeking to change the use of the existing building, with associated internal and external alterations to a residential scheme comprising 9 dwellinghouses, with associated parking and landscaping.
- 1.2 The site at present stands as vacant and underutilised following the partial implementation of planning permission ref. 11/97198, in early 2012, for the erection of a building in mixed Class B1/B8 use (now Class E/B8 use), which was built out to shell and core, but was never completed.
- 1.3 The pattern of development commenced on site was never completed because the use of the site for employment purposes is not viable. There was no demand from potential operators at the time that the works ceased, and there has been no commercial interest in relation to the site since this time.
- 1.4 The site has been actively marketed for approximately 19 months, with the only interest expressed being from potential developers who would seek to bring the site into an alternative pattern of use.
- 1.5 The Applicant is now seeking to change the use of the site and bring it into its best and most viable use for residential purposes.
- 1.6 The application is prepared in Full, with all matters for the LPA's approval. The Applicant has provided sufficient detail for the Council to assess the acceptability of the proposals with the submission of a detailed landscaping scheme anticipated to be conditioned with details to be provided pursuant to any grant of planning consent.
- 1.7 The following statement demonstrates thus that the proposals are acceptable in terms of their principle.

- 1.8 The statement provides a full description of the site and surrounding area and reasoned assessment of the development proposals in accordance with Local and National policy requirements. The statement also provides the required detailed information in relation to design and access as required by Government guidance, culminating with a reasoned justification of why permission should be granted.
- 1.9 This statement demonstrates that the proposals are acceptable in all regards; the development is sustainable and there are numerous benefits in the public interest and no significant adverse impacts which, as per the direction of the National Planning Policy Framework, suggests that Planning Permission should be granted.

2.0 The Matters for Consideration

- 2.1 From my analysis of the site, the proposals and planning history, bearing in mind the provisions of the Local Development Plan, National Policy and other material considerations, I consider the main issues to be:
- The loss of the existing approved employment use and whether appropriate marketing has been undertaken to justify the loss.
 - The impact of the proposals upon the character of the area and the pattern of development within the street scene;
 - The impact of the development upon the amenity of established neighbouring uses;
 - The bearing of the proposals upon the public highway and encouraging sustainable transport;
 - The impact upon biodiversity and protected sites;
 - The impact upon all other technical matters; and,
 - The requirement for financial contributions.
- 2.2 Alongside this statement a series of other professional reports have been submitted. Where to be read alongside this statement this is cited in the text.

2.3 Within this statement reference is made to the following; appended to this document:

AB1 Officer's Report and Decision Notice relating to Application Ref. 11/97198

AB2 Approved Plans relating to Application Ref. 11/97198

AB3 Appeal Decision Ref. APP/B1740/X/16/3162423 relating to Coles Yard, Stuckton

3.0 The Site and Surrounding Area

3.1 The application sits within the village settlement of Stuckton, to the south-east of the local service centre settlement of Fordingbridge.

3.2 Stuckton does not have a defined settlement boundary, and is a dispersed village. The original core of the settlement was however close to the site, having regard for its position behind a group of Victorian buildings, now largely occupied as dwellinghouses, comprising the old post office and the old bakery, and also Stuckton Congregational Church.

3.3 To the north of the site, further along Stuckton Road, is the Three Lions public house.

3.4 The existing pattern of development on the site comprises a 'u-shaped' building with asymmetrical wings forming a courtyard type arrangement towards the centre of the site.

3.5 The building, when originally erected, was intended to be separated into a series of commercial units, some with large door openings to facilitate movement of good and machinery, and others of a more typical office arrangement. The building is set over two storeys, with rooflights serving the accommodation at first floor level.

3.6 As part of the development works commenced on site, large areas of hard surfacing were laid out, including a series of defined parking spaces with a

compacted stone surfacing. These areas are positioned to the east and north of the courtyard complex. The remainder of the site remains not landscaped, with the development never having been completed, in accordance with the 2012 planning permission.

- 3.7 The site is accessed from the north-east directly from Stuckton Road. The access is shared with the other properties serviced off of the lane, and laid to compacted hardcore appropriate for the rural location, with the final section of the access laid to tarmac. Visibility at the northern end of the access on to Stuckton Road is good in both directions and the access does not present any concerns to highway safety. In any event, Stuckton Road is a minor route and not heavily trafficked.
- 3.8 To the north of the site sits a cluster of existing properties occupied as residential dwellings, and Stuckton Congregational Church. The site is separated from these uses by a fenced boundary treatment and existing boundary planting. To the east of the site, the boundary is comprised of a mature treeline and agricultural style fencing. To the south of the site is a post and rail fence which separates it from broader pastureland within the landowner's control, which is used for the grazing of livestock. To the west of the site is a further open paddock also within the control of the Applicant which comprises pastureland. The two land parcels are separated by an existing track, which sits outside of the application site boundary.

4.0 Planning History

- 4.1 There is a short but important planning history relating to the application site, having regard for the partially implemented development which sits on the land today, but has never been completed.
- 4.2 The planning history for the site prior to May 2011 is not relevant to the proposals now before the Council. The site was however previously developed with two larger sheds and a series of other ancillary buildings, all of which were utilised at that time for commercial uses. The long-term lawful use of the land

is thus for the purposes of employment use, irrespective of the fact that the later approved pattern of development was implemented, but never completed.

- 4.3 Planning permission was granted on the site on 8th February 2012, under application ref. 11/97198. The Officer's Report and Decision Notice relating to the application are appended at **AB1** for reference.
- 4.4 The permission granted consent for the erection of a courtyard arrangement of built form to be utilised for the purposes of 7 Class B1/B8 units and providing approximately 580sqm of commercial floorspace. The building was designed such that it would provide office or storage accommodation at first floor level across the majority of the building with the ground floor providing workshop, office or distribution space.
- 4.5 The Approved plans relating to the development are appended at **AB2** for reference. As will be quite apparent to Officers, the shell and core of the building, in accordance with the details of this permission, has been built out, but the development still requires considerable works to be completed.
- 4.6 Works to commence the development took place later in 2012, following the grant of consent, but were ceased during the course of build out with no commercial interest being demonstrated by the market to occupy the development once complete. The site was marketed during the course of this period, and whilst the precise nature of this marketing is not certain, there was no interest expressed and thus the development has thus sat unfinished since this time.
- 4.7 In May 2016, the Applicant was advised to make an application for a Lawful Development Certificate, to seek to change the use of the building in accordance with Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the Order'). The Council rightly refused to grant the lawful development certificate.
- 4.8 Notwithstanding this, an appeal was lodged following the refusal in September 2016. The appeal, ref. APP/B1740/X/16/3162423 was dismissed by the

Planning Inspector in April 2017. The Inspector's decision is appended to this statement at **AB3** for reference.

4.9 As was rightly concluded at this time by the Inspector, the application for an LDC was not the proper procedure to seek a permission in accordance with Class O of the Order, and moreover, notwithstanding the fact that the development comprised a mixed use for Class B1/B8 purposes and thus would fall foul on this point of the stipulations of the order, the development had not been completed and the existing building was not and had not been in use.

4.10 The Applicant sought to argue that the site had been marketed with no expression of interest from potential commercial operators. Whilst this point was current and true, it did not change the fact that the Inspector was not empowered to take this matter in to account in determining the appeal.

4.11 Following the dismissed appeal, the site has sat vacant, and the development not completed since this time. The site has however been marketed, and intensively so for a period of just over 19 Months at the time of writing. The Applicant is now seeking permission, in accordance with the provisions of the Local Development Plan, to change the use of the site to residential in accordance with the marketing evidence which has demonstrated that there remains no interest to occupy the site for employment purposes.

5.0 The Proposed Development

5.1 The Applicant is seeking Planning Permission for the change of use and conversion of the existing building, to form 9 dwellinghouses, with associated parking and landscaping.

5.2 The development seeks to make best and most efficient use of the under-utilised site in lieu of the existing partially implemented consent for employment uses, which has no prospects of completion.

- 5.3 The proposals do not seek to make any significant amendments to the existing building in terms of its scale or massing. The development will make use of the existing building, but change the position of its window and door openings and provide new cladding to finish and enhance the appearance of the building, and provide a terraced group of dwellings which are well proportioned and will provide a good standard of living for future residents. At first floor level, there are no changes to the internal roof slope of the courtyard, but the external facing roof slope features the addition of 5 modest dormer windows to provide a better outlook for the rooms at this level. These are of pitched roof form and modest in their proportions.
- 5.4 The immediate curtilage of the building, to the rear, has been subdivided into individual domestic curtilages for the proposed dwellings. Each property features a generous garden amenity space, which will provide for the day-to-day recreational needs of residents. The curtilages will be separated with appropriate fencing, of a detail to be agreed, and new native hedgerow will form a defined boundary to the site and separate it from the land to the west, which is also controlled by the Applicant, but not reasonably related to or forming part of the application site. The scheme seeks to introduce new tree planting to enhance the character of the site and reduce the extent of hardstanding consented in association with the employment uses. The significant parking area on the eastern side of the site is to be removed in full and provided as domestic gardens with soft landscaping reintroduced.
- 5.5 The proposals seek generally to reduce the extent of hardstanding across the site, and to break this up appropriately with with landscaping. Parking is positioned at the northern end of the site, close to the access, to facilitate a pedestrian and landscape lead approach to the immediate curtilage of the proposed dwellings. This is consistent in part with the existing consented position of parking on the land. The development provides a level of parking commensurate with the requirements of the New Forest District Parking SPD (2012).
- 5.6 The shared courtyard at the centre of the site is arranged as an attractive shared space, with areas of soft landscaping, new trees and seating.

Compacts stone surfacing to the areas of hardstanding will maintain a finish appropriate for the rural location and provide an appropriate threshold in front of dwellings.

- 5.7 The only new built form on the site comprises two single storey stores; one for bins and one for bikes. The bike store is positioned to the western side of the site, accessed via appropriate footway, and will provide a secure store for the use of residents. The store will be set beneath a flat roof and timber clad to sit comfortably within the fringe location.
- 5.8 The bin store has been positioned towards the north-eastern corner of the site, close to the existing access serving the site and the proposed turning head. The store will be a low-key timber structure, which will sit appropriately at this corner of the site, screened with vegetation.
- 5.9 There are no works proposed to the existing access into the site from Stuckton Road.
- 5.10 The proposed development is quite apparent on the submitted plans, and appropriate details are provided regarding the material specification of the development. As aforementioned the proposals comprise the change of use and conversion of the existing building, so the scale and massing of the development is fixed and already exists on the site. The development will not materially change the existing impact of this building in this respect, but provides opportunities for enhancement to its material finish, and provision of a high quality landscaping scheme which will see the reduction in large areas of hardstanding and provision of a scheme which is more appropriate for this edge of settlement location. The scheme will deliver significant benefits in the public interest of bringing into a sustainable pattern of use a vacant and redundant site and making best and most efficient use of the land, and delivering a scheme of 9 dwellinghouses of mixed size to provide choice to the local market.
- 5.11 The Applicant considers the proposals represent sustainable development and should be supported.

6.0 The Development Plan

- 6.1 The New Forest District Local Plan (2020) forms the planning framework for the communities within the New Forest District, but outside of the National Park boundary, and sets out the general spatial strategy for development and strategic objectives of the LPA throughout the plan period until 2036.
- 6.2 Policy STR1 sets out the sustainable development principles against which new development will be assessed. In broad terms, new development is expected to make a positive contribution towards the sustainability of communities and preserve, or enhance, the built and natural environment of the plan area.
- 6.3 Policy STR3 seeks to direct development to accessible locations to help sustain the vitality and viability of towns and villages as focal points and active communities. Development will be required to achieve a high standard of design that maintains and enhances local character and amenity.
- 6.4 Policy STR4 defines the spatial strategy for the District. Proposals for residential development are to be assessed having regard to the settlement strategy and ensuring that development retains and enhances the settlement's character.
- 6.5 Policy STR5 sets out the Council's strategy for the delivery of housing across the District. The policy seeks to direct development to the major strategic development sites, with additional homes to be identified through a Local Plan Part 2 process or neighbourhood Development Plans. The Council also makes an allowance for windfall development across the plan period in the amount of 924 dwellings on sites which provide capacity for between 1-9 homes.
- 6.6 Policy STR8 requires the developments make sufficient provision for the needs of future occupiers and mitigate their impacts upon existing services and facilities in accordance with the Council's developer contributions policy IMPL1.

- 6.7 Policy ENV1 sets out the Council's approach to development proposals which have the potential to affect the integrity of designated environmental protected sites, such as; SPA, SSSI and SAC. Proposals which will be likely to have an adverse effect upon a SSSI, SPA or SAC will not be approved unless there are overriding benefits in the public interest which justify the development. The Council confirm that financial contributions will be required from developments to mitigate impacts upon the New Forest National Park and the Solent Water SPA; where sites sit within 5.6km of the designation. Where sites are of a certain scale there will be a requirement for provision of on-site SANG. Smaller sites will not be able to provide this and instead mitigation is provided for by way of CIL and a separate monitoring contribution to be secured by way of s106 agreement.
- 6.8 The Applicant is well aware that the application site is located within the buffer zone to the New Forest National Park and thus financial contributions towards mitigation of the recreational impacts upon the protected designation. The Applicant is also aware of the requirement to deal with Phosphates which would be produced by the development and is aware that the determination of the application is currently dependant on mitigation being secured. At this time with no off-site mitigation measures secured by the Council or available to developers, this matter remains unresolved. The position is however anticipated to change during the course of the consideration of the application and appropriate mitigation should be capable of being secured.
- 6.9 Policy ENV3 requires that new development is well designed and respects the character, identity and context of the settlement. All new development should contribute to local distinctiveness and be sympathetic to its setting in terms of scale, height, density, layout, appearance, materials and its relationship to adjoining buildings and landscape features.
- 6.10 Policy ENV4 states that there is a requirement to retain or enhance landscape features and characteristics on development sites through sensitive design, mitigation and enhancement measures to positively integrate new development into its context.

- 6.11 Policy HOU1 requires that all residential development helps to address the diversity of housing needs by providing a mix and choice of homes by type, size, tenure and cost. Developments should contribute to improving diversity where possible taking in to account the location, size and characteristics of the site, the form of the development and viability of the scheme.
- 6.12 Policy HOU2 sets out the LPA's approach to affordable housing, confirming that provision will be sought on site from developments of 11 dwellings or more, or more than 1000sqm GIA floorspace. On larger sites, a percentage of the new homes will be sought as affordable, comprising 35% in Totton and the Waterside Area, and 50% for the rest of the plan area.
- 6.13 Policy ECON2 provides the Council's approach to the retention of existing employment sites and the consideration of alternative uses. The policy states that employment sites that remain suitable for employment uses will be retained for continued employment use where possible. However, other uses that require planning permission will be supported provided that:
- (ii) For other non-employment uses, it is demonstrated that the employment site is no longer suitable or viable for continued employment use by submission of proportionate evidence demonstrating that:
 - (a) The condition of the site or building renders it unsuitable for its present or any other realistic and appropriate employment use, and it would not be viable to refurbish or redevelop the site for an alternative employment use; and/or,
 - (b) The site has been actively but unsuccessfully marketed for employment use on unrestricted terms fair to potential occupiers and at a realistic price, for a minimum period of 12 consecutive months prior to the date at which the planning application for an alternative use was submitted.
 - (iii) Moreover, Policy ECON2 also confirms that the alternative use proposed should not have a significant detrimental impact on the operation of other businesses in the local area.
- 6.14 The supporting text to Policy ECON2 directs that the 12-month marketing period set out within the policy is considered sufficient to help to ensure that

employment re-use and re-development options are properly tested and not affected by short term fluctuations in the market. Appropriate evidence of the method of marketing should be provided, and the site offered at a price commensurate with its condition, location and permitted use, without restrictions that would unreasonably limit its attractiveness to potential occupiers.

- 6.15 Policy CCC1 seeks to ensure that development does not result in pollution or hazards which prejudice the health and safety of local communities or the environment, including through air and water quality. Development within vulnerable areas will not be permitted unless they can be appropriately mitigated, or in the case of flooding areas, pass the relevant sequential and exceptions tests.
- 6.17 Policy IMPL1 makes clear the requirement for developer contributions towards on-site and off-site infrastructure, facilities, affordable housing and open and mitigation space necessary to support the development and mitigate its impacts to achieve a sustainable pattern of development.
- 6.18 Policy IMPL2 requires that new development meets or exceeds accessibility standards set out at Part M4(1) of the Building Regulations, water efficiency standards at Part 36(2) of the Building Regulations and seeks to provide high speed broadband and EV charging points to help minimise environmental impacts and be adaptable to future needs of occupants across their lifetimes.
- 6.19 To supplement the Local Plan Part 1: Core Strategy, the Council prepared and adopted the New Forest District Local Plan Part 2: Site Allocations and Development Management Policies DPD (2014). There are a number of policies of this document that remain saved and are relevant to the proposals as set out within the below paragraphs.
- 6.20 Policy DM1 confirms that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard for local character and context. The policy follows the direction of the NPPF in

respect of the weight to be attached to the preservation of the significance of heritage assets in the determination process.

- 6.21 Policy DM2 sets out the Council's approach to development proposals which have the potential to affect the integrity of designated environmental protected sites, such as; SPA, SSSI and SAC. Proposals which will be likely to have an adverse effect upon a SSSI, SPA or SAC will not be approved unless there are overriding benefits in the public interest which justify the development.
- 6.22 Policy DM2 also confirms that proposals will be expected to incorporate features to encourage biodiversity and retain or enhance existing features of nature conservation value within the site.
- 6.23 A limited number of policies remain saved within the New Forest District Local Plan Part 1 Core Strategy (2009); however, none are relevant to the consideration or determination of this application.

7.0 National Planning Policy Framework

- 7.1 The Government released the new National Planning Policy Framework (2021) (NPPF), which came into force; in replacement of the NPPF (2019), on 20th July 2021. The Government remains in the process of updating Planning Practice Guidance (NPPG) to reflect the changes made to the Framework.
- 7.2 Those sections of the Framework which are of relevance to the consideration of the proposed development are set out below:
- Section 2. Achieving sustainable development
 - Section 4. Decision-making
 - Section 5. Delivering a sufficient supply of homes
 - Section 8. Promoting healthy and safe communities
 - Section 9. Promoting sustainable transport
 - Section 11. Making effective use of land
 - Section 12. Achieving well-designed places

- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment
- Section 16. Conserving and enhancing the historic environment

7.3 The NPPF explains (at paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 explains that there are three overlapping dimensions to sustainable development:

- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.4 Paragraph 9 provides clarification that the three objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework; however, they are not criteria against which every decision can or should be judged.

- 7.5 Policies and decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 7.6 Paragraph 11 of the NPPF states clearly that plans, and decisions should apply a presumption in favour of sustainable development.
- 7.7 In respect of decision making Paragraph 11 confirms that LPAs should approve proposals which accord with the development plan without delay; or, where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or the specific policies listed at *Footnote 7* provide a clear reason for refusing the development proposed.
- 7.8 Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. LPAs can however depart from an up-to-date plan if material considerations in a particular case indicate that the development should be allowed.
- 7.9 Section 4 of the NPPF sets out the Government's direction on the approach which LPAs should take to decision making and the value of early and proactive engagement where possible in order to resolve issues at an early stage.
- 7.10 Paragraph 38 of the NPPF states that LPAs should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to work proactively with Applicants to secure development which will improve the economic, social and environmental conditions of the area; development which is sustainable should be approved.

- 7.11 Paragraph 47 confirms the requirement in planning law for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions should be made as quickly as possible within statutory timescales unless a longer period has been agreed with the Applicant.
- 7.12 Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they meet the relevant tests, as defined by the Planning Practice Guidance. Agreeing conditions early is beneficial to all parties in the process and can speed up decision making. The policy reconfirms the update to the Town and Country Planning Act 1990 which requires that LPAs seek written agreement from Applicants to pre-commencement conditions before these are imposed. The policy directs that they should be avoided unless there is clear justification.
- 7.13 Paragraph 57 confirms that Planning Obligations should only be sought where they meet the tests of being (a) necessary to render the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development. Where these tests are not met, obligations should not be sought.
- 7.14 Section 5 of the NPPF provides the Government's approach to the delivery of a sufficient supply of housing.
- 7.15 Paragraph 60 requires that, in order to support the Governmental objective of significantly boosting the supply of homes, sufficient amount and variety of land comes forwards where it is needed so that the needs of groups with specific housing requirements are addressed and that land which has permission is developed without delay.
- 7.16 Paragraph 65 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required

in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

- 7.17 Paragraph 74 makes clear that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. LPAs should identify and update annually a specific supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than 5 years old; which should include the appropriate buffer.
- 7.18 Paragraph 75 indicates that a 5-year supply of deliverable housing sites, with an appropriate buffer, can be demonstrated where established within a recently adopted local plan (having regard for the provisions of footnote 40) or within a position statement where appropriate engagement has been had with developer parties and other stakeholders.
- 7.19 Paragraph 76 states that in order to maintain the supply of housing, LPAs should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the LPA's housing requirement over the previous 3 years the authority should prepare an action plan in line with national planning guidance.
- 7.20 Section 8 of the NPPF provides the Government's approach to promoting healthy and safe communities.
- 7.21 Paragraph 92 states that policies and decisions should aim to achieve healthy, inclusive communities and safe spaces, including promoting social interaction through design, enabling and supporting healthy lifestyles and ensure developments are safe and accessible.
- 7.22 Section 9 of the NPPF provides the Government's approach to promoting sustainable transport.

- 7.23 Paragraph 104 suggests that transport issues should be considered at the earliest stage of plan making and development proposals to ensure that impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport can be identified and pursued. Paragraph 103 continues that the planning system should actively manage patterns of growth in support of these objectives. Significant growth should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering choice of transport. However, opportunities to maximise sustainable transport modes will vary between urban and rural locations and this should be taken into account in plan making and decision taking.
- 7.24 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.25 Section 11 of the NPPF makes clear the need to make efficient use of land.
- 7.26 Paragraph 119 requires policies and decisions to promote the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.27 Paragraph 120 indicates that policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains, such as developments which improve public access to the countryside.
- 7.28 Paragraph 124 indicates that policies and decisions should support development that makes efficient use of land, taking into account (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; (d) the desirability of maintaining an area's prevailing character and setting, and (e) the importance of securing well-designed, attractive and healthy places.

- 7.29 Paragraph 125 states that area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each Site.
- 7.30 Section 12 of the NPPF sets out the policy approach for achieving well-designed places.
- 7.31 Paragraph 126 indicates that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to planning and development. Good design is a key aspect of sustainable development.
- 7.32 Paragraph 130 reinforces that policies and decisions should ensure that developments will (a) function well and add to the overall quality of the area, not just for the short term, but for their lifetime, (b) are visually attractive as a result of good architecture, layout and appropriate landscaping, (c) are sympathetic to character and history, without stifling innovation or change (d) establish a strong sense of place, (e) optimise the potential of the Site in terms of the amount and mix of development and (f) create places that are safe, inclusive and accessible.
- 7.33 Paragraph 131 was introduced by the latest iteration of the Framework and notes that trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change. The paragraph directs that decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees and that existing trees are retained where possible. Applicants and LPAs should work together with highways and tree officers to ensure that the right trees are planted in the right places and are compatible with highways and the needs of different users.

- 7.34 Paragraph 134 indicates that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or which is of outstanding or innovative design and promotes a high level of sustainability or raises the standards of design more generally within an area, so long as it fits within its context.
- 7.35 Section 14 of the NPPF provides the national policy approach for meeting the challenges of climate change and flooding.
- 7.36 Paragraph 154 indicates that new development should be planned in a manner which avoids increased vulnerability to the impacts of climate change. When new development is brought forwards in vulnerable areas those risks should be managed through suitable adaptation measures including planning for Green Infrastructure. Development will also be expected to minimise greenhouse gas emissions through its location, orientation and design and planning thus for a sustainable pattern of development.
- 7.37 Paragraph 157 states that when determining applications LPAs should expect new development to comply with development plan policies on decentralised energy supply and to take account of the topography, layout and arrangement of development and landscaping to minimise energy consumption.
- 7.38 Paragraph 159 confirms that development should be directed away from those areas at the highest risk of flooding. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.39 Paragraph 168 requires that applications for major development incorporate sustainable drainage systems unless there is clear evidence that this would be

inappropriate. SUDS systems should have appropriate minimum operational standards and maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multi-functional benefits. Appropriate advice should be taken from Local Lead Flood Authorities (LLFA) in devising schemes.

- 7.40 Section 15 of the NPPF sets out the policy approach to conserve and enhance the natural environment.
- 7.41 Paragraph 174 seeks for development to contribute to and enhance the local and natural environment through (a) protecting and enhancing valued landscapes, biodiversity or geological value, (b) recognising the intrinsic character and beauty of the countryside and natural ecosystem, (d) minimising impacts on and providing net gains for biodiversity, (e) preventing new and existing development from contributing to or being put at risk of being adversely affected by soil, air, water or noise pollution. Proposals should, where possible, seek to improve local environmental conditions such as air and water quality, taking into account relevant local information.
- 7.42 Paragraph 180 states that when determining applications LPAs should apply the following principles (a) if significant harm to biodiversity would result from development which cannot be mitigated or compensated permission should be refused, and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where delivering measurable net gains.
- 7.43 Paragraph 182 notes that the presumption in favour of sustainable development does not apply where the development is likely to have a significant effect on a habitats Site; whether alone or in combination with other projects unless an appropriate assessment (AA) has concluded that the development will not adversely affect the integrity of the habitats Site.
- 7.44 Paragraph 183 indicates that policies and decisions should ensure that sites are suitable for their proposed use taking account of ground conditions arising

from land stability and contamination; ensuring adequate investigation and information is prepared by competent persons to inform assessments.

7.45 Paragraph 185 of the NPPF expects LPAs to ensure that development is appropriate for its location taking in to account the likely effects, including cumulative effects, of pollution on health, living conditions and the natural environment. LPAs should have regards for the sensitivity of the Site or the wider area to impacts what may arise from development and (a) mitigate and reduce to a minimum potential adverse noise impacts of development, (b) identify and protect tranquil areas that are prized for their recreational and amenity value due to being undisturbed by noise and (c) limit the effects of light pollution on local amenity and nature conservation.

7.46 Paragraph 186 of the Framework expects decision making to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

7.47 At Annex 1 to the Framework, with respect to its implementation, Paragraph 219 confirms that policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. It is noted that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

8.0 Planning Considerations

8.1 Planning legislation requires that planning applications and appeals must be determined in accordance with the Development Plan unless material considerations indicate otherwise or the policies contained within the plan are inconsistent with the provisions of the NPPF.

8.2 Additionally, if the relevant policies are considered out of date, for whatever reason, then the second bullet point of Paragraph 11 of the National Planning

Policy Framework becomes engaged and planning permission can be granted unless there are adverse impacts and only then if these are such that they significantly and demonstrably outweigh the benefits of the proposals.

- 8.3 As such the Local Plan is therefore the starting point for decision making. Proposed development which accords with an up-to-date Development Plan should be approved without delay. Proposals need to be assessed against the Development Plan as a whole. If proposals accord with the majority of policies but there is friction with others, then the Council must consider what weight is to be attached to the various objectives and policies to which the proposals accord and to the features that cause friction with others. Notwithstanding this, if any infringement of policy, minor or otherwise, can be offset by the use of other measures then these should be used rather than a refusal of planning permission which could otherwise have been allowed. Clearly it is up to the decision maker what weight needs to be attached to particular matters; the decision maker will however have to demonstrate that their approach is well considered, justified and reasonable in all other respects.

Principle of Development

- 8.4 The application before the Council seeks consent to change the use of and convert the existing building to residential use comprising 9 dwellinghouses. The lawful use of the site is for employment purposes comprising a mix of Class B1 (Class E) and Class B8 uses.
- 8.5 In 2012, pursuant to the grant of planning permission ref. 11/97198, the Applicant commenced the then approved scheme on site, comprising the erection of a new courtyard style development. The consented development was not however completed. The existing lawful employment use on the site, at the time that the application was granted, remains the last lawful use of the land and thus the site remains in this pattern of use.
- 8.6 Whilst the consented new employment uses on the site have not come in to use, the point remains that the development on the site was commenced with the intention of instituting the new employment uses and it could be completed

at any time; if it were viable. The reason why the development has never been completed, is due to the absence of commercial interest in operating the development for employment purposes. The site has thus sat vacant since this time.

- 8.7 The Applicant is now seeking to demonstrate why the existing lawful use of the building erected is not viable and why the site could not operate for an employment purpose.
- 8.8 Whilst the application site comprises an employment site in the countryside, it is not a designated or protected employment site or one which provides any contribution to the local economy. This is particularly evident given that the site has sat vacant since 2012.
- 8.8 The Council's position on the redevelopment of existing employment sites is set out at Policy ECON2. The Council make clear that existing employment sites should be retained in employment use wherever possible. The Council however recognise that there will be circumstances where employment sites cannot be maintained and there will be a need to enable these to change their use to an alternative viable use subject to the provision of appropriate evidence.
- 8.9 As set out at provision (ii) the Council make clear that, where proposals are to change to a non-employment use, it must be demonstrated that the employment site is no longer suitable or viable for continued employment use through submission of proportionate evidence.
- 8.10 The Council clarify at (ii)(a) and (b) that proportionate evidence will require demonstration that:
- (a) The condition of the site or building renders it unsuitable for its present or any other realistic employment use, and it would not be viable to refurbish or redevelop the site for an alternative employment use; and/or,
 - (b) The site has been actively but unsuccessfully marketed for employment use on unrestricted terms and at a reasonable price, for a minimum period of 12

consecutive months prior to the date of the planning application for an alternative use.

- 8.11 As the policy makes clear, it is not necessary to demonstrate compliance with both (a) and (b), however in such circumstances that both criteria can be fulfilled, this should weigh in favour of the development as clear demonstration that it can no longer be viably operated.
- 8.12 The Applicant instructed the services of Sturt and Company to oversee the marketing of the site. Enclosed alongside this statement is a Commercial Viability Report (CVR) prepared by Sturt and Co which details the manner in which site has been marketed for a consistent period of in excess of 19 months at the time of writing, since April 2020, with a reputable commercial agent, Primmer Olds BAS who carried out on site marketing with boards, and to active contacts within the market and third parties, and across a broad spectrum of digital websites, as listed within the CVR. The marketing exercise undertaken has been comprehensive, and remains active at the time of the planning application. The details of the marketing exercise undertaken are set out at Section 17 of the CVR.
- 8.13 The marketing has been consistent during this period and the Applicant has carried out an additional 7-month period of marketing in exceedance of the 12 months marketing which Policy ECON2 seeks demonstration of, to account for any change in market demands resulting from the Covid-19 pandemic. This is considered appropriate and reasonable in the circumstances.
- 8.14 The property was marketed on very flexible basis to canvass interest from a broad range of the market and to maximise opportunities to identify an interested party, with a POA – Price on Application - approach taken.
- 8.15 Throughout the period of marketing the site, there has been no interest expressed from any commercial operator, or developer seeking to complete the scheme for commercial purposes. The only interest received across this period was from potential developers or investors who would seek to redevelop the site for residential purposes.

- 8.16 In this regard, the provisions of ECON2(ii)(b) are considered to have been met, and sufficient evidence of an appropriate period of marketing on unrestricted terms and at a reasonable priced has been presented.
- 8.17 Notwithstanding this, having regard for the fact that the site currently sits in an unfinished state; and would require capital investment to bring into use, the Applicant has sought to demonstrate clearly that it would neither be viable to complete the development and bring the site into its consented use, or to redevelop the site afresh for any other alternative employment use.
- 8.18 The submitted CVR has undertaken an assessment of the local market for employment land, having particular regard for the office market., and has taken account of both the New Forest District and New Forest National Park Authority markets, having regard for the location of the site within the plan area of the District Council, but close to the boundary with the NPA and thus in a commercial sense being influenced by both localities.
- 8.19 The report has also had regard for the post Covid-19 Economy, with the drive towards more flexible working practices and also the increase in home working. As has been demonstrated clearly by Office for National Statistic (ONS) figures, there has already been a meaningful shift in the economy with approximately 27% of all employees now seen to work from home as of August 2021; a net increase of approximately 10% from the same month in 2019. With this expected to be a growing trend, there is likely to be a far lesser demand for employment land into the future, particularly for office type developments. It should be noted however, that this does not represent a reduction in job opportunities for local residents; simply operating practices have changed, and this will in reality open up greater opportunities for distant working.
- 8.20 At Section 16 of the CVR, the commercial viability of the site is discussed, having regard for two scenarios: (1) the opportunity to complete the partially implemented development and (2) to redevelop the scheme in its entirety.
- 8.21 The CVR benchmarks the costs of the development in each respect, having regard for the GDV of the completed units, typical BCIS build costs, developer

profit at 20% of GDV, financing, marketing, professional fees and appropriate contingency. In both cases, the development can be seen to be entirely unviable and to crystallise a significant loss for the developer.

- 8.22 In the best case scenario, comprising the completion of the extant pattern of development on the site, should the buildings be completed for office purposes, it would create a negative land value of **-£1,238,141**. There are no circumstances therefore where the site could realistically be brought into use for employment purposes.
- 8.23 The Applicant has thus also provided sufficient evidence to demonstrate that the provisions of ECON2(ii)(a) can also be met and empirically that the continuation of the use of the site for employment use is not viable in any circumstances and the site can appropriately be released for residential development.
- 8.24 There is a further provision of Policy ECON2 at (iii) which requires the applicant to justify that the alternative use would not have a significant detrimental impact upon the operation of other businesses in the local area.
- 8.25 The application site is located outside of a designated employment area, and there are no other employment uses in the vicinity which either depend upon the application site, or would be impacted by its redevelopment. It is not considered that there is any conflict with provision (iii) presented by the proposed change of use.
- 8.26 The National Planning Policy Framework (Framework) makes clear at Section 11 that planning policies and decisions should make efficient use of land for providing homes should make as much use as possible of previously developed or 'brownfield' land.
- 8.27 The application site comprises a vacant and under-utilised employment site, which has clearly previously developed and fulfils the definition of a brownfield site. Paragraph 120 of the Framework notes that the development of under-

utilised land and buildings, especially where this would help meet needs for housing, should be supported.

8.28 The redevelopment of the site for the purposes of a residential pattern of development comprises the best and most viable use of the site and the provision of a scheme of 9 dwellinghouses will make best use of the existing building, providing an appropriate mix of dwellinghouses of 2 and 3-bedrooms, which accords with the needs of the local market, as set out at the supporting text to Policy HOU1 of the Local Plan. The development will provide a sustainable scheme of 9 dwellings in attractive landscaped grounds which will provide a high standard of amenity for future residents deliver social, economic and environmental benefits and support the viability and vitality of the local services and facilities.

8.29 Policy STR4 of the Local Plan sets out the Council's settlement hierarchy and directs that development should be focused to sustainable locations in accordance with this hierarchy and that outside of these locations new development will normally be resisted. Policies STR3 and STR4 however primarily concern themselves with new development; and not with the change of use and conversion of existing buildings. There is no conflict between the provisions of Policies STR3 and STR4 and policy ECON2 of the Local Plan, both policies sit alongside one another, and the Local Plan must be read as a whole. It is not considered that there is conflict with the Development Plan in this respect.

8.30 Whilst the site is located within the countryside and outside of any defined settlement boundary, Paragraph 80 of the Framework makes clear that, the provision of isolated homes in the countryside can be supported where (d) the development would re[use redundant or dis-used buildings and enhance its immediate setting.

8.31 There is not conflict with the provisions of the Local Development Plan and Framework in this respect, were conflict to exist on this point, the development plan would be inconsistent with the direction of the Framework and the weight to be given to Policies STR3 and STR4 as a result of that conflict should be

reduced. In this case, material considerations indicate that a decision otherwise than in accordance with Policies STR3 and STR4 of the plan should be taken, following the provisions of Policy ECON2 and the direction of the Framework.

- 8.32 It must be recognised that, as per the direction of the courts in *Edinburgh City Council*¹ and *West Berkshire District Council*² the development plan does not have absolute authority and it is not the law that grater weight is to be attached to it than other considerations. There are other policies that may overtake a development plan. In summary, the development plan is the start of the analysis, but certainly not the end and must be weighed against other material considerations, including chiefly the National Planning Policy Framework.
- 8.33 The Council has made clear in approaches to the Applicant, in seeking for the site to be tidied and querying whether the development is to be completed, that they consider the current condition of the building to be unattractive and harmful to local character and thus the bringing of the site into a sustainable pattern of use will significantly and demonstrably improve its character and immediate setting according with the provisions of Paragraph 80(d) of the Framework.
- 8.34 The Local Development Plan does not preclude the re-use of existing buildings, and indeed the approach of redevelopment of the existing site is supported by Policy ECON2; which places no stipulation on the location of employment sites and does not ally to solely those within or adjoining defined settlements. The policy applies uniformly across the plan area.
- 8.35 There are considered to be no conflicts with the provisions of the Local Development Plan or Framework with respect to the principle of the development.

¹ *Edinburgh City Council v Secretary of State for Scotland* [1997] 1 W.L.R. 1447

² *Secretary of State for Communities and Local Government v. West Berkshire District Council* [2016] 1 W.L.R. 3923

Determination of Applications – Phosphates

- 8.36 The Council accepts that, at the present time that there has been a slow rate of delivery of housing following the adoption of the New Forest District Local Plan (2016-2036 which has in large part been hampered by the need for developments to demonstrate nutrient neutrality in order to be granted planning permission, and the resultant delay with appropriate mitigation being capable of being secured as approved mitigation projects are brought into force.
- 8.37 The Council was originally granting planning permissions for sites subject to a Grampian condition that required mitigation to be secured prior to dwellings being first brought into use. The statement of common ground which was held between NFDC and natural England which allowed this to take place was however revoked and subsequently the Council has taken a view not to grant planning permission until such time as mitigation can be demonstrated to be available.
- 8.38 This has had a significant knock on with respect to the delivery of housing on the ground.
- 8.39 Paragraph 69 acknowledges the important contribution that small and medium sized sites can make to meeting the housing requirement of an area and are often built out relatively quickly. Councils are advised to support the development of windfall sites through their decisions.
- 8.40 Whilst the application site will be awaiting a suitable mitigation project in order to come forwards, it will nonetheless make a meaningful contribution towards housing needs and comprises sustainable development.
- 8.41 The applicant will seek to secure appropriate mitigation as soon as this becomes available to enable the development to be brought forwards. This does not however represent a barrier to the grant of a planning permission which, following the Council and Natural England's sign off of emerging mitigation projects, it is anticipated the Council will be able to return to granting

subject to a Grampian condition requiring evidence of the mitigation to be demonstrated before the development can be brought into use.

Impact upon the Character of the Area and Landscape

- 8.42 The application site comprises a previously developed brownfield site located in the village settlement of Stuckton. The site currently houses a partially completed commercial development, which ceased due to the absence of commercial interest and the ability to complete the scheme in a viable manner.
- 8.43 The site at present sits unattractive, as a partially built out development with no prospects of being completed for its consented purpose, as discussed earlier within this statement and within the Commercial Viability Report (CVR) prepared by Sturt and Company.
- 8.44 The site does not have any significant presence within the street scene from Stuckton Road, it is positioned behind the line of other buildings which have previously been converted for residential purposes, and alongside Stuckton Congregational Church. The site is however glimpsed along its access drive.
- 8.45 The proposed pattern of development would see the site brought into a sustainable pattern of use, with the building converted to a cluster of 9 residential dwellings and the building completed and site appropriately landscaped. At present the land surrounding the building is left to scrub and there are limited patterns of open storage associated with the uncompleted development.
- 8.47 As seen on the submitted site plan, the proposals would see significant areas of the site reverted to soft landscaping, with the planting of new trees and hedgerows, and appropriate residential curtilages defined. The extent of hardstanding across the site will be markedly reduced and parking areas limited to the northern end of the site closest to the existing pattern of built development.

- 8.48 The development will significantly enhance the character of the redundant site, taking opportunities to maintain existing landscape features and provide new native planting which will sit comfortably alongside them. The proposals do not seek consent for the erection of any significant additional built form; comprising only two modest structures for bin and cycle storage, with the development otherwise re-using the existing building.
- 8.49 An existing public right of way, comprising Footpath no. 125/740/1 runs along the northern edge of the site, and westwards through the broader pastureland. There are short distance views of the site from this PRow, which currently take in the unattractive appearance of the partially built out site and its unkempt appearance. The development proposed will represent a significant enhancement to local visual amenity compared with the existing situation, in bringing the site into a sustainable pattern of use.
- 8.50 The site sits otherwise in a generally enclosed landscape. The site itself and the land in the immediate vicinity is largely flat and the fabric of pastoral fields with their tree and hedgerow lines boundaries prevent views from the wider landscape towards the site. The existing building is thus not broadly read in more distant views. The proposals seek to make more robust the existing landscape features on site with new tree planting and thus will supplement this existing screening and there will be only a reduction in the manner in which the site is perceived in these views. The proposals seek to clad the elevations of the building which currently stand as exposed blockwork in appropriate timber cladding which will sit appropriately within and blend into the landscape.
- 8.51 The landscaping details shown on the proposed plans are at this stage indicative. It is anticipated that the Council will look to condition a detailed landscaping scheme should any consent be forthcoming, with appropriate details of management and maintenance of the development also to be secured.
- 8.52 Given the circumstances of the proposal, it is not necessary to discuss in detail the scale or missing of the development. The building already exists on the site and the proposals seek to convert and re-use this existing structure, with

appropriate amendments to the position of structural openings. The existing building itself, whilst at present unfinished, has an agrarian character in its form and proportions and will, once completed to a high standard, sit appropriately within its rural context and contribute positively to local character.

- 8.53 The Applicant considers therefore that there is no conflict with the provisions of Policies ENV3 or ENV4 of the Local Plan or the provisions of Section 12 of the Framework.

Impact upon Neighbour Amenity

- 8.54 The application site is located to the rear of a small cluster of existing residential properties. The access to the site is established and the lawful use of the site is for the purposes of mixed Class B1 and B8 employment uses (now Class E/B8).
- 8.55 The existing building is positioned in excess of south of the existing neighbouring uses at its closest point. The proposals do not seek consent for the erection of any new built form, with the exception of a modest bin and cycle store and will have no impact upon the neighbouring uses in this respect regarding harm to privacy, or overbearing.
- 8.56 The existing consented use of the site sees two large areas of parking, one to the north of the existing building, and the other to the east. The proposals reduce the extent of parking and also will see the loss of HGV movements, which would be associated with the use of the site for Class B8 purposes. The development in this respect will result in lesser noise and disturbance when compared with the existing consented use.
- 8.57 Residential uses are compatible with one another and not significantly noise or odour generating in any event, and thus the change of use of the existing building to a cluster of residential dwellinghouse is appropriate and will not give rise to harm to the existing neighbouring residences as a matter of principle.

- 8.58 There will be no unacceptable impacts or harm arising from the development in this respect and thus there is no conflict with policy ENV3 of the Local Plan as a result.

Impact upon the Highway Network

- 8.59 The site is currently accessed from Stuckton Road. The proposals do not seek to change the existing pattern of access serving the site or to provide any alterations or improvements to the access drive, other than maintaining its top course with appropriate infilling of compacted stone where appropriate.
- 8.60 The character of the existing access, being laid to compacted stone, is appropriate having regard for the location of the site on the edge of a village settlement and on the fringe of the rural area. The first few metres of the access, where adjoining the public highway Stuckton Road, are laid to tarmac to provide a safe surface for vehicles entering and egressing from the site in all weather conditions, and to avoid the more permeable surfacing being swept onto the carriageway.
- 8.61 The lawful use of the site is for the purposes of an employment use, comprising a mix of Class B1 and B8 uses. The impacts upon the public highway arising from the consented commercial use comprising both domestic and HGC vehicle movements would have a greater bearing upon local roads than the proposed use for residential purposes. In this respect there is a traffic credit which can be attributed to the development, which makes clear that there will be no impacts or harm over and above the existing consented use.
- 8.62 There is no conflict with Paragraph 111 of the Framework in this respect with the development giving rise to no harm to highway safety and giving rise to no highways consequences which are severe, and thus no reasons to object on highways grounds.
- 8.63 The development provides a policy compliant quantum of vehicular and cycle parking, including visitor spaces to ensure that the future needs of the

development can be addressed on site and there will be no pressure upon the local area for inconsiderate on or off-road parking.

- 8.64 It is recognised that the site is located within the rural area and thus opportunities to access public transport are lesser, however the Framework acknowledges this fact at Paragraph 105 and makes clear that this is not a reason to deem the development unsustainable. The Framework explicitly supports the efficient use of land and at Paragraph 120 the re-use of brownfield land and under-utilised land and buildings to help meet housing needs, thus the development is considered to be appropriately sustainable and accords with the provisions of both the Local Plan and the Framework in this regard.

Impact upon Biodiversity

- 8.65 The application site is located outside of any protected designations of ecological interest. The site comprises a previously developed parcel of land that is lain in large part to hardstanding, and otherwise comprises smaller pockets of scrub, which are maintained. There are no significant features of ecological interest on the site or protected designations in a reasonable proximity of the site which indicate that the presence of protected species for which mitigation needs to be provided as part of the development.
- 8.66 The Applicant instructed the services of KP Ecology to undertake a preliminary ecological appraisal and thereafter any necessary survey work to consider the presence of protected species and advise of appropriate mitigation were any discovered.
- 8.67 The Ecology Report of KP Ecology is submitted alongside this application and its details should be read in full. The report confirms that there is no evidence of use by protected species, but the site is being used by a small population of House Martins, that have roosted high at ridge level upon the gable ends of the building. Appropriate bespoke mitigation for these species is proposed as a part of the scheme and additionally biodiversity enhancement through the provision of appropriate bat roosting features within the building fabric.

- 8.68 The development provides opportunities to enhance interest within the curtilage of the building, through the provision of new native hedgerow planting, as an appropriate soft boundary treatment to divide the proposed curtilages of the residential units from the broader pastureland, and new native tree planting consistent with the broader local landscape. The application is not accompanied by a detailed landscaping scheme at this stage, but this can be secured by way of an appropriately worded planning condition.
- 8.69 There will be no unacceptable impact or harm upon biodiversity interest arising from the development and there are clear opportunities for a biodiversity net gain to be delivered. In this respect there is no conflict with Saved Policy DM2 of the Development Plan.

Financial Obligations

- 8.70 The National Planning Policy Framework (NPPF) imposes a clear threshold for affordable housing. As the most up to date planning policy this supersedes the Ministerial Statement from 2014 which brought in to place a 10-unit threshold with a gross floorspace limitation. The threshold is instead based upon the statutory definition of Major Development; being proposals for 10 or more units or a site area of greater than 0.5ha.
- 8.71 The threshold is not exceeded by the application site and thus the Council should not seek any contribution towards affordable housing from the development as a result.
- 8.72 Where Councils have adopted CIL, with the exception of Affordable Housing, such tariff-based contributions are encompassed within the levy payment and should not additionally be sought by way of s106 agreement.
- 8.73 The Council's CIL charging schedule came into force on 6th April 2015 and thus the proposed development will be CIL liable if approved.

- 8.74 The proposals comprise the conversion of an existing building with no significant net increase in floor area. the only additional built for generated by the development will be as a result of the proposed dormer windows at first floor level and the external structures to the building. An appropriate credit should be attributed for the existing GIA of the building where applicable.
- 8.75 The Applicant is aware of the provisions of the New Forest District Mitigation SPD and the need to enter into a s106 agreement to secure appropriate financial contributions. The Applicant is also aware of the requirement to demonstrate Nutrient Neutrality as discussed previously within this section. The Applicant will continue to investigate the availability of a suitable mitigation project from which credits can be secured in order to mitigation for the impacts of the proposals. This will be a matter which is evolving during the course of the Council's consideration of the application. The Council is well versed with this position and the Applicant is well aware that a permission cannot be granted until this matter is resolved.

9.0 Access

- 9.1 The access statement is required to relate only to the access to the development and not to internal aspects of the buildings. The following sets out how both pedestrian and vehicular accesses are facilitated to the site, amenity space and public transport.
- 9.2 The site has an existing access from Stuckton Road, which the proposals do not seek to carry out any works to. The access provides safe entrance and egress for both vehicular and pedestrian movements.
- 9.3 The existing lawful use of the land is for the purposes of a Class B1/B8 employment use. The use of the site would generate a regular quantum of traffic movements from both domestic vehicles and also larger HGV vehicles, in operation, which would exceed the level of vehicular movements produced by the proposed residential uses. The point being that the proposed pattern of development will have a lesser impact upon the local highway network than

the lawful use of the site and will give rise to no highways consequences or harm.

- 9.4 In accordance with the direction of Paragraph 111 of the Framework, development proposals should only be prevented or refused on highway grounds where there would be an unacceptable impact upon highway safety or the highway consequences would be severe. There will be no unacceptable impacts upon the public highway arising from the development proposed.
- 9.5 The proposals seek to provide a policy compliant provision of parking, in accordance with the New Forest District Parking SPD (2012). The development provides a total of 17 spaces on site in an unallocated arrangement, which exceeds the 15.5 spaces required in accordance with the Council's parking SPD, and provides additional visitor capacity. Alongside this, the scheme provides cycle parking in the form of a total of 18 secure spaces.
- 9.6 In terms of public transport it is recognised that the site is somewhat remote from local service. It is fully acknowledged therefore that the majority of all journeys are likely to be made via private vehicle; as is the case across much of this part of the District due to its rural nature. This is not however a reason not to support the development and does not take account of its brownfield nature.
- 9.7 The NPPF recognises at Paragraph 105 that the availability of opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken to account in decision making. Where opportunities do not exist therefore it is not reasonable to suggest that a site is unsustainable due to the absence of public transport; the wider sustainable benefits of the development must be considered, which in this case comprise the sustainable re-use of an existing building will contribute towards the vitality of the local community in social terms and economically to local services and facilities within the outlying settlements. The development makes positive re-use of an underutilised brownfield site and is both sustainable and accords with the provisions of the Local Plan and Framework in this respect.

10.0 Conclusion

- 10.1 The application before the Council seeks planning permission for the change of use and conversion of the existing building to residential use, comprising 9 dwellinghouses, with associated parking and landscaping.
- 10.2 The development will see the loss of the existing lawful employment use of the site. The Applicant is aware of the provisions of ECON2 of the Local Plan has submitted a detailed Commercial Viability Report (CVR) which should be read alongside this statement and demonstrates that the existing employment use is not viable and there has been no interest expressed by the market in operating the site for either its existing or any alternative employment uses.
- 10.3 The site has been comprehensively marketed for a period of approximately 19 months at the time of writing and no interest has been expressed from commercial operators. The only enquiries were from prospective developers and investors to seek to redevelop the site for a residential use. There is no conflict with the Local Development Plan arising from the proposed change of use, and the sustainable re-use of the previously developed brownfield site is supported by the provisions of Paragraphs 80 and 120 of the Framework alongside Policy ECON2 of the Local Plan.
- 10.4 The building is permanent and substantial and can clearly support conversion to residential use. Whilst the building has not been completed, it is not necessary to demolish the building and rebuild it to facilitate the development. The works will comprise a conversion as applied for. There is no issue with the development as a matter of principle.
- 10.5 The proposals are quite apparent on the submitted plans and make clear that the proposals comprise the sensitive conversion of the existing building, but in a manner which will improve its character and contribution to the local area and are necessary to enable its occupation as residential accommodation. In its current format and without alteration the building is unlikely to be used for any purpose. There is significant benefit to be attributed to bringing the building back into sustainable use.

- 10.6 The proposals will deliver a positive enhancement to the local landscape in rejuvenating the site in a manner which is sensitive to its landscape setting and makes best use of the redundant site.
- 10.7 There are no issues with site accessibility and the development will not give rise to highways consequences which in any manner can be considered to be severe.
- 10.8 There are no other technical constraints or limitations to the development of the site as proposed. Should the Council be concerned about historic patterns of use and thus consider it is necessary for a contamination assessment to be undertaken then it is well versed in the imposition of such conditions to require this to take place. This is not however a matter which represents a barrier to development.
- 10.9 The proposals are consistent with the Local Development Plan and the Framework and will give rise to no unacceptable impacts or harm.
- 10.10 The guiding principle for such applications is that development should be approved:
- Which is sustainable;
 - Where proposals are in the public interest; and,
 - Where there are no adverse impacts which significantly and demonstrably outweigh the benefits and there is no conflict with specific policies of the Local Development Plan or NPPF.
- 10.11 There are no unacceptable impacts arising from the proposals which override the public benefits of delivering additional housing and make positive re-use of an existing brownfield site and thus planning permission should be granted.