

NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday, 24th July, 2019 at 10.00 am
Place	Ashburton Hall - HCC
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 12)

To confirm the minutes of the previous meeting

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A BYWAY OPEN TO ALL TRAFFIC IN BARTON ON SEA PARISH OF NEW MILTON (Pages 13 - 34)

To consider a report from the Director of Culture, Communities and Business Services, which seeks approval for the making of a Definitive Map Modification Order to record a footpath with a width varying between 4.3 metres and 4.7 metres, as shown as shown between Points A and B on the attached plan.

7. PENNINGTON RECYCLING FACILITY MILFORD ROAD PENNINGTON (Pages 35 - 76)

To consider a report of the Director of Economy, Transport and Environment regarding Planning Application for temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington. Application No. 19/10523. Site Ref: NF042.

8. FORMER CHINEHAM PARK PRIMARY SCHOOL SHAKESPEARE ROAD BASINGSTOKE (Pages 77 - 100)

To consider a report of the Director of Economy, Transport and Environment regarding Planning Application for demolition of existing building and provision of a new two storey All Through Special Needs school and associated external works, including access road, landscape, soft/hard play and parking areas at Former Chineham Park Primary School, Shakespeare Road, Basingstoke. Application No. 19/01381/CC3. Site Ref: BAE035.

9. FOREST LODGE HOME FARM FAWLEY ROAD HYTHE (Pages 101 - 102)

To consider a report of the Director of Economy, Transport and Environment regarding Planning Application for Variation of conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe. Application No. 18/11586. Site Ref: NF271. Application for extension of time for completion of the Section 106 Agreement.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

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Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Wednesday 19th June, 2019

Chairman:

* Councillor Peter Latham

- | | |
|---------------------------------|----------------------------------|
| * Councillor Lance Quantrill | * Councillor Gary Hughes |
| * Councillor Christopher Carter | * Councillor Wayne Irish |
| * Councillor Mark Cooper | * Councillor Alexis McEvoy |
| * Councillor Rod Cooper | * Councillor Russell Oppenheimer |
| * Councillor Roland Dibbs | * Councillor Stephen Philpott |
| * Councillor Jane Frankum | * Councillor Roger Price |
| * Councillor Marge Harvey | * Councillor Jan Warwick |
| * Councillor Keith House | |

*Present

130. APOLOGIES FOR ABSENCE

All Members were present and no apologies were noted.

131. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

132. MINUTES OF PREVIOUS MEETING

Following a report at the previous meeting on major projects, Members requested that regular updates come to Committee on the projects discussed and progress on them. The minutes of the last meeting were reviewed and agreed.

133. DEPUTATIONS

It was confirmed that there were six deputations for the meeting, equating to 10 minutes each to speak.

134. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Councillor Judith Grajewski and Councillor David Simpson for their time and contribution to the Regulatory Committee and looked forward to welcoming Councillor Simpson back as a deputy Member. The Chairman also welcomed Councillor Jan Warwick and Councillor Wayne Irish as full Committee Members, and extended a further welcome to Councillor Lance Quantrill as the new Vice Chairman of the Committee.

135. LAND AT ROESHOT CHRISTCHURCH

Application for extraction and processing of minerals, importation and treatment of inert materials, the erection of a concrete batching plant, workshop, offices, weighbridge and internal access to the A35 with progressive restoration using residual inert materials to agriculture, woodland and grassland at land at Roeshot, Christchurch. (Application No. 16/10618) (Site Ref: NF269)

The Committee considered a report from the Head of Strategic Planning (item 6 in the minute book). The Chairman introduced the item, confirming that two site visits had taken place by the Committee in 2016 and 2017. There had been a delay with the application due to flood risk discussions taking place with the Environment Agency (EA) and subsequent remodelling being done, but following the extra research, the EA had withdrawn their objection to the application.

The officer confirmed that an update paper had been circulated and published on the website, which detailed changes to conditions 1- 5 inclusive. A location plan of the area was shown, depicting the border of a Site of Specific Scientific Interest (SSSI), the nearby A35 and railway line, which was to the southern boundary of the site. In site photographs, Members were reminded of the high railway embankment that screened the site to the south, as well as the vegetation across the site, a lot of which would be retained as part of the application.

There are no objections from consultees, the majority of objections received were concerned with the potential impact of increased HGV movements on the A35 which is already very busy. The Highways Authority raised no objections as it is considered the A35 has the capacity to accommodate the marginal increase in HGV movements generated.

A lot of ecological work had been done on the site, with an ecological mitigation plan being developed.

It was confirmed that the site would contribute to the County Council landbank requirement for sand and gravel.

The Committee received one deputation on this item from Douglas Symes, speaking on behalf of the applicant, who confirmed that Suitable Natural Alternative Green Spaces (SANGS) were being established on the estate. However, the existing Rights of Way were being used to fly tip and arson had occurred at Burton Common, an area of ancient woodland. The Estate are therefore reviewing the existing rights of way which could have a bearing on the

Estate's stance on the proposed Section 106 Agreement with potential improvements to limiting access or improved security. Mr Symes confirmed that the five-year extension had been sought to allow time to find a suitable mineral partner, put in place the necessary legal agreements and update ecological surveys. The Planning team were thanked for their assistance with the application.

During questions of the officers, it was confirmed that rail had been investigated in detail for the movement of mineral, but this was not economically viable due to the height of the embankment and the ease of distributing mineral to where it was required. It was noted that in paragraph 37 of the Conditions, the details regarding the groundwater level would be finalised through delegation to the officer.

The Head of Strategic Planning confirmed that in Paragraph 38 in the Conditions would be amended from "The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction" to "The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of **operation**"

During debate, Members agreed that the proposed vehicle movements for the site seemed an appropriate number.

RESOLVED:

- a. It was approved by Committee that the Head of Law and Governance be authorised to draw up a Section 106 Agreement to secure the Ecological Protection and Restoration, the revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and permissive path.
- b. That delegated authority be given to the Head of Strategic Planning to finalise the details in paragraph 37 of the Conditions regarding groundwater.
- c. Provided that by 31 December 2019 all parties enter into the Section 106 Agreement with the County Council, it was agreed by Committee that authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the update paper and amended conditions listed in Appendix A'
- d. In event that the Section 106 Agreement was not completed by 31 December 2019 then the Director of Economy, Transport and Environment was authorised to refuse planning permission for that reason.

Voting (recommendations taken separately):
Favour: 16 (unanimous)

136. **LAND ADJACENT A339 MANOR FARM MONK SHERBORNE**

Development of chalk quarry with reinstatement to agriculture using imported inert materials, together with ancillary development include site office, wheel wash, weighbridge, new access and drying shed at Land adjacent A339, Basingstoke Road, Manor Farm, Monk Sherborne RG26 (EIA) (Application No. 18/01064/CMA) (Site Ref: BA176)

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) regarding an application for an existing chalk quarry. Photos of the proposed access point at Basingstoke Road and Kingsclere Road junction were shown and it was confirmed that due to safety with parking, there had not been a site visit by Members.

There were objections to the application from the Highways Authority as well as the Flood Authority and the application was recommended for refusal based on inadequate access to the site; causing safety concerns, significant adverse impact upon the distinctive character of the landscape and also failure to demonstrate that the proposed development meets policy 11 (Flood Risk and Prevention).

There was one combined deputation on this item on behalf of the applicant. Alison Crooks told Committee how there had been no public objections to the application and that the drainage issues had been addressed to mitigate concerns regarding flooding. An alternative access had been proposed but this was felt inappropriate due to the additional impacts on the landscape. There were concerns over the risk to the business if the application was rejected both regarding the impact on employees and the farms that used the mineral. Mike Delgarno told Committee how the business had been running for over 30 years and the quarry income would be detrimental in keeping employees at the site. Tom Ormisher spoke from the National Farmers Union and raised his concerns regarding the farms that would be affected should the application be refused and that Policy 23 in the Minerals and Waste Plan recognised the need for agricultural chalk. The quarry provided a local supply of chalk, which was particularly important considering the potential impacts of BREXIT.

During questions of the deputations, the following points were clarified:

- A landscape visual impact assessment had been sent and other fields had been looked at regarding access
- The impact on highways had been researched and an impact assessment had been done alongside a safety audit
- It was felt that matters could be resolved if there was more time

During questions of the officers, the following points were clarified:

- The access proposed was too close to the road junction and could not be moved further along the road due to visibility issues with dips in the road, as well as substantial hedgerow growth on third party land.
- An alternative routing for vehicles and access to the site had been suggested to the applicant, but this had not been pursued.
- There were no reported accidents along the road.

The Head of Strategic Transport confirmed that a lot of time had been invested by officers to try and make the proposals work and the decision to refuse the application had not been taken lightly.

Members agreed that whilst there were justified safety concerns, the quarry was of great importance and it was in the interests of the County and local farms that it remained open if possible.

Councillor Roger Price proposed that the application be deferred to allow the applicant more time to rectify the issues and also for officers to look at a potential site visit. This was seconded by Councillor Rod Copper and put to the vote.

Favour: 11

Against: 5

RESOLVED:

That the application be deferred until October 2019 to allow more information to be collated from the applicant and give more opportunity for the current issues to be rectified.

137. **LITTLE BUSHYWARREN COMPOST SITE ELLISFIELD**

1) Variation of conditions 2 and 14 of planning permission BDB/56369 (No.18/03065/CMA);

2) Variation of condition 2 of planning permission 14/00398/CMA (No.18/03067/CMA);

3) Variation of condition 3 of planning permission 15/03422/CMA (No.18/03069/CMA); and

4) Variation of condition 5 of planning permission 17/03430/CMA (No.18/03073/CMA)

to enable the continued use of the site for composting and other ancillary uses at Little Bushywarren Compost Site, Bushywarren Lane, Ellisfield RG25 2NS (Site Ref. BA103)

As a previous Chairman of Project Integra, Councillor Roland Dibbs abstained from voting on this item.

The Committee considered a report from the Head of Strategic Planning (item 8 in the minute book) which considered four separate planning applications for

variation of the conditions on previous temporary permissions to enable the continued use of the site for composting and other ancillary uses beyond 2025 up to 31 December 2030 inline with the updated Veolia contract.

A location plan was shown with local areas of interest highlighted. Photos of the site were shown along with machinery, as well as of the access to and from the site.

It was confirmed that Ellisfield Parish Council had objected to the variations, but no other statutory consultees had issues with the proposals.

It was confirmed that HCC Ecology and Landscape officers both require the site's restoration, aftercare and ecological mitigation conditions to be updated and submitted within 6 months, if planning permission is granted today.

Local Member raises concerns and wishes Committee to determine applications. 36 objections received stating site unsuitable for long-term/permanent composting use, lack of restoration scheme/ecological mitigation provided being breach in planning control, unacceptable odour, lighting and litter levels, road safety concerns and damage to highway.

The proposed conditions were on pages 110-119 of the pack, which would be imposed if the application was to be approved although some would require further updating before being change, as per the update report

An update report had been circulated and published online, which provided clarification from the application on objections relating to odour and traffic. There were also some minor amendments including that to Conditions 10 and 12 on application 18/03065/CMA..

The Committee received four deputations on this item. Patricia Pegg, a local resident, told Committee how the site was in a highly sensitive area with significant ecological importance and previously allocated as an area unsuitable for permanent development. There was concern over the decline in dormice in the area and fears that the adjacent ancient woodland was contaminated because of operations on the site.

Susan Deane spoke as the nearest living resident to the site, and also on behalf of the Ellisfield Village Association. Mrs Deane stated that the site was not suitable for permanent development and temporary permissions had gone on for long enough already following a previous extension. The number of vehicle movements caused concern, as well as the weighbridge, which caused delays in vehicles getting onto the site. The smells from the site had increased over the years and was an issue regularly brought to the liaison panel but was not something that had/could be mitigated. There had also been complaints from residents that they had not been consulted regarding the 2021-2025 extension.

Gordon Dunse spoke on behalf of Ellisfield Parish Council against the proposals and reiterated that the previous extension had not gone out to consultation. Mr Dunse also had concerns that a restoration plan had not been submitted in October 2018 as it should have.

Simon Mckee was in attendance at the meeting to speak on behalf of the applicant. He confirmed that the extension was to fulfil the requirements of

Project Integra¹ and that the site managers were proactive with issues and concerns raised by residents. The waiting vehicles were not Veolia's, but external partners and customers had been informed to not arrive at the site early and cause obstruction on the road. Veolia regularly reviewed woodland and environmental schemes for the area but were happy to look at these again if the application was approved to see whether they could be improved.

During questions of the deputations, the following points were clarified:

- Veolia did attend most liaison panel meetings, which were a good forum for discussions;
- The smell mentioned by local residences had been investigated and generally dispersed before causing issue, but in certain conditions turning was kept to minimum to help manage odour. The smell was not down to chemicals, only the composting process.

During questions of the officer, the following points were clarified:

- No highways incidents from the last 10 years were recorded in relation to the HGV's going to and from the site;
- The site had expanded via planning permissions since its establishment from processing 16,000 tonnes per annum to 75,000 tonnes per year.
- The applicant was seeking to update the conditions around restoration at the same time as seeking the extensions of time, which is why a restoration plan had not been submitted at the end of 2018.
- Composting was a sustainable activity in the interest of Hampshire and its residents.

RESOLVED:

- a). Planning permission was GRANTED for planning application 18/03065/CMA (variation of Conditions 2 and 14) subject to the conditions listed in Appendix A1 and amendments listed in the update report.

Vote:

Favour: 14

Abstentions: 2

- b). Planning permission was GRANTED for planning application 18/03067/CMA (variation of Condition 2) subject to the conditions listed in Appendix A2.

Vote:

Favour: 15

Abstentions: 1

¹ Project Integra is a partnership working to provide an integrated approach to the collection, treatment and disposal of municipal waste in Hampshire. This covers around 750,000 households and over 800,000 tonnes of waste a year.

- c). Planning permission was GRANTED for planning application 18/03069/CMA (variation of Condition 3) subject to the conditions listed in Appendix A3.

Vote:

Favour: 15

Abstentions: 1

- d). Planning permission was GRANTED for planning application 18/03073/CMA (variation of Condition 5) subject to the conditions listed in Appendix A4.

Vote:

Favour: 15

Abstentions: 1

138. **HAMPSHIRE MINERALS AND WASTE PLAN REVIEW**

The Committee received an information report from the Head of Strategic Transport regarding the Hampshire Minerals and Waste Plan review.

The review had been done in conjunction with Southampton City Council, Portsmouth City Council, South Downs National Park and New Forest National Park and collated five years worth of data.

Members learned that some supply targets were not being met; for example, silica sand and brick makings clay/chalk, but policies were enabling and gave opportunity for more sites to come forward in future.

Whilst there were some areas marked for review, there were no issues that needed to be urgently addressed before a further review in 2020.

A workshop event was scheduled for the 25 September 2019, which Members were welcome to attend.

The Committee thanked officers for their work with the review.

Chairman,

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	24 July 2019
Title:	Application for a Definitive Map Modification Order to record a Byway Open to All Traffic in Barton on Sea Parish of New Milton
Report From:	Director of Culture, Communities and Business Services

Contact name: Jennifer Holden-Warren

Tel: 01962 845326

Email: Jennifer.holden-warren@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to assist Members in determining whether to accept an application to record a byway open to all traffic in Barton on Sea in the parish of New Milton.

Recommendation

2. That authority is given for the making of a Definitive Map Modification Order to record a footpath with a width varying between 4.3 metres and 4.7 metres, as shown as shown between Points A and B on the attached plan.

Executive Summary

3. This is an application made by a resident of Barton on Sea ('The Applicant') in 2018 under Section 53 of the Wildlife and Countryside Act 1981, to record a Byway Open to all Traffic ('BOAT') in the parish of New Milton. The application is supported by user evidence that the applicant believes demonstrates that a Public Right of Way should be recorded on the basis of long-term use of the claimed route. If granted, the application would record rights for use by all types of public user, including in motor vehicles.
4. An application to record a BOAT along the claimed route was received by Hampshire County Council in 1978. The application was not determined at the time, as a wholesale review of the Definitive Map was being undertaken. This application came to light following receipt of the 2018 application. The evidence of both applications has been reviewed as part of this investigation.
5. Having considered the user evidence, and undertaken additional research of historic documentary evidence, it is considered that there are insufficient

grounds to record the route as a BOAT. However, there is sufficient evidence to recommend that a footpath should be recorded.

Legal framework for the decision

6. WILDLIFE AND COUNTRYSIDE ACT 1981 - Section 53: Duty to keep definitive map and statement under continuous review

(2) As regards every definitive map and statement, the surveying authority shall:

b) ... keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence... of any of [the events specified in sub-section (3)] by order

make such modifications to the map and statement as appear to them to be requisite in consequence of that event.

(3) The events referred to in sub-section (2) are as follows: -

c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows...

(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;

...

7. HIGHWAYS ACT 1980 - Section 31: Dedication of way a highway presumed after public use of 20 years.

a) Where a way over any land...has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

b) The period of 20 years...is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice...or otherwise.

8. **PRESUMED DEDICATION AT COMMON LAW**

Use of a way by the public without secrecy, force or permission of the landowner may give rise to an inference that the landowner intended to dedicate that way as a highway appropriate to that use, unless there is sufficient evidence to the contrary. Unlike dedication under S.31 Highways Act 1980, there is no automatic presumption of dedication after 20 years of public use, and the burden of proving that the inference arises lies on the claimant. There is no minimum period of use, and the amount of user which is sufficient to imply the intention to dedicate will vary according to the particular circumstances of the case. Any inference rests on the assumption that the landowner knew of and acquiesced in public use.

9. **NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 – Section 66: Restriction on creation of new public rights of way**

(1) No public right of way for mechanically propelled vehicles is created after commencement unless it is—

(a) created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for such vehicles, or

(b) created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles.

(2) For the purposes of the creation after commencement of any other public right of way, use (whenever occurring) of a way by mechanically propelled vehicles is to be disregarded.

Section 67: Ending of certain existing unrecorded public rights of way

(1) An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement—

(a) was not shown in a definitive map and statement, or

(b) was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.

(2) Subsection (1) does not apply to an existing public right of way if—

(a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,

(b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),

(c) it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,

(d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or

(e) it was created by virtue of use by such vehicles during a period ending before 1st December 1930.

(3) Subsection (1) does not apply to an existing public right of way over a way if—

(a) before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c. 69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,

(b) before commencement, the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application, or

(c) before commencement, a person with an interest in land has made such an application and, immediately before commencement, use of the way for mechanically propelled vehicles—

(i) was reasonably necessary to enable that person to obtain access to the land, or

(ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only.

Description of the Route (please refer to the map attached to this report)

10. The claimed route commences at the northern end of Farm Lane North, a private, unadopted road in Barton on Sea which is also recorded as a public footpath; continuing in an easterly direction to a junction with Chestnut Avenue. The claimed route is an enclosed, unmetalled track of approximately 58 metres in length, varying between 4.3 and 4.70m wide.

11. The land over which the route runs is owned by a resident of Chestnut Avenue.

Issues to be decided

12. The primary issue to be decided is whether there is clear evidence to show that public rights subsist or are 'reasonably alleged' to subsist. Case law has decided that the burden of proof associated with Map Modification Orders is 'on the balance of probabilities', so it is not necessary for evidence to be conclusive or 'beyond reasonable doubt' before a change to the Definitive Map can be made. If there is genuine conflict in the evidence, for example between the evidence of users on the one hand and landowners on the other, an order should be made so that the evidence can be tested at a public inquiry. Officers do not consider that there is such a conflict in this case.

13. If Members are satisfied that this is the case, given that the application seeks to record vehicular rights, they are also asked to consider whether any of the exemptions contained in Sections 67(2) and (3) of the Natural Environment and Rural Communities (NERC) Act 2006 apply to those rights. Although not claimed in this case, evidence discovered as part of this investigation may point to the route having once been a full vehicular highway, and if exemptions under NERC can be shown to apply, the County Council would be under duty to recognise those rights by making an order to record the route as a byway open to all traffic.
14. If a right of way is considered to subsist or reasonably alleged to subsist, then the route, status and width of that way must also be determined, and authority for the making of an Order to record that right on the Definitive Map should be given.
15. Where a Map Modification Order is made, the process allows for objections to the Order to be made. Further evidence could potentially be submitted for examination along with an objection. In these circumstances, the County Council cannot confirm the Order, and the matter would need to be referred to the Secretary of State.
16. Where an Order has been made, and no objections to the Order are received, the County Council can confirm the Order. In the event of an application under Section 53 being refused, the applicant has the right to appeal against the County Council's decision to the Secretary of State, who may direct the County Council to make the order that is sought.

Background to the Application

17. The application was submitted in September 2018. Due to a backlog of applications the matter was not taken up for investigation at the time.
18. In June 2018, the land over which the claimed route runs was purchased by an adjacent landowner. The change in ownership and management of the land appears to be the trigger for submission of the 2018 application.
19. In addition to the user evidence forms, the County Council received a number of letters in support of the application. One of these letters was from a long-term resident of Farm Lane North, who stated that an application to record the claimed route as a BOAT was made in 1978. This historic application and the accompanying user evidence forms were subsequently reviewed by the County Council. From an analysis of the correspondence, it would appear that the application was not determined at the time, as a wholesale review of the Definitive Map was being undertaken. However, the status of the route was not revisited, and has remained undetermined. The original applicant did not pursue the outstanding application.
20. For clarity, the 1978 application will hereafter be referred to as 'the 1978 application' and the 2018 application will be referred to as 'the 2018 application'.

Consultations

21. The following people and organisations have been consulted on this application: The Ramblers, The Open Spaces Society, New Forest District Council, New Milton Town Council, The Byways and Bridleways Trust, The CTC, The Trail Riders Fellowship and The Auto Cycle Union. Additionally, the County Council Member for New Milton has been made aware of the application. Where responses were provided, these are set out below.

22. The Ramblers

“The land was used as a private drive to the house in Farm Lane North which is above right to the letter A [on the consultation map]. I believe until 2009. From the map it is a short cut from Lymington road to Farm Lane North for vehicles. The current owner (2017) believes it to be too narrow for vehicles and pedestrians. There are notices saying it is a Private Road. Farm Lane North is a public footpath and not a BOAT.”

Comments by the Landowners

23. The landowner has been consulted on this application. The following points were made:

- The claimed route has only ever been a private driveway, never a public thoroughfare.
- The former owner of the land “regularly remonstrated with trespassers” who used the claimed route.
- The speed of some of the vehicles using the route is “downright dangerous”.
- Farm Lane North is signposted as a cul-de-sac lane.
- Some of the vehicles that have used the claimed route have been too big for the narrow width. It is not possible for some vehicles to pass pedestrians using the path.
- The landowner is content for pedestrians to use the claimed route.

Documentary Evidence

24. Ordnance Survey County Series Maps, 25 inches to 1 mile (1870-1931)

Four maps were published by the Ordnance Survey at a scale of 25 inches to one mile between 1870 and 1931. On the first three editions of the map (circa 1870 and 1908), the claimed route is not shown and the locality is largely uninhabited. On the fourth edition of the map (circa 1930), the claimed route is shown as being of the same nature as Chestnut Avenue or Farm Lane North. However, the surveyors recorded what was visible on the ground; that is, the physical aspects, rather than demarcating what was public and private. Therefore, the recording of the claimed route as a link between Farm Lane North and Chestnut Avenue, does not mean that there were any public rights of access granted at the time the map was produced.

25. Sale plans of plots of land at Barton on Sea (undated, early 20th Century)

These documents relate to the sale of land in Barton on Sea, including on

Chestnut Avenue. The plan for Chestnut Avenue shows the claimed route, with a thin line going across the eastern end of the route where it meets Chestnut Avenue. The line across the entrance to the track may reflect the existence of a gate.

26. Highways Maintenance Map, New Forest Division (c. 1946)

Highway maintenance maps were produced following the responsibility for highways being transferred to county councils; the maps show the highways maintained by the County Council at the time. The claimed route is visible on the base map but is not annotated. This indicates that the claimed route was not being maintained by the County Council at the time the map was produced.

27. Parish Map (c.1952)

Parish maps were prepared by Parish Councils for County Councils when the first Definitive Map was being prepared; the map was produced to inform the County Council of the rights of way in each parish in order for the Draft Definitive Map to be produced. The entire length of Footpath 3, up to the junction with Lymington Road has been annotated in blue ink and labelled '3'. The claimed route is visible on the map but not annotated.

28. The Official Guide to New Milton, Milford-on-Sea, Barton-on-Sea, (c.1958)

The book was produced as a guide to the local area. There is a fold-out map at the back of the book, which shows the claimed route as a continuation of Farm Lane North.

29. Correspondence relating to the 1978 application (1978-1979)

There were a number of letters and memoranda that were sent in relation to the 1978 application. It would appear that the trigger for the submission of the 1978 application was the landowner at the time erecting a gate across the track to prevent access. The applicant made reference in his cover letter to the inconvenience that the gate was causing to the refuse collection vehicle, which had to reverse the length of Farm Lane North in order to make a collection, and also his safety concerns about access for the emergency services should the entrance to Farm Lane North be blocked. Shortly before the application was received, New Milton Neighbourhood Council wrote to New Forest District Council in a letter which was subsequently passed on to Hampshire County Council. The Neighbourhood Council sought clarification about the status of the "footpath" between Chestnut Avenue and Farm Lane North. The response confirmed that the path was not on the Definitive Map. Notably, in the letters exchanged between the councils, the claimed route is always referred to as a 'footpath' and the subject of vehicles using the route was not discussed in this correspondence.

In April 1979, the applicant wrote to the County Council to seek an update. He specifically requested that the claimed route be recorded as a "Road Used as a Public/Path/Byeway [sic] Open to All Traffic".

In June 1979, an internal County Council memorandum reported that a site visit had been conducted, and the officer had met with the landowner. The landowner stated that he had no objection to use of the route by pedestrians and had put up the metal gate posts to narrow the entrance and thereby prevent access to heavy vehicles “because of the frequent damage to his walls on the corner (...) not to hang a gate as alleged.”. The memorandum also pointed out that, creating a BOAT along the claimed route would create the anomaly of having a BOAT that culminated in a footpath (Farm Lane North is only of a footpath status, rather than being a recorded road). The memorandum was signed off with the recommendation that the landowner should not be forced to remove the posts, and the matter should be rested until the claim had been considered.

In February 1979, the County Council wrote to the applicant and stated that the “evidence raises a prima facie case for including this Claimed Right of Way on the draft Definitive Map when it is published in the next year or two.”. Despite this, the claim was never investigated further, as a wholesale review of the Definitive Map was under way – a further letter to the applicant indicates that the Rights of Way team may have been experiencing resourcing issues. The letter concluded that it was County Council policy not to record additional Rights of Way immediately before a review of the Definitive Map was undertaken.

Analysis of the Documentary Evidence

30. None of the documentary evidence provides any indication that the claimed route is public, and the application must therefore be determined based upon evidence of use in recent years. Although there is a range of correspondence surrounding the submission of the 1978 application, the discussion did not culminate in a public right of way being added to the Definitive Map. Whilst there was admission that there was a ‘prima facie case’ for recording the route as a Right of Way, no further investigation or action was taken, and the route was never recorded as a Public Right of Way. The evidence of use under Section 31 of the Highways Act 1980 and common law is considered below.

User Evidence

31. The 1978 application was supported by evidence of 16 people, and the 2018 application was supported by evidence from 24 people. There is no duplication of evidence between the two batches of forms; that is, nobody who completed a form in 2018 had also completed a form in 1978. In both cases, evidence was collected on user evidence forms (‘UEFs’). The dates of use are summarised on the chart at Appendix 1. The table is, by necessity, a generalisation, but it provides an insight into the evidence which has been put forward in support of the application. It is important to note that the UEF changed considerably between the 1978 and the 2018 applications, with the new forms providing a greater level of detail.

32. The evidence charts public use of the claimed route since 1938 up until 2018. 16 forms were completed in 1978 and 24 forms were completed in 2018.
33. Of the total 40 forms that were analysed, 16 users claimed that they had a private right to use the claimed route; 3 individuals in 1978 and 13 individuals in 2018. Exercising a private right cannot be taken into account when considering evidence to record a public right of way, as such use will have been by right, not 'as of right' (a requirement under Section 31 of the Highways Act 1980). The evidence of individuals who claimed to have a private right over the route has therefore been discounted from this analysis. Following 16 forms being discounted, a total of 24 forms have been analysed below.
34. The UEFs from the original application demonstrate that the route has been in regular use, with usage ranging from a maximum of daily use to 50-60 times a year as a minimum. However, it is not possible to identify how much of this use has been in a vehicle, as opposed to on foot, horseback or bicycle, as the original UEF did not request users to stipulate frequency of use by different modes of transport. Notably, eight users stated that they only used the route on foot, meaning that there were only five of the users from the original claim who did not claim a private right along the route and who used the route in a vehicle. Usage on foot cannot be taken into account when considering whether vehicular rights have been acquired along a route.
35. By contrast, the new user evidence forms explicitly ask users how often they use the route by each method, so it is possible to extrapolate a finer degree of detail. All users claimed to use the route both on foot and with a vehicle, and a further five users claimed use on foot, in a vehicle and on bicycle. The UEFs from the new application showed that users indicated regular use of the claimed route by foot and vehicle; the most frequent pedestrian use was four individuals claiming to use the route on a daily basis. The most regular use in a vehicle was four users claiming weekly usage. The individual who stated that they used the route on horseback claimed to do so 'regularly'. There is also frequent claimed use by bicycles; with the most common frequency being two individuals claiming weekly usage.
36. Four of the 1978 UEFs denied that there were any notices onsite. However, eight users acknowledged the presence of notices that had 'recently' been put up. Two users stated that the signs had appeared in 1975 and stated 'Private – no right of way'. From the 2018 application, one user denied that there were any notices or signs along the path. Of the nine users who acknowledged the presence of notices along the route, there was little consensus about what the signs said or when they appeared. Users describe a range of signage, some of which may be the signs that were put up in 1975. 10 users referred to signs put up in June 2018 following the landowner's purchase of the land. Two users described this sign particularly clearly: "Change of ownership. Now owned by 40 Chestnut Avenue. Do not use our drive – find alternative route." And 'Change of ownership. Always been private. No public right of way.'

37. From the 1978 application, no users state that they were challenged by the landowner when using the route. However, in the 2018 application, in response to the question 'Have you ever been told by an owner, occupier or employee that the path was not public?', three users refer to steps taken by the current landowner to prevent use of the claimed route (including the signage discussed above) and challenging people using the path. One user also refers to the previous landowner (who owned the land at the time of the original application), who 'used to stand in [the] path/road and shout at anyone using the lane'.
38. Three individuals from the 1978 application acknowledged that there had been a form of obstruction to the route, with two referring to gate posts at the western end of the route, and one individual referring to the 'shocking condition' of the path. Elsewhere on the form, this individual elaborated and stated that he no longer used the route in a vehicle due to the deteriorated surface, caused by lack of maintenance. On the 2018 application, 10 users referred to obstructions (a parked car or van) by the landowner that prevented vehicles from using the claimed route.

Analysis of the Evidence under Section 31, Highways Act 1980

39. For Section 31 of the Highways Act 1980 to operate and give rise to a presumption of dedication, the following criteria must be satisfied:
- the physical nature of the path must be such as is capable of being a right of way at common law
 - the use must be 'brought into question', i.e. challenged or disputed in some way
 - use must have taken place without interruption over a period of twenty years before the date on which the right is brought into question
 - use must be *as of right*, i.e. without force, without stealth and without permission
 - use must be by the public at large
 - there must be insufficient evidence that the landowner did not intend to dedicate a right of the type being claimed
40. Physical nature of the route
A public highway must follow a defined route. As the claimed route is enclosed and links a private road to a public road, it does follow a clearly defined route and is therefore capable of being a right of way at common law.
41. The bringing into question of the public's right to use the path
The public's right to use the path can be said to have been brought into question in 1975 when signage was reportedly erected asserting that the track was private, giving a relevant 20-year period under Section 31 of 1955 - 1975.
42. Twenty years' use without interruption
19 users stated that they used the path during the relevant 20-year period of 1955-1975. However, eight of those users claimed to have only used the

route on foot, therefore their evidence is irrelevant to whether vehicular rights can be recorded along the claimed route (although it would support the acquisition of public footpath rights). Furthermore, two users reportedly had a private right to use the route. Three users who did not have a private right to use the route claim to have used the route for the entire duration of the 20-year period.

43. ‘Without force, stealth or permission;

Force – to be as of right, use must not be as the result of the use of force.

The Planning Inspectorate’s *Definitive Map Order Consistency Guidelines* describe the use of force as including “*the breaking of locks, cutting of wire or passing over, through or around an intentional blockage, such as a locked gate.*”

The route is open at both ends and has not been obstructed during the relevant 20-year period. Since the 2018 application was submitted, the landowner has placed wooden bollards along the route to prevent access by motor vehicles; as these were placed after the application was received, they are outside the scope of this investigation and will therefore not be taken into account.

44. *Stealth – to be as of right, use must be open and of the kind that any reasonable landowner would be aware of, if he or she had chosen to look.*

The accounts of users of the path indicate that access to the land was open and without secrecy.

45. *Permission – users as of right should not be using the way with any kind of licence or permissions.*

On the original UEFs, none of the users stated that they had sought permission to use the route, although, as previously discussed, three users claim to have had a private right over the route. On the new UEFs, only one user had sought permission to use the path and was subsequently informed that access was for pedestrians only. The majority of users from the 2018 application acknowledged the existence of a range of signage indicating that the claimed route is private, although two users denied that there was any kind of signage present.

46. Use by the Public

Use must be by the public, and that should be reflected in its volume and the breadth of the type of users.

Use of the claimed route across both the 1978 and the 2018 UEFs is almost entirely by residents of Chestnut Avenue or Farm Lane North. This reflects the number of individuals who claimed to have a private right to use the route; of the total of 40 individuals who completed UEFs across both applications, 16 people claimed that they had a private right to use the track. This means that their evidence cannot be taken into account, as their usage was ‘by right’, not ‘as of right’.

47. *The use must be of a volume that is capable of coming to the attention of a landowner. It should consist of enough users, and the number may reflect the*

setting of a path, such as whether it is in a rural or urban area and the type of use being claimed.

The landowner during the time of the 1978 application was aware of the use of the claimed route; the 'Private – no right of way' signs were put up in 1975, three years before the application was submitted. One of these signs still appears to be present onsite at the western end of the route. Unfortunately, it is not possible to interview the former landowner, and other documents (including memoranda) which refer to the landowner do not provide enough detail to be able to infer, 40 years later, to what extent he was aware of the volume of use of the route. The current landowner purchased the route because of the nature of the use: part of their intention was to make the route safer for pedestrians by preventing vehicles from using the path.

48. *Use of a way should not consist solely of a particular class of person, such as the employees of a particular employer, tenants of a particular landlord, or customers of a particular business, if it is to be recorded as public.*

None of the users indicated that they were related to, employed by, or a tenant of the owner or occupier of the land in question.

49. Summary of user evidence

The evidence of use indicates that local people have been using the route in motor vehicles since 1930. However, 16 individuals (of a total of 40 who completed UEFs in 1978 and 2018) have indicated that they have a private right to use the claimed route and their evidence therefore cannot be taken into account when considering recording a public right of way. In 1975, signage indicating that the route was private was displayed onsite. Some form of such signage has appears to have been continuously displayed onsite since that time. Both the former and the current landowner have taken steps to protect the claimed route from trespass, including challenging users and creating obstructions to prevent use by motor vehicles. There has been considerable use of the claimed route by pedestrians since the 1930s, and the evidence of eight individuals from the 1978 application was solely pedestrian usage and therefore cannot be taken into account when considering recording a BOAT.

50. Actions of the landowner

The land was initially owned by a resident of Farm Lane North. Following his death, the land entered the ownership of two members of his family. The land was then purchased by a resident of Chestnut Avenue in 2018. The new owner has stated that the family members of the former owner offered to sell the land to the residents of Farm Lane North collectively, but the offer was declined.

There is evidence on the UEFs that the original landowner challenged people who used the route. Two users state that a 'Private – No right of way' sign was put up in 1975. A sign bearing the same wording was visible when a site visit was conducted in April 2019; the sign appeared to have been in situ for a

considerable period and it seems likely that it is the same sign that was erected in 1975.

Following purchase of the land in June 2019, the new owner displayed signs on the route stating “The land has always been PRIVATE WITH NO PUBLIC RIGHTS OF WAY OR ACCESS. We please respect [sic] that you find an alternative route.”

Actions of the owner that have been carried out after the 2018 application was received have not been taken into account, as these are outside the scope of this investigation; this includes the construction of wooden bollards to prevent access by vehicles.

51. Conclusions under Section 31, Highways Act 1980

Analysing the evidence reviewed above, the conclusion reached is that the provisions of s31 of the Highways Act (1980) have not been satisfied for recommending that a BOAT be recorded: the majority of those individuals who claimed to have used the route in a vehicle, claimed to have a private right to do so, and there is evidence that the landowner challenged users of the claimed route. Additionally, signage asserting that the claimed route is not a Public Right of Way has been clearly displayed onsite since at least 1975. Although there is a clear 20-year period of use from an event which called use of the route into question (in this case, the displaying of ‘Private – no right of way’ signage), much of this use was either solely on foot or by users who had a private right to use the route; only five users who did not meet either of these conditions used the route during the 20-year period. Given the densely populated locality, use by five individuals is not highly representative of the local area.

However, although there is insufficient evidence to recommend recording a BOAT under s31 of the Highways Act, there has been a substantial amount of usage by pedestrians, both before, during, and after the 20-year period. The current landowner is acquiescent with the claimed route being used by pedestrians and has therefore not challenged individuals using the route on foot. Additionally, the former owner indicated to a County Council officer that he was happy for pedestrians to use the route (this suggests that where he challenged people using the route, it was only motorised vehicle users that were challenged). If s31 was to be considered in relation to recording the claimed route as a footpath, it is considered that there would be sufficient evidence to record the route as a public footpath, as there were 13 people using the path on foot during the relevant period (excluding the three users who had a private right to use the route). Moreover, recent pedestrian use has not been challenged.

52. Analysis of the evidence under Common Law

This matter can also be considered at common law. For a claim to succeed at common law, the onus is on the applicant to show that the owners were aware of, and acquiesced in, the use of a route by the public. The users must be able to show that it can be inferred from the conduct of the landowners that they had intended to dedicate the route as a public right of way of the type that has been applied for. This may be by an express act of dedication, or it may be implied

from a sufficient period of public use without secrecy, force or permission, and the acquiescence of those landowners in that use. This is required in order to meet the two pre-conditions for the creation of a highway - that is dedication and public acceptance of that way by use. The length of time that is required to demonstrate sufficient user is not fixed under common law, and depends on the facts of the case. The user must be obvious to the landowners, who may rebut any suggestion of a dedication by acts such as putting up a physical barrier, erecting notices stating that the route is not a public right of way of the type being claimed, or turning people back. The more notorious the use, the easier it will be to infer dedication.

53. Conclusions under Common Law

Unlike Section 31, the total period spanned by the user evidence can be considered. The user evidence indicates that there has been use of the claimed route in vehicles since 1930 until the submission of the 2018 application. However, it is not possible from the original UEFs to ascertain how regular use in vehicles has been, as opposed to other means. Moreover, as the former landowner is deceased, it is not possible to consult him about management of the claimed route, or intentions with regards to making the route public, although the documentary evidence indicates that he did not object to use of the route by pedestrians. It seems likely that the owner had no intention of dedicating a public route, as the 'Private – no right of way' signage was put up in 1975, before the DMMO application was submitted. Furthermore, two users in the 2018 evidence refer to the former landowner shouting at people using the claimed route.

It is considered that the evidence of use of the claimed route is insufficient for a deemed dedication of a BOAT to be inferred at common law. However, as both the former and the current landowner has acquiesced in use of the claimed route by pedestrians, and there has been consistent pedestrian usage since the 1930s, there is sufficient evidence to record a footpath under Common Law.

54. Analysis of the Evidence under Natural Environment and Rural Communities Act (2006)

There remains to be considered whether motorised vehicular rights have been extinguished by the Natural Environment and Rural Communities Act (NERC). Such rights will have been extinguished unless one of eight exceptions contained within Sections 67(2) and 67(3) of the Act applies. These exceptions are set out and examined in turn below.

Section 67(2) – rights for mechanically-propelled vehicles will not have been extinguished on an existing public right of way if:

(a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles.

Signage was erected in 1975 that stated that the claimed route was private and not a right of way; therefore, any usage after this time was an act of trespass and cannot be taken into account. Moreover, it is not possible to identify

whether use by motor vehicles has been the most common method of travel in the five years leading up to the introduction of NERC.

- (b) ***immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c.66) (list of highways maintainable at public expense).***

The route was not recorded on the Definitive Map on 2nd May 2006, nor was it recorded on the List of Streets on this date.

- (c) ***it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles.***

The claimed route was created as private access to a property in Farm Lane North. There is no evidence to indicate that it was expressly created as a right of way for use by motor vehicles.

- (d) ***it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles.***

Although the route appears to have been constructed as a road specifically for motorised vehicles, it was created solely for private use. There is no evidence to indicate the basis for the route's creation.

- (e) ***it was created by virtue of use by such vehicles during a period ending before 1st December 1930.***

The earliest recorded use of the route is in 1930. Despite research, no historical evidence about specifically when the route came into being has been discovered, although it has been ascertained that the route was created as private access to a property in Farm Lane North. It has not been possible to identify whether the primary usage in and around 1930 was by motorised vehicle, or by another mode of transport. Given the uncertainty of the origins of the claimed route, it is not possible to state that Motorised Vehicle rights would have been established by December 1930.

The exceptions in Section 67(3), which require that the application to record the route as public be made to the County Council prior to 20th January 2005, do not apply in this case.

55. Conclusions under Natural Environment and Rural Communities Act (2006)

As the criteria set out above have not been satisfied, any motorised vehicle rights that may have previously existed along this path (for example, as a result of the application that was not determined in 1978), will have been extinguished by the powers of the NERC Act.

Conclusions

56. Although there has been consistent use of the claimed route since 1930, there is insufficient evidence to recommend recording the claimed route as a BOAT under s31 of the Highways Act, or under the provisions of Common Law.

57. Since 1975, signage stating that the claimed route is private has been clearly displayed onsite. Additionally, both the former and the current landowner have taken steps to protect the land from trespass, including challenging users, and creating obstructions to prevent access by motor vehicles. Furthermore, a substantial number of users either had a private right to use the route (and their evidence is thus inadmissible in recording a public right of way), or indicated use on foot only, which is irrelevant to recording a BOAT.
58. The NERC Act (2006) extinguished any motorised rights that may have existed along this route, as the criteria have not been satisfied.
59. Although there is insufficient evidence to recommend that a BOAT be recorded, there is sufficient evidence under both s31 of the Highways Act, and under Common Law to recommend recording a footpath along the claimed route. Both the former and the current landowners have been acquiescent in allowing pedestrians to use the path.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

Claim Reference: Case File (CR/1228)

Countryside Access Team
Castle Avenue
Winchester
SO23 8UL

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

See guidance at <http://intranet.hants.gov.uk/equality/equality-assessments.htm>

Insert in full your **Equality Statement** which will either state:

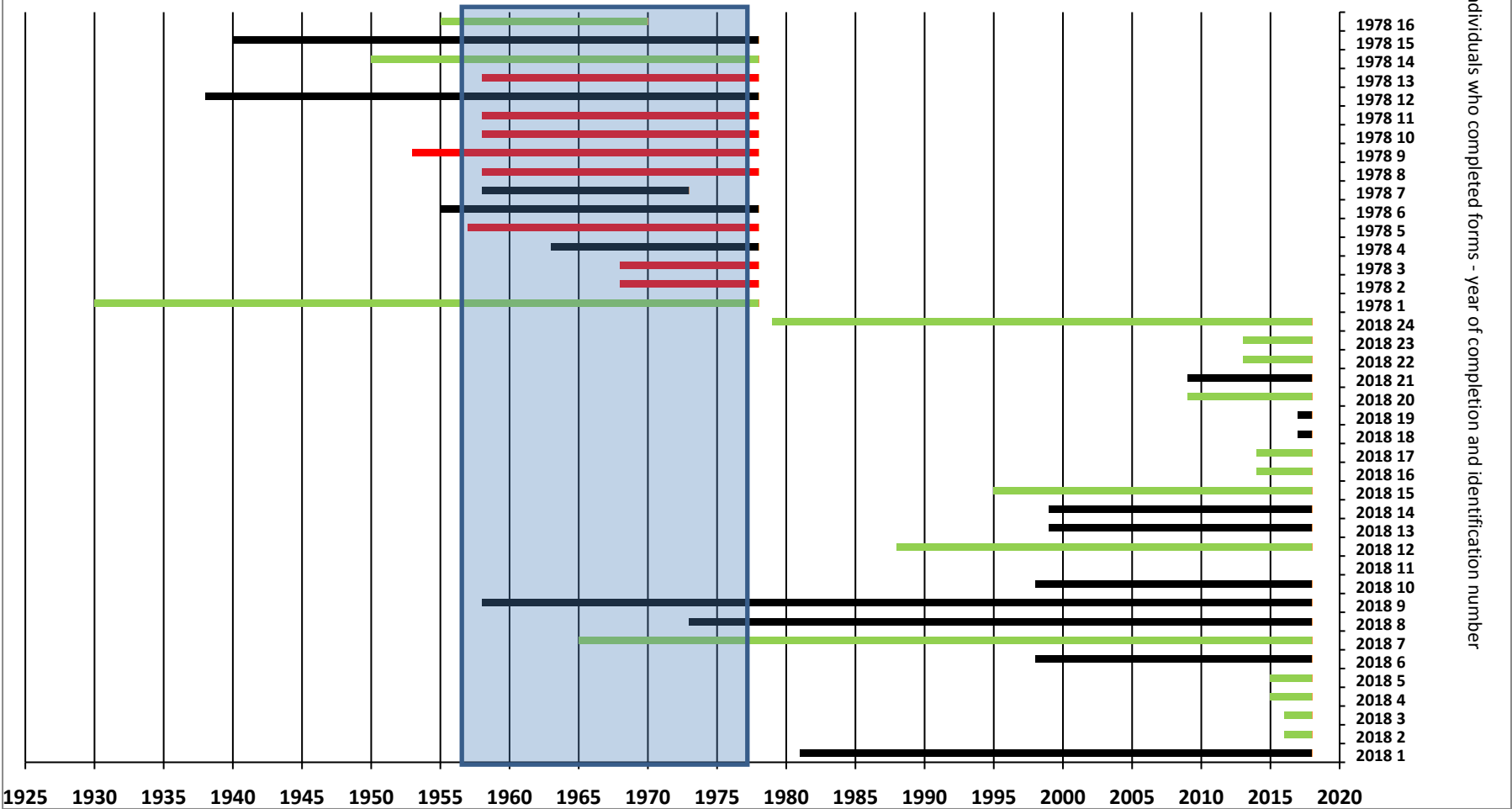
- (a) *why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) *will give details of the identified impacts and potential mitigating actions*

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Application to Record a BOAT in New Milton - User Evidence - CR/1020

- Red bars** - use on foot only
- Black bars** - use including motorised use
- Green bars** - individual had a private right to use claimed route
- Blue box** - relevant 20-year period under Highways Act (1980)



Individuals who completed forms - year of completion and identification number

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HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	24 July 2019
Title:	Temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington SO41 8DF (No. 19/10523) (Site Ref: NF042)
Report From:	Head of Strategic Planning

Contact name: Philip Millard

Tel: 01962 846496

Email: philip.millard@hants.gov.uk

Recommendation

1. That planning permission be REFUSED for the following reasons:
 - (1) The development is within the South West Hampshire Green Belt and no very special circumstances exist that would support the proposal. It is therefore considered inappropriate and harmful to the openness and permanence of the Green Belt and as such is contrary to Policies 5 (Protection of the countryside) and 6 (South West Hampshire Green Belt) of the Hampshire Minerals and Waste Plan (2013), Policy CS10 (Spatial Strategy), point (o), of the New Forest District Council Core Strategy (2009) and Paragraphs 133, 134, 143, 144, 145 and 146 of the National Planning Policy Framework (2019).
 - (2) The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development. Therefore, the proposed development is not in accordance with Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Executive Summary

2. The planning application is for a temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington.
3. This application is being considered by the Regulatory Committee at the applicant's request.

4. Key issues raised are:
 - Development within the South West Hampshire Green Belt;
 - Ecological impact and enhancement;
 - Landscape and visual impact;
 - Amenity impact;
 - Need for temporary permission;
 - Restoration;
 - Loss of renewable energy generation;
 - Sustainable future operation of the Pennington Waste Recycling site;
 - Support for safeguarded waste facilities in Hampshire;
 - Compatibility with the nearby strategic sites for housing allocation in the NFDC Local Plan 2016-2036; and
 - Highway/Transport impacts and Heavy Goods Vehicle [HGV] movements on Milford Road.
5. A committee site visit by Members took place on 8 July 2019 in advance of the proposal being considered by the Regulatory Committee.
6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
7. It is considered that the proposed development would not be in accordance with the relevant policies of the adopted Hampshire Minerals and Waste Plan (2013), the New Forest District Council Core Strategy (2009) and the National Planning Policy Framework (2019) for the following reasons:
 - The development is within the South West Hampshire Green Belt and no very special circumstances have been demonstrated in the application; and
 - The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development.

The Site

8. Pennington Waste Recycling Facility [WRF] is a 4.5 hectare site located 400 metres (m) south-west of Pennington. The recycling facility is permitted by Planning Permission 14/10255 and is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for aggregates recycling (with other uses related to commercial and industrial materials recycling and composting) comprising the following:
 - Numerous, large scale, steel framed, grey finished profile steel sheet clad industrial buildings;

- Access via the shared private haul road that runs north to access the A337;
 - The transfer, storage and processing of Construction, Demolition and Excavation [CDE], soil, skip and commercial waste; including sorting, separating, crushing and screening;
 - The site imports approximately 120,000 tonnes of waste per annum;
 - The site is screened by a significant bund to the north and east, approximately 5m high; and
 - The site has operating conditions, such as timings and stock pile height limits, set out in the Planning Permission 14/10255. This permission is included in the appendices of this report.
9. The existing site has no conditioned limit on the number of vehicle movements.
10. The 1.63 hectare site of the proposed development is an agricultural field located to the west of the Pennington Recycling Facility, 450m south of Pennington. It has a perimeter hedgerow and existing, gated entrances onto the shared haul road. Historically, the site once formed part of the Manor Farm quarry and landfill. The site is now restored to agricultural use and is therefore considered a greenfield site in the countryside. The site forms part of a wider site that has planning permission for a solar farm (granted by New Forest District Council under planning permission 15/11012), that has been implemented and partially developed. Milford Road HWRC is 450m south of the site.
11. The site has the following constraints:
- The site is located within the South West Hampshire Green Belt;
 - New Forest National Park 450m north;
 - The site is in Flood Zone 1 (lowest risk);
 - Avon Water controlled water 85m west;
 - New Bridge Copse Ancient Woodland and SINC 25m west;
 - Water Works Lake and Bank Ancient Woodland and SINC 40m south-west;
 - Hurst Castle and Lymington River Estuary SSSI 360m south-west & 500m south;
 - Solent and Southampton Water SPA, RAMSAR and SAC 360m south-west;
 - The western edge of the site is located within a Biodiversity Opportunity area;
 - PROW footpath 84b runs along the east boundary of the site, to the western side of the haul road; and
 - The nearest residential properties are 300m north, one dwelling along the shared haul road and those along the A337, Milford Road; and
 - Two strategic sites for allocation of residential development in the emerging NFDC Local Plan 2016-2036 are located north of the site, the nearest proposed dwellings being 200m north;

Planning History

12. The relevant planning history of the site is as follows. The site historically formed part of a large-scale sand and gravel quarry. This was used for landfill and restored back to agriculture during the 1990s and early 2000s.

Application	Description	Decision	Decision Date
14/10255	Variation of condition 10 of planning permission 84776 (noise) Manor Farm Recycling Facility,	Granted	20.03.14
13/11273	High quality recycled aggregate washing facility and a clad extension to the existing recycling plant Manor Farm Recycling Facility	Granted	15.01.16
15/11012 (New Forest District Council)	Solar farm; associated equipment; boundary fence; temporary Construction compound; CCTV on 4m pole, at Pennington Recycling Centre, Milford Road, Pennington, Lymington SO41 8QZ	Granted	29.09.15
84776	The retention & development of an existing waste recycling management and composting facility Manor Farm Recycling Facility	Granted	02.11.05
74405	Extension of mineral extraction infilling with waste and restoration to agriculture Lower Farm	Granted	22.10.03
00064813M	Extension to existing waste handling and recycling compound and relocation of recycling facilities Manor Farm	Granted	17.11.98
95/NFDC/57895/MIN	Amendment to PP 54025M (extrn/layout changes/landscaping) at Manor Farm, off Iley Lane, Lymington	Granted	31.01.96
94/NFDC/54025/MIN (New Forest District Council)	New wastewater treatment works at Manor Farm, off Iley Lane, Lymington	Granted	06.02.95

00054713M	Provision of a waste transfer station and variation of planning condition relation to location of waste facility Manor farm	Granted	13.10.94
00054330M	To construct and operate a waste transfer station Manor farm	Granted	08.06.94

13. The adjacent aggregate recycling facility site is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for the transfer, processing and storage of CDE, soil, skip and commercial waste.

The Proposal

14. This proposal seeks permission for the use of the land as an extension to the Pennington Recycling Facility for associated parking and storage for a period of ten years.
15. The application proposes working hours of 0700-1800 Monday to Friday, and 0700-1300 Saturdays, with no working on Sundays or public holidays. There are no additional Heavy Goods Vehicle [HGV] movements planned and a negligible increase in commuting car movements along Milford Road is anticipated.
16. The development would comprise of:
- Stripping of the existing top soil, stored on-site in bunds;
 - A crushed and compacted concrete and hardcore surface;
 - A new access onto the shared haul road;
 - A car park to the north of the site for approximately 25-30 vehicles;
 - A storage area for approximately 75-100 skips;
 - A lorry parking area to the south of the site for approximately 30 Heavy Goods Vehicles [HGVs];
 - Continued use for storage of plant and machinery associated with the applicant's agricultural land holding;
 - Perimeter soil screening bunds, 2m high by 9m wide, landscaping and planting to the north and east boundaries;
 - Creation of containment ditches to the west and south boundaries, feeding into the proposed attenuation pond;
 - A flood attenuation pond to the south-west, incorporating a silt trap before discharging into the Avon Water;
 - Additional tree planting and screening to the south boundary;
 - A fuel storage tank to refuel trucks, including a concrete pad and bunding to capture spills, 3.1m high by 9.2m long; and
 - Restoration of the site following cessation of the use in accordance with a Proposed Restoration Plan.

17. The following documents have been included in the application:
 - Flood Risk Assessment;
 - Ecological Appraisal;
 - Noise Assessment;
 - Transport Statement;
 - Landscape and Visual Impact Assessment;
 - Site Layout Plan, Drawing number LP-M7 (attached as appendix);
 - Proposed Restoration Plan; and
 - Fuel Tank Details Drawing.

18. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The proposed development is classified as a [Schedule 2](#) development as it falls within Category 13. (b), as it is an extension to a development identified in category 11. (b) of Schedule 2 for installations for the disposal of waste (unless included in Schedule 1), in that the site area (2.02 hectares; 1.63 hectare site and 0.39 hectares of existing haulage road access to the public highway, A337, Milford Road) exceeds threshold (ii) in having an area of development greater than 0.5 hectares and that the site is located within 100m of controlled waters (River Avon).

19. In accordance with the Environmental Impact Assessment [EIA] Regulations (2017), the WPA therefore takes a view upon whether a development is EIA development. [Schedule 3](#) of EIA Regulations 2017 sets out the selection criteria for screening Schedule 2 development. The proposal does have environmental impacts cumulative with the adjacent existing waste developments, consumes natural land resources in a location that has a degree of sensitivity to development, particularly with respect to adjacent environmentally designated Avon Water and woodland, and being within open countryside within the South West Hampshire Green Belt. However, the significance of pollution and the risk of major accidents or to human health are considered low relative to EIA levels. Therefore, it is considered that the proposed development is not likely to have significant adverse effects on the environment to a level that would require an EIA. Therefore, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

Development Plan and Guidance

20. The following plans and associated policies are considered to be relevant to the proposal:

[National Planning Policy Framework \(2019\)](#) (NPPF)

21. The following paragraphs are relevant to this proposal:
 - Paragraph 8 (The three overarching objectives of planning);
 - Paragraph 11 (Presumption in favour of sustainable development);

- Paragraphs 38-40 (Positive and creative decisions and pre-application)
- Paragraph 80 (Need to support economic growth);
- Paragraph 83 (Supporting a prosperous rural economy);
- Paragraph 102-103 (Sustainable transport);
- Paragraphs 108-111 (Sustainable transport);
- Paragraph 127 (ensure developments function well and add to the overall quality of the area, are visually attractive and maintain a strong sense of place);
- Paragraph 130 (Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area);
- Paragraphs 133-134 (Protecting Green Belt land);
- Paragraphs 143-146 (Proposals affecting the Green Belt);
- Paragraph 148-154 (Meeting the challenge of climate change, flooding and coastal change - supporting the transition to a low carbon future, contribute to radical reduction in greenhouse gas emissions, and support renewable energy); and
- Paragraph 170-177 (Conserving the natural environment and biodiversity).

National Planning Policy for Waste (2014) (NPPW)

22. The following paragraphs are relevant to the proposal:
- Paragraph 1: Delivery of sustainable development and resource efficiency;
 - Paragraph 5: Criteria for WPA assessment of site suitability; and
 - Paragraph 7: Determining planning applications.

National Waste Planning Practice Guidance (NWPPG) (last updated 15/04/2015)

23. The following paragraphs are relevant to the proposal:
- What matters come within the scope of 'waste development'? (Paragraph: 002 Reference ID: 28-002-20141016 - Revision date: 06 03 2014);
 - What is the obligation on waste planning authorities towards implementing the proximity principle? (Paragraph: 006 Reference ID: 28-006-20141016 - Revision date: 16 10 2014);
 - How is the Waste Hierarchy delivered through Local Plans and in planning decisions? (Paragraph: 009 Reference ID: 28-009-20141016- Revision date: 16 10 2014);
 - When can conditions be used to grant planning permission for a use for a temporary period only?

(Paragraph: 014 Reference ID: 21a-014-20140306- Revision date: 16 03 2014);

- Should existing waste facilities be expanded/extended? (Paragraph: 047 Reference ID: 28-047-20141016- Revision date: 16 10 2014); and
- What is the relationship between planning and other regulatory regimes? (Paragraph: 050 Reference ID: 28-050-20141016 Revision date: 16 10 2014).

Hampshire Minerals & Waste Plan (2013) (HMWP)

24. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change – mitigation and adaptation);
 - Policy 3 (Protection of habitats and species);
 - Policy 4 (Protection of the designated landscape);
 - Policy 5 (Protection of the countryside);
 - Policy 6 (South West Hampshire Green Belt);
 - Policy 8 (Protection of soils);
 - Policy 9 (Restoration of quarries and waste developments);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 11 (Flood risk and prevention);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 25 (Sustainable waste management);
 - Policy 26 (Safeguarding - waste infrastructure);
 - Policy 27 (Capacity for waste management development);
 - Policy 29 (Locations and sites for waste management);

New Forest Core Strategy (2009) (part 1) (NFCS (2009))

25. The relevant policies are as follows:
Local Plan Part 1: Core strategy (adopted 2009)
- Policy CS4 (Energy and resource use); and
 - Policy CS10 (Spatial Strategy).

New Forest Sites and Development Management (Part 2) (2014) (NFSDM Pt 2 (2014))

26. Local Plan Part 2: Sites and Development Management (adopted 2014)
- Policy DM4: Renewable and low carbon energy generation

NFDC Local Plan 2016-2036

27. The emerging New Forest District Council Local Plan 2016-2036 is currently being examined by the Inspector and does carry weight in planning decisions. It includes two strategic sites for allocation of residential

development located north of the application site, the nearest proposed dwellings being 200m from the site.

Neighbourhood Plan

28. The site is located within the [Lymington and Pennington Neighbourhood Plan](#) Area. Lymington and Pennington are currently in the process of developing the Neighbourhood Plan. It is identified that a key draft objective of the Plan is to '*Minimise effects of development on the Green Belt.*' There is no date for the emergence of this Plan.

Consultations

29. **County Councillor White**, was notified.
30. **New Forest District Council** has an objection on the basis that the proposal is harmful to the Green Belt and does not demonstrate accordance with paragraphs 143, 145 and 146 of the NPPF (2019).
31. **New Forest District Council Environmental Health Officer (EHO)** has no objection subject to a condition to limit operating times.
32. **Lymington & Pennington Town Council** was notified.
33. **Hordle Parish Council** has no objection.
34. **Milford on Sea Parish Council** has no objection.
35. **Natural England** has no objection subject to appropriate mitigation being secured.
36. **Environment Agency** was notified.
37. **New Forest National Park Authority** was notified.
38. **Local Highway Authority** has no objection.
39. **Lead Local Flood Authority (LLFA)** has no objection following additional information submitted by the applicant.
40. **County Ecologist (HCC)** has no objection subject to a prior commencement condition to ensure a detailed scheme of biodiversity enhancements.
41. **County Arboriculture (HCC)** has no objection, recommending conditions to robustly protect retained woodland and trees and the restoration of the site.
42. **Rights of Way Manager (HCC)** was notified.

43. **Landscape Planning and Heritage (Landscape) (HCC)** has an objection due to 10 years being considered an over-long time for a temporary development and no justification for this time period has been provided. The scheme would further harm the experiential qualities of the landscape and result in the loss of Green Belt.
44. **Landscape Planning and Heritage (Archaeology) (HCC)** has no objection.
45. **Planning Policy (HCC)** has provided a view on the proposal against the HMWP (2013).

Representations

46. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
47. In complying with the requirements of the SCI, Hampshire County Council:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed a notice of the application at the application site;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within a reasonable distance of the site, greater than the minimum 100m for the rural location, that may be affected by the proposal including along the private access road and the A337.
48. As of 11 July 2019, one representation to the proposal had been received. This is an objection to the proposed development with the main areas of concern raised being:
 - An objection to the expansion of the Penning Recycling Centre due to cumulative impacts. The local resident on the A337 states that they are unable to open their dwelling's windows and cars are covered in dust when the wind is in the direction from the site.
49. The case officer has responded to the representation and advised them of how to complain about the site to the Minerals and Waste Planning Authority [MWPA] or the New Forest District Council EHO should they need to. The above issue will be addressed within the following commentary.

Habitats Regulation Assessment [HRA]

50. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.

51. In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];
 - Special Areas of Conservation [SACs]; and
 - RAMSARs.
52. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.
53. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.
54. The HRA screening hereby carried out by the MWPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to the site not being considered to have any functional impact pathways connecting the proposed works with any European designated sites.

Commentary

Principle of the development in the countryside and in the Green Belt

55. Policy 5 (Protection of the countryside) of the HMWP (2013) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless one (or more) of the criteria set out in the policy are met. In this case, the proposal would need to demonstrate accordance with criteria b); that the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location.
56. Policy 5 (Protection of the countryside) also requires, where appropriate and applicable, development in the countryside to meet highest standards of design, operation and restoration, and should be subject to restoration in the event it is no longer needed for minerals and waste uses. This suggests that any permission that may be granted for a development of this nature would include a condition that the site is restored should it no longer be required for that waste use. Alternatively, any application could propose the development for a temporary period and include for the restoration of the site.
57. Policy 6 (South West Hampshire Green Belt) of the HMWP (2013) states minerals and waste developments within the Green Belt will be approved

provided that they are not inappropriate or that very special circumstances exist and, as far as possible, minerals and waste developments should enhance the beneficial use of the Green Belt. It also states that the highest standards of development, operation and restoration of minerals or waste development will be required.

58. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires minerals and waste development to not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. All minerals and waste developments design should be of a high-quality and contribute to achieving sustainable development.
59. Point (o) of Policy CS10 (Spatial Strategy) of the NFDC Core Strategy (2009) states the provision of sustainable development by retaining and supporting the Green Belt in order to:
 - Check the sprawl of the built-up areas of Lymington, Hordle, Everton, Milford, New Milton, Bransgore and Ringwood and prevent these settlements from merging;
 - Safeguard the countryside and coast from encroachment by built development; and
 - Preserve the setting of towns and villages, in particular the historic towns of Ringwood and Lymington.
60. Chapter 13 of the NPPF (2019) sets out the national policy for protecting Green Belt land:
 - Paragraph 133 states the Government attaches great importance to Green Belts and that their fundamental aim is prevent urban sprawl with the essential Green Belt characteristics being their openness and permanence;
 - Paragraph 134 sets out the 5 purposes of Green Belt;
 - Paragraph 143 states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*;
 - Paragraph 144 states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*;
 - Paragraph 145 states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, with a number of exceptions. None of the exceptions are relevant to the proposal hereby considered; and
 - Paragraph 146 lists certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of the Green Belt. None of these are relevant to the proposal hereby considered.

61. The planning application sets out the following need for and benefits of the development:
- The application states that the proposed development '*will improve the efficiency of the existing waste recycling operation by freeing up space so as to improve day to day operations and enhance site safety in support of sustainable waste management in Hampshire.*'; and
 - A reduction in daily HGV movements along Milford Road as the HGVs operating out of the Pennington Waste Recycling site will no longer need to park up overnight at Caird Avenue (6km west), saving 2 movements per day per HGV. This is approximately 60 movements per day.
62. The supporting statement also includes in paragraph 2.4 an extract from the Regulatory Committee Report for the original Planning Application 84776 in 2005 for the Waste Recycling Facility [WRF] adjacent to the site. This sets out the MWPA view on what the 'very special circumstances' are that formed the support for that development in the Green Belt at that time. The 2005 Case Officer's report stated that those circumstances where the then pressing need to maintain and increase recycling capacity to meet the County's targets counter-balanced against departure from policy. This application states that those very special circumstances extend to the proposed development. No new Green Belt assessment has been submitted for the application hereby considered.
63. The New Forest District Council [NFDC] emerging Local Plan 2016-2036 includes Strategic Sites [SS] for residential development proposed for allocation in the vicinity of the site. The emerging [NFDC Local Plan 2016-2036](#) is currently being examined by the Inspector and does carry weight in planning decisions.
64. Appendix D shows the two parcels of land that make up the residential site referred to as SS5 and its location relative to the site. The southern and larger parcel of land is bounded by the A337 to the north, the haul road to the Pennington WRF to the west, Pennington settlement to the east and the southern boundary is approximately 100m from the north edge of the WRF. These are described in evidence document [Council Response to Inspectors' Questions of 21 January 2019 Strategic Site Allocation Profiles - South Coastal Towns](#), reference EXAM01E.
65. This strategic housing site, SS5, is located within the open countryside and the South Hampshire Green Belt. The NFDC produced a supporting document for the NFDC Local Plan examination to assess the Green Belt; the [Green Belt Study – Lymington Area](#). This reviews land parcels LY05 (page 273), LY06 (page 276) and the wider LY14 (page 292) for their value to Green Belt. Parcel LY14 is the more extensive area between Pennington to the east and the Avon Water River to the west and includes the WRF, the site of the application hereby considered, the water works and solar farms. The study considers the LY14 area around the site to have a relatively strong contribution to the purposes of Green Belt (see paragraph 51 of this

report); assisting in safeguarding the countryside from encroachment and preserving the special character of historic towns. Figure 1 below shows the Green Belt Study areas:

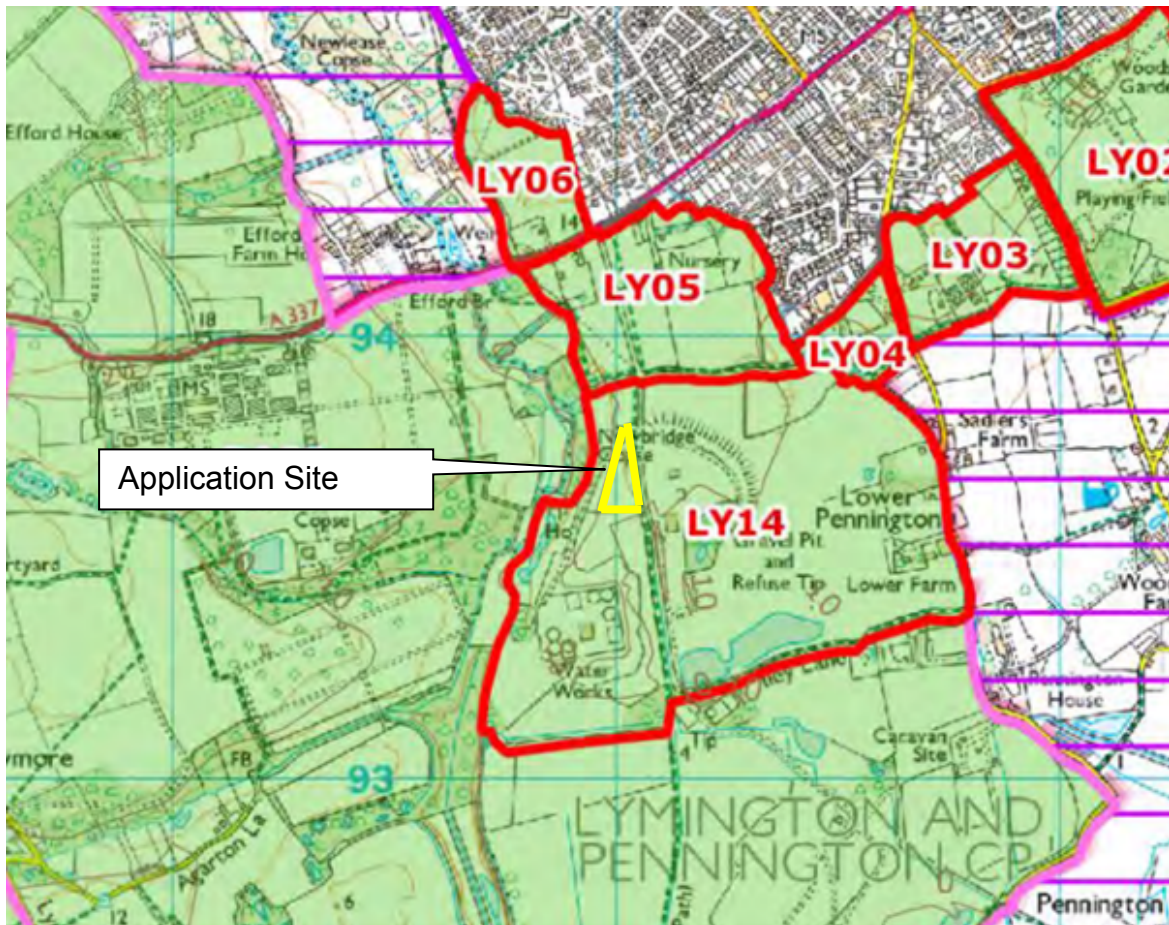


Figure 1: Plan taken from the NFDC [a Green Belt Study – Lymington Area](#) showing land parcels LY05, LY06 and LY14.

66. The allocation of these residential sites is a material consideration to this proposed development, with consideration for the safety, health and amenity impacts that the proposal may cause to future housing on these sites, such as from noise, dust air quality, flooding, traffic and visual impact. It is noted that the submitted Noise Assessment, Transport Assessment and Landscape and Visual Impact Assessment do not include consideration of the strategic sites for housing allocation. These future developments, should they occur, have not yet been applied for, and those applications will need to provide adequate mitigation and design adaption to prevent their sensitive development from having unacceptable impacts from existing developments, such as the Pennington WRF.
67. The NPPF (2019) clearly sets out the essential characteristics of Green Belt as openness and permanence and gives significant emphasis on the retention of Green Belt. In Paragraph 134 this is expanded to the 5 purposes of Green Belt. These are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

68. To apply these to the area of Green Belt the site is located within, the key purposes are c), to assist in safeguarding the countryside from encroachment, and d), to preserve the setting and special character of historic towns, such as Lymington and Pennington. The setting of and encroachment on the New Forest National Park are also factors. The NFDC Green Belt Study - Lymington discusses the enclosed nature of the visual landscape of the LY05 and LY06 areas of Green Belt north of the site and as such have less value than that of area LY14. However, it should be recognised that there is a distinction between visual openness and openness in a Green Belt sense. Visual enclosure by landscape or vegetation does not reduce Green Belt openness – i.e. the latter relates to the extent of built development.

69. It is considered that the very special circumstances given for the WRF application in 2005 cannot be extended to this proposal. While the applicant has strong operational reasons for the development and can point to the potential for greater business efficiency and reduced HGV movements as a result of the development, it is not considered that these constitute 'very special circumstances' that would support development in the Green Belt. On balance, it is considered inappropriate and so harmful to the Green Belt. The reasons for this are as follows:

- The proposed development is for an ancillary HGV and car park, with skip and plant storage. It is not in itself a waste recycling facility, nor a waste activity, and the very special circumstances cited in 2005 were for the retention of a waste recycling facility. This proposal must be considered on its own merits;
- No assessment has been provided for alternative sites or solutions to the space constraints of the existing WRF;
- Replacing a green field with a car park is not an exceptional proposal for land use within the Green Belt, nor in the open countryside;
- This development includes bunding, a refuelling structure/tank and the storage of significantly sized vehicles, which would have a direct negative impact on the essential Green Belt characteristics of openness and permanence; and
- The buildings and structures of the existing, permitted WRF clearly cause some harm to the objectives of the Green Belt. Its appearance is particularly industrial and significantly impacts upon the openness and permanence of the South West Hampshire Green Belt, as well as countryside encroachment. Contribution to the cumulative impact of this would further the detrimental impact to this protected landscape.

70. Therefore, the proposed development is not caught by the exceptions in Paragraph 145 or 146 of the NPPF (2019) and constitutes inappropriate development in the Green Belt that should not be approved except where the potential harm to the Green Belt and any other harm from the proposal is clearly outweighed by other considerations (there exist very special circumstances).

71. The consultation response from New Forest District Council is an objection which states:

'The site is situated outside the development site boundary and the land is within countryside designated as Green Belt. In accordance with the NPPF (Paragraphs 143 and 144) and Policy CS10 of the Council's adopted Core Strategy, this places a presumption against development. This proposal has the potential to reduce the openness of the Green Belt (adversely affecting the character of the area) and introduce inappropriate development. As set out in paragraph 143 of the NPPF (2019) inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

The submission does not satisfactorily demonstrate that the proposal should be considered an exception in accordance with Paragraphs 145 and 146 of the NPPF. Furthermore, officers are not satisfied that the very special circumstances which justified planning permission for the Pennington recycling facility itself can be equally applied to this proposal which aim is to support and improve the functioning of this already existing facility. In light of the above, it is considered that no very special circumstances exist to support this development.'

72. NFDC do not raise objection on the grounds of the impact to the strategic sites for residential allocation.

73. The consultation response from the County Council Landscape Officer raises objection, stating that this proposed development is intrusive in the Green Belt and permission to reduce the openness of the landscape further than that from existing development should not be considered. Their view is that ten years is a long time for a temporary permission, no justification has been given as to why the site would not be needed for this use after ten years, that the scheme would further harm the experiential qualities of the landscape and it is located within the South West Hampshire Green Belt. The site is located within the South Hampshire Coastal Plain landscape character area. The open nature of this landscape is very important to the character of the area. The Landscape and Visual Assessment submitted as part of the application does not address the impact of the proposal on the experiential qualities of the landscape, most important in this open, flat landscape. This view implies that the proposal is in conflict with Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) in that it does not maintain and enhance the distinctive character of the landscape.

74. Therefore, the proposed development is not considered to be in accordance with Policies 5 (Protection of the countryside), 6 (South West Hampshire Green Belt) and 13 (High-quality design of minerals and waste development) of the HMWP (2013), Policy CS10 (Spatial Strategy), point (o), of the NFDC Core Strategy (2009) and Paragraphs 133, 134, 143,144,145 and 146 of the NPPF (2019).

Waste Management

75. Policy 25 (Sustainable waste management) of the HMWP (2013) states that the co-location of activities with existing operations will be supported, where appropriate, if commensurate with the operational life of the site, and where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities.
76. The proposed development is a compatible co-location with the existing Pennington WRF. The timescale of the WRF is permanent, and so based upon the justification that the proposed development is to *'improve the efficiency of the existing waste recycling operation by freeing up space so as to improve day to day operations and enhance site safety in support of sustainable waste management in Hampshire'*, then the temporary timescale sought by the application is not commensurate with the operational life of the WRF site. Any improvements to the efficiency and site safety at the WRF site gained by the proposed development would require the retention of the proposed development beyond the 10-year period applied for. Otherwise, these benefits would be undone upon the cessation of the proposed use unless an alternative site was secured. In these circumstances, it is debatable as to whether the proposal can be considered to be in accordance with Policy 25 (Sustainable waste management) of the HMWP (2013).
77. Policy 26 (Safeguarding - waste infrastructure) states that waste management infrastructure is safeguarded against redevelopment and inappropriate encroachment unless the proposed development is part of a wider programme of reinvestment in the delivery of enhanced waste management facilities. There are two issues to be balanced when considering this policy. By virtue of providing improvements for the daily operations of the WRF, the proposed development is considered to enhance the existing WRF with respect to operational management and site safety. However, the loss of the site for the potential solar farm ancillary to the WRF is a negative outcome that reduces the potential to provide renewable energy as part of waste management infrastructure. It is feasible to re-locate the renewable energy provision, although this has not been proposed in this application. On balance, notwithstanding the loss of a potential site for energy generation, it is considered that the proposed development does not constitute 'inappropriate encroachment' on the safeguarded facility as it wouldn't undermine or threaten the future operation of the existing WRF. It is not therefore in conflict with Policy 26 (Safeguarding - waste infrastructure) of the HMWP (2013).

78. Policy 27 (Capacity for waste management development) states that proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through extensions to suitable sites that are ancillary to the operation of the existing site and improve current operating standards. It is considered that the proposed development is in accordance with Policy 27 (Capacity for waste management development) of the HMWP (2013), subject to a view on the suitability of the site.
79. Policy 29 (Locations and sites for waste management) of the HMWP (2013) is used to assess proposals for all types of waste development and sets the general approach to considering the location and sites for waste management facilities. The policy is split into 3 parts. The site does not lie within any of the areas set out in Part 1 and therefore Parts 1 and 2 of the policy are not relevant. Therefore, the proposal will be required to meet Part 3 of the Policy. To be considered to meet Part 3 of Policy 29, applicants will be required to demonstrate that a site will have good transport connections to the sources of and/or markets for the type of waste being managed and a special need for the particular location with the suitability of the site being clearly justified.
80. The site's location, adjacent to the existing WRF that it aims to support, allows the proposal to be considered to have good connections to sources of waste being managed. The special need for this particular location parallels the requirement of Policy 6 (South West Hampshire Green Belt) to demonstrate the proposed development is not inappropriate or that there are very special circumstances. It is acknowledged that site proximity to the Pennington WRF is needed to make the proposal feasible. The application does include information to demonstrate the need for the development, as set out in paragraph 44 of this report, and the suitability of the site from the perspective of the business. While a case can be made for demonstrating a special need for the location under policy 29, it is considered that this does not constitute 'very special circumstances' that would justify a location in the Green Belt.

Existing planning status of the site

81. The site is within the boundary of the historic landfill site worked for sand and gravel to the south of the A337 (Milford Road) in Pennington. It is located adjacent to the Pennington Recycling Facility to the east and the Pennington Waste Water Treatment Plant to the south.
82. The site is currently a field with agricultural use, having been restored to such as part of the restoration of the historic landfill and quarry. Therefore, it is considered a green field site. Planning Permission [PP] 15/11012 was granted by New Forest District Council [NFDC] in 2015 for two fields to be developed as a solar farm, the justification being to provide renewable energy to Pennington WRF. The site hereby considered is the northern field

of the two. This permission has been implemented as a result of the development being carried out on the southern field. Therefore, the developer is still entitled to build out any aspect of that planning permission that is outstanding on the site.

83. However, this does not mean that the site should currently be considered to have been developed and to constitute previously developed land for the purposes of assessing the viability of further planning applications (simply by virtue of it lying within the 'red line' site boundary of an implemented planning permission).
84. In terms of assessing whether land is previously developed the NPPF provides a definition in [Annex 2: Glossary](#), '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*'
85. In this case, the site (the northern field) is not physically connected to the land that has been developed, and whilst in its current state, it would not appear to have any ancillary function to the developed land. On this basis it would not be considered curtilage, and since it does not have any permanent structures of its own, it is the view that the site is not considered previously developed land.
86. The existing permission on the site for a solar farm has limited weight in the positive consideration of the development of the site as vehicle, plant and skip parking. A number of policies from the NFDC Local Plan (2009) and the NPPF (2012) that were key in the determination of solar farm application (PP 15/11012) are not relevant to the current proposal. Solar farms and renewable energy schemes have their own policies which support the principle of those uses.
87. The granting of PP 15/11012 only sets the principle that it was considered that there was no over-riding adverse local impact and no unacceptable impacts in accordance to NFDC Local Plan Policies CS4 (Energy and resource use) and DM3 (Renewable and low carbon energy generation) for a development of the nature of that proposed; an ancillary solar farm to generate renewable energy for the Waste Recycling Facility. This decision considered the balance of a renewable energy proposal to its associated impacts on the site. Therefore, as the scheme proposed for this application is a significantly different development, with significantly different impacts, it needs to be considered on its own merits against policy that is relevant in this case.

Carbon Cost and Sustainability

88. Policy 2 (Climate change - mitigation and adaptation) of the HMWP (2013) states that minerals and waste developments should minimise their impact on the causes of climate change and where applicable, reduce vulnerability

and provide resilience to impacts of climate change by being located and designed to help reduce greenhouse gas emissions and to make more sustainable use of resources. Development should also seek to avoid areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures.

89. Chapter 14 (Meeting the challenge of climate Change, flooding and coastal change) of the NPPF (2019) sets out national policy on climate change and renewable and low carbon energy. Chapter 14 states that the planning system should support renewable and low carbon energy and associated infrastructure (Paragraph 148); that new development should be planned to help reduce greenhouse gas emissions (Paragraph 150) and help increase the use and supply of renewable and low carbon energy with a positive strategy for energy from these sources that maximises potential for suitable development (Paragraph 151). Paragraph 154 states that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
90. The proposed development has an interesting issue in that its implementation would result in preventing the site being developed to complete the solar farm permitted by PP 15/11012. The Solar farm application 15/11012 and the Local Planning Authority's decision report states that the reason for the solar farm is to provide renewable energy to Pennington WRF, i.e. the solar farm is ancillary to the WRF. This would mean that the benefits of that development to provide the Waste Recycling Facility with renewable energy would only be partially fulfilled, and it could be considered that the proposal being considered for this report has an adverse impact on climate change and sustainability aims as a result of this.
91. The proposal, however, does put forward the benefit of reduced HGV movements by enabling vehicles to be stored overnight at this site rather than needing to travel to other sites run by the operator (saving 60 HGV movements per day). This alone would make a positive contribution towards reducing the operation's impacts on the causes of climate change.
92. The applicant has not provided any information to explain why the solar farm development has not been completed or a carbon calculation to demonstrate a net gain of carbon emission reduction from HGV movements verses the loss of renewable energy generation. However, taking into account the proposed co-location of activities and reduced HGV movements, and having regard to the fact that the applicant can't be compelled to complete the solar farm development, it is considered that the proposal on balance is not contrary to Policy 2 (Climate change - mitigation and adaptation) of the HMWP (2013) and the aims of Paragraphs 148-154 of the NPPF (2013).

Temporary development

93. The National Planning Policy Guidance sets out in Paragraph 14 when conditions can be used to grant planning permission for a use for a

temporary period. There are only limited circumstances when a planning authority may grant planning permission for a specified temporary period. The Guidance states:

94. *‘Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.’*
95. *‘It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.’*
96. The proposed application is for a 10-year temporary period with restoration of the site back to agricultural use. The temporary nature of the proposal is material, particularly in the consideration of its impacts on public amenity, and the open countryside. The application does not include any justification for the length of the temporary period, stating neither why the 10-year period is required nor what the permanent solution is for the operational and site safety issues at the WRF.
97. At the present time there is nothing to indicate that there could be a change in the planning circumstances relating to the site or its surroundings in the future (e.g. a change to support developments of this nature within the Green Belt or the removal of this area from the Green Belt) and the applicant has not indicated that they expect their business circumstances and land requirements to be different in ten years’ time.
98. As it stands, the applicant has not given reasons for seeking a temporary permission or suggested any plans for seeking a permanent solution beyond the 10-year period and as such there is doubt as to whether the granting of a temporary permission would be appropriate.

Visual impact and landscape

99. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact.
100. The County Landscape Officer has raised objection on the basis that insufficient information has been provided to demonstrate that the proposal is acceptable in landscape terms. It is considered that the open nature of the South Hampshire Coastal Plain landscape character area will be significantly impacted and that this application will not enhance the beneficial use of the Green Belt or result in a high standard. *‘It is for a storage yard which by its*

very nature is unsightly, untidy and full of unattractive items, such as skips, storage containers and lorries. There is no landscape justification for this application on this site.'

101. The most significant visual and amenity impact is to the users of Public Right of Way [PROW] Footpath 84B, that runs along the eastern boundary of the site. The proposed development would see a new vehicular access for the PROW to cross, with the assistance of an island. It would also result in the loss of the open countryside views from the PROW for the length of the development, the post and wire fence being replaced with a screening bund (2m high) and planting that would see the footpath enclosed to both sides. The cumulative effect of this in addition to the industrial appearance and amenity of the existing WRF is considered to result in a significant detrimental impact to the PROW that is not in keeping with maintaining the openness and permanence of the Green Belt. The submitted Landscape and Visual Impact Assessment also does not consider the impact to the Strategic Site for housing allocation in the emerging NFDC Local Plan 2016-2036.
102. Therefore, the proposal is not in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Cumulative impacts to pollution, health and amenity

103. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
104. The public representation objecting to the proposal is on the grounds of the cumulative impact extending the Pennington Waste Recycling Facility [WRF] would have on health and amenity impacts on local residents, with particular reference to dust.
105. The New Forest District Council Environmental Health Officer's [EHO] consultation response considered noise impact and raised no objection subject to a condition to limit the hours of use of the operations on the site to correlate with those on which the application's Noise Impact Assessment were based.
106. The proposal includes for a 2m high bund and vegetation screen around its perimeter to help mitigate against health, safety and amenity impacts such as noise and visual impacts. The application includes a noise and visual impact assessment to consider these issues.
107. Considering other impacts, the proposal could have lighting and air quality impacts. The proposal in itself is not likely to generate a significant amount of

dust or odour due to its nature. The surface material of the storage area could have an adverse effect from dust though this could be mitigated. This proposal seeks to free up space in the existing WRF from the storage of skips. This combined with the improved efficiencies gained from this proposed extension could result in a cumulative increase in environmental and amenity pollution, such as from noise, dust, lighting and odour. The planning application does not consider the impact on public health and safety impacts to the strategic sites for housing allocation in the NFDC emerging Local Plan 2016-2036. Note that future applications for these developments would, in any event, be required to be designed to adapt and mitigate impacts from existing developments. However, the proposal hereby considered also need to consider the presence of the existing allocated sites.

108. Planning Permission 14/10255 is the current permission for the existing Pennington WRF. It contains conditions that seek to mitigate the potential impacts of that development. Therefore, as an ancillary development to the existing WRF, it would be logical to make the proposed development subject to the same conditions, where appropriate, to ensure no increase in the impact of the overall waste operations at the location. This would include operating times, dust suppression measures, noise limits, accordance with the Noise Management Plan, sheeting of HGVs and prevention of mud and spoil on the highway.
109. Therefore, any permission granted for this proposal should include conditions to ensure that the proposed development does not cause any cumulative detrimental impacts to public health, amenity or safety and so be considered in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Potential pollution associated with the development

110. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#))
111. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

Soil Protection

112. Policy 8 (Protection of soils) of the HMWP (2013) states that waste developments should protect and, wherever possible, enhance soils and should not result in the net loss of best and most versatile agricultural land

and ensure the protection of soils during construction and, when appropriate, recover and enhance soil resources.

113. The site is identified as not being best and most versatile agricultural land. The proposal will see the soil removed from the site used to form bunds to its perimeter and no removal from the site. The proposed restoration scheme will relocate this soil back onto the site to return it to agricultural use but does not propose any enhancement to that soil resource.
114. On balance, the site is not considered best and most versatile land and, although the restoration scheme proposes no enhancement of soil resources in the restoration of the site, the proposed development is considered in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

Ecology

115. Policy 3 (Protection of habitats and species) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
116. Natural England and the County Ecologist raise no objection, subject to a condition requiring the submission and approval of a biodiversity enhancement scheme. Therefore, the proposed development is considered in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

Flooding

117. Policy 11 (Flood risk and prevention) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
118. The final consultation response from the Lead Local Flood Authority raises no objection.

Highways impact

119. Policy 12 (Managing traffic) requires minerals and waste development to have a safe and suitable access to the highway network and where possible

minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.

120. The submitted Transport Assessment does not include consideration of the strategic sites for housing allocation in the NFDC emerging Local Plan. However, the Local Highway Authority is aware of the possible allocations and raise no objection.

Conclusion

121. The site is within the South West Hampshire Green Belt and the application does not demonstrate very special circumstances that would allow the proposal to be considered acceptable and not cause harm to the fundamental aims of the Green Belt, namely openness and permanence. The temporary nature of the proposal does not remove the detrimental impact to the permanence of the open Green Belt. The proposal is therefore considered inappropriate and harmful to the Green Belt.
122. The application does not include any reason justifying the length of the temporary period, and the 10-year period for which the benefits of the proposal could be achieved is not commensurate with the operational life of the wider waste site the proposal seeks to support.
123. It is considered that the open nature of the South Hampshire Coastal Plain landscape character area will be significantly impacted and that this application will not enhance the beneficial use of the Green Belt. It is not considered high-quality design and does not contribute to achieving sustainable development. It is considered to have significant detrimental impact on the amenity of the adjacent Public Right of Way.
124. In brief, the change of use of a green, agricultural field within the open countryside and Green Belt to a HGV and car park with additional industrial storage is not considered appropriate development and the applicant has failed to demonstrate that there are very special circumstances which would make the development acceptable.

Recommendation

125. That planning permission be REFUSED for the following reasons:
- (1) The development is within the South West Hampshire Green Belt and no very special circumstances exist that would support the proposal. It is therefore considered inappropriate and harmful to the openness and permanence of the Green Belt and as such is contrary to Policies 5 (Protection of the countryside) and 6 (South West Hampshire Green Belt) of the Hampshire Minerals and Waste Plan (2013), Policy CS10

(Spatial Strategy), point (o), of the New Forest District Council Core Strategy (2009) and Paragraphs 133, 134, 143,144,145 and 146 of the National Planning Policy Framework (2019).

- (2) The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development. Therefore, the proposed development is not in accordance with Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Appendices:

Appendix A - Committee Plan

Appendix B – Layout Plan

Appendix C – 14/10255 Decision Notice Certificate for the Pennington Waste Recycling Facility [WRF]

Appendix D – Plan showing the Strategic Sites for residential allocation form the emerging NFDC Local Plan 2016-2036.

Other documents relating to this application:

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
<p>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because: the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.</p>	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

19/10523
NF042

Hampshire County Council

Land to the west of Pennington Recycling Facility, Milford Road, Pennington SO41 8DF (Temporary extension to Pennington Recycling Facility for associated parking and storage use

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

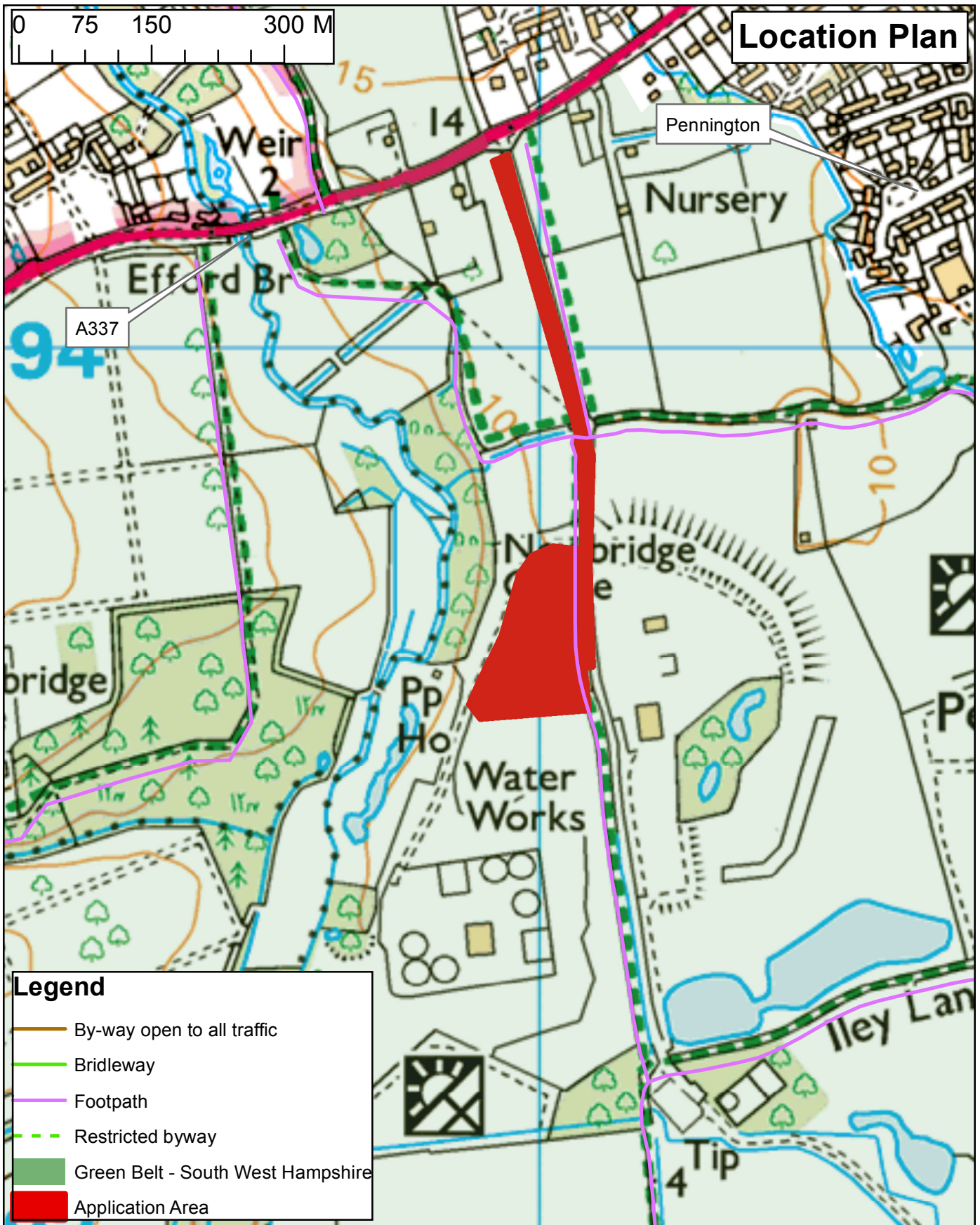
The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.



Temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington SO41 8DP

APPLICATION No: 19/10523

SITE REF: NF042

Drawn by: Strategic Planning

REGULATORY COMMITTEE

DATE 24 July 2019

1:6,000

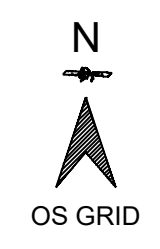
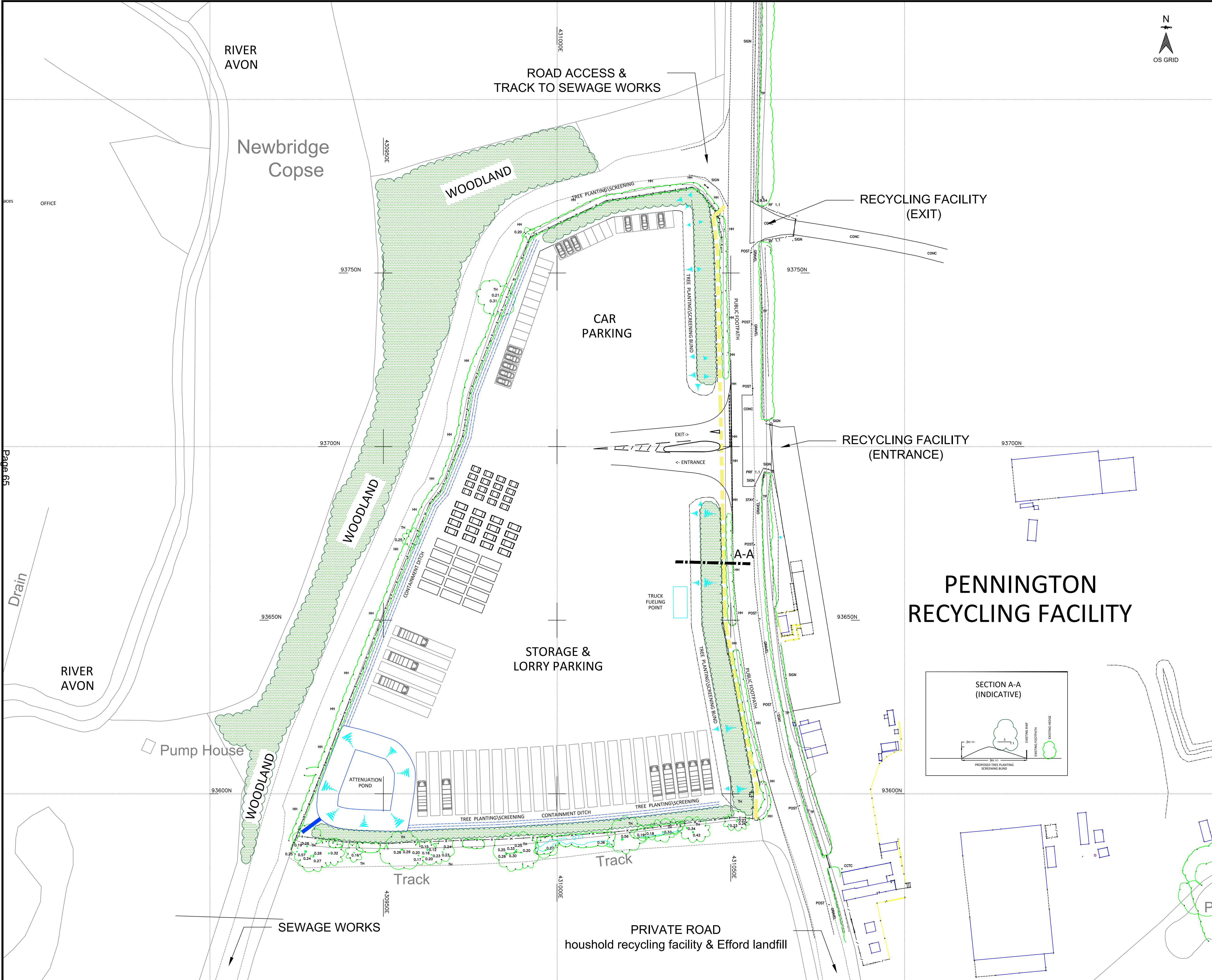


**Hampshire
County Council**

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STATION LISTING					
STN ID	EASTING	NORTHING	LEVEL	TYPE	
1	431010.96	93626.29	13.23	TMP	
2	431004.70	93694.86	13.07	TMP	
3	430970.28	93622.27	12.62	TMP	
T1	431046.01	93642.16	12.04	TMP	

DATUM DETAILS	
OSGB36, VIA ETRS89 - OSTN15, FLAT PLANE ABOUT E: 431173.32 N: 93565.72	
OS NEWLYN, VIA ETRS89 - OSGM15	

LEGEND	
ADD ABOVE ORDNANCE DATUM	TREES
AV AIR VALVE	ALD ALDER
B BOLLARD	BCH BEECH
BH BOREHOLE	CED CEDAR
BB BELISHA BEACON	CHY CHERRY
BTB BRITISH TELECOM COVER	CON CONIFER
BS BUS STOP	CVP CYPRESS
CA TV CABLE TELEVISION COVER	FRU FRUIT
CONC CONCRETE	HAW HAWTHORN
CPS CONCRETE PAVING SLABS	HLY HOLLY
DK DROP KERB	HCH HORSE CHESTNUT
DP DOWNPIPE	LAB LABURNAM
ECB ELECTRICITY CONTROL BOX	LAR LARCH
ELCP ELECTRICITY CABLE PIT	LIM LIME
EP ELECTRICITY POLE	MPL MAPLE
ERC EARTH ROD COVER	PNE PINE
FI FIRE HYDRANT	POP POPLAR
FB FLOWER BED	RWN ROWAN
FL FLOOR LEVEL	SIB SILVER BIRCH
FP FOOTPATH / FLAG POLE	SFR SPRUCE
GP GATE POST	SCH SWEET CHESTNUT
GS GAS VALVE	SYC SYCAMORE
G GULLY	WLV WILLOW
IC INSPECTION COVER	UNK SPECIES UNKNOWN
LB LETTER BOX	
LH LAMP HOLE	
LP LAMP POST	
MH MANHOLE	
MOR MARKER POST	
SNP STREET NAME PLATE	
OSBM O.S. BENCHMARK	
PCE PRE-CAST CONCRETE EDGING	
PCK PRE-CAST CONCRETE KERBS	
PM PARKING METER	
RE ROAD SIGN	
RS RAINWATER DOWNPIPE	
RVP SIGN POST	
STP SURVEY STATION	
STP STACK PIPE	
STP STOP VALVE/COCK	
T4P WATER TAP/STANDPIPE	
TBM TEMPORARY BENCHMARK	
TBR TELEPHONE CALL BOX	
TH TREE HEIGHT	
TL TRAFFIC LIGHT	
TF TELEGRAPH POLE	
VP VENT PIPE	
WL WATER LEVEL	
WMSV WATER METER STOP VALVE	
WO WASH OUT	
WT WATER TROUGH	
BUILDING	
RH RIDGE HEIGHT	
SL SCOFFIT LEVEL	
EL EAVES LEVEL	
FRH FLAT ROOF HEIGHT	

NOTES

Tree species, as if named on this plan, are for general information only and should be confirmed by a taxonomist prior to any detailed design.

Trees, canopies and boles, are shown diagrammatically ie circular, their true shape in plan will be different.

Additional abbreviations maybe present and not indicated above.

Kerb levels, if shown, are taken at the junction of kerb face and tarmac.

Boundaries, as shown, do not necessarily constitute legal boundaries.

This survey has been carried out to an accuracy consistent with the presentation scale shown, therefore interrogated dimensions will be within the tolerance associated with said scale.

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CONTOUR INTERVAL 0.25m

Rev	By	Chkd	Apprvd	Date	Description

Client

NEW MILTON SAND & BALLAST LTD

D G Yeatman Surveying & Engineering Ltd
82A York Road, Broadstone, Dorset, BH18 8EU
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office@dgyeatsman.co.uk
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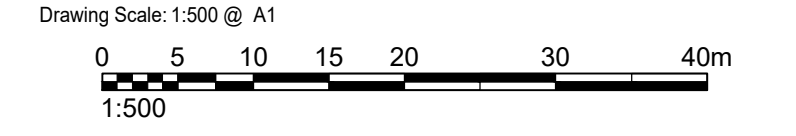
Project

STORAGE & PARKING AREA

Drawing

GENERAL LAYOUT (03.19)

Surveyed by: D.G.Y	Date: 02.18
Drawn by: D.G.Y	Date: 03.19
Checked by:	Date:
Drawing No.	Revision
LP-M7	



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Town and Country Planning Act 1990

To: Land & Mineral Management Ltd
Roundhouse Cottages
Bridge Street
Frome
Somerset
BA11 1BE

Application No: **14/10255**

HCC Ref: NF042

For: New Milton Sand & Ballast Ltd

Date of Application: 17 February 2014

Hampshire County Council, as Waste Planning Authority, **grants permission** for the following development in respect of the plans and particulars and subject to the attached schedule of 17 conditions:

Development: **Variation of condition 10 of planning permission 84776 (noise)**

Site address: **Manor Farm Recycling Facility, Pennington, Lymington, Hampshire SO41 8QZ**

Reasons for Approval

It is considered that the proposal is in accordance with the local development plan and in particular the revised noise conditions will afford protection to local residents from unacceptable noise impacts (Policy 10 of Hampshire Minerals and Waste Plan (2013)) and meet the provisions of paragraph 206 of the National Planning Policy Framework.

Commencement

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

All enquiries should be referred to the Economy, Transport & Environment Department,
The Castle, Winchester, SO23 8UD
Tel: (01962) 846746 Fax: (01962) 847055

**Director of Economy,
Transport & Environment**
15 January 2016



Town and Country Planning Act 1990

Application No: **14/10255**

Continued

Hours of Working

2. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity to meet the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013).

3. Notwithstanding condition 2 above, there shall be no loading or unloading of vehicles or operation of mobile plant and mobile machinery outside the buildings before 0800 hours Monday to Saturday.

Reason: In the interests of local amenity to meet the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013).

Landscape

4. The Planting Schedule dated 26th October 2006 produced by Peter Swann & Associates and 1/1,000 Scale SOFT LANDSCAPE DETAILS plan approved by the Waste Planning Authority on 30 November 2006 in relation to planning permission 84776, shall continue to be maintained in accordance with the approved details for the duration of the operation. A detailed scheme of landscaping for the additional proposed planting on the bund shall be submitted to the Waste Planning Authority for approval in writing within three months of the date of this permission. The scheme shall include the planting specification (types, size and species of all trees and shrubs to be planted), identify trees to be retained, phasing and timescales for carrying out the planting, and provision for future maintenance. The scheme shall be implemented as approved. Any trees or shrubs which, within a period of time years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity to secure the aims of Policy 10 of the Hampshire Minerals and Waste Plan 2013.

Town and Country Planning Act 1990

Application No: **14/10255**

Continued

5. The location, type and extent of all outside stockpiles of waste and recycled materials shall be as and detailed under plan 739/SK3D (as approved under permission 84776).

Reason: In the interests of minimising visual impact and local amenity and to ensure the purpose of the South West Hampshire Green Belt is not compromised in accordance with Policies 6 and 10 of the Hampshire Minerals and Waste Plan (2013).

6. No materials shall be stockpiled or deposited on the site to a height exceeding three metres.

Reason: In the interest of visual amenity and to ensure the purpose of the South West Hampshire Green Belt is not compromised in accordance with Policies 6 and 10 of the Hampshire Minerals and Waste Plan (2013).

Protection of Water Environment

7. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013).



Town and Country Planning Act 1990

Application No: **14/10255**

Continued

8. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse. All drainage from the concrete hardstanding will be drained to collection tanks.

Reason: To prevent pollution of the water environment to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013) are met.

Noise, Dust and Odour

9. Within three months of the date of this permission details of dust suppression measures for the entirety of the site shall be submitted to and approved by the Waste Planning Authority in writing. The approved measures shall be implemented in accordance with the approved details prior to the installation of the washing plant and shall remain in accordance with the approved details for the duration of the development.

Reason: In the interests of local amenities to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013) are met.

10. The Specific Sound Level emitted from the site shall not exceed 38dB LAeq,1hr during any hour at the intersection of the driveway to Pennington Manor and the footpath to Milford Road at grid reference 43149, 93952 and at the boundary of any nearest noise sensitive premises as approved or directed by the Waste Planning Authority. This level shall be determined in accordance with the principles of BS4142:2014. If the Specific Sound Level is calculated, the method and the reason(s) for the method used shall be stated.

Reason: In the interest of local amenity to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013) are met.

Town and Country Planning Act 1990

Application No: **14/10255**

Continued

11. For the duration of the development, the operator shall undertake a compliance monitoring assessment at least twice within a period of 12 months. The measurement compliance point shall be at the intersection of the driveway to Pennington Manor and the footpath to Milford Road at grid reference 43149, 93952 or at any other location as approved or directed by the Waste Planning Authority if the current position becomes unavailable for whatever reason. The noise monitoring shall be separated by at least 4 months, be made under downwind conditions and otherwise comply with the requirements of BS4142:2014. A report detailing the assessment methodology to assess compliance with the above condition 10 and the derived results shall be submitted to the Waste Planning Authority within 30 days of the monitoring'

Reason: In the interest of local amenity to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013) are met.

12. A noise management plan (NMP) shall be submitted for approval by the Waste Planning Authority within three months of the date of this permission. The NMP shall contain details on site noise reduction methods, continuous monitoring at a proxy location and automated weather station records for the site (wind direction, wind speed and precipitation). All noise measurements shall be undertaken in accordance with the principles of BS4142:2014. The recorded noise levels and weather station records shall be made available to the Waste Planning Authority in a suitable format within one week of any written request from the Waste Planning Authority. The development shall thereafter operate in accordance with the approved NMP.

Reason: In the interest of local amenity to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013) are met.

13. All waste recycling and processing, other than sorting and composting, shall be carried out within the approved buildings.

Reason: In the interest of local amenity to ensure the aims of Policy 10 of the Hampshire Minerals and Waste Plan (2013) are met.



Town and Country Planning Act 1990

Application No: **14/10255**

Continued

Details of Buildings

14. The buildings shall be constructed and maintained in accordance with plans 739/SK6D, 739/SK7B, 5841/03, 5847/04, as approved under permission 84776.

Highways

15. All HCVs entering or leaving the site loaded with waste associated with the development hereby permitted shall be securely sheeted.

Reason: In the interest of local amenities and highway safety to ensure the aims of Policies 10 and 12 of the Hampshire Minerals and Waste Plan (2013) are met.

16. Measures shall be taken to prevent mud and spoil from vehicles leaving the site being deposited on the public highway. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the public highway. In the event that any mud or spoil is deposited on the highway, it shall be cleaned off at the end of each working day.

Reason: In the interests of highway safety to ensure the aims of Policy 12 of the Hampshire Minerals and Waste Plan (2013) are met.

Plans

17. The development hereby permitted shall be carried out in accordance with the following approved plans: **107/S73 C10, 107/NM1, PEN-0814-A, PEN-1015A**

Reason: For the avoidance of doubt and in the interests of proper planning.

Town and Country Planning Act 1990

Application No: **14/10255**

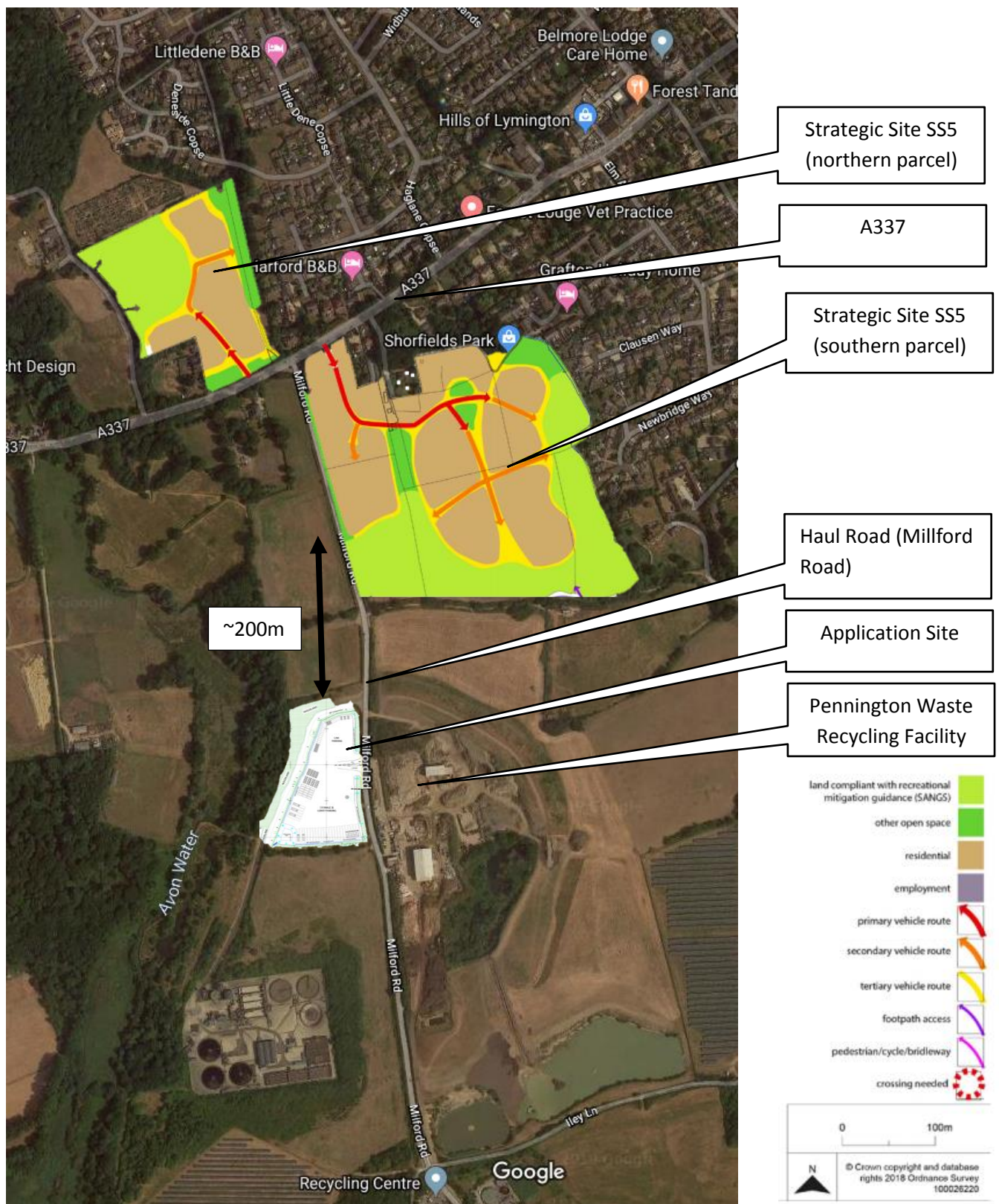
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Notes to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

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Appendix D: Plan showing the Strategic Sites for residential allocation form the emerging NFDC Local Plan 2016-2036.



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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	24 July 2019
Title:	Demolition of existing building and provision of a new two storey All Through Special Needs school and associated external works, including access road, landscape, soft/hard play and parking areas at Former Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP (No. 19/01381/CC3) (Site Ref: BAE035)
Report From:	Head of Strategic Planning

Contact name: Judith Smallman

Tel: 01962 847870

Email: judith.smallman@hants.gov.uk

Recommendation

1. That planning permission be **GRANTED** subject to the conditions listed in integral appendix A.

Executive Summary

2. The planning application is for a 125 place all through Special Needs school and associated external works, including internal access road, landscape, soft/hard play and parking areas at the former Chineham Park Primary School, Shakespeare Road, Basingstoke.
3. The site is a 1.99-hectare (ha) site located within a residential area approximately 1.5km north east of Basingstoke Town Centre. The site is bordered by Chineham Park (an area of green space) to the north, the A33 to the east, the School's driveway to the south, and a residential area to the west. The site formerly accommodated Chineham Primary School.
4. This application is being considered by the Regulatory Committee as it is a major Regulation 3 development.
5. When considering the application, the key issues to be taken into consideration are highways safety including car parking, design, scale and massing of the proposed school buildings, biodiversity, sustainability and landscape impact.

6. It is considered that the proposal is in accordance with the relevant policies of the adopted Basingstoke and Deane Local Plan 2011-2029 (2016) as it makes provision for new educational facilities to meet the needs of the local community in accordance with policies SD1 (Presumption in favour of sustainable development); (CN6 (Infrastructure); CN7 (Essential facilities and services) and CN8 (Community, leisure and cultural facilities) of the Basingstoke and Deane Local Plan 2011 - 2029 (2016) (BDLP 2011-2029) (2016)) as well as relevant paragraphs of the National Planning Policy Framework (2019).
7. The design, appearance and proposed materials are considered appropriate in accordance with policy EM10 (Delivering high quality development) of the BDLP 2011-2029 (2016) and the incorporated landscaping will enhance both the natural and built environment and maximise the potential to improve local biodiversity in accordance with policies EM1 (Landscape) and EM4 (Biodiversity, geo-diversity and nature conservation) of the BDLP 2011-2029 (2016).
8. The proposal has limited opportunity to encourage walking and cycling due to the nature of the school however, opportunities are being taken where possible to encourage staff to cycle and is supported by a Transport Statement. The proposal will not have a significant impact on the safety or operation of the local road network, and on-site parking provision will be provided in accordance with policy CN9 (Transport) of the BDLP 2011-2029 (2016) as well as relevant paragraphs of the National Planning Policy Framework (2019).
9. Appropriate sustainability features will ensure that energy loss is minimised (policy EM10 (High quality development)); there are water saving items (Policy EM9 (Sustainable water use)); and waste recycling facilities (Policy EM12 (Pollution)) of the BDLP 2011-2029 (2016). The site is located within a low probability flood risk zone and appropriate measures will be taken to ensure surface water run-off from the development will be managed in a sustainable way and will not increase the risk of flooding off site in accordance with policy EM7 (Managing flood risk) of the BDLP 2011-2029 (2016).
10. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).

The Site

11. The planning application is for the demolition of the existing building and provision of a new two storey school with associated external works, including access road, landscape, soft/hard play and parking areas.
12. The 1.99ha site was developed as a school site in 1967. The former Chineham Park Primary School site closed in July 2010 and since then the site has been used by a charitable organisation. It is within the residential area of Popley, approximately 1.5km North east of Basingstoke town centre. The site is bordered by Chineham Park (an area of green space) to the north,

the A33 to the east, the school's driveway to the south, and a residential area to the west via Chineham Lane.

13. The site is also shared by the KIDS nursery which was added to the south western corner of the site in 2008. It is privately-run nursery and provides care for both disabled and non-disabled children. It is open from 08.00-18.00 Monday to Friday all year.
14. The school currently has a single vehicular access point comprising of a driveway on the southern boundary of the site, feeding from the surrounding residential roads Chineham Lane via Shakespeare Road. There is no direct vehicular access to the site from the A33 to the east or the A339 to the south.
15. There is a nine-metre level change across the site rising from north to south. The north corner is the lowest point, with the site being developed over several levels. The future development will aim to retain most of the existing levels.
16. The site is bounded by the A33 to the east, Ringway to the south, residential housing (and nursery school) to the west and a public park to the north.
17. The site boundaries comprise dense plantation woodland along the east, thinned woodland to the south, mainly close board fencing to the west, with a few scattered shrubs/trees, and a hedgerow (approx. 5' high) along the north side which all contribute to the enclosed nature of the site.
18. There are few views of the traffic on the A33 to the west due to the density of the vegetation. To the south, an access road and further vegetation beyond, precludes views of the Ringway. To the west the two storey dwellings are clearly visible above the 6' fencing. To the north, the relatively low hedge allows views of the scattered parkland trees.
19. An Archaeological Assessment has been submitted with the planning application which evaluates the impact of the development on potential archaeological artefacts. It is believed that there is potential for the presence of a medieval church and a manor house on the site, although the exact location is unknown.
20. A desk study Ecological Appraisal was carried out at the feasibility stage to assess the potential for the site to support protected habitats and species and concluded that the site was 'considered to be of low ecological value'.

The Proposal

21. The proposal is for the demolition of the former Chineham Primary School and provision of Austen Academy, a 125-place new two storey all through Special Needs school and associated external works, including access road, landscape, soft/hard play and parking areas.

22. The school, 3047m² net, will cater for pupils aged between 4 and 16 years, with a planned start-up in Easter 2021. There will be 65 full time staff at the school comprising 22 teaching and 43 non-teaching staff.
23. Due to the sensitive nature of the pupils the focus is to encourage a flexible and therapeutic way of learning, and to generate a strong connection between the indoor and outdoor teaching environments.

Design

24. The proposed layout is linear and compact. The two-storey building has a double height entrance to create a prominent public front which leads pupils and staff to the shared spaces (main Hall, dining, admin area) at the heart of the building. It is also visually and physically connected to the rear access through a wide corridor which allows daylight to permeate into the building.
25. The primary classrooms are located at ground floor on the north side of the building. External canopies and a variety of natural and artificial soft and hard surfaces generate private outdoor gardens directly accessible from the classrooms. Only one classroom for severe autistic pupils is located on the south facade to allow for a more secluded outdoor space and reduce distraction.
26. Primary library and therapy spaces are in a central location to allow for pupils to easily and independently access these spaces. The secondary classrooms, library and support spaces are located at the first floor. Specialist rooms, i.e. Design and Technology workshop, Food Tech, Art and Science are located to allow secondary pupils to access these spaces without interacting with the primary environment.
27. The outdoor learning consists of primary hard play area, individual gardens outside primary classrooms, playing field, multi-use games area, outdoor dining space, secondary soft play and garden area.
28. Colourful items - doors, floors, acoustic panels and planting for external gardens - will be deployed to boost creativity and strengthen pupils' identity through colour coded environments.
29. The exterior walls of the proposed building will be finished in solid brickwork. A ribbon windows system is proposed to create a consistent design approach between north and south elevations, maximise the amount of natural daylight and create playful façades via coloured glazed panels and spandrels panels. All windows, doors and rooflights to be powder coated aluminium. It has been designed to be efficient in terms of operation and maintenance costs.
30. Vertical circulation within the school consists of two staircases located at each end of the teaching block. A platform lift is near the main entrance. Its location is compliant with relevant regulations.

31. All building entrances have an adjacent staff office providing suitable supervision and overlook. The interaction between pupils and external personnel (maintenance, deliveries, waste collection) will be carefully managed and, where possible, avoided.
32. The building will have external emergency and security lighting, with lighting also being provided to facilitate way-finding to and from the building to ensure safe routes in the evenings and winter. Additionally, external lighting to the car park area and access road will be provided. Signage will be kept to the necessary minimum, for safe use of the site. Dedicated maintenance entrance is provided of the main car park. No lighting is proposed for the MUGA.

Landscape

33. Key vegetation features to be retained include:
 - a broad tree belt running along the eastern boundary of mostly Grade B or Grade C quality;
 - two Grade A trees within the eastern tree belt;
 - wooded belts to either side of the access road; and
 - a dense existing hedge running along the northern boundary.
34. However, to facilitate the building of the school and the extensive car parking and drop off areas, there is loss of tree cover to the central zone of the site which includes both Grade B and Grade C individual trees and tree groups. To compensate the above loss new trees and hedges are proposed.
35. The landscape proposals for the development reflect the desire to provide an external environment that reflects the educational needs of the school, whilst taking account of the existing site and context, security and access requirements, as well as providing a functional and aesthetically pleasing appearance across the school site for staff, pupils and visitors.
36. The proposed school building runs west – east across the landform to minimise construction build up. The position of the new building sits to the north of the existing building footprint to allow for the required parking numbers. Retaining structures have been minimised, using soft landscape banking wherever possible.
37. Externally, the secure school zone provides for external classroom spaces with canopies for early years primary and the severe autism classrooms, sheltered outdoor dining, formal and informal sport with a regraded natural turf playing field and a proposed MUGA for all year-round use. Extensive hard and soft outdoor play areas are provided, with play equipment and shelter canopy for primary use and trim trail equipment for secondary use. A growing garden and raised planters will provide a horticultural contribution to the curriculum.

Car Parking

38. The existing smaller car parking area (18 spaces), vehicular access to the adjacent nursery and access routes for pedestrian and vehicles are retained, with the vehicular access widened slightly to allow for two-way traffic.
39. Provision will be made for a new car park with 46 spaces, 3 of which will be accessible spaces. The existing 18 space car park would be retained and increased to 20 spaces, 5 of which would be used for the proposed school staff. The remaining 15 spaces of this car park will be used for nursery staff, as per the nursery's lease agreement. One powered two-wheeler space and two minibus spaces would also be provided for the school's use.
40. The proposed car park will provide an extensive drop off and pick up facility on site at the front of the school entrance area, thus minimising any off-site parking effects, assisted by a staggered school day for primary and secondary pupils and a one-way route to ease vehicle movements. Parking numbers will provide for accessible parking close to the school entrance, nursery and school staff, as well as capacity for visitors, motorcycles and minibuses. The car park has been sized to allow for refuse lorry, fire appliance and coach movements and the extent is broken up with a central hedge line.
41. Covered cycle parking for staff is provided, however no provision is required for pupils. Disabled parking, car and minibus parking have all been incorporated into the scheme, with services and delivery access within the car park.
42. The number of parking spaces is in accordance with Hampshire County Council standard guidelines for schools.

Sustainability

43. The design has been developed to adhere, where possible, to the best practice criteria of sustainable design.
44. The following sustainable measures are proposed:
 - BREEAM New Construction principles – target 'Very Good ';
 - Insulated and air-tight building envelope;
 - Linear and compact building form;
 - Orientation to improve ventilation and daylight;
 - Use of brise-soleil to reduce overheating in classrooms and offices;
 - Sustainable Drainage Systems;
 - Energy efficient lighting and heating control;
 - Use of water saving items in toilets;
 - Recycling and collection areas;
 - Promotion of cycling as a sustainable way for staff to go to work; and
 - Improved bio-diversity around the site.

45. External Lighting will be controlled by electronic timers. Due to the location of the school, it is not envisaged to have any problems with light spillage.
46. The proposed school will have a mechanical ventilation system to be provided with attenuation to achieve the required acoustic criteria as detailed by the IoA/ANC School Design Guide, specified indoor ambient noise levels and Building Bulletin 93.
47. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#); 10(b) - Urban development projects and does not require an Environmental Impact Assessment as the scale and nature of the development is such that it is not considered likely to have a significant impact on the environment.

Development Plan and Guidance

48. The following plans and associated policies are relevant to the proposal:

[National Planning Policy Framework \(2019\)](#) (NPPF)

49. The following paragraphs are relevant to this proposal:
 - Paragraph 11: Presumption in favour of sustainable development;
 - Paragraph 94: Ensuring sufficient choice of school places is available to meet the needs of existing and new communities;
 - Paragraph 170: Contributions and enhancement of natural and local environment; and
 - Paragraph 102-103: Sustainable transport.

[Basingstoke and Deane Local Plan 2011 to 2029 \(2016\)](#)

50. The following policies are relevant to the proposal:
 - SD1 (Presumption in favour of sustainable development);
 - CN6 (Infrastructure);
 - CN7 (Essential facilities and services);
 - CN8 (Community, leisure and cultural facilities);
 - CN9 (Transport);
 - EM1 (Landscape);
 - EM4 (Biodiversity, geo-diversity and nature conservation);
 - EM7 (Managing flood risk);
 - EM9 (Sustainable water use);
 - EM10 (Delivering high quality development); and
 - EM12 (Pollution).

Consultations

51. **SGN Plant Protection Team** was notified.
52. **Southern Gas Networks** was notified.

53. **Environmental Health Basingstoke**, no objection subject to a condition requiring a Construction Environmental Management Plan.
54. **Basingstoke and Deane Borough Council** was notified.
55. **Councillor Frankum** was notified.
56. **Lead Local Flood Authority**, comments awaited.
57. **Sport England**, no objection subject to conditions for design and layout details for the MUGA and a detailed assessment of ground conditions.
58. **County Landscape Architect**, no objection subject to a condition for details of hard and soft landscaping.
59. **Arboriculture**, no objection subject to the submission of an amended landscape management report.
60. **County Ecologist**, comments awaited.
61. **Highway Authority**, no objection subject to conditions requiring a Construction Traffic Management Plan and a School Travel Plan.
62. **County Archaeologist**, no objection.

Representations

63. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
64. In complying with the requirements of the SCI, Hampshire County Council:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter residential properties within 50 metres of the boundary of the site.
65. As of 12 July 2019, no representations to the proposal had been received.

Commentary

Principle of the development

66. The principle of the development is established as the site has been used for educational purposes in the past (Chineham Primary School). The location of the school site on the edge of residential development and close to main

traffic routes suits the special requirements of the school as it will be attracting pupils from a wider area. Proposals for new education facilities are supported by policies CN7 (Essential facilities and services) and CN8 (Community leisure and cultural facilities) of the BDLP 2011-2029 (2016) and paragraph 94 (Ensuring sufficient choice of school places is available to meet the needs of existing and new communities) of the NPPF (2019).

Visual impact and landscape

67. The siting of the school uses existing ground levels to ensure it maximises the use of the site and minimises its impact on the surrounding landscape with the retention of key vegetation which contributes to the enclosed nature of the site. Care has also been taken in the positioning of the buildings to ensure traffic noise from the adjoining A33 does not impact on the school environment. Its design considers the importance of the flexibility of the use of space to meet the complex and diverse needs of the users and the strong connection between indoor and outdoor teaching environments. Details have been submitted that ensure the materials, colours and finishes to be used are appropriate to the development and surrounding area using materials. It can be demonstrated that the proposal will create an individual place with a distinctive character, in accordance with policy EM10 (Delivering high quality development). The landscape details in principle are acceptable however, additional details are required to be submitted as a requirement of a planning condition should planning permission be granted to ensure the overall loss of vegetation cover is not reduced more than is absolutely necessary to ensure the final hard and soft landscape scheme (including fencing) for the school are appropriate to the development, functional and aesthetically pleasing for staff, pupils and visitors in accordance with policy EM1 (Landscape) of the BDLP 2011-2029 (2016).

Sustainability

68. In accordance with policies EM9 (Sustainable water use), EM10 (Delivering high quality development); EM12 (Pollution) the proposal is targeting BREEAM “Very Good” and a condition is attached to ensure that the site wide target rating of “very good” is achieved as a minimum. These elements will ensure there is minimal energy loss and consumption, with a proportion of energy requirements being met on site.
69. The proposal incorporates sustainability measures to improve biodiversity by way of landscaping which accords with policy EN4 (Biodiversity, geo-diversity and nature conservation) of the BDLP 2011-2029 (2016). It also ensures that surface water run-off drainage will be controlled through a mixture of porous surfaces and porous sub bases in accordance with policy EM7 (Managing flood risk) of the BDLP 2011-2029 (2016).

Highways impact

70. The Local Highway Authority is satisfied that the proposed levels of on-site staff and visitor car parking, and covered storage for cycles, are in line with the requirements of Hampshire’s On-site School Parking Guidelines (April

2013), and are therefore in accordance with policy CN9 (Transport) of the BDLP 2011-2029 (2016).

71. It is accepted that as the proposed school caters solely for SEN pupils, it does not have a defined catchment area and pupils could potentially come from anywhere in Hampshire. Therefore, to assess traffic impacts comparable survey data from a similar school has been used. As this is a new school, baseline travel trends will need to be ascertained once the school is operational to check there are no deviations from the expected modal split and the travel plan finalised. Overall the local Highway Authority considers this anticipated level of traffic can be accommodated on the roads without compromising network capacity in accordance with policy CN9 (Transport) of the BDLP 2011-2029 (2016).
72. As the drop off loop would be a one-way system the queue should remain moving and any potential queue on the highway should only be for a very short period of time at the beginning and end of the school day. This together with the proposed level of staff car and cycle parking and the use of the drop off loop for public transport will all help to mitigate then increase in traffic to the school site and on local residential roads. The operating hours of the existing nursery on site should not conflict with the school's morning and afternoon peak periods. The development is therefore not considered to represent a significant impact on the safety or operation of the local road network.

Ecology

73. Whilst the proposal will result in the loss of some trees and potential habitats, it will not result in impacts to any designated sites and the site is of low overall ecological value. The final comments of the County Ecologist have not yet been received but it is anticipated that there will be no objection subject to planning conditions including a requirement that the works to be carried out in full accordance with the measures set out in section 5 (Mitigation and Enhancement) of the Ecological Appraisal Rev V1 March 2018. On that basis, the proposal is in accordance with policy EM4 (Biodiversity, geo-diversity and nature conservation) of the BDLP 2011-2029 (2016). Any further comments on ecology issues will be reported at the meeting.

Conclusions

74. It is considered that the proposal is in accordance with the relevant policies of the adopted Basingstoke and Deane Local Plan 2011-2029 (2016) as it makes provision for new educational facilities to meet the needs of the local community in accordance with policies SD1 (Presumption in favour of sustainable development); CN6 (Infrastructure); CN7 (Essential facilities and services) and CN8 (Community, leisure and cultural facilities) of the Basingstoke and Deane Local Plan 2011 - 2029 (2016) (BDLP 2011-2029 (2016)) as well as relevant paragraphs of the National Planning Policy Framework (2019).

75. The design, appearance, proposed materials and landscaping are considered appropriate in accordance with policies EM10 (Delivering high quality development), EM1 (Landscape) and EM4 (Biodiversity, geo-diversity and nature conservation) of the BDLP 2011-2029 (2016).
76. The proposal will not have a significant impact on the safety or operation of the local road network, and on-site parking provision will be provided in accordance with policy CN9 (Transport) of the BDLP 2011-2029 (2016) as well as relevant paragraphs of the National Planning Policy Framework (2019).
77. Appropriate sustainability features will ensure that the proposal accords with policies EM10 (High quality development), EM9 (Sustainable water use), EM12 (Pollution) and EM7 (Managing flood risk) of the BDLP 2011-2029 (2016).

Recommendation

78. That planning permission be GRANTED subject to the conditions listed in integral appendix A.

Appendices:

- Appendix A – Conditions
- Appendix B - Location Plan
- Appendix C – Layout Plan
- Appendix D - Elevations

Other documents relating to this application:

<https://planning.hants.gov.uk/SearchResults.aspx?Criteria=19%2F01381%2FCC3>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No

OR

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

19/01381/CC3
BAE035

Hampshire County Council

Former Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP (Demolition of existing building and provision of a new two storey All Through Special Needs school and associated external works, including access road, landscape, soft/hard play and parking areas

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Hours of Working

2. No work relating to the construction of the development hereby permitted, (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials) shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties.

Materials

3. Prior to the commencement of the development samples and/or details of the materials and finishes to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality development and in accordance with Policy EM10 (Delivering high quality development) of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016).

Highways

4. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details

shall be implemented before the development hereby permitted is commenced and retained for the duration of construction.

Reason: In the interests of highway safety in accordance with Policy CN9 (Transport) of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016)).

Sustainability

5. Within three months of occupation of the building hereby permitted, a copy of a post-construction completion certificate, verifying that the building has achieved a BREEAM “very good” rating or above, shall be submitted to the Local Planning Authority.

Reason: To ensure the development achieves the lowest level of carbon emissions and water consumption in accordance with Policies EM9 and EM 12 of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016).

Environmental Control

6. No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the LPA. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - Arrangements for liaison with the Council’s Environmental Protection Team;
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours;

- BDBC encourages all contractors to be ‘Considerate Contractors’ when working in the Borough by being aware of the needs of neighbours and the environment;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

Sport Provision

7. No development of the MUGA shall commence until details of the design and layout of Multi-use Games Area (MUGA) have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The MUGA shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy CN6 (Infrastructure) of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016).

Informative: The applicant is advised that the design and layout of the [sports facility] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to:
<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>

8. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation of the educational establishment. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy CN6 (Infrastructure) of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016).

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

Landscape

9. Prior to the commencement of development details of all hard and soft landscaped areas, to include trees and including the proposed car park shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the site and in accordance with Policy EM1 (Landscape) of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016).

10. The landscape works shall be carried out and managed in accordance with the "Austen Academy 25 year Landscape Management Plan" (P11600-TER-VO-00-RP-L-1002 Rev PO2).

Reason: To ensure the scheme is established and maintained in accordance with policy EM1 (Landscape) of the Basingstoke and Deane Local Plan 2011-2029 (2016).

Ecology

11. Works shall be carried out in full accordance with the Ecological Appraisal Section 5 (Mitigation and Enhancement) V1 March 2018, as partially superseded by the Addendum to ecological submission for planning application 19/01381/CC3.

Reason: To secure sufficient ecological mitigation and enhancement in line with Policy EM4 (Biodiversity, geo-diversity and nature conservation) of the Basingstoke and Deane Borough Local Plan 2011-2029 (2016).

Plans

12. The development hereby permitted shall be carried out in accordance with the following approved plans: **P11600-NOV-ZZ-XX-DR-A-PL002RevP0.1, P11600-NOV-ZZ-XX-DR-A-PL003RevP0.1, P11600-NOV-ZZ-XX-DR-A-PL004Rev P0.1, P11600-NOV-V1-00-DR-A-PL005RevP0.1, P11600-NOV-V1-01-DR-A-PL006RevP0.1, P11600-NOV-V1-02-DR-A-PL007RevP0.1, P11600-NOV-V1-XX-DR-A-PL008RevP0.1, P11600-NOV-V1-XX-DR-A-PL009RevP0.1, P11600-NOV-V1-XX-MR-A-PL010RevP0.1, P11600-NOV-V1-XX-VS-A-PL011RevP0.1, P11600-NOV-V1-XX-VS-A-PL012RevP0.1, P11600-NOV-V1-XX-VS-A-PL013RevP0.1, P11600-NOV-V1-XX-VS-A-PL014RevP0.1, P11600-TER-V0-00-DR-L-1001RevP07, P11600-TER-V0-00-DR-L-1002RevP04, P11600-TER-V0-00-DR-L-1005RevP06, P11600-TER-V0-00-DR-L-1004RevP07, P11600-TER-V0-00-DR-L-1006RevP05, P11600-TER-V0-00-DR-L-1007RevP04, P11600-TER-V0-00-DR-L-1008RevP01, P11600-TER-V0-00-DR-L-2001RevP06, P11600-TER-V0-00-DR-L-3001RevP04, P11600-TER-V0-ZZ-DR-L-5001RevP03, P11600-TER-V0-ZZ-DR-L-5002RevP02, P11600-TER-V0-ZZ-DR-L-5003RevP03, P11600-TER-V0-00-RP-L-1001, Site Logistics Plan**
Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicants

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.



Demolition of existing building and provision of a new two storey All Through Special Needs school and associated external works, including access road, landscape, soft/hard play and parking area at Former Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP

REGULATORY COMMITTEE

DATE 24 July 2019

1:2,000



Hampshire
County Council

Economy, Transport and Environment

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APPLICATION NUMBER: 19/1381/CC3 SITE REF: BAE035

Drawn by: Strategic Planning

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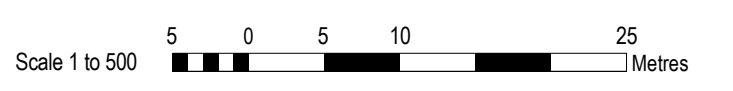
Notes:

- SITE PLAN KEY**
- Proposed pedestrian tarmac
 - Proposed pedestrian block paving
 - Proposed vehicular tarmac
 - Proposed vehicular block paving
 - Proposed tactile paving
 - Proposed tiger mulch
 - Proposed bark mulch
 - Proposed polymeric surface for MUGA
 - Proposed safety surfacing
 - Existing vegetation retained
 - Proposed planting
 - Proposed grass
 - Proposed artificial grass
 - Proposed reinforced grass
 - Proposed trees
 - Existing trees to be retained
 - Site Boundary
 - Existing building to be demolished

- FENCING KEY**
- Existing 3.0m ht. chainlink fence retained
 - Existing 1.8m ht. railing retained
 - Proposed 2.4m ht. acoustic fence with matching gates
 - Proposed 2.4m ht. closeboard fence
 - Proposed 2.4m ht. weldmesh fence with matching gates
 - Proposed 2.4m ht. weldmesh fence with timber insets with matching gates
 - Proposed 1.5m ht. weldmesh fence with timber insets with matching gates
 - Proposed 0.8m ht. weldmesh fence
 - Proposed 1.2m ht. bowtop metal fence with matching gates
 - Proposed 1.8m ht. hit and miss fence to bin store with matching gates
 - Proposed 2.8m ht. (4.2m ht to ends) metal fence to MUGA with matching gates
 - Proposed 1.4m ht. privacy screen to corners of primary classroom outdoor space
 - Proposed handrail

- PARKING NUMBERS**
- 48no. proposed standard car bays
 - 2no. proposed oversized car bays (can be used by minibuses and cars)
 - 3no. disabled bays
 - 1no. motorcycle space
 - 20no. cycle parking spaces
 - 15no. existing nursery car bays to be retained and resurfaced

Note:
Site Plan to be read in conjunction with Landscape Site Masterplan.



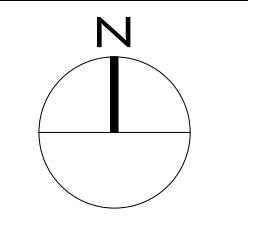
Amendments

No.	Description	Date	Issued by
1	Planning Submission	10/02/19	FB

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Project Name:
Austen Academy

Dwg Reference:
Proposed Site Plan

Drawn: FB Checked: PS
Scale: 1:500 @ A1 Project Issue Date: Feb 2019

Project:	Originator:	Volume:	Level:	Type:	Role:	Number:
P11600	NOV	ZZ	XX	DR	A	PL 003

Status: **S2** For Information Orig Paper Size: **A1**
Revision: **P0.1** For Planning Noviun Job No: **Z0313**

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1. Massing - Front Elevations



2. Massing - Rear Elevations

Amendments

No.	Description	Date / Issued by
1	Planning Submission	10/05/19 FB

No. Description Date / Issued by

Notes:

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Project Name:
Austen Academy

Dwg Reference:
3D Views - External

Drawn: FB Checked: PS
 Scale: @ A3 Project Issue Date: January 19

Project:	Originator:	Volume:	Level:	Type:	Role:	Number:
P11600 - NOV - ZZ - XX - VS - A - PL 011						

Status:	Suitability Description:	Orig Paper Size:
S2	For Information	A3
Revision:	Revision Description:	Novium Job No:
P0.1	For Planning	Z0313

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	24 July 2019
Title:	Variation of conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 18/11586) (Site Ref: NF271)
Report From:	Head of Strategic Planning

Contact name:

Tel: 01962 847981

Email: sam.dumbrell@hants.gov.uk

Recommendation

1. That an extension of time until 20 September 2019 is agreed for the satisfactory completion of the Deed of Variation to the Section 106 agreement (ref: 107848, signed 14 March 2017) and that authority is delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the resolution made at the meeting held on 20 March 2019.

Background

2. This report relates to planning application 18/11586 for the Variation of conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ, and the Section 106 agreement accompanying it.
3. At the meeting of the Regulatory Committee held on 20 March 2019 it was resolved that planning permission be granted subject to the completion of a Deed of Variation to the original Section 106 agreement (signed 14 March 2017) to secure and dedicate a public right of way from west to east across the application site connecting with Footpath no. 3a (Solent Way).
4. Regulatory Committee gave officers delegated authority to grant planning permission, subject to conditions, on completion of the Section 106 agreement or, if necessary, to refuse planning permission if the agreement was not completed by 20 June 2019.
5. Since the 20 March 2019 meeting, and despite County Council officers and the applicant working together proactively to update and complete the amended Section 106 agreement, the Deed of Variation has not been completed.

6. There are 4 parties, including the County Council, who all need to agree to and complete this agreement. Despite progress being made, three months was not enough time to complete it. The agreement is at an advanced stage and it is anticipated that it will be completed during Summer 2019.
7. It is, therefore, requested that a further three-month period from 20 June, until 20 September 2019, is provided for the satisfactory completion of the Section 106 agreement.

Recommendation

8. That an extension of time until 20 September 2019 is agreed for the satisfactory completion of the Deed of Variation to the Section 106 agreement (ref: 107848, signed 14 March 2017) and that authority is delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the resolution made at the meeting held on 20 March 2019.

Link to application 18/11586 Committee Report 20 March 2019

<http://democracy.hants.gov.uk/ieListDocuments.aspx?CId=191&MId=3536&Ver=4>

Link to the application

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=19872>