

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 11 NOVEMBER 2020, AT 9.30 AM\*

**Place:** SKYPE MEETING - ONLINE

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
Tel: 023 8028 5071

**PUBLIC PARTICIPATION:**

\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk) no later than 12.00 noon on Monday, 9 November 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

Claire Upton-Brown  
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

This Agenda is also available on audio tape, in Braille, large print and digital format

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## AGENDA

**NOTE:** The Planning Committee will break for lunch around 1.00 p.m.

### Apologies

#### 1. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

## 2. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

**NOTE: These items will be considered from 9.30 am**

(a) **4-6 Rumbridge Street, Totton (Subject to Legal Agreement) (Application 20/10695) (Pages 7 - 20)**

Demolition of the existing building and construction of a commercial unit (Use class A1, A2 or B1(a)) and 7 apartments (Outline application with details of access, appearance, layout & scale)

**RECOMMENDED:**

Chief Planning Officer to authorised to grant permission subject to the completion of a Section 106 agreement and conditions.

(b) **Land at Merlin, Lymington Road, Milford-on-Sea (Proposed Legal Agreement) (Application 19/11439) (Pages 21 - 42)**

Demolition of existing residential property; redevelopment of land to provide 4 residential units; associated parking; landscaping

**RECOMMENDED:**

Chief Planning Officer authorised to grant permission subject to the completion of a Section 106 agreement and conditions.

(c) **Fulwood, Park Lane, Milford-on-Sea (Proposed Legal Agreement (Application 20/10433) (Pages 43 - 56)**

Construction of two houses with associated parking, access and landscaping (existing house to be retained) Alternative scheme to planning permission ref 19/10787

**RECOMMENDED:**

Chief Planning Officer authorised to grant permission subject to the completion of a Section 106 agreement or a unilateral undertaking and conditions.

(d) **Esso Sport & Recreation Club, 179-181 Long Lane, Holbury, Fawley (Application 20/10336) (Pages 57 - 72)**

New changing room pavilion; demolish the existing club building; community garden and new car parking layout; landscaping

**RECOMMENDED:**

Delegated authority be given to the Chief Planning Officer to grant permission subject to notification to the HSE and conditions.

- (e) **Woodberry Day Nursery, 1 Rolleston Road, Holbury, Fawley (Application 20/10978) (Pages 73 - 80)**

Alterations and additions to existing property

**RECOMMENDED:**

Delegated authority be given to the Chief Planning Officer to grant permission subject to notification to the HSE and conditions.

- (f) **Brockwood, 42 Barton Common Lane, Barton-on-Sea, New Milton (Application 20/10994) (Pages 81 - 100)**

Erect 4 no 3 bedroom houses with garages and parking; demolish existing dwelling

**RECOMMENDED:**

Chief Planning Officer to authorised to grant permission subject to the completion of a Section 106 agreement and conditions.

- (g) **Unit 24, Glenmore Business Park, Lime Kiln Lane, Holbury, Fawley (Application 20/10686) (Pages 101 - 106)**

Use unit 24 as a canine hydrotherapy centre

**RECOMMENDED:**

Refuse

**NOTE: These items will be considered from 2.00 pm**

- (h) **13 Orchard Way, Dibden Purlieu (Application 20/11005) (Pages 107 - 112)**

Porch; first-floor extension; pitched roofs to front and rear dormer; fenestration alterations

**RECOMMENDED:**

Refuse

- (i) **110 Christchurch Road, Ringwood (Application 20/10938) (Pages 113 - 124)**

Change of use for short term residential accommodation; minor elevational changes

**RECOMMENDED:**

Chief Planning Officer to authorised to grant permission subject to the completion of a Section 106 agreement and conditions.

(j) **Hythe Knock, 18 Dibden Lodge Close, Hythe (Application 20/10894)  
(Pages 125 - 130)**

Proposed hip to gable roof extension with front facing dormer; rear facing dormer; single storey rear extension and material change to elevations

**RECOMMENDED:**

Grant subject to conditions

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

**3. PROPOSED NEW FOREST DISTRICT COUNCIL REVISED 1APP (PLANNING APPLICATION) LOCAL REQUIREMENTS (Pages 131 - 174)**

To approve the proposed Local Information Requirements for planning applications, as set out in the report following consultation.

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**Please note that all planning applications give due consideration to the following matters:**

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS**

**Background**

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

## **Principles for all meetings**

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

## **Voting**

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

## **Technology**

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

## **Public Participation**

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

**To: Councillors:**  
Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Rebecca Clark  
Anne Corbridge  
Kate Crisell  
Arthur Davis  
Barry Dunning

**Councillors:**  
Allan Glass  
David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Tony Ring  
Ann Sevier  
Michael Thierry  
Beverley Thorne  
Malcolm Wade

**Application Number:** 20/10695 Outline Planning Permission

**Site:** 4-6 RUMBRIDGE STREET, TOTTON SO40 9DP  
(SUBJECT TO LEGAL AGREEMENT)

**Development:** Demolition of the existing building and construction of a commercial unit (Use class A1, A2 or B1(a)) and 7 apartments (Outline application with details of access, appearance, layout & scale)

**Applicant:** Templeton Stockbridge Ltd

**Agent:** Atlas Planning Group

**Target Date:** 03/09/2020

**Case Officer:** Jim Bennett

**Extension Date:** 13/11/2020

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The principle of development
2. Design, site layout and impact on local character and appearance of area
3. The effect on the living conditions of existing and future occupiers
4. The effect on public highway safety
5. Ecology, on Site Biodiversity and protected species
6. Impact on flood risk on, or near the site
7. Impact on vitality and viability of town centre and on the local delivery of services, including local shops
8. Habitat Mitigation

This application is to be considered by Committee as the recommendation is contrary to the view of Totton and Eling Town Council and contrary to the provisions of Policies ECON6 and TOT15.9 and TOT18.

## 2 SITE DESCRIPTION

The application property at 4-6 Rumbridge Street, Totton is a two storey building, situated within the defined urban area of Totton, its defined Town Centre boundary, within the Rumbridge Street Secondary Shopping Frontage and Flood Zone 2. The proposal relates to 2 no. vacant A2 (financial and professional) premises at ground floor level, with residential accommodation occupying the first floor space.

## 3 PROPOSED DEVELOPMENT

The proposal is made in outline with details only of access, appearance, layout and scale to be determined at this stage. It is proposed to demolish the existing building and to replace it with a two storey building providing 7 no. one bedroom flats at ground and first floor levels. A single commercial (A1, A2, B1a) unit of 91 sq.m would be provided at ground floor level with frontages on both Junction Road and Rumbridge Street. No off-street parking would be provided, although cycle storage

would be provided to the rear. The design is a conventional hipped roof building finished in red brick, timber cladding and fibre cement tiles.

The proposal differs from proposals refused in May 2017 and May 2018, predominantly by virtue of the fact that the proposed has been reduced from 9/8 dwellings to 7 no. dwellings and storeys reduced from three to two.

#### **4 PLANNING HISTORY**

18/10413 - 1 block of 9 flats; 1 retail unit; bin & cycle store; demolition of existing (Outline application with details only of access and scale) - refused May 2018 and dismissed at appeal, the Inspector supporting the view that the scale and appearance of the structure was inappropriate, that a greater element of retail should form part of the scheme with a shopping frontage and that a traffic regulation order was necessary.

17/10383 - Three-storey building comprised: commercial unit (Use Class A1, A2 or A3); 8 flats; bin store; cycle store; parking; demolition of existing (Outline application with details only of access & scale) - refused May 2017 the appeal Inspector deemed the proposal to be harmful to the character and appearance of the area, as the three storey nature of the proposal was not of a domestic scale, would fail to deliver a high quality public realm and would not reflect the identity of local surroundings.

14/11389 - Prior Approval application to use the existing building as 2 flats - refused and a subsequent appeal was dismissed in June 2015, the appeal Inspector deemed the proposal to be harmful to the sustainability of the shopping area in which the site is situated.

08/92817 - 1 block of 6 flats and 1 retail unit with a new access - refused September 2008, the development deemed to be a poor quality design due the building's overall size and scale and its unsympathetic appearance.

#### **5 PLANNING POLICY AND GUIDANCE**

##### **The Local Plan Part 1**

Policy STR1: Achieving sustainable development

Policy STR5: Meeting our housing needs

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy ECON6: Primary, secondary and local shopping frontages

##### **Local Plan Part 2 Sites and Development Management Development Plan Document**

Policy DM2: Nature conservation, biodiversity and geodiversity

TOT15: Totton town centre opportunity sites

TOT18: Rumbridge Street Secondary Shopping Frontage

##### **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

SPG - Totton Town Centre - Urban Design Framework

SPD - Mitigation Strategy for European Sites



## **Relevant Advice (NPPF)**

Chap 5: delivering a sufficient supply of homes

Chap 7: Ensuring the vitality of town centres

Chap 11: making effective use of land

Chap 12: Achieving well designed places

Chap 14: Meeting the challenge of climate change and flooding

## **Plan Policy Designations and Constraints**

Built-up area

Secondary Shopping Frontage

Town Centre Boundary

Flood Zones 2 and 3

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Totton & Eling Town Council** - This application follows two previously refused applications, the second also rejected at appeal. The new application is for a similar commercial unit with three residential units at ground floor and four on the first floor just as before. The second floor accommodation has been removed entirely. Although the Town Council would be very keen to see the site developed and are pleased with the reduction in size of the building there are still a number of concerns. In particular the ground floor residential units are in the heart of the shopping frontage and this is very much against planning policy and would be at odds with the street scene. Amenity space is still fairly poor for the amount of units on the site and there is still no parking which was a point of objection for the Town Council last time. In addition to this the access for the commercial unit into Junction Road rather than Rumbridge Street was seen as a potential safety issue and did not fit with nearby commercial units. Overall there has been a number of improvements but the application is still not in keeping with the area, the Town Council would still wish to see more commercial space but in particular more shop frontage along Rumbridge Street in line with planning policy. Recommend REFUSAL

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

County Highway Authority - The highway authority made comments on the previous applications related to the site (Ref 18/10413). This application is submitted for a revised scheme following the dismissal of planning appeal. We note that in respect of highway related matters, the current proposals at the site are the same as those contained within the application (Ref:18/10413 ) to which, the highway authority raised concerns over the lack of on-site parking provision for future residents of the development, but accepted that this is a matter for the planning authority to decide based on whether the lack of a car parking for the development is suitable in this location. We noted in the Appeal Decision the inspector stated that:

*"The scheme does not provide any on-site car parking. The Highway Authority is concerned that future occupiers of the flats would own vehicles which they would then park on the highway outside of the restricted times of 0900 to 1800. This would be detrimental to highway safety by restricting visibility to drivers emerging from Junction Road into Rumbridge Street. I have no reason to disagree with this*

*assessment and note that the appellant has no objection to making a contribution towards a traffic regulation order (TRO) to extend the times of restriction. It may be possible to use a negatively worded condition, along similar lines to that suggested by the appellant, to secure the TRO prior to the commencement of development. However, a planning obligation is the most appropriate mechanism to secure the payment of monies to cover the Highway Authority's costs."*

Based on the above, the Highway Authority would require the applicant to enter a Section 106 agreement to secure a sum of £6000 to fund the implementation of a new Traffic Regulation Order that would extend the times of the restriction potentially to "No Waiting at any Time" in close proximity to the site which is located on a busy staggered crossroads. It is understood the appellant is agreeable to provide the funding.

NFDC Ecologist - Initial comments raised queries over the suitability for roosting bats and nesting birds and requested submission of an Ecological Appraisal. Following submission of the Ecological Appraisal the main concern, related to the potential for roosting bats has been satisfactorily addressed.

Environment Agency - no comments received.

Southern Gas Networks - give informatives

Scottish and Southern Electricity - give informatives

Hampshire Swifts - Request provision for swifts within the completed development of at least seven swift bricks

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Six letters of support have been received for the following reasons:

- The proposal will enhance the visual appearance of the site
- The proposal will enhance the retail offer on Rumbridge Street and uplift the area generally
- The type of residential and commercial accommodation proposed is needed in the locality.

Ten letters of objection have been received for the following reasons:

- Lack of off-street parking for dwellings and commercial unit
- Adverse impact on highway safety
- Would be harmful to the character of the area
- Increased noise and air pollution
- Anti-social behaviour
- Concern raised over construction traffic and parking
- Loss of privacy to the adjoining Church
- Loss of light
- Loss of privacy to properties across the street and to the rear
- Additional retail units are not required

## 10 PLANNING ASSESSMENT

### The Principle of Development

The site lies in a highly sustainable location within Rumbridge Street Secondary Shopping Frontage. There are a full range of services and facilities within easy walking distance of the site including a range of public transport options. Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements.

Paragraph 85 of the NPPF states that residential development often plays an important role in ensuring vitality of centres and encourages residential development on appropriate sites. Paragraph 17 of the NPPF 'making effective use of land' states that decisions should promote an effective use of land in meeting the need for homes and in a way that makes as much use as possible of previously-developed or 'brownfield' land. It is considered that the proposed development would meet these objectives.

Policy TOT15.9 of the Local Plan Part 2 makes it clear that the site is a Town Centre Opportunity site that should be developed primarily for retail/office purposes. There would be no objection to the principle of redeveloping this site with a new building comprising a ground floor commercial unit with flats above. Indeed the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance makes it clear that there is an opportunity to provide a new building on the site, which should have a quality built form fronting onto both Rumbridge Street and Junction Road.

### Design, site layout and impact on local character and appearance of area

A key consideration, as with previously refused schemes, is whether the proposal would be well designed and sympathetic to the site's setting at a key junction.

Policy ENV3 seeks to ensure that new development is well designed to respect the character, identity and context of the area's towns. The site is within Sub-area 2: Old Totton, where the UDF seeks to enhance the village character and establish a high quality attractive environment. New development is expected to enhance the sense of place through the use of good quality materials and sensitive, innovative design. The UDF identifies the appeal site as a potential development opportunity and states that a future building should address both frontages and should be either innovative or faithfully historical.

The site occupies a prominent corner position and currently makes a negative contribution to the character of the area, due to the vacant and dilapidated state of the building. Visually the proposed building's two storey height, simple hipped roof form, articulated footprint and sensitive use of materials would be contextually appropriate and would make a positive contribution to the street scene. The massing of the building has been considerably reduced, compared with previously refused schemes and it picks up on the established building line, with a more open area fronting the Rumbridge Street commercial unit. The frontages of the ground floor apartments are provided with defensible space which could benefit from planting.

Due to its urban location, slightly higher densities can be accommodated and in this case, it is considered that the proposed development does not appear significantly cramped or overdeveloped. Overall it is considered that the proposed development would make a positive enhancement to the street scene and character of the area, in accordance with Policy ENV3 and The Totton Town Centre Urban Design Framework (2003).

### The effect on the living conditions of existing and future occupiers

The proposed development could be provided without detriment to the amenities of adjacent properties. Representations cite loss of privacy as a reason for objection. However the proposal would result in a standard window to window relationship, across the line of Rumbridge Street itself and it is not considered that a reason for refusal could be substantiated on this basis. Objections have been received from properties on Osborne Road, some 17m away to the west. Bearing in mind the degree of separation and oblique angle to the proposal, no loss of light or privacy would result to these properties. Similarly the adjoining Church would not suffer significant loss of privacy or light loss, as fewer windows would be introduced into the west elevation of the proposed building than are present in the existing building and due to the degree of separation and orientation of the proposal.

The proposal adjoins the curtilage of no. 1 Junction Road to the north, but is reasonably separated and unlikely to have any oppressive or overbearing impact, as there is only a single first floor, non-primary window in the facing elevation and the curtilage is used as the service yard to the frontage take away. There are first floor rear windows facing 1 Junction Road to the north of the site, but these are generally not primary windows and it is felt that the impact of development on 1 Junction Road would not be significant. As such, it is considered the proposed development could be provided without adversely affecting the amenities and privacy of neighbouring dwellings.

While the proposed development would see intensification of site usage, it is not considered that the site's use for residential and commercial purposes would result in any unacceptable levels of noise or air pollution. If retail use of the site resulted in a requirement for external plant or extraction facilities, this would need a new and separate planning application, to be determined on its own merits.

The proposal provides external garden areas (front and rear) to the ground floor flats, which will provide a reasonable standard of space for future occupiers. The first floor units would have no external space, but are typical of small flatted units in urban areas, where external space is limited. They do, however benefit from juliet balconies. Overall the amenity impacts of the proposal are acceptable and in accordance with Policy ENV3.

### The effect on public highway safety

The proposed development is a small scale mixed use development providing 7 residential flats and a commercial unit in a highly sustainable location close to all the facilities and amenities in the town centre, including public transport. The proposal would not provide any on site car parking, being a 'car free' development. A secure cycle store is proposed for the flats.

As the proposal provides no off-street parking it would clearly fail to meet the Council's recommended standards. However, the site is in a sustainable town centre location, where future occupiers would have good access to public transport and other services. Furthermore the flats would be one bed units, where car ownership would be expected to be low.

Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. This is particularly important in this situation given the proximity to bus and rail services and the close

walking distance to all the facilities and amenities of the town centre and local shops. In sustainable town centre locations such as this, it is considered that on site car parking space provision can be limited. Moreover, National policy is now more flexible particularly in town and city centres where there are a range of public transport options available as is the case here. There is no evidence that the proposed development, in providing no dedicated parking spaces, will cause severe residual cumulative impacts on the road network.

The Highway Authority does raise concerns over the development as a car-free site. Evidence shows that car ownership is retained even in areas of good accessibility for occasional trips, and the nearby public car parks are not suitable for long term residential parking and therefore would only be suitable for the retail element of the site. Local Traffic Regulation Orders (TRO's) are in place along Rumbridge Street and Junction Road preventing parking between 0900 and 1800, however this would not prevent residents from parking here outside of these times which could potentially be obstructive and a loss of parking amenity to existing residents. Consequently the Highway Authority recommends that a contribution of £6,000 is secured to implement updates to existing TRO's in the local vicinity, given that the lack of parking proposed and essentially 24 hour use of the site which may result in the need to update the existing restriction hours of 0900 to 1800. The applicant has agreed to enter into a legal agreement to secure the TRO contribution.

Whilst the concerns over the lack of car parking are noted, the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. In this case, given the sustainable location of the site close to the train station and public transport, a 'car free' development would be acceptable and there is no evidence that severe public highway safety issues would result, particularly following implementation of the extended TRO.

#### Impact on Ecology, Site Biodiversity and protected species

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development.

The Council's Ecologist raised initial queries over the suitability of the building for roosting bats and nesting birds and requested submission of an Ecological Appraisal. Following submission of the Ecological Appraisal the main concern, related to the potential for roosting bats has been addressed.

Comment has been received from Hampshire Swifts requesting that any planning permission includes a requirement for multiple internal nest sites for Swifts, in the form of the inclusion of Swift bricks. An Ecological Appraisal and amended plans have been received showing the position of integral starling/swift boxes in four locations on the proposed building.

Delivery of the specific recommendations of the Ecological Appraisal will be ensured by condition.

#### Impact on flood risk on, or near the site

Following topographical survey the applicant's own information on flood risk suggests the site is within Flood Zone 1 and will not flood, having regard to land levels. As such, the proposal would conflict unacceptably with flood risk policies.

#### Impact on vitality and viability of town centre and on the local delivery of services,

### including local shops

The site is within Totton's Town Centre boundary and within a Secondary Shopping Frontage. Policy ECON6 places emphasis on retaining a good range of town centre uses, where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. It is considered that the commercial use applied for would be beneficial to the vitality of the Shopping Frontage, although the residential use proposed at ground floor level does not fully accord with policy..

Policy TOT15.9 allocates the site as a Town Centre Opportunity Site, encouraging office/retail use on the ground floor, with the possibility of residential uses on upper floors. TOT18 seeks to keep at least 40% of the Rumbridge Street Local Shopping Frontage in retail use and specifies that no residential uses will be permitted within the ground floor street frontages. Policy ECON6 does not encourage residential use at ground floor level in premises within Secondary Shopping Frontages. It goes on to state that non-shopping uses will only be permitted if they would not have an adverse impact on the vitality and viability of the shopping frontage as a whole. The proposal would result in residential development in approximately 60% of the ground floor area, including a 14m wide portion of the Secondary Shopping Frontage, where the shop unit would occupy an 18m frontage on both Rumbridge Street and Junction Road. While the proposed development would result in the introduction of ground floor residential use within the Rumbridge Street Secondary Shopping Frontage, a pragmatic stance needs to be taken in this instance, as the site has remained vacant and dilapidated for over a decade and is in desperate need of renewal. The proposal does include a significant element of commercial use at ground floor level, which will provide an opportunity for appropriate town centre uses to occupy a high profile location, which will be facilitated by the residential development. In this instance officers consider that non-retail uses may be permitted as an exception to this policy, as overall the proposal would assist with revitalising the shopping frontage as a whole. While the proposal is not strictly in accordance with Policies ECON6 and TOT15.9 and TOT18, it is considered acceptable.

### Habitat Mitigation

#### a) Managing Recreational Impact

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant has agreed to enter into a Section 106 agreement to secure the requisite contribution to mitigate the development's recreational impact upon European sites.

#### b) Nitrate neutrality and impact on the Solent SPA and SACs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new

residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. For this reason, a Grampian Condition has been imposed and a further Appropriate Assessment will be carried out on discharge of this condition.

### c) Managing Air Quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site, which will be secured by legal agreement.

### Developer Contributions

As part of the development, subject to any relief being granted the following amount of Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	318.76		318.76	202.46	£80/sqm	£20,806.78 *
Shops	91		91	57.8	No charge	£0.00 *
Subtotal:	£20,806.78					
Relief:	£0.00					
Total Payable:	£20,806.78					

## 11 CONCLUSION

The site is constrained by a lack of off-street parking. However, it has been vacant for a number of years and the proposal would bring forward regenerative benefits and create a development which would make a positive contribution to the street and provide much needed residential and commercial units. In applying the balancing exercise, the proposal would provide social and economic benefits including employment for construction workers and increased spending in local shops. The proposal would also provide environmental benefits, in particular, by making efficient use of land to provide housing in a sustainable location close to services and facilities and would make a modest contribution towards housing supply. Moreover the proposal would bring forward an appropriate use of this vacant site, reflected in the NPPF. Overall it is considered that the benefits outweigh the negatives and the proposal is accordingly recommended for approval.

## 12 RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure recreational habitat mitigation, an air quality monitoring contribution and a Traffic Regulation Order.
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. Approval of the details of the landscaping ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development permitted shall be carried out in accordance with the following approved plans: RS-MHA-XX-DR-A-0001-A Rev P01, RS-MHA-XX-DR-A-0002-A Rev P02, RS-MHA-XX-DR-A-0003-A Rev P04, RS-MHA-XX-DR-A-0001-A Rev P04, Planning Statement by Atlas Planning Group dated June 2020 and the Preliminary Ecological Appraisal by Peachecology dated 22nd September 2020.

Reason: To ensure satisfactory provision of the development.



4. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy ENV3 of the Local Plan 2016-2036 Planning Strategy

5. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy ENV3 of the Local Plan 2016-2036 Planning Strategy

6. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. The development hereby permitted shall not be occupied until:
  - a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to,

and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter;

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

- 8. Before the development is occupied, the recommendations for incorporation of wildlife enhancement measures into the development, as outlined in Section 5 of Preliminary Ecological Appraisal by Peachecology dated 22nd September 2020 shall have first been implemented in accordance with the agreed details.

Reason: To safeguard protected species in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

**Further Information:**

Jim Bennett

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# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
 Chief Planning Officer  
 Planning  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

November 2020

4-6 Rumbridge Street  
 Totton, SO40 9DP

20/10695

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

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Planning Committee 11 November 2020 **Item 2 b**

**Application Number:** 19/11439 Full Planning Permission

**Site:** LAND AT MERLIN, LYMINGTON ROAD, MILFORD-ON-SEA  
SO41 0QR (PROPOSED LEGAL AGREEMENT)

**Development:** Demolition of existing residential property; redevelopment of land  
to provide 4 residential units; associated parking; landscaping

**Applicant:** Trustees of Brooke, DSWT and HFT

**Agent:** Arcadis

**Target Date:** 22/01/2020

**Case Officer:** Richard Natt

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## 1 UPDATE REPORT

### Introduction

Members will recall that this application was previously considered at the February 2020 Committee. The application relates to a development of 4 dwellings on land known as 'Merlin'. The Committee resolution was to grant permission subject to the completion of a Section 106 agreement to secure habitat mitigation and the imposition of conditions.

It is important to note that the minutes from the February Committee meeting state the following:

*'Members noted the public safety concerns raised by the objectors of the application in relation to the access arrangements to and from the site. Hampshire County Council had raised no objection to the application on highway grounds. The Committee agreed that a planning condition should be added to require both points of access and the passing point to be provided, in accordance with the submitted plans, prior to occupation of the residential units.'*

The Section 106 Agreement is progressing to secure the habitat mitigation, but has not been completed. However, following the Committee resolution, the applicant has stated that whilst they are content with regard to the additional condition requested by Members to provide both points of access as shown on the plans prior to occupation, the applicant does not want the reference in the condition to 'passing places'.

As such, the applicant has submitted an amended plan removing the 'passing place' from the proposed site layout. The applicant has stated that whilst they have a legal right over this land, it is third party ownership and therefore, they are not in a position to mark out a specific passing bay. The applicant considers that the condition would prohibit the deliverability and implementation of the development.

Accordingly, this application is being brought back to Committee to specifically remove the 'passing places' from the plans and to approve the re- wording of the condition by removing the reference to 'passing places'. Moreover, it should be noted that following the submission of an amended plan removing the 'passing place', the application was re-advertised and the following comments have been received.

## **Comments received following re-advertised**

Highway Authority: No objection subject to condition

We noted that the revised site layout plan shows that passing places have been removed. As stated in our previous highway response "*Notwithstanding this, the agreement in principle of the less than 10% increase was without the provision of a passing place, and therefore the Highway Authority would not look to object to the application without this feature.*"

Having regards to the above, the Highway Authority would recommend no objection, subject a condition.

Milford On Sea Parish Council:

We recommend refusal.

The Parish Council maintains its previous objections to this application on the grounds of inadequate and therefore dangerous access routes. This has now been exacerbated by one of the proposed access routes from the site onto Barnes Lanes being blocked off. In addition, the removal of the passing place on the Lymington Road access will mean that the pedestrians will have an even more dangerous route to traverse down this single track and there will also be increased congestion given the increased number of expected vehicle movements the proposed development will bring.

The Parish Council still has concerns about the lack of access for emergency vehicles and refuse lorries.

The Parish Council maintains that the visibility when turning onto the Lymington Road is very poor, being on a blind bend and therefore hazardous to all road users. Visibility splays as indicated on the plans are inadequate and to make them safe would require purchasing more land from neighbouring properties which is likely to be costly and impractical.

The Parish Council requests that HCC Highways reconsiders its original comment and investigates these issues more closely given the altered circumstances of the location.

The Parish Council strongly requests this application be refused.

Representees:

7 letters of objection concerned with the following:

- Access is totally unsuitable for the proposed development and there are serious concerns in relation to public highway safety.
- The removal of the passing places will only worsen the situation
- Increase in pollution
- Boundary dispute issues

## **Assessment/ consideration of the amendment**

The key issue for Members to consider is whether the removal of the 'passing place' from the plans, would result in an unsatisfactory access into the site to serve the development that would result in significant harm to public highway safety.

For the avoidance of doubt, the proposal seeks to utilise two existing accesses into the site, one from the west of the site from Barnes Lane which would serve the detached dwelling (unit 4) and the eastern access from the High Street to serve the terraced dwellings (units 1-3). The issue being referred back to Committee only relates to the eastern access, which would serve three proposed houses (net increase in two dwellings) the decision to resolve to grant planning consent for 4 dwellings on the site having been made.

The plans considered at the February Committee illustrated a passing place to be created along the eastern access, used by the Dentist. Whilst the 'passing place' has never been a requirement of the Highway Authority, the applicant had shown this on the plans to help create a betterment of the existing situation. The applicant had stated that the access to the site is not owned, but they do have a right of way legally documented in their Title, that predates the existence of the surgery or indeed any property in that location, from the public highway.

It is widely accepted that the eastern access that currently serves the application property, Nos 1-6 South Court Flats and the dentist is not ideal. Indeed, this access is only single vehicle width, unmade and narrow, however, it is important to note that it is already used by existing dwellings and the dentist and the proposal only seeks to increase the use of the existing access by two additional houses.

In assessing the removal of the 'passing place' from the plans, there are two important points to raise. The first point is that the applicant does not have full control over this area and as such, the 'passing places' should not have been shown on the plans, and imposing a condition requiring this space to be available at all times as a 'passing place' is not achievable or deliverable. As such, imposing a condition would fail to meet the test under Paragraph 55 of the NPPF in that the condition would not be enforceable and reasonable in all other aspects.

The second point is that Hampshire County Council Highways confirmed in its consultee response, *"The passing point suggested is considered a betterment of existing. However it is noted that local comments have indicated that this is not under the ownership of the applicant. Notwithstanding this, the agreement in principle of the less than 10% increase was without the provision of a passing place, and therefore the Highway Authority would not look to object to the application without this feature".* Moreover, the Inspector in the appeal decision made no reference that the eastern access requires a 'passing place' stating *"I have also considered representations regarding the suitability of the means of access. Neither access is perfect in terms of visibility, gradient and pedestrian segregation. However, both accesses already serve existing developments, so the increase in usage as a result of the proposals would not be significant"*.

Officers have carefully considered the concerns raised by Members at the February Committee and whilst a 'passing place' would improve the access arrangements, it is not a requirement that 'tips' the balance of the proposed development being acceptable or unacceptable in planning terms. The Committee must therefore give significant weight to the professional advice received from the relevant highway consultee, and the appeal decision, together with the test under Paragraph 55 of the NPPF.

In summary, Officers consider that the 'passing place' should not have been shown on the submitted plans and importantly, the requirement for the 'passing place' is not necessary or justified to make the proposed development acceptable in planning terms. Officers continue to maintain that the proposed access is acceptable and consider that by removing the 'passing place' from the plans would not result in an increase in danger to public highway safety.

As such, the original recommendation at the February Committee still stands, with the removal of the 'passing place' from both the plans and condition.

## **ORIGINAL REPORT TO FEBRUARY 2020 COMMITTEE**

### **2 THE SITE**

The site lies within the built-up area of Milford-on-Sea, to the north of the buildings that front the High Street. The site currently accommodates a large flat-roofed 2-storey house, which is located towards the higher, northern part of the site. The large garden of the dwelling has become overgrown and there are a number of trees along the southern part of the site, which conceal the house from most viewpoints. As a result, the site provides a verdant backdrop on the rising land behind the frontage development in the High Street. Further up the slope, beyond the northern boundary of the site, there are large houses in spacious gardens.

The property sits on a spacious plot which is heavily overgrown with shrubs and trees. The property has limited space to the rear, but has its main garden and amenity area to the front of the building. The main vehicular access is gained from the High Street, and comprises a narrow track which also serves 6 flats at South Court and a dentist. There is a second access from Barnes Lane.

The site is irregular in shape. The southern boundary spans across the rear boundaries of properties fronting into the High Street. There is also a noticeable change in site levels, in which the gradient of the site increases as it extends to the north.

The site lies in a sustainable location close to the village centre where there are a mixture of amenities and facilities. The site lies within a predominantly residential area, although the High Street provides a mixture of facilities which are typical in a village centre. The site lies just outside the conservation area which joins the southern boundary of the site, to the rear of the existing buildings fronting onto the High Street.

### **3 THE PROPOSED DEVELOPMENT**

This application is identical to a proposal recently determined for 1 terrace of 3 houses, detached house, demolition of existing, parking and landscaping (under reference 18/11022). That application was refused and dismissed on appeal.

The proposal seeks to demolish the existing dwelling and replace it with 4 dwellings, comprising a terrace of three and a detached dwelling. The proposed terrace of three dwellings would be sited to the north of the site, broadly in the same position as the existing dwelling utilising the existing access currently shared with the properties at South Court and the dentist. Car parking would be provided in front of the dwellings. The proposed terrace of three dwellings would have short rear garden areas, with the two end units having side gardens. It is also proposed to retain an open area within the site to the south west which would be used by residents.

The proposed detached dwelling would be to the south of the site utilising the existing access to the west from Barnes Lane. The proposed dwelling would front onto the access road to the west and would have its garden area to the north. The proposed dwelling would be sited on a lower ground level compared to the neighbouring bungalow at Ilex Cottage and the proposed terrace of three.



#### **4 PLANNING HISTORY**

Development comprised 1 terrace of 3 houses, detached house, demolition of existing, parking and landscaping (18/11022) Refused on the 14th November 2018. An appeal was lodged and subsequently dismissed.

#### **5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

##### **The Core Strategy**

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS5: Safe and healthy communities  
CS10: The spatial strategy  
CS15: Affordable housing contribution requirements from developments  
CS24: Transport considerations  
CS25: Developers contributions

##### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites

##### **The Emerging Local Plan**

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications will be completed at the end of January 2020. It is therefore a material consideration which can be given weight in decision-making.

Policy 1 Achieving Sustainable Development  
Policy 10 Mitigating the impacts of development on International Nature Conservation site  
Policy 11 (Saved DM1) Heritage and Conservation  
Policy 13 Design quality and local distinctiveness

##### **Supplementary Planning Guidance and other Documents**

SPD - Housing Design, Density and Character  
SPG - Milford-on-Sea - A Conservation Area Appraisal  
SPD - Mitigation Strategy for European Sites  
SPG - Milford-on-Sea Village Design Statement  
SPD - Parking Standards

#### **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

##### **Relevant Legislation**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

## Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

## Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

## **Relevant Advice**

### National Planning Policy Framework 2019

Para 7 - Sustainable development

Paras 102 to 109 - Promoting sustainable transport

Paras 117-119 - Making effective use of land

Para 120 - Achieving appropriate densities

Paras 124-131 - Achieving well designed places

Paras 184-192 - Conserving and enhancing the historic environment

## **7 PARISH / TOWN COUNCIL COMMENTS**

**Milford On Sea Parish Council:** AR 4: We recommend refusal

The Parish Council considers all access routes to this property as inadequate. The driveway to the Lymington Road is a narrow single track with no provision for pedestrians to safely walk, especially given the increased number of expected vehicle movements the proposed development will bring.

The passing place indicated on the plans is not part of the development site and is used by the neighbouring busy dental practice. The Parish Council also has concerns about the lack of access for emergency vehicles and refuse lorries.

The Parish Council maintains that the visibility when turning onto the Lymington Road is very poor, being on a blind bend and therefore hazardous to all road users.

The access onto Barnes land is the subject of a legal dispute over rights of access and cannot be relied upon to provide safe access to the development site.

Visibility splays as indicated on the plans are inadequate and to make them safe would require purchasing more land from neighbouring properties which is likely to be costly and impractical.

Should the application be granted, the Parish Council requests without prejudice, that the following conditions be imposed before development can commence:

1. One-way system from the dental practice access, exiting onto Barnes Lane.
2. Through access with alternative entrance/exit from Barnes Lane or Lymington Road. Although not shown on the application drawings there is sufficient space to achieve this and for Highway safety reasons, in case of accident or blockage in either direction, an alternative should be available.

## 8 COUNCILLOR COMMENTS

No comments received

## 9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Hampshire County Council Highway Engineer: no objection subject to condition.

Trees Officer: no objection subject to condition.

Ecologist: no objection subject to condition.

## 10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 23

23 letters of objection concerned that this new Planning Application has not addressed any of the concerns regarding the safety of its pedestrians and drivers using a shared narrow drive. This poor access has only room for a single vehicle which restricts traffic both entering and leaving. The splays and sight lines across land not owned by the applicant create poor visibility to the West and are in direct conflict with the requirements laid down by Highways. The proposal is an overdevelopment of the site out of character with the area. Loss of wildlife, trees and greenery. The proposed dwellings are too tall. The proposal fails to comply with the Council's Housing, Design, Density and Character Supplementary Planning Document and policy which states that development should be appropriate and sympathetic in scale, appearance, materials, form, siting and layout and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading and effects on local amenities. Impact on living conditions including loss of light, outlook and privacy. Additional noise and disturbance in a tranquil area. The proposed dwelling identified as unit 4 is sited very close to Ilex Cottage and would be overbearing and would result in an unacceptable loss of light into the garden and a loss of privacy. Concern over impact on public highway safety. The visibility splay onto the roads is currently poor and any increase in the use of the access would lead to public highway safety issues. Concerns raised over the ownership/ legal rights of way of the accesses to the site, including the proposed passing places which are currently used for parking for staff and customers for the dentist. The Ecological Report is out of date. The proposal should provide a bio diversity net gain, to include a number of ecological enhancement including bat/ bird boxes and for swifts. The landscaping proposed should be native.

## 11 OFFICER COMMENTS

### Introduction

- 11.1 This planning application is identical to a application that was refused and dismissed on appeal last year under reference 18/11022. The reason for refusal was as follows:

*The proposed development would be detrimental to the character of the area by reason of its height, depth, layout and scale along with the associated loss of greenery and verdant setting which would be inappropriate and unsympathetic to*

*the surrounding pattern of development. In addition the proposed dwelling on plot 4 would have a detrimental impact on the dwelling at Ilex Cottage by reason of overlooking and its close proximity to this neighbour which would have an overbearing impact. As a result the proposals would be contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).*

- 11.2 In dismissing the appeal, the Inspector did not accept the Councils case that the proposed development would be harmful to the character and appearance of the area, or on the living condition of the adjoining neighbouring properties or on public highway safety.
- 11.3 The Inspector did however, consider that the Councils approach to mitigate against recreational impacts on the designated European Nature Conservation sites through the use of a negatively worded condition is not acceptable in that it would not accord with the CIL Regulations and the Planning Practice Guidance. Consequently, the Inspector concluded that there was no certainty, at the decision making stage, that appropriate habitat mitigation will be securely delivered and was unable to conclude that the proposal will not affect the integrity of the European sites.
- 11.4 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission could guarantee delivery of mitigation prior to development.
- 11.5 The Mitigation Strategy for European Sites SPD adopted in June 2014 specifies projects within the district to relieve the recreational pressure from residential development. Whilst some of these are specific to the earlier part of the plan period, there are further schemes which relate to the current plan period 2019-2026. In Milford On Sea, there are schemes to enhance recreational walking routes from Lymington Road/ School Lane to the village centre using contribution money secured through S.106 Agreements. The application site is sited within the village centre.
- 11.6 Historically, the Council has dealt with securing the provision, management and monitoring of mitigation projects through the imposition of a negatively worded condition which has, for smaller sites such as this, required the completion of a S.106 Agreement prior to the commencement of any development. In view of the substantial CIL liability for this particular proposal, the provision of the offsite recreational mitigation projects can be covered through the CIL payment, leaving the monitoring and management of the projects needing to be secured through a properly executed legal agreement.
- 11.7 At the appeal for the previous scheme, the Inspector did not consider that the imposition of a negatively worded condition was an appropriate way forward in securing such provision. In response to this, the Council is recommending that the contribution is secured through the completion of a S.106 Agreement prior to issuing any permission. This is considered to address the Inspector's concern that the necessary mitigation is secured and would comply with Policy DM3 of the Local Plan Part 2 and Policy 10 of the Emerging Local Plan.

11.8 A copy of the Inspectors Decision Notice is attached as an Appendix.

### **Relevant Considerations**

11.9 There are five main issues in this case, which include the principle of development at this site, the effect on the character and appearance of the adjacent Conservation Area, the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, the effect on public highway safety and ecological matters.

#### **Principle of development**

11.10 This planning application is identical to the application that was refused and dismissed at appeal under reference 18/11022. In dismissing the appeal, the Inspector did not accept the Councils case that the proposed development would be harmful to the character and appearance of the area, or on the living condition of the adjoining neighbouring properties or on public highway safety.

11.11 In principle therefore new residential development can be acceptable within the built up area such as this subject to there being no adverse impact on the residential or visual amenities of the area of the area, highway safety, ecological matters and designated European sites.

#### **Effect on the character and appearance of the area**

11.12 In dismissing the appeal, the Inspector considered that *'the proposals would not be harmful to the appearance and character of the area'*. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in character terms. Nevertheless, in light of the objections received and the Parish Council, an assessment has been provided below.

11.13 In assessing the effect on the character and appearance of the area, the Inspector raised no objection to the proposed terrace to the north of the site and considered that the proposed density of the development to be sympathetic to the townscape and the terrace would be in keeping with the general pattern of the development to the rear of the frontage buildings. In particular, the Inspector stated that *'the terrace would occupy a position, and would be of a scale, that would be appropriate to its surroundings'*.

11.14 Equally the Inspector raised no objection to the proposed detached dwelling and felt that *'it would be largely hidden behind the frontage development'*. The Inspector noted some *'tree removal would be necessary to accommodate this house and substantial clearance of overgrown vegetation would be required to create the parking area for the overall development'*. In summarising his comments, the Inspector stated that most of the trees along the southern boundary would be retained, which means that the site would still provide a green backdrop to the High Street and a suitable landscaping scheme could be secured by a planning condition.

11.15 The Inspector concluded on this issue that there would be no adverse impact on the character of the area and given that there has been no material changes in policy or circumstances at the site, it would not be reasonable to reach a different conclusion on this.

### Effect on the living conditions of the adjoining neighbouring properties

- 11.16 In dismissing the appeal, the Inspector considered that *'the proposals would not have a harmful effect on the living conditions of the occupants of Ilex Cottage through loss of outlook or privacy'*. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in amenity terms. Nevertheless, consideration of these objections has been made below.
- 11.17 Ilex Cottage is a long narrow bungalow there is a small garden area and conservatory on the southern end of the bungalow that is enclosed by a two-metre close boarded fence. The Inspector noted that the proposed house, on the southern part of the site, would be orientated at right angles to Ilex Cottage and would be at a lower level and designed with a hipped roof. As such, the Inspector stated that *'the proposed house would not have a harmful impact on the outlook for occupants of the conservatory or would be a visually dominant feature'*.
- 11.18 In relation to overlooking of Ilex Cottage the Inspector stated that *'two of these windows serve bathrooms, so they could be obscure glazed and the nearest bedroom window would have an oriel window, with an obscure glazed west facing pane, so it is not possible to look out towards Ilex Cottage'*.
- 11.19 The Inspector concluded that there would be no adverse impact on the living conditions of Ilex Cottage and given that there has been no material changes in policy or circumstances at the site, it would not be reasonable to reach a different conclusion other than the proposed development would have no adverse impact on the other neighbouring properties, to the north of the site at Tower House or to the east at Nos 1 and 2 South Court.

### Car parking and public highway safety matters

- 11.20 In dismissing the appeal, the Inspector considered the representations regarding the suitability of the means of access and stated that *'neither access is perfect in terms of visibility, gradient and pedestrian segregation. However, both accesses already serve existing developments, so the increase in usage as a result of the proposals would not be significant'*. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in transportation terms. Nevertheless, given the significant concerns raised by the representees and parish council, an assessment has been provided below.
- 11.21 The proposal seeks to utilise two existing accesses into the site, one from the west of the site from Barnes Lane which would serve the detached dwelling (unit 4) and the eastern access from the High Street to serve the terraced dwellings (units 1-3).
- 11.22 In relation to the eastern access, this is a narrow unmade private road which currently serves the application property, Nos 1-6 South Court Flats and the dentist. This access is only single vehicle width. The proposal is to utilise the existing access, but it is important to note that this access already serves the existing dwelling. Accordingly the proposal seeks to increase the use of the existing access by two additional houses

- 11.23 A Transport Statement accompanies the application in which speed surveys and traffic count surveys were carried out from the site. The traffic count survey concluded that the proposed development would have a marginal increase in traffic generation and would be no more than 10% of the base traffic flows surveyed. The right visibility when existing the access onto the High Street is in part over third party land, however, the current area includes a rockery and low lying landscaping. On this basis, the applicant states that the visibility will be maintained. Because planting encroaches on the proposed visibility, the Highway Authority accepted a relaxation of the visibility based on low traffic levels and no local accident history.
- 11.24 The Transport Statement states that although a Fire Tender vehicles can access the site, all properties will be provided with sprinkler systems. This will avoid the need for a Fire Tender vehicle to access the site. In terms of refuse collection, a bin store would be provided at the entrance to the site (in front of the flats at South Court) and the refuse vehicle would be stationed on the High Street and refuse bags collected by hand. This would avoid refuse vehicles entering the access.
- 11.25 The submitted plans illustrate a passing place to be created along the access. Whilst this is not a requirement of the Highway Authority, this is clearly a betterment of the existing situation. The applicant states that access to the site is not owned, but they do have a right of way legally documented in their Title, that predates the existence of the surgery or indeed any property in that location, from the public highway.
- 11.26 The dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. The car parking to the rear of the surgery is informal with no marked parking bays or similar. This informal arrangement coupled with a clearly evident access route "on the ground" already provides for vehicle use. Accordingly, it is considered that the passing place has been provided to improve highway safety along the access road and has been strategically placed to maximise forward visibility and make the current passing arrangement along much of the safer for all users.
- 11.27 In relation to the access onto Barnes Lane to serve the detached dwelling, it is noted that Barnes Lane is lightly trafficked with no accident history. In addition, the visibility splay to the wet exceeds the requirements and the trimming of the vegetation only improves the visibility.
- 11.28 The key policy test is set out under Paragraph 109 of the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.29 The Highway Authority is satisfied with the access into the site including the visibility splays provided and consider that the proposal would result in a marginal increase in the use of the access. As set out in the Transport Statement, refuse vehicles and a Fire Tender do not need to enter the access track. In terms of car parking, for the proposed terrace of three (Units 1-3), based upon the Councils adopted car parking standards, a total of 7.5 car parking spaces is recommended, which equates to 2.5 car parking spaces per dwelling. In this case, the proposed layout entails two

on site car parking spaces per dwelling, together with three visitor car parking spaces. The proposed detached dwelling would also benefit from at least 2 on site car parking spaces. Moreover, the National Planning Policy Framework states that the car parking spaces to be provided should be considered against the sustainable nature of the site and the type of use. In this case, the application site is located in a very sustainable location, close to the village centre where there are a mixture of shops, community uses and other facilities.

- 11.30 In relation to the western access from Barnes Lane, it should be noted that the application site currently has a vehicular access off this track. The western access currently serves 6 dwellings and a restaurant. The Highway Authority are satisfied with this access into the site. The proposed detached dwelling has space for up to three cars to be parked on site, which would accord with the car parking standards. The proposed layout also shows sufficient space for cars to turn within the site.
- 11.31 A number of representations are concerned over the ownership of the accesses. In response to these concerns, the application forms state the applicant has served notice on the relevant land owners under Certificate B and the applicant has confirmed that they have a legal right of way over the access. The applicants agent has stated that the dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. Accordingly, if planning permission is granted it would be for the applicant to ensure that they have a right of access to the approved development.

#### Ecological matters

a) On site ecological matters

- 11.32 Concerning ecological matters, the Ecologist does not raise any objections and considers that the ecology report which accompanies the application is acceptable and makes suitable recommendations for on-site mitigation to avoid harm to wildlife and avoid wildlife offences being committed (e.g. clearance of vegetation outside of bird nesting season). Although enhancements have been outlined they are not in any detail and accordingly a planning condition can be imposed for further details to be submitted for ecological mitigation and other suitable habitat features be included in the landscape design. Such measures are necessary to demonstrate accordance with NPPF and Local Plan Policies CS3 and DM2.

b) Off-site recreational impact

- 11.33 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment conclude that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. An informative would be applied to any consent to this effect.



c) Nitrate neutrality and impact on the Solent SPA and SACs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4<sup>th</sup> September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

## 12 CONCLUSION AND THE PLANNING BALANCE

In summary, this application is identical to a proposal that was dismissed on appeal only on the grounds that the Inspector did not agree with the Councils approach in securing habitat mitigation. The Inspector did not agree with the Councils case that the proposal would have an unacceptable impact on the character and appearance of the area, living conditions of the neighbouring properties or public highway safety. As set out above, an appropriate condition can be secure habitat mitigation.

Moreover, whilst there are significant concerns from representations and the Parish Council in relation to the poor accesses into the site and danger to public highway safety, it is accepted that the situation is not ideal. However, no objections have been raised by the Highway Authority and the Planning Inspector, in dismissing the appeal, also raised no concerns. Accordingly, a reason for refusal on these grounds would not be sustainable on appeal.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

N/A

### Local Finance

If this development is granted permission, the Council will receive New Homes Bonus £3672 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £33,519.23

Tables setting out all contributions are at the end of this report.

### 5 year land supply

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **CIL Summary Table**

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	564.17	238.01	326.16	326.16	£80/sqm	£33,519.23 *

Subtotal:	£33,519.23
Relief:	£0.00
Total Payable:	£33,519.23

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2020 this value is 1.28 (rounded)*

## 14 RECOMMENDATION

Chief Planning Officer authorised to Grant Consent subject to:

- i) the completion of a Section 106 Agreement to secure habitat mitigation in a timely manner
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: 7165 (08) 01 Rev C, 7165 (08) 02 Rev A, 7165 (08) 03 Rev A, 7165 (08) 04 Rev A, 1807/34/AIA

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the buildings in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) other means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review.

7. All planting, seeding or turfing comprised in the approved details of landscaping (as approved within condition 6) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

9. The development hereby permitted shall not be occupied until the spaces shown on plan (08)01 Rev C for the parking of motor vehicles have been provided. The spaces shown on plan(08)01 Rev C for the parking or motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. The development hereby permitted shall not be occupied until:
  - a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed

within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

- 11. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Oakwood Arboricultural Method Statement (1807/34/AMS) dated 12 July 2018 and Tree Protection Plan (1807/34/TPP) dated July 2018 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

- 12. Prior to the commencement of development, and notwithstanding the measures outlined in the Peakecology Limited Ecology Report dated 11th August 2016 further details of biodiversity mitigation and Bio-diversity Enhancement Plan, compensation, enhancement including site vegetation management shall be submitted to, and approved in writing by the Local Planning Authority. The Bio diversity Enhancement plan should include as a minimum provision of 4 in built swift bricks ('Action For Swifts' Model 1a or

equivalent as agreed) and a 'Habi-bat' or equivalent bat roost feature. In addition, measures for native planting and maintenance of hedgehog gaps in boundary treatment. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

13. The first floor bathroom window on the front [ west ] elevation and the west side of the first floor oriel window serving the bedroom as shown on the approved plans on unit 4 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

14. The first floor windows on the side elevations of the approved units 1 and 3 shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

15. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shaded green on the approved plan.

Reason: In the interest of highway safety and in accordance Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

16. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

17. 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 routeing 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 throughout the duration of construction.

Reason: In the interest of Highway Safety in accordance Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

18. The development hereby permitted shall not be occupied until the points of access shown on plan Reference Number (08) 01 Rev C are provided for access arrangements. The points of access shown on plan Reference Number (08) 01 Rev C shall be retained and kept available for the access arrangements for the dwellings hereby approved at all times.

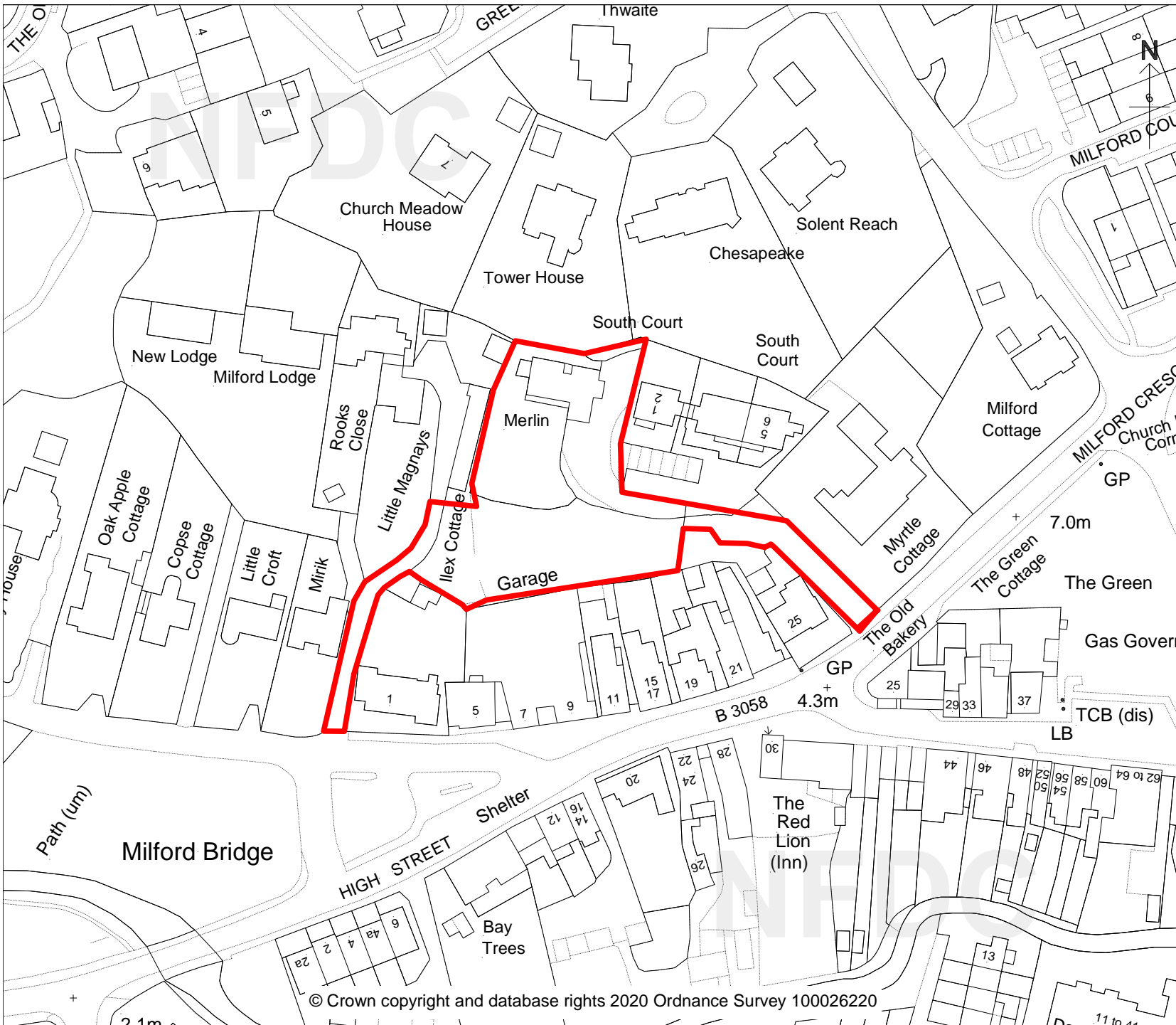
Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Richard Natt

Telephone: 023 8028 5448





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# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
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Claire Upton-Brown  
 Chief Planning Officer  
 Planning  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

November 2020

Land at Merlin, Lymington Road  
 Milford On Sea  
**SO41 0QR**  
 19/11439

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

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Planning Committee 11 November 2020 **Item 2 c**

**Application Number:** 20/10433 Full Planning Permission

**Site:** FULWOOD, PARK LANE, MILFORD-ON-SEA SO41 0PN  
(PROPOSED LEGAL AGREEMENT)

**Development:** Construction of two houses with associated parking, access and landscaping (existing house to be retained) Alternative scheme to planning permission ref 19/10787

**Applicant:** Mrs Killeen and Mr Morton on behalf of The Estate of C  
Westwood

**Agent:** Spruce Town Planning Ltd

**Target Date:** 22/06/2020

**Case Officer:** Vivienne Baxter

**Extension Date:** 14/08/2020

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20/10433

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the development
- 2) impact on the character and appearance of the area
- 3) Impact on residential amenities of the area
- 4) impact on protected trees
- 5) impact on highway safety
- 6) impact on flood risk

This application is to be considered by Committee because of a contrary view expressed by the Parish Council. The application was deferred at the October meeting due to the late receipt of additional information .

## 2 SITE DESCRIPTION

The site lies within the built up area of Milford on Sea in a residential area and comprises the access to and rear garden of a detached two storey property set within mature landscaped grounds. Trees at the front of the site are subject to a group Tree Preservation Order. The property is elevated from Park Lane with the levels of the site rising to the west.

The site is surrounded by predominantly detached dwellings set in varying sized plots. There is a good degree of separation between existing and proposed development by virtue of the distance between properties and from the screening afforded by existing landscaping. The existing dwelling is situated higher than the road and the land drops significantly to a stream to the east.

### 3 PROPOSED DEVELOPMENT

Planning permission was granted on this site for 2 detached dwellings in 2019. The proposal is for the erection of two detached 4-bed dwellings and a detached car port on land to the rear of Fulwood. The new dwellings would be accessed via the existing entrance serving the site, however the driveway would be extended and realigned to lead down the eastern side of Fulwood to a parking and turning area to its rear. To accommodate the new access arrangements a number of trees along the site's eastern side would be removed however the proposal indicates additional landscaping.

The proposed development differs from the approved scheme in the following ways;

- both plots have been moved slightly to the east in order to accommodate a drainage easement to the SW corner of the site
- first floor accommodation is proposed over the ground floor rear projection to each dwelling
- accommodation is proposed over the attached garage to plot 2
- the pedestrian access between the two dwellings would be for plot 2 rather than plot 1

### 4 PLANNING HISTORY

19/10787 Two detached houses; associated parking; carport; access and landscaping	19/12/2019	Granted Subject to Conditions	Decided
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### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development  
Policy ENV3: Design quality and local distinctiveness  
Policy CCC1: Safe and healthy communities  
Policy CCC2: Safe and sustainable travel  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy IMPL1: Developer Contributions

#### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM2: Nature conservation, biodiversity and geodiversity  
DM5: Contaminated land

#### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites  
SPG - Milford-on-Sea Village Design Statement  
SPD - Parking Standards

#### **Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
Section 197 Trees  
Town and Country Planning Act 1990

## **Relevant Advice**

Chap 12: Achieving well designed places

## **Constraints**

Flood Zone  
Aerodrome Safeguarding Zone  
Historic Land Use

Conservation Area: Milford-on-Sea Conservation Area - front of site only

Tree Preservation Order: 102/02/G4

## **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

Milford on Sea Parish Council - recommend refusal and would not accept a delegated decision.

These plans are a re-working of original plans submitted in 2019. At this time, the Parish Council and the Case Officer both considered the scheme to be "cramped?". The Parish Council also had concerns about flood risk issues, particularly to neighbouring properties in Danestream Close. The scheme was subsequently scaled down and received planning permission.

However, the original concerns still apply to this current application. The Parish Council considers it to be overdevelopment of the plot with increased ridge heights which will impact on neighbouring houses and the character of the area. In addition, flood issues are still a concern ? not to this site per se but the effect it will have on neighbouring properties and the lake that often forms at the end of Lucerne Road in times of wet weather.

The Parish Council requests this application be refused.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Environmental Health Contaminated Land** : no concerns

**HCC Highways**: no objection subject to conditions

**NFDC Tree Team**: no objection subject to previously agreed condition

**Conservation Officer** - raises concerns in respect of the impact on the Conservation Area and the scale of the proposed dwellings.

**Environment Agency** - no objection subject to condition

**Southern Gas Networks** - offer advice

**Scottish and Southern Electricity Networks** - offer advice

## **9 REPRESENTATIONS RECEIVED**

Objections have been received from three local residents concerned with the following:

- flooding could be worse as a result of the proposal
- proposal is bulkier than approved scheme
- proposal appears to reflect plans superseded on the previous application
- boundary fence appears excessively high
- loss of light due to increased size of garage
- overdevelopment and cramped form of development
- loss of privacy
- over bearing impact

## **10 PLANNING ASSESSMENT**

### Introduction

The application follows the granting of permission for 2 similar dwellings at the end of last year under planning ref 19/10787. The main changes are:

- moving the dwellings further east to accommodate a drainage easement
- the addition of a 4th bedroom to each property
- associated changes to the floor plans at both ground and first floor level.

Externally, the first floor side windows have been deleted although a low cill rooflight is proposed to the side of the rear projections serving bedroom 2.

### Principle of Development

There is an extant permission for two similar houses on the site. The site lies within the built up area where new residential development can be acceptable subject to there being no adverse impacts.

### Design, site layout and impact on local character and appearance of area

Although the Milford on Sea Conservation Area boundary abuts the front boundary of the site, it is not considered that the proposed dwellings would have a significant impact on its setting being at the lower end of less than substantial harm. Whilst several trees are proposed to be removed from the site, the majority, particularly to the front of the site within the group tree preservation order, will remain and provide a verdant setting for the proposal. There would be limited views of the dwellings from the road.

The design of the dwellings is of a chalet style which compliments the variety of dwellings in the area which includes bungalows, chalets and full two storey houses. The indicative materials suggest dark timber cladding which would offer a modern alternative to the dark tile hanging found on many properties in the area.

The slight change to the positioning of the dwellings from the approved scheme would have a limited impact on the character or appearance of the area. The dwellings would have a 1.6m gap between them in addition to the height difference in view of the levels across the site.

### Landscape impact and trees

The site includes part of an area TPO to the front of the site which covers a group containing 2 Oaks, 2 Ash, 4 Beech, 2 Monterey Cypress, 1 Horse Chestnut and a Willow to the frontage of Fulwood. Some of these fall within the site area. There are several other trees within the site in addition to these although none of them are considered worthy of additional protection.

Many trees (15) are proposed to be removed in order to facilitate the development and in the majority of cases, there is adequate space to provide alternative screening or retain other vegetation where appropriate. One of the trees proposed to be removed is covered by the TPO although it is stated in the tree report as being heavily reduced with advanced decay and on this basis, there are no objections to its removal. The retention of apple trees to the rear boundary is welcomed as this also provides screening between the new dwellings and the bungalow to the rear. This was accepted previously in granting planning permission.

The slight changes to the siting of the dwellings, with the dwellings being moved away from the western boundary would not impact on vegetation or increase tree loss over and above the extant scheme and adequate space would remain for landscaping. However, in view of the slightly reduced space to the east of the site where there is a ditch, additional details, such as a cross section, in respect of how the proposed landscaping will be achieved is required in order to ensure an adequate scheme.

Concern has been expressed in relation to a boundary fence. It is not clear which boundary fence this refers to although it is noted that the drawing indicates a fence between, and therefore at right angles to, plot 2 and the eastern boundary. Given the drainage ditch along this boundary, the fence will have to accommodate the ditch and conditions relating to landscaping and drainage will need to be satisfied prior to commencement or occupation of the dwellings.

### Highway safety, access and parking

The proposal would utilise the existing access point into the site, realigning it slightly in order to provide adequate turning for cars and other vehicles as required by the Highway Authority. The proposal includes two parking spaces for each proposed dwelling as well as two visitor parking spaces to the front of the existing dwelling. It is considered that this is an acceptable level of parking provision for the proposal and the access arrangements are satisfactory. It reflects the approved scheme.

It is noted that the plans indicate the removal of the timber lean-to currently attached to the existing garage and provision of a new area of drive in front of the garage. These changes do not form part of the application site and providing the drive area is constructed in porous materials or any run off is appropriately discharged within the curtilage, permission is not required to implement them.

### Residential amenity

The rear of the site is surrounded by a variety of dwellings with those either side of a similar orientation to those proposed (Heathcliffe, Lucerne Road and 2, Danstream Close) and that immediately to the rear of the site (4, Danstream Close) being a single storey dwelling with no windows facing the site. The extant permission did not include any side facing windows.

There is now proposed an east facing low cill roof light to plot 2 and a west facing low cill roof light to plot 1, both of which are set back from the boundaries. These roof lights would be 9m from the boundary with 2, Danestream Close which has a first floor side ensuite window facing the site (and a secondary bedroom window in the same elevation but which faces the drive of the bungalow to the rear of the site). Although the distance between the actual windows would be around 17m and at an angle, there is potential for the proposed low cill roof light to look across the rear garden area of the adjacent dwelling and for this reason, it is considered reasonable therefore that a condition is placed on any approval to ensure the lower part of the window is obscured and fixed shut. The roof light to plot 1 would be 8m from the boundary to the west. It is unlikely that it would impact as significantly given it would overlook the drive area of the adjacent dwelling to the west.

The distance between the proposed rear dormers - including the additional one over the garage - and adjacent property is in excess of 21m. However, the additional accommodation over the rear projection include roof lights which would be just 8m from the rear boundary and side garden area to 4, Danestream Close. It is considered appropriate that these roof lights are also obscure glazed and fixed shut in order to maintain privacy to the adjacent dwelling.

Given the distance between the existing and proposed dwellings it is not considered that the development would result in an unacceptable loss of privacy or overlooking. The host dwelling has several first floor rear windows although as the siting of plot 1 is 24m away from these, with the proposed dormer bedroom window partially screened by the proposed car port, it is not considered that there would be an unacceptable relationship between the existing and proposed dwelling.

The changes to the plots have resulted in a 6.4m high gable wall 1.8m from the boundary with 2, Danestream Close. The adjacent property has recently had a new garage provided to the side of the dwelling adjacent to the site and landscaping works are underway to the rear garden area although the rear sited garage remains. The approved scheme had a single storey flat roofed structure 2.5m from the boundary. In considering this change, it is noted that the slab level of the proposed garage is higher than the adjacent property although given the siting of the proposed dwelling to the north west of this property, together with the fact that the habitable part of the adjacent dwelling is over 5m from the boundary, it is not considered that the proposal would give rise to unacceptable living conditions given the separation in excess of 7m. Together with the vegetation which will be maintained and supplemented along the mutual boundary, this change would not have a significantly harmful impact.

### Ecology

An ecology report has been provided as part of the application documentation. The details indicate provision for mammals including bat and swift boxes to each new dwelling in order to address biodiversity issues. The extant scheme secured these provisions through a suitably worded condition and it is considered appropriate to impose this condition again.

### Flood Risk

The application is supported with a Flood Risk Assessment and Emergency Flood Plan in view of concerns raised locally and the proximity of the Danestream. As with the previous scheme, the details included within these documents are adequate subject to an appropriately worded condition relating to slab levels.



### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement or unilateral undertaking to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed to enter into a Section 106 legal agreement, which secures the required habitat mitigation contribution. The document also includes a contribution towards Air Quality Monitoring.

### Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

### Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- air quality monitoring
- habitat mitigation

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	373.96		373.96	373.96	£80/sqm	£38,431.58 *

Subtotal:	£38,431.58
Relief:	£0.00
Total Payable:	£38,431.58

## 11 CONCLUSION

The proposal is similar to the extant permission and would not give rise to unacceptable impacts as a result of the differences between the two schemes. Permission is therefore recommended subject to conditions and the prior completion of a legal agreement.

## 12 OTHER CONSIDERATIONS

N/A

## 13 RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a S.106 Agreement or Unilateral Undertaking to secure Habitat Mitigation and Air Quality Monitoring financial contributions, and
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: SL.01 rev.E (x2), SE.01 rev.E, P1.e rev.D, P1.p rev.D, P2.e rev.D, P2.p rev.D, CP.pe rev.A, LP.01 rev.A, Preliminary Ecological Appraisal (Sept 2019), Emergency Flood Plan, Flood Risk Assessment (Nov 2019), Design and Access Statement and addendum dated October 2020; Arboricultural Impact Assessment and Tree Protection Scheme JH/AIA/20/063/Rev2.  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the levels of the driveway. Development shall only take place in accordance with those details which have been approved.  
  
Reason: To ensure that the development takes place in an appropriate way in accordance with policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park (Planning Strategy).

4. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy ENV3 of the Local Plan Part 1 (Planning Strategy) for the New Forest District outside the National Park.

5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) a cross-section through the eastern boundary and proposed plot 2 to show how the landscaping will accommodate the ditch;
- (d) areas for hard surfacing and the materials to be used;
- (e) other means of enclosure;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park (Planning Strategy).

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

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

10. The development hereby permitted shall not be occupied until the spaces shown on plan SL.01 rev.D for the parking of motor vehicles have been provided. The spaces shown on plan SL.01 rev.D for the parking or motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest outside of the National Park (Planning Strategy).

11. The works hereby approved shall be undertaken in strict accordance with the biodiversity measures stated within the Preliminary Ecological Appraisal dated September 2019 prior to the occupation of the dwellings.

Reason: To safeguard protected species in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside of the National Park (Planning Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

12. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Hearne Arboriculture Arboricultural Impact Assessment, Method Statement (JH/AIA/18/063/Rev2) dated 8 October 2020 and Tree Protection Plan (JH-TPP-17-6-19.1 rev.4) while in accordance with the recommendations as set out in BS5837:2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside of the National Park (Planning Strategy).

13. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks and the NPPF.

14. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 19195, titled "Fulwood, Park Lane, Milford on Sea, Flood Risk Assessment", Revision 3, dated November 2019) and compiled by Godsell Arnold Partnership Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than as detailed below:

- o For Plot 1, the finished floor levels shall be set no lower than 4.6 metres above Ordnance Datum (AOD).
- o For Plot 2, the finished floor levels shall be set no lower than 3.52 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to comply with New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks and the NPPF.

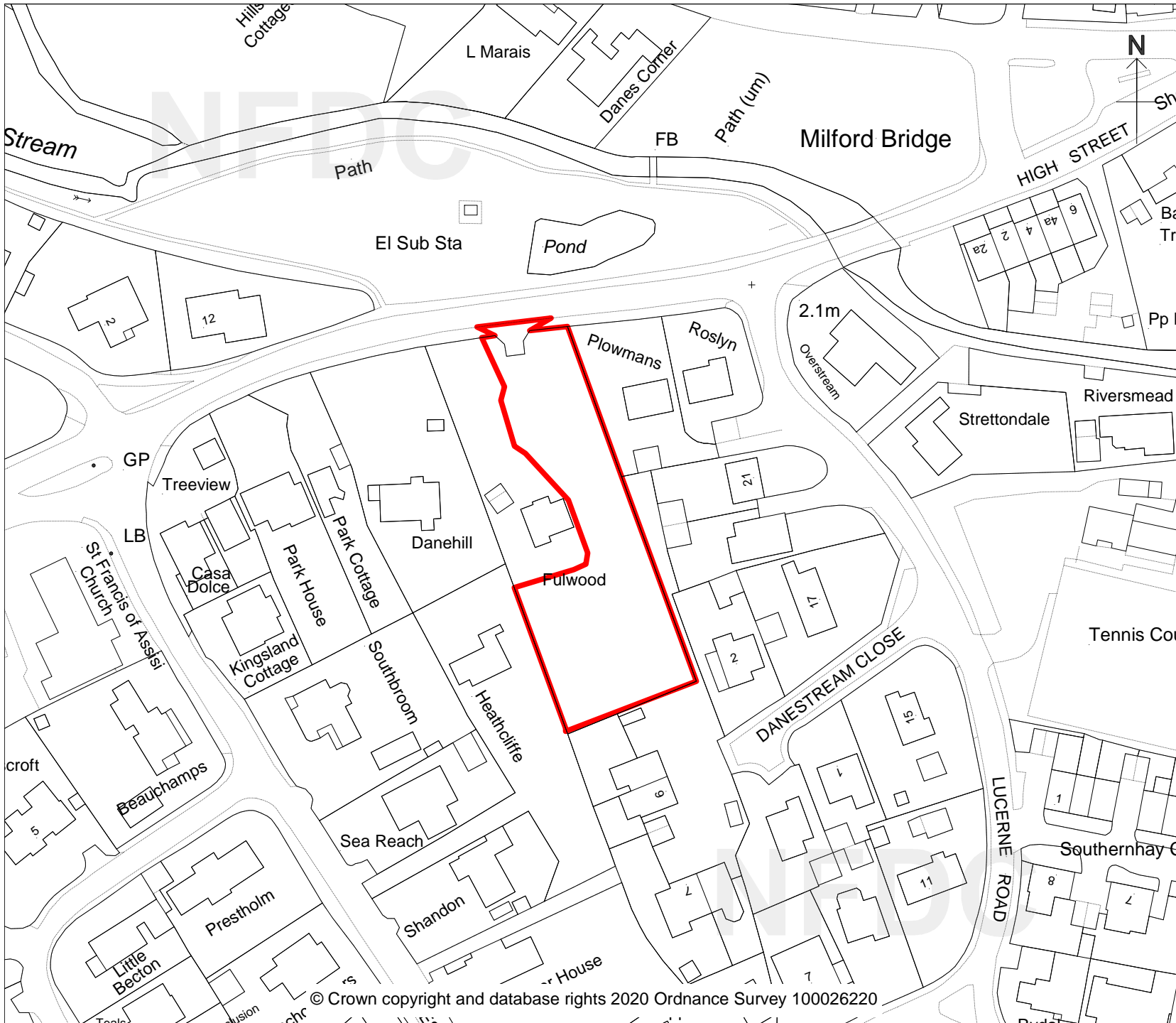
15. The lower part of the first floor window on the east elevation of plot 2 and the roof lights on the rear projection of each dwelling shall all be obscurely glazed and non-opening at all times unless the parts that can be opened are more than 1.7m above the floor.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

Claire Upton-Brown  
 Chief Planning Officer  
 Planning  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

November 2020

Fulwood, Park Lane  
 Milford on Sea  
 SO41 0PN  
 20/10433

Scale 1:1250

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**Application Number:** 20/10336 Full Planning Permission

**Site:** ESSO SPORT & RECREATION CLUB, 179-181 LONG LANE,  
HOLBURY, FAWLEY SO45 2PA

**Development:** New changing room pavilion; demolish the existing club building;  
community garden and new car parking layout; landscaping

**Applicant:** Esso Petroleum Co. Ltd

**Agent:** ExxonMobil Engineering Europe Ltd

**Target Date:** 22/06/2020

**Case Officer:** Arleta Miszewska

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development
2. Impact on the character and appearance of the area
3. Impact on provision of community facilities
4. Impact on the non-designated heritage asset
5. Impact on residential amenity
6. Impact on highway safety
7. Impact on community safety
8. Impact on ecology
9. Other matters

This application is to be considered by Committee because of the number of representations received, both for and against the proposed development.

## 2 SITE DESCRIPTION

The application site is located on the south-western side of Long Lane, just opposite the Fawley Refinery. The site benefits from two vehicular access points from the service road running alongside Long Lane. The frontage of the site is bounded by a hedge, behind which is a large car park spreading alongside the entire frontage. Behind the car park hard-surfaced area is located the Waterside Sports and Social Club building. The building accommodates a pavilion, a club house and a theatre/cinema. The building is mainly single storey with the element facilitating the theatre/cinema being of two storey height. Behind the building is a large open space which accommodates, inter alia, tennis courts, a football pitch and ancillary outbuildings of temporary lightweight construction.

The south-eastern and part south-western boundary of the site is bounded by residential gardens of properties located alongside Southbourne Avenue and in Wedgewood Close. The north-western and western boundary abuts school playing fields and associated buildings.

The applicant has confirmed that the Waterside Sports and Social Club building was built around 1951 to serve the Fawley Refinery staff. Since the second half of 2017, the building has been leased to the Holbury Community Sports Association Limited which make use of the sports fields and which did make use of the standalone changing room area within the main building until it was badly vandalised. The theatre/cinema was last used in November 2016.

In planning policy terms, the application site is located within a built-up area. The land occupied by the sports fields is designated as Private/Education Recreational Land.

### **3 PROPOSED DEVELOPMENT**

The application seeks planning permission for the demolition of the Waterside Sports building and the provision of:

- a) A new building to be located near the north-western boundary of the site, between existing tennis courts and a football pitch. The building would be single storey and would accommodate changing rooms, showers, kitchen, a bar, plant room, and a “main room”.
- b) A picnic lawn/community garden to replace the building to be demolished.
- c) An altered car parking layout fronting onto Long Lane and associated landscaping.

### **4 RELEVANT PLANNING HISTORY**

20/10134 – Temporary welfare cabins including changing rooms, showers and toilet facilities, cabins to be located on the perimeter of the current sports field. Granted temporary permission. 29/07/2020.

19/10748 – 8 portable cabins for use as changing room facilities and meeting/office room (retrospective application), Granted temporary permission. 10/09.2019

18/10190 - Outbuilding (Lawful Development Certificate that permission is not required for proposal), 18/04/2018, Was Not Lawful

16/10033 - Floodlights (Screening Opinion), 17/02/2016, EIA not required

14/10601 – Outbuilding, 09/07/2014, Granted Subject to Conditions

13/10780 Continue siting of storage container for football/sports equipment, 30/09/2013, Grant Temporary Permission

11/97338 - Siting of portable cabin, 05/09/2011, Grant Temporary Permission

10/95260 - 3 portable cabins, 26/04/2010, Granted Subject to Conditions

### **5 PLANNING POLICY AND GUIDANCE**

#### **Local Plan Review 2016-2036 Part One: Planning Strategy**

Policy STR1: Achieving sustainable development

Policy STR3: The strategy for locating new development

Policy STR8: Community services, infrastructure and facilities

Policy ENV3: Design quality and local distinctiveness

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

### **Core Strategy (saved policy)**

CS7: Open spaces, sport and recreation

### **Local Plan Part 2: Sites and Development Management (saved policies)**

Policy DM2 Nature conservation, biodiversity and geodiversity

Policy DM5 Contaminated land

Policy DM8 Protection of public open space, private playing fields and sports grounds and school playing fields

### **Supplementary Planning Documents:**

Car Parking Standards (SPD)

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

### **Relevant Advice**

National Planning Policy Framework

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Fawley Parish Council, Gang Warily Community Centre**

We recommend permission with the following comments:

FPC considers it regrettable that a larger building cannot be provided to allow space for community activities.

These comments relate to the scheme as proposed.

1. FPC requires that any temporary buildings on the site be removed within 3 months of the new building being opened. This should be a condition of approval.
2. Access between the community area, car parking, etc. should be controlled by fencing and gate (s).
3. Consideration should be given to raising the height of the roof section at its lowest point by the main door to the pavilion; to reduce the ease of access to the roof. This is based on known police complaints locally of youths climbing on roofs and causing damage to their current building and nearby schools which have low roof lines.
4. In connection with the proposals for improving traffic flow along the A326 <https://www.hants.gov.uk/transport/transportchemes/a326southfawleywaterside> FPC has discussed informally with Esso and Fawley Waterside Ltd. the possible provision of a bus lay-by situated off Long Lane in front of the existing theatre. This lay-by could be constructed as part of the development of the car park in this scheme by diverting the service road to make room for the lay-by. This would help remove the current delays caused by the buses stopping on Long Lane and help traffic movements now and in the future.
5. FPC assumes that the planning officers will comment on the proposed building layout and in particular the bar size and layout which seems inadequate.

6. FPC requires that when the Method Statement covering demolition is approved by NFDC that it is strictly enforced to safeguard neighbouring residents.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Health and Safety Executive** – advises against.

**Environment Agency** – no comments received.

**Theatres Trust** – objects. Loss of non-designated heritage assets; building should be retained and adapted to better meet the needs; development is against Paragraph 92 of the NPPF (2019): planning decisions to plan positively for community facilities including cultural buildings and to guard against unnecessary loss.

**HCC Highways** – no objection in principle - the proposal is not likely to increase the number of trips; no detriment to the operation and safety of the local highway network. It is required that there is adequate space for vehicles to turn on site and therefore access and egress the site in forward gear. No changes to access arrangements. Car parking not assessed – up to NFDC but no formal car parking layout submitted.

**NFDC Environmental Health (Contaminated Land)** – no objection in principle subject to a condition to ensure asbestos, hydrocarbons & other contamination is appropriately managed. The proposed use of the land where the building is currently located is stated for a 'community garden', the definition of which is not included in the application. It implies a use similar to an allotment (therefore growing produce to be consumed) and in which case there are stringent levels of potential contaminants in the soil that must not be exceeded, including the presence of asbestos fibres. The fabric of the building is stated to contain asbestos material and there is potential for contamination of the soil during demolition.

**NFDC Environmental Health (Pollution)** – no objection in principle. To control noise and dust during demolition and construction, the following condition is recommended:

*Construction works (including demolition) shall be undertaken in accordance with the Method Statement (ref: MS391-19) and Demolition Statement (ref: 120-0215669-01- 020-000115\_B001) and shall not take place outside 08:00 hrs to 18:00 hrs Mondays to Fridays and 08:00 hrs to 13:00 hrs on Saturdays and not at any time on Sundays or Bank Holidays. No waste shall be burnt.*

**NFDC Building Control** - no objection to the proposed development and the associated method of demolition.

**NFDC Conservation** – objects to demolition of the building which is considered to be a non-designated heritage asset.

**NFDC Crime Prevention Design Advisor** – no comments received.

**NFDC Community Safety Coordinator** – no comments received.

**Southern Water** - a formal application for a connection to the public foul sewer would be required. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. An Informative is required.

**Southern Gas Network** – comments only.

## 9 REPRESENTATIONS RECEIVED

The application attracted 26 objections, 118 comments of support and 3 letters of general comments. Matters raised are as follows:

### Against:

**Loss of community facilities:** loss of theatre; there is no other cultural activity spot within the surrounding area; both the sports, social and cultural aspects of the site should be restored not just the sports aspect; will ruin the ability for future generations to revel in the arts of amateur dramatics; the application totally fails to address how the cultural facilities are to be replaced; there is no suitable venue that can serve as a theatre in the NFDC area; helped youngsters overcome struggles with social situations; It is the only space of its kind between Southampton and Christchurch: a community facility like no other; existing facilities should be refurbished; theatre would draw in a range of age groups and be a focal point for community growth; some kind of performing arts facility should be included in the new plans; there is a large population of older people who are unable to travel far for entertainment and who are unable to participate in Sports events; We don't need another place that's solely for sport; the majority of our audience are from the local area; A garden sounds lovely but in the winter barely used and not at all after dark, but a hall big enough to house cultural events could once again become a hub for activity in the area providing a local focus rather than having to travel into Southampton; a multi-purpose building which could be used as a theatre is needed; not everyone engages with sport; The current building, while in great need of replacement, provides space and facilities for many difference functions and for entertainment. The proposed facilities provide nothing, in comparison to these and will be of continuing detriment to the local area; a community space or hall where performances can take place and which other groups can use for rehearsals is needed.

**Demolition:** removal of asbestos is a safety concern.

**The Waterside Musical Society** have felt concerned over the lack of a venue for the performing arts and its impact on the local community; proposed development could mean the closure of the society, and a significant void in the local area for the performing arts; Although we can see that the building is beyond economic repair, we urge you to consider that the redevelopment of the site includes a community hall with space to perform. In this way, we may be able to perform concerts at the venue and continue to bring the performing arts to Waterside audiences. In turn, this will further support the local community by bringing other groups to the area enabling them to perform, broadening the cultural appeal of the Waterside.

**Other:** Will there be a security fence between new car park /community garden and Playing fields to keep people other than Holbury sports association members out?; potential for anti-social behaviour; existing facilities should be refurbished; there's demand for theatre productions.

For:

**Provision of facilities:** will enable all the clubs to continue to grow; it will be a real asset to all the community; will enable many in the area to learn and develop sporting and social skills in a safe environment; the sports ground and facility are a huge part of our community; a fantastic proposal for the use of the now disused site; the cinema has not been used for decades, this will give many people pleasure in the gardens; will benefit the community for many years to come; will bring in revenue for local businesses; improve the health, fitness and wellbeing of our local community.

**Condition of existing buildings:** old building has become an eyesore and a regular target for vandals; happy to see they are being removed; removing the buildings at the front to create a landscaped area is great to help the visual aspect of the area.

**Other:** The theatre served its purpose when it was originally built, but since the cinema development is within easy reach of Southampton this facility has been redundant.

## 10 PLANNING ASSESSMENT

### Principle of development

The application site is located within an urban area where built development is supported in principle. Therefore, the development consisting of re-development of this sports and recreational site is considered acceptable subject to compliance with other relevant planning policies as set out above.

### Impact on the character and appearance of the area

Policy ENV3 (Design quality and local distinctiveness) states that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. The Policy requires, inter alia, that new buildings are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features.

The proposed pavilion, due to its scale and siting away from public vantage points, would have limited impact on the character and appearance of the surrounding area. Its detailed design is reflective of its purpose. Therefore, it is considered to be contextually appropriate to its location.

The Fawley Parish Council has commented that, in terms of internal layout, the bar size and layout seem inadequate. However, it is noted that the building has been designed for the Holbury Community Sports Association Limited which makes use of the site, and no representation from the Association or its members have been received raising concerns over the proposed internal layout or the size of the bar. The internal layout of the building is not considered to be a matter that will cause planning harm.

It has also been suggested by the Fawley Parish Council that the low roof of the pavilion may attract local youths to climb on it as reported by the Police on other sites. It has been also suggested that the access between the community area, car parking, etc. should be controlled by fencing and gates. The NFDC Crime Prevention Design Advisor and the NFDC Community Safety Coordinator were

consulted on the proposed developments and no comments were made. Nevertheless, the design of the proposed pavilion is typical of a building of this purpose and context. The site benefits from a good degree of natural surveillance and requesting further measures to ensure safety of this site is not considered to be reasonable. Therefore, there is no justification to request that the roof height is redesigned to prevent anti-social behaviour or that further enclosures are added within the site.

### **Impact on provision of community facility**

Policy STR8 (Community services, infrastructure and facilities) plans against development that involves the loss of social and other community services, unless the use of the site or building is redundant, or the service will be provided in another way.

Policy CS7 (Open spaces, sport and recreation) also plans against development that involves the loss of a sport, recreation or play facility except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development.

Finally, Policy DM8 (Protection of public open space, private playing fields and sports grounds and school playing fields) states that development will not be permitted on public open spaces, private recreation land/playing fields/sports grounds and school playing fields. However, the Policy allows for a small-scale development of ancillary facilities to enhance the recreational use of these areas. The proposed development involves the provision of a sports pavilion to be located on land designated as a private/education recreational land, leading to a loss of this space. The Pavilion would accommodate changing rooms, showers, kitchen, bar as well as an area defined as a "main room". The facilities provided within the pavilion are necessary for the proper and more efficient use of the playing fields. Therefore, it is considered that the pavilion would be beneficial to the use of the space, making the site a more attractive sports facility for the local community. Moreover, due to its modest footprint, the pavilion would not result in the loss of a significant proportion of the open space, nor would the loss of a part of the open space compromise its function and future potential.

The floorplan of the existing building proposed to be demolished shows that the building accommodated a pavilion, a club house and a theatre/cinema. The proposed pavilion would not provide a space that could facilitate theatre performances or cinema screenings in a similar manner to the existing building. The strength of opposition to the loss of the theatre facility, including the objection from the Theatres Trust, is noted. In particular, the Theatres Trust response provides a detailed description of the relevant facilities provided in the building, which include a full-height fly tower, along with a cinema screen, a flat-floor to allow for dances and other functions. It is also noted that the theatre was used by local amateur groups, as well as by companies and individuals for classes, events and functions.

The applicant has confirmed that the theatre ceased its use in late 2016 and has not been used since. From 2017, the building has been leased to the Holbury Community Sports Association Limited which make use of the sports fields and initially made use of the standalone changing room area within the main building until it was badly vandalised. The planning history of the site shows that in 2019 and 2020 temporary planning permissions were granted for the siting of portable cabins which provided changing rooms, showers and toilet facilities during sports seasons. It is clear that the building has been closed for some time. The theatre/cinema use ceased in late 2016 and the remaining parts of the building were no longer deemed adequate for their use since at least 2019. From the representations received, it is

apparent that the building, and in particular the theatre, when in operation was a valued community facility.

Whilst third party comments suggest that the retention of the building and its adaption to better meet the needs would be a better solution, this solution is not part of the proposed development. The building is in a state of disrepair and was also subject to vandalism. It is clear that, due to the poor condition of the building, significant funds would be required to refurbish the building to a useable condition, and there is no evidence of any community groups or other interested parties willing to undertake this project.

The proposed development consists of a pavilion which would predominantly provide facilities necessary to support the use of the open space as playing fields by the local community. Without these facilities, the existing site cannot be used to its full potential. There is a strong support from the local communities for the provision of the pavilion.

In light of the above, as the theatre closed about 4 years ago, the proposal would not result in a loss of existing operational cultural facility. The proposed pavilion would replace the existing building and would enable the use of the sports fields in the future to the benefit of the local communities. Therefore, it is considered that the proposed development is in accordance with the adopted local policies as set out above and the aims of paragraph 92 of the NPPF (2019).

### **Impact on the non-designated heritage asset**

Paragraph 197 of the NPPF (2019) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset. Both the NFDC Conservation Officer and the Theatres Trust object to the demolition of the building on the basis of a loss of a non-designated heritage asset.

The NFDC Conservation Officer highlights that the building is *a well-designed historic structure and makes a positive contribution to the character and history of the area. Its refined brickwork, symmetrical design and elegant window proportions all make a notable architectural contribution to the local context. While other types of these facilities could be described as functional, the well-crafted design and robust proportions of this particular building raise its importance as a local non designated heritage asset.*

The application proposes the complete demolition of the building, which would amount to a substantial harm. This has to be weighed against any public benefits appropriately.

The public benefits to the local community have been extensively highlighted in the representations supporting the proposed development. It has been suggested that the development will enable all the involved sports clubs to continue to grow, it will be an asset to the whole community, it will allow many in the area to learn and develop sporting and social skills in a safe environment, etc. The sports grounds and facilities are seen as an important part of the community and the proposed development would enable the use of the now disused site that would benefit the community for many years to come. The community gardens would give many people a valuable amenity contributing to the health and well being of the residents of the area. The opportunity to improve the health, fitness and wellbeing of the local community is seen as a benefit. These social benefits highlighted by the local



community themselves attract great weight in favour of the proposed development. In planning policy terms, the development would enable the continued and more efficient use of the recreational land in an area where alternative facilities do not exist that could adequately meet the local community's need for sports and recreation and where relevant planning policies support the provision and improvement of such facilities. This attracts substantial weight in favour of the proposed development.

In terms of economic benefits, the proposed development would introduce an investment into the site following a period of underinvestment and decline. This attracts limited weight in favour of the proposed development.

The NFDC Conservation Officer supports the refurbishment and adaptation of the building, in light of the fact that there is sufficient evidence to demonstrate that this would be a more sustainable alternative which would produce greater environmental benefits than demolition and construction of a new building. However, as this is not a realistic and feasible alternative, the environmental benefit of retaining the building attracts limited weight against the proposed development.

The use of the site for a community garden would also benefit and enhance the local biodiversity. The new pavilion, subject to condition, would offer an opportunity for installation of bird and/or bat boxes which would benefit wildlife. The improvement of the ecological value of the site through the proposed development also attracts weight in favour of the proposed development.

Finally, a significant proportion of the representations in favour of this development also supports the demolition of the building, which has recently become a target of anti-social behaviour. This attracts some weight in favour of this proposed development.

In light of the above, it is considered that whilst the loss of the building would be regrettable, the benefits outlined above outweigh the harm caused by the complete demolition of the building. Subsequently, the proposed development is considered acceptable in terms of requirements specified in paragraph 197 of the NPPF (2019).

### **Impact on residential amenity**

Policy ENV3 (Design quality and local distinctiveness) requires development to be designed to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity. In this case, the proposed development would be located within an established sports/recreational site and the proposed pavilion would be located a sufficient distance away from the nearest residential properties not to cause any demonstrable harm to their light, outlook or privacy. The pavilion would facilitate an existing use and it would not cause harm in terms of noise or light pollution. The creation of the community garden and the altered car parking arrangement do not raise concerns over impact on residential amenity.

The application proposes the demolition of the existing Waterside Sports and Social Club building. Given the proximity of the development to residential properties, if permission is granted there should be a condition controlling noise and dust emissions arising from the demolition and construction stages.

In light of the above, it is considered that the proposed development would not cause unacceptable adverse impacts on the residential amenities of the nearby properties as safeguarded by Policy ENV3.

### **Impact on highway safety**

The aim of Policy CCC2 (Safe and sustainable travel) is to achieve a safe site access, to ensure that development has no adverse impact on the capacity and safety of the transport network and to provide sufficient car and cycle parking. The proposed development involves the provision of a changing room pavilion, a community garden space and an altered car parking arrangement. The access to the site would remain as existing, from the service road running alongside Long Lane (A326).

Hampshire County Council as the Local Highway Authority has commented that the proposal is not likely to increase the number of trips to and from the site over and above its extant use. Therefore, the Highway Authority would consider the proposals to not be of detriment to the operation and safety of the local highway network. The submitted plans do not provide sufficient details of the proposed car parking layout and the movement of vehicles within the site. A detailed car parking layout plan showing adequate space for vehicles to turn on site and therefore access and egress to and from the site in a forward gear is recommended to be secured by a pre-commencement condition.

The Fawley Parish Council has commented that:

*In connection with the proposals for improving traffic flow along the A326 FPC has discussed informally with Esso and Fawley Waterside Ltd. the possible provision of a bus lay-by situated off Long Lane in front of the existing theatre. This lay-by could be constructed as part of the development of the car park in this scheme by diverting the service road to make room for the lay-by. This would help remove the current delays caused by the buses stopping on Long Lane and help traffic movements now and in the future.*

However, the submitted application does not propose such works and the Policy CCC2 (Safe and sustainable travel) states that new development would be required to provide or contribute proportionately to the provision of, any highways or public transport measures necessary to enable the development to be accommodated in a safe and sustainable manner. In this case, the Highway Local Authority has commented that the development would not be of detriment to the operation and safety of the local highway network and therefore there is no policy justification to request that a lay-by is constructed for purposes suggested in the comments.

### **Impact on community safety**

Policy CCC1 (Safe and healthy communities) states that development should not result in pollution or hazards which prejudice the health and safety of communities and their environments.

The application site is located within the inner, middle and outer Health and Safety Executive Consultation Zones. However, the HSE does not advise against the proposed pavilion, however, advises against the proposed community garden and revised car parking arrangement. Given the capacity of the existing building on site, which significantly exceeds the likely capacity of the community garden and the car parking, Health and Safety Executive has been contacted separately and further comments are awaited. However your officers are of the view that the proposed demolition of the existing building and its replacement with a community garden and car park will generate less activity than the existing position and therefore is less risk.

The proposed use of the land where the existing building is currently located is to be used as a community garden. There are stringent levels of potential contaminants in the soil that must not be exceeded, including the presence of asbestos fibres. The fabric of the building is stated to contain asbestos material and there is potential for contamination of the soil during demolition. The NFDC Contaminated Land Officer does not raise objection to the application subject to the imposition of a relevant condition to avoid any risk to human health and/or the environment.

There are no Environment Agency flood zones on the application site. However, the New Forest Strategic Flood Risk Assessment indicates there are pockets of land to be at risk (1 in 100 years) of surface water flooding. The Environment Agency has been consulted on the proposal. However, no comments have been made.

It is noted that the proposed development involves demolition of existing buildings which would be replaced with a smaller building. The existing building would largely be replaced with a space not covered with hard-surfacing and which would facilitate natural surface water disposal. Therefore, on balance, it is considered that as the proposed development would reduce the site's coverage with hard surfacing, the application would not increase the risk of surface water flooding on the application site or elsewhere.

Some concerns have been raised over the safe disposal of asbestos during demolition. However, this is controlled by other legislation and the HSE regulations will have to be complied with. Therefore, this concern cannot give grounds to refusing this application.

In light of the above, the proposed development, subject to conditions, is considered acceptable in terms of impact on community safety.

### **Impact on ecology**

Policy STR1 (Achieving sustainable development) requires development to achieve an environmental net gain. Policy DM2 (Nature conservation, biodiversity and geodiversity) requires development to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value.

The application site is used for sports and recreational purposes and its size exceeds 6ha. However, the size of the proposed development is much smaller. As such the Biodiversity Metric would not be required in this case. However, the requirement to deliver biodiversity net gain as a part of the development would be applicable. As the majority of the site is used for playing fields, the opportunity for wildlife enhancement would be limited. However, the proposed pavilion could accommodate bird and/or bat boxes and the proposed landscaping scheme could include native trees and other native planting. Such measures would be appropriate for an application of this scale.

Furthermore, the potential impacts of the demolition on bats have been assessed. Taking into account the urban location of the site, the age of the building, its predominantly flat roof construction and the open structure of the roof of the two storey element of the building, it is considered that the likelihood of bats using the building is negligible.

In light of this, the proposed development is considered acceptable in terms of impacts on ecology, subject to a condition securing details of biodiversity protection and enhancement.

## Other matters

The Parish Council requested that any temporary buildings on the site be removed within 3 months of the new building being opened. At the time of a visit to the site, there were no temporary buildings on site. Any buildings which benefit from a temporary planning permission would have to be removed in accordance with the conditions of such a permission. In accordance with the last permission for temporary buildings on this site, these will have to be removed once the proposed pavilion is erected (or before 21<sup>st</sup> July 2025).

The Parish Council also requires that the Method Statement covering demolition is strictly enforced to safeguard neighbouring residents. Any non-compliance with the approved Method Statement would constitute a breach of planning condition that can be enforced by the planning department.

## 11 CONCLUSION

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and 3<sup>rd</sup> parties. The application gives rise to a number of different considerations but, for the reasons set out above, the planning balance on this occasion is for approval.

## 12 OTHER CONSIDERATIONS

None

## 13 RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) notification to the HSE that the Local Planning Authority is minded to approve the application and allowing 21 days from that notice period for the HSE to give further consideration to the matter, including whether to request the Secretary of State for Communities and Local Government to call-in the application
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

000111 EXISTING SITE PLAN; 000112 PROPOSED SITE PLAN  
000110 REFINERY PLOT; 000113 CONCEPTUAL IMAGES PLAN  
000114 EXISTING FOUL DRAINAGE PLAN  
5942-WLA-ZZ-GF-DR-A-0200 GROUND FLOOR PLAN  
5942-WLA-ZZ-XX-DR-A-0111 SITE PLAN  
5942-WLA-ZZ-XX-DR-A-0112 CONCEPT SKETCHES  
5942-WLA-ZZ-XX-DR-A-0300 ELEVATIONS

Reason: To ensure satisfactory provision of the development.

3. No development shall take place until scheme for biodiversity protection and enhancement has been submitted to and approved in writing by the local planning authority. The measures agreed shall be implemented as part of the development and maintained thereafter.

Reason: To enhance existing features of nature conservation value within the site in accordance with DM2: Nature Conservation of the Local Plan Part2: Sites and Development Management.

4. Construction works (including demolition) shall be undertaken in accordance with the Method Statement (ref: MS391-19) and Demolition Statement (ref: 120- 0215669-01- 020-000115\_B001) and shall not take place outside 08:00 hrs to 18:00 hrs Mondays to Fridays and 08:00 hrs to 13:00 hrs on Saturdays and not at any time on Sundays or Bank Holidays. No waste shall be burnt on site.

Reason: To protect amenity of nearby residential properties.

5. Before development hereby approved commences, a car parking plan showing car and cycle spaces together with adequate space for vehicles to turn on site should be submitted to and approved by the local planning authority. The car park and cycle parking shall be constructed, made available for use and thereafter retained for use by visitors to the pavilion in accordance with the approved details prior to the pavilion first being brought into use.

Reasons: In the interest of highway safety and to provide adequate on site parking

6. During any site clearance, removal of floor slab and foundation excavations a suitably qualified contaminated land consultant shall carry out a watching brief with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority, a strategy must then be submitted to the local planning authority for approval and further site clearance must be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours

and other offsite receptors in accordance with policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- a) the existing trees and shrubs which have been agreed to be retained;
  - b) a specification for new planting (species, size, spacing and location);
  - c) areas for hard surfacing and the materials to be used;
  - d) other means of enclosure;
  - e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Arleta Miszewska

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NFDC



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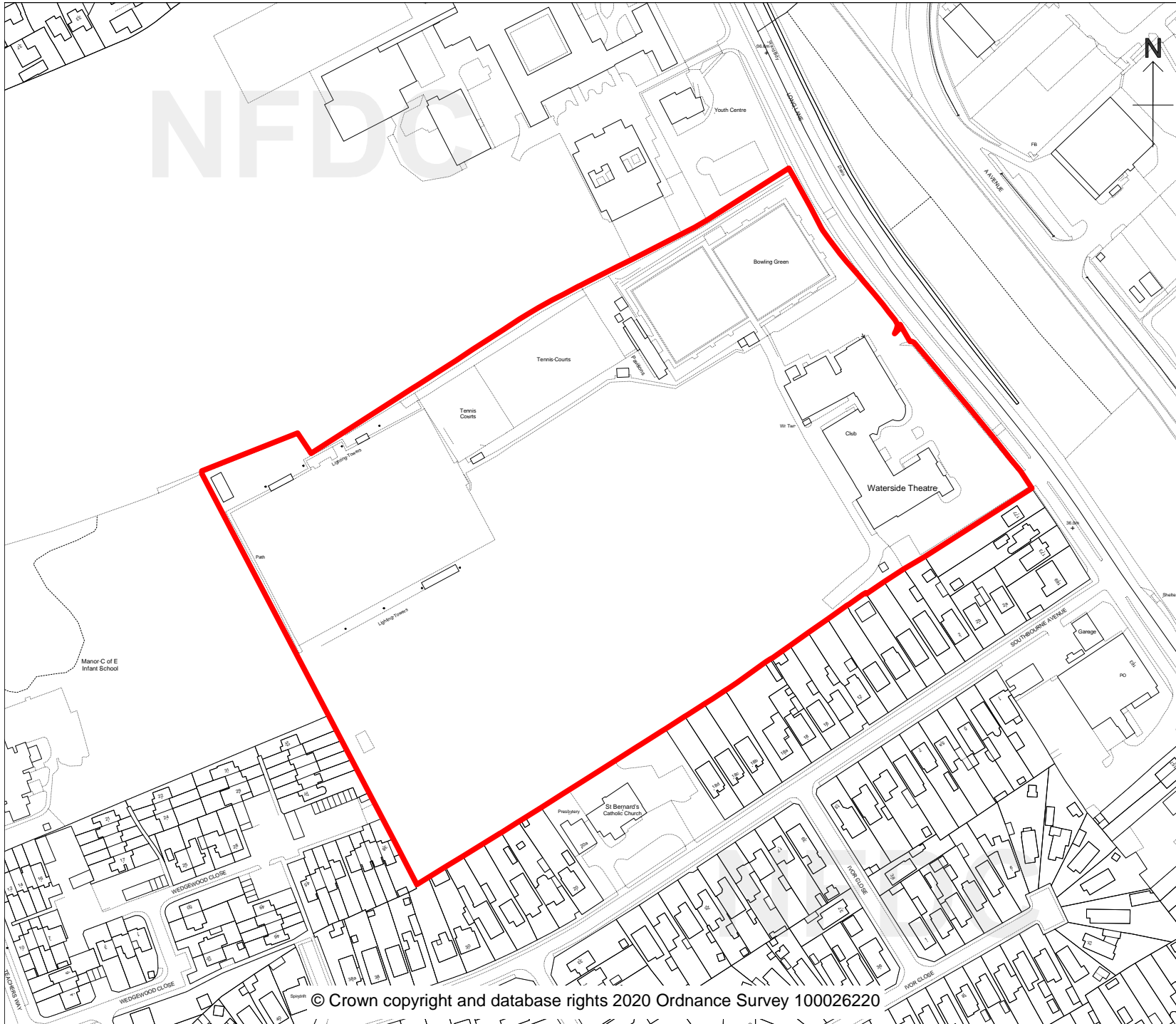
**PLANNING COMMITTEE**

**November 2020**

Esso Sport & Recreation Club  
179-181 Long Lane  
Holbury SO45 2PA  
20/10336

Scale 1:2500

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the internet, it will not be to  
scale.



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**Application Number:** 20/10978 Full Planning Permission

**Site:** WOODBERRY DAY NURSERY, 1 ROLLESTONE ROAD,  
HOLBURY, FAWLEY SO45 2GD

**Development:** Alterations and additions to existing property

**Applicant:** Woodberry Day Nursery Ltd

**Agent:** The Planning Group Ltd

**Target Date:** 02/11/2020

**Case Officer:** Jo Chambers

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Health and safety matters
- 2) Design and impact on local character
- 3) Impact on neighbours

This application is to be considered by Committee because of a contrary view by the Health and Safety Executive.

## 2 SITE DESCRIPTION

The site is located within the countryside; the built up area boundary is located on the opposite side of Rolleston Road. Residential properties are located opposite.

The site adjoins a crossroads which gives access to Blackfield and Fawley to the south and east and the rest of Holbury to the north. An estate of residential properties lies directly to the north and further west along Rolleston Road.

The site comprises a purpose built children's nursery with a large area of car parking to the west of the main buildings and recreation and playing fields to the south. The building is single storey with a variety of roof forms.

Vehicular access is taken off Rolleston Road, approximately 150 metres to the west of the crossroads. The access leads into a gravel parking area for parents with a separate area for staff parking. The car park is not formally laid out but can accommodate approximately 50 cars between the two areas.

## 3 PROPOSED DEVELOPMENT

Full planning permission is sought for 2 single storey extensions to the existing building, creating 22 sqm of additional floorspace. This would facilitate a revised internal layout based on the model used by the chain of day nurseries of which this site forms part, and would provide larger rooms to allow more space for those inside the building as a response to the coronavirus pandemic.

No change is proposed to the maximum number of children that can attend the nursery. This would remain at a maximum of 65.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
18/10921 Removal of condition 6 of Planning Permission 09/93731 to allow occupancy based on ofsted requirements	01/10/2018	Granted Subject to Conditions	Decided
09/94594 Day nursery for 40 children; demolition of existing	14/12/2009	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC1: Safe and healthy communities  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL2: Development standards  
Policy STR1: Achieving Sustainable Development  
Policy STR8: Community services, Infrastructure and facilities

##### **Local Plan Part 2: Sites and Development Management 2014**

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development  
DM23: Shops, services and community facilities in rural areas

##### **Relevant Legislation**

Town & Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004

##### **Constraints**

HSE Consultation Zone

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Fawley Parish Council:** recommend permission

#### 7 COUNCILLOR COMMENTS

No comments received

##### **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Drainage** - no comment.

**HCC Childcare** - no objection raised.

**HSE** - Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

**SSEN** - safety advice given

**SGN** - safety advice given

## **8 REPRESENTATIONS RECEIVED**

No representations received

## **9 PLANNING ASSESSMENT**

### Background of Nursery Use

#### 09/94594 Day nursery for 40 children; demolition of existing

Planning permission was granted for a replacement nursery for 40 children at this site in 2009 following an objection by the HSE. The Committee report at that time stated:

*The most significant objection to this application is that raised by the Health and Safety Executive (HSE). They have objected on the basis that they consider that the siting of such a vulnerable population in this location would be incompatible with the presence of a major hazard, namely the Fawley oil refinery. (The site lies within the middle consultation zone.) In objecting to the application, the HSE have made it clear that they have taken no account of the existing use of the site as a day nursery. The HSE are of the opinion that they should not take into account the existing use of the site when considering risk, because they believe this has the potential to allow a new development which would introduce more people to risk than the previous one which they see as being contrary to aims of the Seveso II Directive (December 1996).*

*It is felt that the HSE's position is very harsh. To ignore the existing use of the site when considering what is proposed takes no account of a legitimate fall-back position, which is to continue using the existing buildings as they have been used over the past few years. Common sense would suggest that the proposed new day nursery would pose no greater health and safety risk than the status quo when that new building has a smaller footprint than the existing building and when the applicants are agreeable to a condition restricting numbers of children to the same limitation as exists at present. The new development should not introduce more people to risk than at present. It is also of note that the children attending the nursery will be mainly resident within the local area and so there is no evidence that the proposal would draw people in from a lower risk area to a higher risk area. In considering this proposal, it is also important to recognise the important community benefits that this proposal will bring. Therefore, overall whilst one cannot say that there would be no risk, it is reasonable to say that the risk does not seem to be any greater than the risk that has already been accepted and on this basis and taking into account the community benefits arising from this proposal, it is felt reasonable to recommend approval of this application contrary to the advice of the Health and Safety Executive. If members accept this recommendation, the Health and Safety Executive would then have to be given 28 days to call the application in for a Public Inquiry.*

*Overall, taking into account that the risk to health and safety would be comparable with the existing use of the site, it is felt the impact of the development would be acceptable.*

It was subsequently resolved that the then Head of Planning be authorised to grant permission subject to the Health and Safety Executive not asking for the application to be called in for a public inquiry within 28 days of the resolution and subject to specific conditions. The Health and Safety Executive confirmed that it did not wish the application to be called in and that it did not wish to pursue the matter further. Given the position taken by the HSE, it was considered that the application could be granted planning permission.

#### 18/10921 Removal of condition 6 of Planning Permission 09/93731 to allow occupancy based on ofsted requirements

Subsequently planning permission was granted, which allowed an increase in the number of children from 40 to 65. Again, this followed an objection from the HSE.

The 18/10921 Committee report referred to:

*...the recent closure of the nursery at 11 Long Lane Holbury and the nursery at the Sure Start centre in Blackfield...*

*...it could be argued that children who already live in the area will be using the expanded nursery and the risk factor will therefore be reduced. Similarly the closure of a nursery in the inner zone with children potentially transferring to a middle zone site reduces the risk. Added to this, the type of institutional use envisaged does not provide 24 hour care but care on a rolling basis through the day with children coming and going.*

The HSE considered the Council's intention to grant permission and whilst maintaining its objection, did not wish to pursue the matter further, thereby acknowledging that the final decision rested with the Council.

#### Current Application

##### Design, site layout and impact on local character and appearance of area

The nursery building is partially screened from external views by hedging. The proposed extensions are modest in size and the submitted plans show that they would be complementary in design and subservient to the existing building. It is considered that the appearance is such that the proposal would comply with adopted policy ENV3.

##### Impact on neighbours

Residential properties are located opposite the site along Rolleston Road. The extensions would be visually well integrated with the existing nursery building such that the visual impact on neighbour amenity is considered acceptable. No additional children are proposed to be accommodated on site and this would continue to be controlled by planning condition, ensuring no additional impact would arise. It is noted that no objections have been received. The impact on neighbours is considered acceptable.

##### Health and Safety Matters

A significant consideration in the determination of this planning application is the consultation response of the HSE, which advises against the granting of planning permission. The proposed extensions straddle the middle consultation zone and the outer consultation zone. The response advises that major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which

specifically includes provisions for the protection of the public. However, it points out the possibility that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation and the advice is against the proposal.

Policy CCC1 Safe and Healthy Communities states that development within the consultation zones will be restricted or managed in accordance with the HSE guidelines. In this instance, the application relates to an existing children's day nursery accommodating a specified maximum number of children (65) to be accommodated at the premises at any one time. The agent has confirmed that the maximum number of children would not be changed.

Instead, the proposal would enable changes to the internal layout, and the removal of certain bespoke areas such as the soft play space, milk kitchen and art room, to create larger age specific rooms. For example, the existing 'pre-school' room measures approximately 27sqm compared to a proposed 70sqm; the 'Toddler' room measures approximately 30sqm compared to a proposed 54sqm; the existing 'Baby' room measures approximately 33sq m compared to a proposed 67sq m. This would have the benefit of increasing the size of the main rooms and therefore the amount of space available to children/staff occupying those rooms. The agent has explained that this new layout would reflect that used successfully as part of the business plan of this chain of day nurseries and, by increasing the space available in the age specific rooms, is also a response to the current coronavirus where an increased spatial setting is considered beneficial.

On the basis that this relates to an existing day nursery and that the numbers of children are not increased, it is considered reasonable to conclude that the level of overall risk associated with the site would not be increased. Consequently, the proposed additional floorspace and reconfiguration of the internal layout is being recommended for approval but it is deemed necessary to re-impose the existing planning condition to continue to restrict the numbers to no more than 65 children, thereby ensuring no escalation of the level of risk associated with this site.

Where the local planning authority is minded to grant planning permission, planning practice guidance states that the HSE should be given notification and allow 21 days from that notice for the HSE to give further consideration to the matter. This includes the option that the application may be called-in for determination by the Secretary of State for Communities and Local Government. In this context, the recommendation is one of delegation to the Chief Planning Officer.

## **10 CONCLUSION**

It is considered reasonable that the application be granted subject to the re-imposition of a condition restricting the number of children to 65. The level of risk would not be increased and the proposal is considered to comply with adopted planning policy and be acceptable with regard to other material planning considerations.

## **11 OTHER CONSIDERATIONS**

### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention

on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- 1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- 2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **12 RECOMMENDATION**

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) notification to the HSE that the Local Planning Authority is minded to approve the application and allowing 21 days from that notice period for the HSE to give further consideration to the matter, including whether to request the Secretary of State for Communities and Local Government to call-in the application;
- ii) the imposition of the conditions set out below:

### **Proposed Conditions:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

Site location plan WDNF/PP/01  
Block plan WDNF/PP/02  
Existing site plan WDNF/PP/03  
Proposed site plan WDNF/PP/04  
Existing ground floor plan WDNF/PP/11  
Proposed ground floor plan WDNF/PP/14  
Existing roof plan WDNF/PP/12  
Proposed roof plan WDNF/PP/15

Existing elevations WDNF/PP/13  
Proposed elevations WDNF/PP/16  
Planning statement by The Planning Group and email from Martin Parrish of  
The Planning Group dated 25/09/2020

Reason: To ensure satisfactory provision of the development.

3. No more than 65 children shall be accommodated on the application site at any one time. The operator shall maintain a record and log of all children at the site and shall ensure there is no period of overlap when more than 65 children are on site at any one time. The record log shall be available for inspection at all reasonable times by an officer of the Local Planning Authority.

Reason: The site lies within the Fawley Major Hazard Consultation Zone where it is considered necessary to control the number of children present on site in the interests of health and safety.

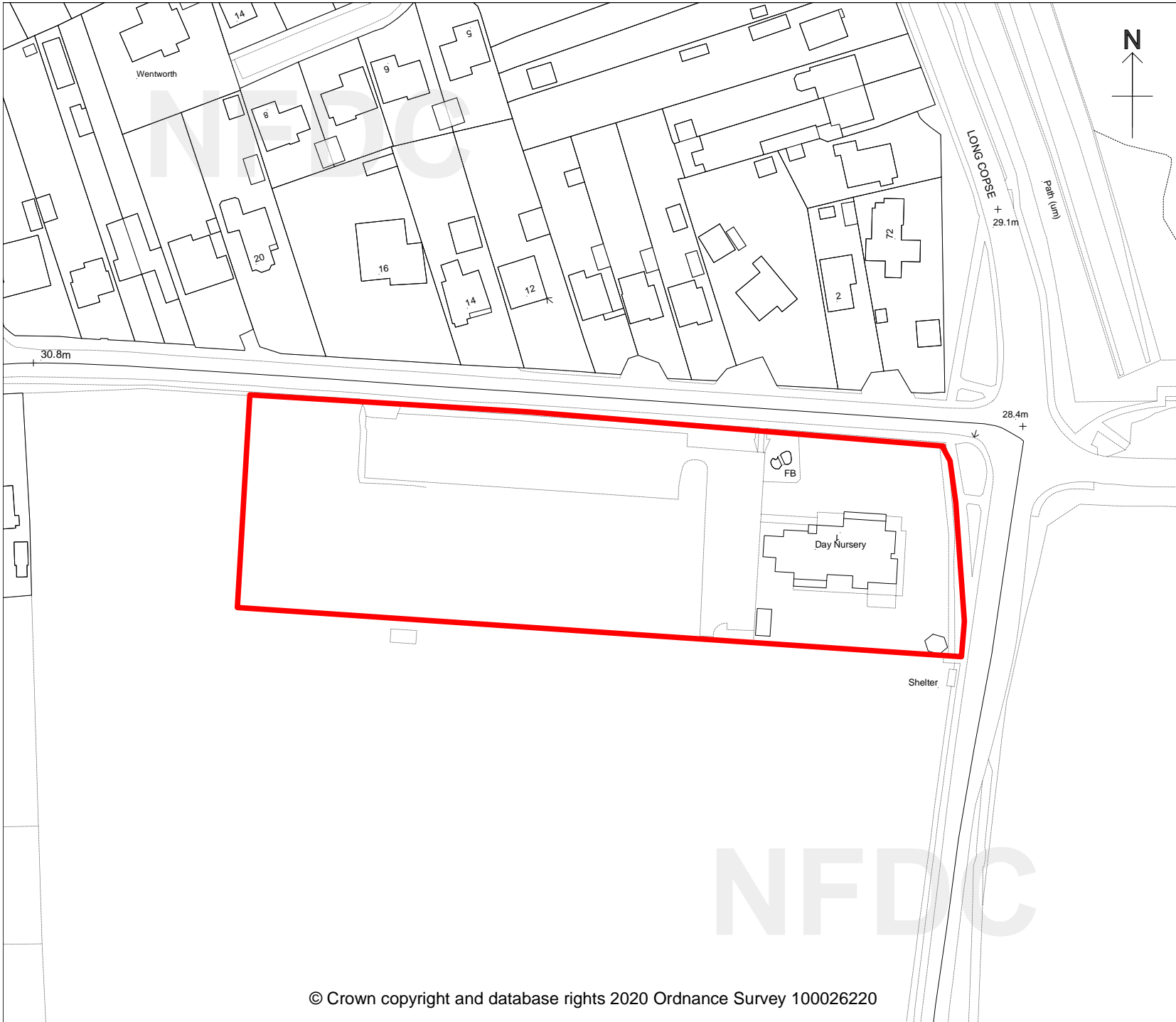
4. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building.

**Further Information:**

Jo Chambers

Telephone: 023 8028 5431



08



Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**November 2020**

Woodberry Day Nursery  
1 Rolleston Road  
Holbury Fawley SO45 2GD  
20/10978

Scale 1:1250  
N.B. If printing this plan from the internet, it will not be to scale.



**Application Number:** 20/10994 Full Planning Permission

**Site:** BROCKWOOD, 42 BARTON COMMON LANE,  
BARTON-ON-SEA, NEW MILTON BH25 5PS

**Development:** Erect 4 no 3 bedroom houses with garages and parking; demolish  
existing dwelling

**Applicant:** AJ Developments

**Agent:** Pure Town Planning

**Target Date:** 06/11/2020

**Case Officer:** Judith Garrity

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) Impact on character and appearance of area,
- 3) Impact on the operation of the Highway and highway safety
- 4) Biodiversity

This application is to be considered by Committee because of a contrary view of New Milton Town Council.

## 2 SITE DESCRIPTION

Brookwood is a large single storey dwelling set in landscaped grounds within the settlement of Barton-on Sea. The site comprises a large domestic garden curtilage and existing Spanish style bungalow, set within but on the edge of the settlement boundary of Barton on Sea. The site is just over 0.3 hectare in size. Access to the site is via an unmade private access road which passes through Barton Common which is owned by the Town Council. Barton Common is a designated local wildlife site identified as hosting priority habitat. A Public Right of Way passes through Barton Common and intersects with the access road.

Notice has not been served on the Town Council as landowner, the red line includes this access road up to the point where it joins with the public highway on Milford Road. The owner of the bungalow which currently occupies the site, together with the owner of the property to the south shown on some plans as Tangalooma but now known as Arboretum Cottage (46 Barton Common Lane), have legal right of access over this part of the Common.

Another property lies immediately to the north of the site known as Brackendale (38 Barton Common Lane). This property has its access from Barton Common Lane which is classified as a public highway.

Immediately to the west of the site on the other side of a dense conifer and tree lined boundary lies a modern estate known as Silverdale.

To the east of the site lies the Local Plan development boundary beyond is classified as part of the South West Hampshire Green Belt. This area is also available as public open space being part of the Common Land.

### 3 PROPOSED DEVELOPMENT

The proposal involves the demolition of the existing bungalow and its replacement with four 3 bedroom properties on two floors. The access road remains the same with each plot being provided with a garage and two parking spaces. The new dwellings are designed as 1.5 storey properties with brick walls and tiled roof finishes.

This proposal differs from the previous scheme (18/11146) only through the removal of three ground floor side windows from Plot 2. No further changes have been made.

An ecology report and transport statement have been submitted with this application.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/11146 detached houses; garages; parking; demolition of existing	13/11/2018	Refused	Appeal Decided	Appeal Dismissed

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy IMPL1: Developer Contributions

Policy CCC2: Safe and sustainable travel

#### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

#### **New Milton Neighbourhood Plan**

Policy NM4 – Design Quality

#### **Supplementary Planning Guidance And Documents**

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - New Milton Local Distinctiveness

#### **Relevant Legislation**

#### **Relevant Advice**

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch12: Achieving well designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

NPPF Ch.13 - Protecting Green Belt land

## 6 PARISH / TOWN COUNCIL COMMENTS

### **New Milton Town Council**

STRONGLY OBJECT (non-delegated)

Despite the Appeal Inspector's comments, we assert that the proposed development is

- (1) Contrary to Local Distinctiveness Document page 60 regarding spatial gaps
- (2) Overdevelopment
- (3) Access road does not allow two-way traffic/emergency vehicles as narrows to 2.8m
- (4) Loss of trees
- (5) Contrary to Neighbourhood Plan policy NM4 Design Quality.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**HCC Rights of Way:** The proposed access intersects New Milton Footpath 722. Increased vehicular movements crossing the public right of way are likely to cause safety nuisance and conflict issues and there is likely to be a significant adverse impact on the amenity and recreational value of the route.

**HCC Highways:** The application is less than 5 dwellings and there is no required change of vehicular access to the highway. Please refer to Standing Advice.

**NFDC Ecologist:** An ecology report has been submitted. No objection is raised subject to securing the mitigation and enhancement measures indicated.

**Environmental Health Contaminated Land:** No concerns

**Drainage:** No comment.

**HCC Surface Water** No comment as this is a minor application of less than 10 dwellings. Offer advice.

**Building Control:** Confirmation is required that the access is wide enough for fire and rescue vehicles in case of emergency.

**SGN:** Offer advice

**SSEN:** Offer advice

## 9 REPRESENTATIONS RECEIVED

New Milton Resident Association: Object. This is the third application on this site; the current scheme does not satisfy the reason for rejecting the previous applications; access concerns; damage to habitats and ecology with no mitigation plans;

overdevelopment; not in accordance with emerging Neighbourhood Plan; area adjacent to SSI and character and environmental issues must be secured to retain the character of the area.

The following is a summary of the representations received

Comment: 3

Objection: 10

Objections summarised as follows:

- Limited changes from previous refusal, persistent developer
- Impact on tranquil area
- Noise and disturbance
- Out of character with existing individual properties
- Overdevelopment
- Overlooking
- Impact on wildlife and biodiversity
- Ecology report unsatisfactory
- Loss of trees and hedges.
- Tree removal will change the flood management of the site and increase level/overflow in the water course.
- Regular clearance of watercourse is required and that roots of the holly tree appear to be eroding the water course.
- Impact on woodland character
- Poor design with no green efficiency systems or climate change measures
- Traffic and access concerns
- Inconvenience during construction work and from deliveries
- Road safety due to narrow access
- Impact on unmade lane
- High water level
- Location on a well-used route for walkers and increase in vehicular use will limit this use
- Gravel track part of common land
- Site is unsuitable for development
- Limited impact on housing supply

Comments summarised as follows:

- Lack of planning statement
- Need for a maintenance agreement for upkeep of the access track and contributions to damage, pre commencement structure survey and speed restriction signs.
- Need for an inbuilt sprinkler system
- Utility services should be re-located at the applicants cost
- Construction activities should be limited to Monday to Friday only

## **10 PLANNING ASSESSMENT**

The previous planning application 18/11146 was refused for the following 3 reasons and was subsequently dismissed at appeal in September 2019 a copy of the Inspector's decision letter is appended to this report. The three reasons for refusal were:

*1. The proposed development by virtue of its scale, layout, and density conflicts with design guidance as set out in the Council's Policy CS2 of the Core Strategy, SPD - Housing Design, Density and Character, SPD - New Milton Local Distinctiveness, and guidance as set out in the National Planning Policy Framework 2018 (NPPF). The proposal fails to respect the character, quality, and valued attributes of the area and fails to respect and strengthen local identity and character. The proposal does*

*not contribute positively to local distinctiveness and sense of place and is unsympathetic to its settings and in its relationship to adjoining buildings and landscape features.*

*Whilst the Council cannot at this stage demonstrate a 5 year supply of land for housing it is considered that the development as planned would give rise to an adverse impact that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this respect the proposal does not constitute sustainable development.*

*2. The proposal fails to comply with Policy CS3 of the Core Strategy which requires development to contribute positively to biodiversity. The proposal includes no ecological submissions and fails to show how existing green infrastructure and local biodiversity will be retained, protected and enhanced.*

*3. The proposal by virtue of the additional number of dwellings intended will exacerbate the poor standard of vehicular and pedestrian access to the site, due to the increased number of vehicles using a narrow unmade access which has poor horizontal alignment and visibility for vehicles, including emergency vehicles, and pedestrians alike. The access road is not suited to this proposed additional increase in quantum of development and will give rise to reversing manoeuvres with vehicles potentially backing out onto the public highway. Such manoeuvres will also add to the danger for pedestrian users of the track including those using the public right of way. Neither are there any stated proposals for the effective and safe disposal of household waste given the lack of a designated bin storage area. The vehicular access track also constitutes Common Land in the ownership of the New Milton Town Council who object to the development now proposed. Overall, the proposal is considered to be contrary to Policy CS2 of the Core Strategy and Standing Advice published by the County Council Highway Authority.*

The Inspector in considering the appeal identified the main issues as (i) the effect on biodiversity, including protected species;(ii) the character and appearance of the area and (iii) the safe and efficient operation of the highway network in the vicinity of the site. In dismissing the appeal, the Inspector concluded that;

- (i) that he could not be satisfied that the proposal would not have an unacceptable harmful effect on biodiversity, including protected species.
- (ii) That the proposed development would have an acceptable effect on the character and appearance of the area.
- (iii) That the proposal would have an acceptable effect on the safe and efficient operation of the highway network in the vicinity of the appeal site

Only very minor changes have been made to the scheme following the appeal although, the application is now supported by an ecological report.

The following planning assessment considers the new application in the light of the appeal decision and the identified main issues, as well as residential amenity and tree matters, in reaching a recommendation.

#### Principle of Development

The site is located within the built up area where residential development is acceptable subject to meeting relevant Policy requirements. The principle of development is not a matter of dispute.

Since the appeal was determined in September last year, the Local Plan has been adopted and the Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five-year housing land supply based on the Local Plan 2016-2036 Part 1: Planning Strategy (as modified) for the period 2020/21-2024/25 and so can now demonstrate a five year housing land supply

#### Character and Appearance of Area

One of the grounds for refusal of the previous planning application was the impact of the proposed development on the character, appearance and local identity of the area and that it would unsympathetic to its settings and adjoining buildings and landscape features.

In dismissing the appeal, the Inspector considered that the appeal site is adjacent to No 46 and 38 Barton Common Lane and this group is well enclosed and concealed within tree and hedgerow lined boundaries. Because of this these properties appear to stand alone and separate from development at Silverdale and the lower density housing along Barton Common Lane.

Public views of the site are restricted to the area around the PROW. The application property is set forwards and considered to dominate its plot with its starkly rendered façade. Whilst the garden of Brockwood is attractive it is screened from view. Given the circumstances the site does not have an appreciable looseness or low density and was not considered by the Inspector to make a significant contribution to the character of Barton on Sea's verdant, peripheral environment.

In contrast to the existing situation, the Inspector considered that the proposed plots would be set back in the plot with the use of an appropriate palette of materials compatible with the area and gaps between the buildings would break up the mass and filter views towards the verdant western boundary. Gardens would be of an appropriate contextual shape and size and the amount of hardstanding similar to the existing dwelling that has a large forecourt area. The Inspector concluded that *"Despite being of a higher density, the proposed houses would have a softer appearance, harmonious with the surrounding environment"* (Para10).

It was noted that important trees would be retained, and comprehensive replanting would take place so that the limited contribution of the site to the landscape character of the area would be maintained in the long term. Furthermore, pressure for future tree works are unlikely to result given the relationship of the dwellings to these trees and their aspect.

On this issue the Inspector considered that the proposals would have an acceptable impact on the character and appearance of the area, according with policy and Supplementary Planning Guidance.

The current planning application seek permission for the same development as considered at the appeal. Since the appeal decision the New Milton Neighbourhood Plan has reached an advanced stage of preparation and so should be given weight in reaching planning decisions. The relevant policy is NM4 which refers to the New Milton Local Distinctiveness SPD and its text broadly reflects Policy ENV3 of the adopted Local Plan. This does not constitute a material change in circumstances that affects the conclusion reached, in the light of the appeal decision, that the proposal is acceptable in terms of its impact on the character and appearance of the area.

### Highway safety, access and parking

Another ground for refusal of the previous planning application related to the poor standard of vehicular and pedestrian access to the site and the additional number of vehicles and pedestrians that would use the narrow unmade access which has poor horizontal alignment and visibility for vehicles. These factors were considered to have implications for highway and pedestrian safety including those using the public right of way. It is noted that HCC Rights of Way have objected to the current scheme on the basis of the increase in vehicular movements crossing the public right of way which they consider are likely to cause safety nuisance and conflict issues, likely to result in significant adverse impact on the amenity and recreational value of the route.

Highway safety was one of the main issues identified by the appeal Inspector. The Inspector considered that the increase of 15 vehicles over a 12 hour period - 1.25 trips/hour - would be material but it was nevertheless be modest, and that 2 vehicles meeting on the lane would continue to be an established but infrequent occurrence.

The Inspector considered that the first part of the access has an adequate width for two vehicles to share and this would prevent the need to reverse back onto Barton Common Lane. The section nearest to the appeal site which incorporates the bend in the carriage way and the crossing point of the PROW has restricted visibility and it is too narrow for vehicles to pass., However, if two vehicles did meet there would be an opportunity to reverse back the short distance into the passing and turning space in the vicinity of the houses. The uneven and unsurfaced nature of the access at this point would mean that the speed of this manoeuvre would be limited. As the PROW intersects the site access the woodland gives way to openness of the road. Users of the PROW would therefore have the opportunity to see and hear an oncoming vehicle prior to entering the carriageway, particularly as the area is tranquil and vehicles would be noisy as they drive over the loose surface. As the constraints of the access would be known to the majority of drivers it is likely that vehicles using the lane would be travelling at proportionately low speed, aware of potential conflicts.

Emergency access was considered by the Inspector he noted that this was an existing constraint and that there is no evidence that access was not possible to the site if it was essential. The provision of bin storage and construction traffic were considered but could be controlled by condition. Overall, the Inspector considered that *“there is no substantive basis to conclude that the modest increase in use of the existing access would prejudice its integrity or significantly affect the safety of its users and other users of the highway network .... the proposal would have an acceptable effect on the safety and efficient operation of the highway network in the vicinity of the appeal site “*(Para 18 and 19).

In the light of the Inspectors conclusions on this issue, despite the comments made by the Town Council and in third party comments, the conclusion is that the proposals would have an acceptable impact on the safe and efficient operation of the highway network in the vicinity of the appeal site.

It should be noted that Policy IMPL2 related to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles and details would be expected to be secured by a condition prior to first occupation of the units.

### Ecology, on site Biodiversity and protected species

Paragraph 170 of the NPPF advises that decisions should contribute to and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Paragraph 175 states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. Circular 06/2005 advises that the presence of a protected species is a material consideration when a development proposal would be likely to result in harm to the species or its habitat. Under the Habitat Regulations consideration must be given to the potential effect of development on protected species.

The previous application did not include any ecological information, and this was one of the reasons for refusal. In dismissing the appeal, the Inspector considered biodiversity, including protected species, was a main issue. The potential biodiversity implications of the scheme were three fold relating to intensification of the use of the access track, the demolition of the existing property and impact on integral habitats and the felling to trees and clearing of vegetation leading to a loss for features used by wildlife particularly as tree report identified a medium to high probability of protected species (bats) using trees within the site for roosting.

In the absence of a detailed ecological appraisal or survey it could not be ascertained what the potential effect of the proposed development would be or to reach an informed conclusion on essential avoidance, compensation or mitigation. He was also unable to consider his responsibility as competent authority regarding the prospect of a European Protected Species (EPS) License being granted. The Inspector concluded, in the absence of a detailed ecological appraisal or survey, he could not be satisfied that the proposals would not have an unacceptable harmful effect on biodiversity including protected species (para 5-7 of decision letter).

An ecology report has now been submitted with the current application. This report identifies that the existing access track is within Barton Common North SINC and construction could negatively impact on this designation. A Construction Method Statement is therefore required to mitigate this impact. A phase 1 survey has been undertaken and this was done in the optimum survey period. The report makes recommendations in relation to species including treatment and removal of invasive plants, the need for a sensitive lighting strategy and timing of vegetation clearance with respect to nesting birds and the ecological supervision of reptiles. A range of habitat enhancement measures are included which would deliver biodiversity net gain in line with NPPF and the Local Plan.

In the light of the submission of the ecological survey information and habitat enhancements it can now be concluded that the development with mitigation will not have unacceptable, harmful effect on biodiversity including protected species.

#### Residential amenity

There were no residential amenity objections raised to the previous application with respect to impacts on existing properties. The current proposals make minor changes to side windows of Plot 2 which improve the relationship with its relationship with Plots 1 and 3 on the site. The relationship between the 4 new properties would be acceptable in terms of proposed fenestration, orientation and relative separations. The relationship of the proposed new dwellings to site boundaries are unaltered from those considered acceptable in the previous application.

#### Trees

There are no changes in the relationship between the proposed new dwellings on the site and trees, the proposals for protection and replanting. There is a large mixture of small trees and plants within the garden including a mature Monterey Pine that is situated in the south eastern corner of the site and a mature Oak tree situated to the south of plot 2. Tree removal is required as part of the development, but



these trees are either small or have a limited life due to their poor condition. The proposed replacement trees will enhance the future landscape contribution that would be provided by the existing trees to be removed.

While the remaining vegetation may contribute to the general green character of the area none of it is suitable for inclusion within a Tree Preservation Order. No objection was previously made on tree grounds subject to a condition relating to tree protection and there is no change in this planning assessment

#### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant will enter a legal agreement or unilateral undertaking which secures the required habitat mitigation contribution prior to the planning decision being issued.

#### Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

At this stage there are no immediately available nitrate mitigation solutions but the Council is working (1) with The Partnership for South Hampshire, to identify and lobby government for strategic solutions for the subregion, and (2) with the National Park Authority, with ecological consultants appointed and working on identifying practicable options for on- and -offsite mitigation for both drainage runoff and wastewater in our area.

#### Managing Air Quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing

monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site, which will be secured by a legal agreement or unilateral undertaking agreement before the planning permission is issued.

#### Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or Unilateral undertaking:

- Habitat mitigation
- Air Quality mitigation

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	623.6	296.9	326.7	326.7	£80/sqm	£33,574.71 *
Subtotal:	£33,574.71					
Relief:	£0.00					
Total Payable:	£33,574.71					

## 11 CONCLUSION

The current application follows an appeal that was dismissed in September 2019. There are only minor changes to the scheme and the number of dwelling proposed is still 4 (net increase of 3). The Inspector considered that the impact of development on the character and appearance of the area and highway safety issues associated with use of the narrow access to the site were acceptable. The appeal was dismissed only on the lack of ecological survey information being submitted so that these impacts could not be adequately considered.

This ecological information has now been provided which demonstrates how adequate mitigation and enhancements can be achieved the site. Within the context of the previous appeal and this additional information, the application is therefore recommended for approval subject to prior completion of an agreement to secure habitat and air quality mitigation contributions and the conditions as stated.

## 12 OTHER CONSIDERATIONS

Comments have been made about the need for a maintenance agreement for the upkeep of the access track, contributions to damage, a pre- commencement structure survey and speed limit signage. The access track is within the ownership of

New Milton Town Council and notice was served as part of the planning application process. The access is considered to be acceptable in the light of the appeal decision (as set out above) and the issues raised above are civil matter that could be agreed between the parties.

### 13 RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement or a Unilateral Undertaking to secure habitat and air quality mitigation contributions.
- ii) the imposition of the conditions set out below.

#### Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

100 Rev D; 101 Rev B; 102 Rev B; 103 Rev B; 104 Rev B; 105 Rev B; 106 Rev C; 107 Rev A; GH1860A; GH1860B;  
Ecology report Final Version 2.0 dated 24th August 2020;  
Tree Report (Gwydion's Tree Consultancy Ref GH1860 dated 17.8.2018);  
Transport Statement (Paul Bashan Associates) dated August 2018 ( Document No 114.0008/TS/1).

Reason: To ensure satisfactory provision of the development.

3. No development shall take place including any demolition and site clearance until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include the following details:

- (a) a programme and phasing of construction work;
- (b) the provision of facilities for contractor parking;
- (c) the arrangements for deliveries associated with all construction works;
- (d) methods and phasing of construction works;
- (e) access and egress for plant and machinery;
- (f) protection of pedestrian routes during construction; and
- (g) the location of temporary site buildings, compounds, construction materials and plant storage areas.
- (h) the specific hours and days of construction on the site so as to avoid Saturdays, Sundays and Bank Holidays

Development shall be implemented in accordance with the approved CMP. For the avoidance of doubt no work whatsoever shall take place to the access road leading to the site without the prior written approval of such works in writing from the Local Planning Authority.

Reason: To ensure that the construction does not negatively impact on protect species within the site. The site also lies close to other residential properties who may be adversely affected by construction noise.

4. No development, including any demolition and site clearance, shall take place until a detailed scheme of hard and soft landscaping and a tree planting schedule for the site have been submitted to the local planning authority for its written approval. This scheme shall include:
- (a) the existing trees and shrubs which have been agreed to be retained; along with the means for protecting such trees
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) details of the planting system to be used for trees within the hardstanding areas;
  - (d) details of the areas for hard surfacing and the materials to be used;
  - (e) details of the boundaries of the site and all other means of enclosure;
  - (f) a method and programme for its implementation, and the means to provide for its future management, including a watering scheme and maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development hereby permitted or its completion, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development hereby permitted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species.

Reason: In the interests of the character and appearance of the development and in accordance with Policy ENV3 and ENV4 of the Local Plan Part 1 for the New Forest outside of the National Park

5. No development shall take place until details of the means of disposal of foul water from the site have been submitted to the local planning authority for its written approval. No above ground construction shall take place until these details have been approved, and then only in accordance with the approved details.

Reason: To ensure that the site is adequately serviced and that trees intended to be retained are not prejudiced by any service trenches.

6. No development shall take place until surface water drainage works have been submitted to the local planning authority for its written approval, and the development hereby permitted shall not thereafter be occupied until the approved surface water drainage works have been fully implemented. Before any details are submitted to the local planning authority an assessment shall have been carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall then be provided to the local planning authority with the proposed scheme of surface drainage works. Where a sustainable drainage scheme is to be provided, the submitted details
- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - (b) include a timetable for its implementation; and,
  - (c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the site is adequately serviced and drained and that local surface water issues are not exacerbated by the approved development.

7. Prior to any works taking place above dpc level for each unit samples or exact details of the facing and roofing materials to be used, together with full details of all new windows and doors, including the means of opening for all windows and depth of reveals and make up of cills shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the buildings on the site in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

8. The dwellings hereby permitted shall not be occupied until the car parking and garages together with a site turning area has been put in place and made available for use for each individual dwelling in accordance with the details on plan 9074/100 D. Such car parking, garaging and turning facilities shall be retained for that purpose and maintained in perpetuity thereafter to serve the approved dwellings.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 and CCC2 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

9. Prior to any works taking place above dpc level of the first dwelling on the site hereby approved details of the provision to be made for refuse storage and collection points including plans and details of siting and appearance of the refuse stores shall be submitted to and approved in writing by the Local Planning Authority. Such facilities be provided prior to occupation of the first dwelling on the site and thereafter be retain for this purpose.

Reason: To ensure appropriate provision is made for refuse storage particularly given the access to the site and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest outside of the National Park.

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

Reason: In view of the physical characteristics of the site, the character of the area and the density of development, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities and character of the area and the amenities of neighbouring properties and in accordance with Policy ENV3 of the Part 1 Local Plan Planning Strategy for the New Forest District outside the National Park.

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

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH

Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

12. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details (Ecology report Final Version 2.0 dated 24th August 2020) submitted with planning application 20/10994 unless otherwise first agreed in writing with the Local Planning Authority. The biodiversity conservation and enhancement plan shall be completed prior to its first occupation of the new dwellings. Such enhancement proposals shall be maintained in perpetuity thereafter.

Reason: To safeguard protected species and ensure appropriate biodiversity enhancements in accordance with Policies ENV1 of the Local Plan Part One: Planning Strategy and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

13. Prior to the first occupation of the dwellings hereby approved provision shall be made within the site for the convenient installation of charging points for electric vehicles which shall thereafter be retain for this purpose.

Reason: To ensure appropriate provision is made for charging points and in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

14. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Gwydion Tree Consultancy Arboricultural Method Statement (GH1860) dated 17/08/2018 and Tree Protection Plan (GH1860b) dated 16/08/2018 while in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with Policy ENV3 and ENV4 of the Local Plan Part 1 Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Judith Garrity

Telephone: 023 8028 5434



## Appeal Decision

Site visit made on 13 August 2019

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

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**Appeal Ref: APP/B1740/W/19/3221006**

**Brockwood, 42 Barton Common Lane, Barton-On-Sea BH25 5PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by AJ Developments against the decision of New Forest District Council.
  - The application Ref 18/11146, dated 21 August 2018, was refused by notice dated 13 November 2019.
  - The development proposed is to demolish existing dwelling and erect 4 no 3 bedroom houses with garages and parking.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on (i) biodiversity, including protected species (ii) the character and appearance of the area, and (iii) the safe and efficient operation of the highway network in the vicinity of the appeal site.

### Reasons

#### *Biodiversity*

3. Brockwood is a large single storey dwelling set in landscaped grounds within the settlement of Barton-On-Sea. Access is via an unmade private access road which passes through Barton Common, which is a designated local wildlife site identified as hosting priority habitat. A Public Right of Way (PROW) passes through the Common and intersects with the access road.
4. Paragraph 170 of the National Planning Policy Framework (the Framework) advises that decisions should contribute to and enhance the environment by minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. Circular 06/2005 advises that the presence of a protected species is a material consideration when a development proposal would be likely to result in harm to the species or its habitat. I am required by the Habitats Regulations<sup>1</sup> to consider the potential effect on protected species in such cases.
5. As identified by the Council's ecologist, the potential biodiversity implications of the scheme are three-fold. It would intensify vehicular use of the access track which passes through the Common, demolition of Brockwood and its associated structures may destroy integral habitat, and the felling of trees and clearing of vegetation may also lead to the loss of features used by wildlife. On this last

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<sup>1</sup> Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017



- point, the appellant's tree report identifies that there is a medium to high probability of protected species (bats) using trees within the site for roosting.
6. There is therefore a reasonable likelihood of protected species and/or priority species and their habitats being present and affected by the development. As no detailed ecological appraisal or surveys have been submitted, I cannot ascertain the potential effect of the proposal in this regard, or conclude as to the merits of any potentially essential avoidance, compensation or mitigation. I am also unable to consider my responsibility as competent authority regarding the prospect of a European Protected Species (EPS) License being granted.
  7. As such, I cannot be satisfied that the proposal would not have an unacceptable, harmful effect on biodiversity, including protected species. The proposal would therefore conflict with the biodiversity aims of Policy CS3 of the Core Strategy for the New Forest District outside the National Park (adopted 2009) (CS) and the Framework in this regard.

*Character and appearance*

8. As reflected in the New Milton Local Distinctiveness Supplementary Planning Document (adopted 2010), the part of Barton-On-Sea around the appeal site is punctuated by significant tree groupings and housing becomes less dense nearer to the countryside edge. The appeal site is adjacent to 46 and 38 Barton Common Lane and the group are well enclosed and concealed within tree and hedgerow lined boundaries. As such, they appear to stand alone, separate from both the residential development at the adjacent Silverdale and the lower density housing along Barton Common Road to the south.
9. Public views of the site are largely restricted to the area around the PROW, from where Brockwood is experienced as a starkly rendered building with an extensive mass and a strong horizontal emphasis. It is set forward and its two wings are angled as to face the site entrance, leading it to dominate its plot. Although Brockwood's garden is an attractive feature, it is hidden behind the dwelling. Given the circumstances, the site does not have an appreciable looseness or low density, and, beyond glimpsed views of the mature trees along its rear boundary, it makes no significant contribution to the character of Barton-On-Sea's verdant, peripheral environment.
10. The proposed dwellings would be set back further into the site than Brockwood, utilising a muted palette of materials compatible with the semi-rural setting and the surrounding houses. Small gaps between the buildings and the hipped roofs would break up the massing and allow some filtered views through to the verdant west boundary. Gardens would be of an appropriate contextual shape and size, comparing more favourably to those of 38 and 46, which are on smaller, more tapered plots. The amount of hardstanding would be broadly equivalent to the existing dwelling, which has a large parking forecourt. As such, despite being higher density, the proposed houses would have a softer appearance, harmonious with the surrounding environment.
11. I note from the arboricultural evidence that a significant amount of the green infrastructure on the west boundary would be removed as a consequence of the development. However, the trees of notable merit would be retained, and the site plan indicates that comprehensive replanting would take place. As such, the site's limited contribution to the landscape character of the area would be maintained long term. With regard to pressure for future works, the

Monterey Pine would be a sufficient distance away from Plot 4's rear elevation. Although the middle plots are more contained and closer to the Holly and Oak trees, they have a partially southerly aspect, which will allow adequate sunlight into the garden and dwelling, making it unlikely that there would be justifiable calls for further tree work in the future.

12. I have been directed to an appeal elsewhere in the area<sup>2</sup>. The site in that case occupies a prominent corner position within the street scene. As such, the circumstances in that appeal were significantly different, and the decision has had limited weight in my assessment.
13. I therefore find on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policy CS2 of the CS and the Framework. I also find no conflict with the relevant guidance contained within the Housing design, density and character Supplementary Planning Document (adopted 2006) and the New Milton Local Distinctiveness Supplementary Planning Document (adopted 2010).

#### *Highway safety*

14. The appellant has calculated, using the TRICS database, that the scheme would generate an additional 15 trips over a 12-hour period, which equates to an average of 1.25 trips an hour. The Council has not disputed these figures and, given the site's location within a well serviced settlement, with good access to pedestrian routes, I find them reliable. Although I accept that this increase would be material, it would nonetheless be modest, and two vehicles meeting in the lane would continue to be an established but infrequent occurrence.
15. The first section of the access road has adequate width for vehicles to share the space, preventing the need for reversing back on to Barton Common Lane. The section nearest to the appeal site, which incorporates the bend in the carriageway and the crossing point of the PROW, has restricted visibility and is not wide enough for vehicles to pass. However, if two vehicles were to meet at this point the exiting party would have the opportunity to reverse back the short distance into the passing and turning space in the vicinity of the houses.
16. Such a manoeuvre would take place in the area of the PROW. As the PROW passes across the woodland floor it is uneven and unsurfaced, which logically restricts the speed of its users. As it intersects the site access, the woodland noticeably gives way to openness of the road. Users of the PROW would therefore have the opportunity to see or hear an oncoming vehicle prior to entering the carriageway, particularly as the environment is largely tranquil and vehicles would be noisy as they passed over the loose surface. Further, given that the constraints of the access road would be known to the majority of drivers, I find it likely that, in all but exceptional cases, vehicles using the lane would be travelling at a proportionately low speed, aware of potential conflict.
17. I acknowledge the poor alignment and uncompacted surface of the road. However, no substantive evidence has been provided to demonstrate that the increase in its use would cause fundamental damage. Although I note from a representation that an ambulance previously encountered difficulty, this is an existing constraint, and there is no evidential basis upon which to conclude that emergency services would be physically unable to gain access to the

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<sup>2</sup> Appeal Ref: APP/B1740/W/19/3226044

development if it were essential to do so. With regard to refuse collection, this is already a practical reality in relation to the existing properties. A designated bin store area could be required by a condition in the event I was minded to allow the appeal. The frequency and type of construction vehicle using the access could also be controlled by a condition.

18. As such, whilst I appreciate the concerns expressed by the Council, the Town Council and interested parties in relation to this matter, there is no substantive basis to conclude that the modest increase in use of the existing access would prejudice its integrity or significantly affect the safety of its users and other users of the highway network.
19. I therefore find on this issue that the proposal would have an acceptable effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. It would accord with the requirements of Policy CS2 of the Core Strategy, the Framework and the guidance within Hampshire County Council's standing advice document in this respect.

### **Other Matters**

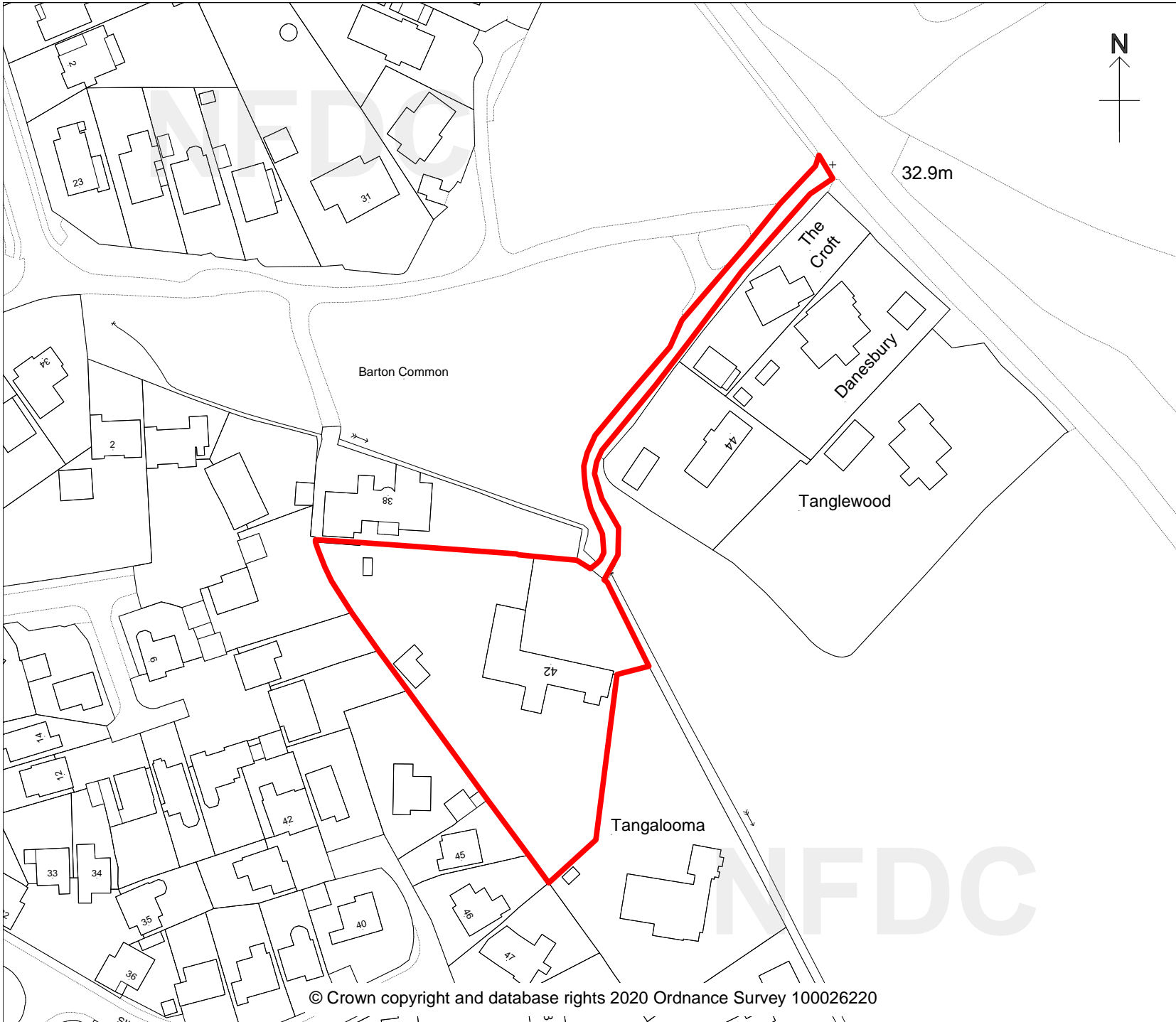
20. The site is within influence of the New Forest and Solent Coastal European Sites (the SPAs). There is no dispute that it cannot be ruled out that the proposal would have significant recreational effects on the features of interest of the SPAs. The Council, in carrying out an Appropriate Assessment, has found that payments towards mitigation, as outlined in the Mitigation Strategy Supplementary Planning Document (adopted 2014), could be secured with a negatively worded planning condition. Had I been minded to allow the appeal, it would have been necessary for me to consider this information within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken this matter further.

### **Planning Balance and Conclusion**

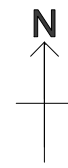
21. The Council states that it cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 11 d (ii) of the Framework therefore applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The houses would contribute towards meeting the shortfall. However, due to the small scale of the development I consider that this benefit would be modest. I cannot be satisfied that the scheme would not have an unacceptable effect on biodiversity, including protected species. Given the advice in the Framework in relation to this matter, and my responsibilities as competent authority in this regard, this is harm which significantly and demonstrably outweighs the benefits of the proposal. The absence of harm in relation to the character and appearance of the area and highway safety are neutral factors in my assessment.
23. Taking all matters into account, I find that the proposal would conflict with the development plan as a whole. There are no other considerations, including the Framework, that outweigh the conflict. As such, the appeal shall be dismissed.

*Matthew Jones*

INSPECTOR



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# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

Claire Upton-Brown  
 Chief Planning Officer  
 Planning  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

November 2020

Brockwood, 42 Barton Common Lane  
 Barton on Sea  
 New Milton  
 BH25 5PS

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

**Application Number:** 20/10686 Full Planning Permission

**Site:** UNIT 24, GLENMORE BUSINESS PARK, LIME KILN LANE,  
HOLBURY, FAWLEY SO45 2AR

**Development:** Use unit 24 as a canine hydrotherapy centre

**Applicant:** Miss Saberi

**Agent:**

**Target Date:** 23/09/2020

**Case Officer:** Jo Chambers

**Extension Date:** 12/11/2020

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) loss of employment site to sui generis use
- 2) impact on nearby residential properties

This application is to be considered by Committee because of a contrary view by Fawley Parish Council.

## 2 SITE DESCRIPTION

Unit 24 is a brand new purpose built industrial unit located within a new industrial estate off Lime Kiln Lane, with planning permission for B1c, B2 and B8 uses. Unit 24 is one of a number of units within the new estate that is restricted to B1c and B8 uses due to its proximity to housing at Harrier Way. The hours of operation of the whole industrial estate are restricted to protect the amenity of these residential properties (08:00-19:00 Mon-Fri, 08:00-13:00 Saturday).

## 3 PROPOSED DEVELOPMENT

The proposal seeks permission to use Unit 24 as a canine hydrotherapy centre; this involves the use of water for pain relief and physical therapy. Proposed hours of operation are 08:00-19:00 Mon-Fri, 08:00-13:00 Saturday with 1-2 members of staff.

Two car parking spaces are associated with the unit and the applicant has advised that as roller shutter access is not required, an additional space will be available in front of the roller shutter door.

The canine hydrotherapy centre would operate on the basis of pre-booked appointments, each lasting 30 minutes with a gap of approximately 10-15 minutes between appointments.

The applicant has advised that staff are trained in animal behaviour and apply techniques which discourage barking. Dogs will be walked prior to arrival at site, and an enclosed dog waste bin designed to contain odours will be provided /emptied every day.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
18/11032 4 blocks comprising 24 units (Use Class B1c/B2/B8); parking; cycle/refuse storage; landscaping; fencing	08/04/2019	Granted Subject to Conditions

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness  
Policy STR1: Achieving Sustainable Development  
Policy STR6: Sustainable economic growth  
Policy ECON2: Retention of employment sites and consideration of alternative uses

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Fawley Parish Council:** Recommend PERMISSION

#### 7 COUNCILLOR COMMENTS

No comments received

#### 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Environmental Health Contaminated Land, Appletree Court** – no concerns.

**Environmental Health (Pollution)** – no comments/conditions. However, the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

**Health and Safety Executive** - does not advise against.

#### 9 REPRESENTATIONS RECEIVED

1 letter of objection has been received from a resident at Harrier Way raising the following concerns:

- Increased traffic;
- noise disturbance to residence;
- dogs barking/smells

#### 10 PLANNING ASSESSMENT

The key planning considerations are assessed below.

##### **Highway safety, access and parking**

The unit has planning permission for B1c and B8 use. Given that the canine hydrotherapy centre would be run on an appointment basis of 1 dog at a time per half hour appointment, with gaps between appointments to ensure no overlap, it is

considered that the available parking spaces would be sufficient. The amount of activity associated with such a system would not be expected to generate significant levels of vehicular movements. No concern is identified with this aspect of the proposal.

#### Residential amenity

Concern has been expressed that the proposed use would adversely affect the residential amenity of nearby properties in Harrier Way, in particular with regard to noise and smells. The applicant has explained that facilities will be provided for the disposal of dog faeces, in a bin designed to contain odours and that it will be emptied every day. This is considered sufficient to manage any odour that is likely to arise.

The applicant has also submitted a supporting statement explaining that the hydrotherapy is a soothing experience and does not generally result in barking. Staff are trained in methods to reduce potential vocal episodes. It is considered reasonable that the expertise of the therapist would avoid unacceptable noise levels being generated as part of the canine hydrotherapy. It is noted that the Environmental Health Officer has raised no concerns and has explained the potential for any noise issue to be investigated under environmental health legislation. No concern is identified with regard to this aspect of the application.

#### Loss of employment site to sui generis use

Unit 24 is an employment site located within a newly constructed industrial estate. A key policy in the determination of this application is Policy ECON2 (Retention of employment sites and consideration of alternative uses). This states that an employment site that remains suitable for employment use will be retained for continued employment use wherever possible. This is a brand new industrial development and is considered to remain suitable for employment use.

Policy ECON2 also states that other uses will be supported provided that:

*i. The primary purpose of the use is to provide a supporting service to businesses or to the workforce in the local area; or*

*ii. For other non-employment uses, it is demonstrated that the employment site is no longer suitable or viable for continued employment use, by submission of proportionate evidence showing that:*

- a. The condition of the site or building renders it unsuitable for its present or any other realistic and appropriate employment use, and it would not be viable to refurbish or redevelop the site for an alternative employment use; and/or*
- b. The site has been actively but unsuccessfully marketed for employment use on unrestricted terms fair to potential occupiers and at a realistic price, for a minimum period of twelve consecutive months prior to the date at which the planning application for an alternative use was submitted.*

It is not considered that the proposed canine hydrotherapy use would comply with point i) above. A Canine hydrotherapy use would not be expected to support businesses or the workforce in the local area.

Employment uses are defined in the Local Plan as comprising: industrial, office, business, storage and distribution uses falling within classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and 'sui generis' uses of a similar character. A canine hydrotherapy use is not considered to

be similar in character to these defined employment uses and thus, for the purposes of policy ECON2, can be considered to be a non-employment use. It, therefore, falls to be considered in relation to point *ii*). This calls for the submission of evidence set out in sub-sections a) and b). No evidence has been submitted for consideration. Notwithstanding the lack of supporting evidence on this point, it is considered that this criteria would not be satisfied as this is a newly constructed industrial unit.

Research prepared as evidence for the preparation of the Local Plan Part 1 (Business Needs and Commercial Property Market Assessment 2017), advised that available levels of B1c floorspace were low. The commercial market for business, industrial and distribution uses is characterised by rising take-up, reducing availability and low levels of vacancy. Thus, it is reasonable to expect that there will be demand for the type of unit.

For the reasons set out above, the proposal is not considered to comply with adopted policy ECON2.

## **11 CONCLUSION**

To conclude, the application site is located within newly constructed employment site. The proposed use is not considered to be an employment use as defined in the adopted Local Plan Part 1. No evidence has been submitted to demonstrate that the site is not suitable or viable for employment use as required by policy ECON2. As such, the proposal would result in the unjustified loss of a valuable industrial unit, contrary to policy ECON2.

## **12 OTHER CONSIDERATIONS**

### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



## 13 RECOMMENDATION

### Refuse

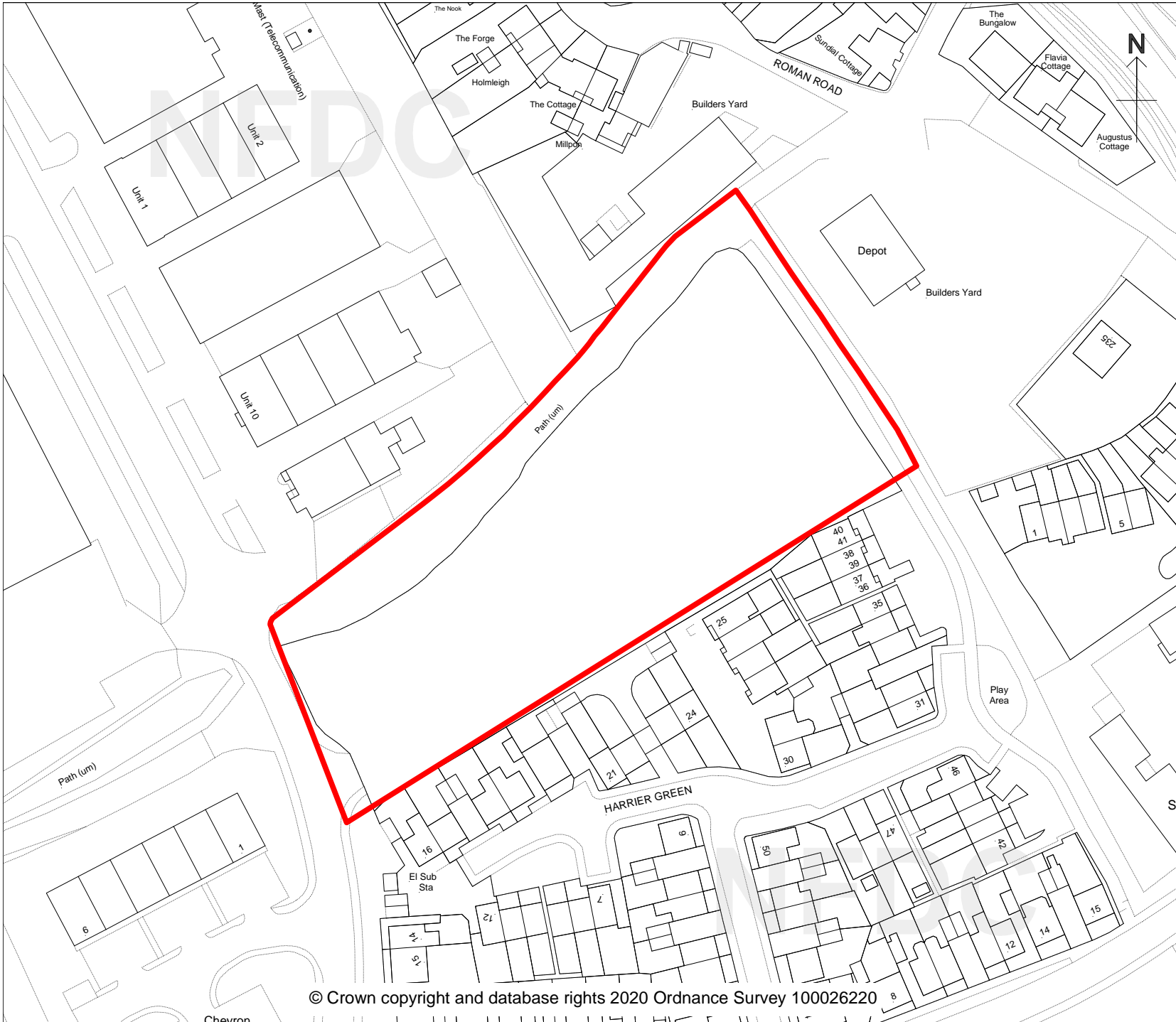
#### Reason(s) for Refusal:

1. The proposal would result in the loss of a brand new B1(c)/B8 unit to a non-employment use. No evidence has been submitted to demonstrate that the site is not suitable or viable for employment use. Therefore, the proposal would result in the unjustified and economically harmful loss of an existing valuable employment unit, contrary to policy ECON2 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy.

#### Further Information:

Jo Chambers

Telephone: 023 8028 5431



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**November 2020**

Unit 24, Glenmore Business Park  
Lime Kiln Lane  
Holbury Fawley SO45 2AR  
20/10686

Scale 1:1250

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Planning Committee 11 November 2020 **Item 2 h**

**Application Number:** 20/11005 Full Planning Permission

**Site:** 13 ORCHARD WAY, DIBDEN PURLIEU SO45 4AP

**Development:** Porch; first-floor extension; pitched roofs to front and rear dormer; fenestration alterations

**Applicant:** Mr J Hartley-Binns

**Agent:**

**Target Date:** 19/11/2020

**Case Officer:** Rosie Rigby

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character of the area
- 2) Impact on neighbour amenity
- 3) Impact on Highway safety and parking

This application is to be considered by Committee because it has been called in by a Councillor.

## 2 SITE DESCRIPTION

The application site consists of a detached chalet bungalow on an established residential road within the built up area of Dibden Purlieu. Orchard Way has a mixture of architectural styles. No 13 forms part of a group of chalet bungalows with cat slide roofs with dormers. Opposite are two-storey dwellings, whilst there are also bungalows in the vicinity. The road bends away from the front of Nos 11 to 15, leaving a relatively wide grassed area with tarmac links to the dwellings' front driveways. The property has previously benefited from single storey front and rear extensions.

## 3 PROPOSED DEVELOPMENT

The application seeks consent for a first floor front extension, pitched roofs to front and rear dormers, a porch, and fenestration alterations.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
05/86343 Single-storey extension	14/12/2005	Granted Subject to Conditions
97/NFDC/61946 Single-storey addition	10/09/1997	Granted
XX/NFR/05510 46 dwellings with construction of roads.	17/05/1957	Granted Subject to Conditions

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan 2016 - 2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development  
Policy ENV3: Design quality and local distinctiveness  
SO3: Built environment and heritage

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Hythe & Dibden Parish Council**

Comment: Recommend PERMISSION but would accept the decision reached by the DC Planning officers under their delegated powers.

## 7 COUNCILLOR COMMENTS

### **Cllr Wade**

- I support this application as there are no issues raised by neighbours, and its design, size and appearance appear to be in keeping with the streetscene, with a variety of properties in the road. I do not believe this proposal will have a negative impact on the streetscene and is in keeping.
- Requests consideration be given for this application to be reviewed by the Committee.

## 8 CONSULTEE COMMENTS

No comments received

## 9 REPRESENTATIONS RECEIVED

No representations received.

## 10 PLANNING ASSESSMENT

### Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. The principle of the development is considered to be acceptable subject to compliance with policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area and residential amenity.

### Design, site layout and impact on local character and appearance of area

The property forms part of a group of similar dwellings. The proposed first floor front extension would result in an alteration to the appearance of the dwelling, with the asymmetrical, deep shallow-pitched and rather awkward roof form being clearly visible in the streetscene, where it would appear as a poorly proportioned and incongruous form of development.

The design is trying to add two additional first floor bedrooms by raising the front eaves height and forming deep dormers. It is considered that the extra accommodation could more appropriately be provided by a rear extension of a similar form to that at the neighbouring property, No 15 Orchard Way.

The design of the proposal does not respond positively to local characteristics or context in the manner required by the recently adopted Hythe and Dibden Neighbourhood Plan. The proposed roof would be of a poor design that would not be in harmony with the locality and would be at odds with the local context.

The applicant has drawn attention to development to the front of premises in Peartree Avenue, where Nos 6 and 20 have been granted permission for front extensions. However, these took the form of gable end extensions rather than the asymmetric shallow-pitched roof form and deep dormers of this application.

There is no contextual reference to the roof form proposed within the area and, although there are a variety of styles, the awkward / squat proportions of this proposal do not read well in the streetscene, and an alternative design to achieve the additional accommodation should be considered.

The porch would be an acceptable addition that would not appear out of keeping in the context of the streetscene.

### Residential amenity

The proposed first floor addition would be positioned to the south-west of the adjacent neighbour at No11 Orchard Way, and there would be a degree of additional overshadowing. However, this would not be to such an extent to justify a refusal. The additional windows at first floor level would both serve bathrooms, and therefore it would not be unreasonable to expect these to be obscure glazed. If planning permission were to be granted a condition could be imposed to ensure that these are obscure glazed and only opening above 1.7 metres above floor level in perpetuity to protect the privacy of adjacent neighbours. The boundary treatments between properties mean the alterations to the windows at ground floor level would not affect the privacy of neighbours. The porch and the alterations to the dormer roofs would be minor developments which would cause no material detriment to the living conditions of neighbouring properties.

### Parking

The proposal would increase the number of bedrooms to 4. The requirement set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 recommends an average provision of 3 on-site car parking spaces for a four+ bedroomed property. In this case, although there is limited on-site parking provision this is not significantly below the recommended provision and there is space to park off the road on the Hampshire Highways adopted land forming the approach drive to the property. As such, no harm is likely to be caused to highway safety.

## **11 CONCLUSION**

The proposed first floor extension by reason of its design, with its raised eaves height and incongruous shallow pitched, asymmetric roof form would be visually imposing and would unbalance the symmetrical appearance of the property, to the detriment of the character and appearance of the streetscene. This harm would be further compounded by the overly deep dormers on the front elevation, which would be out of keeping with the host property and other development in the streetscene. It would not contribute positively to local distinctiveness, while also failing to be appropriate and sympathetic to its setting, contrary to Policy ENV3 of the Local Plan Part 1: Planning Strategy New Forest District outside the New Forest National Park. The proposal would also be contrary to the core planning principle of the National

Planning Policy Framework that planning should take account of the character and quality of different areas and Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan. Therefore the application is recommended for refusal.

## **12 RECOMMENDATION**

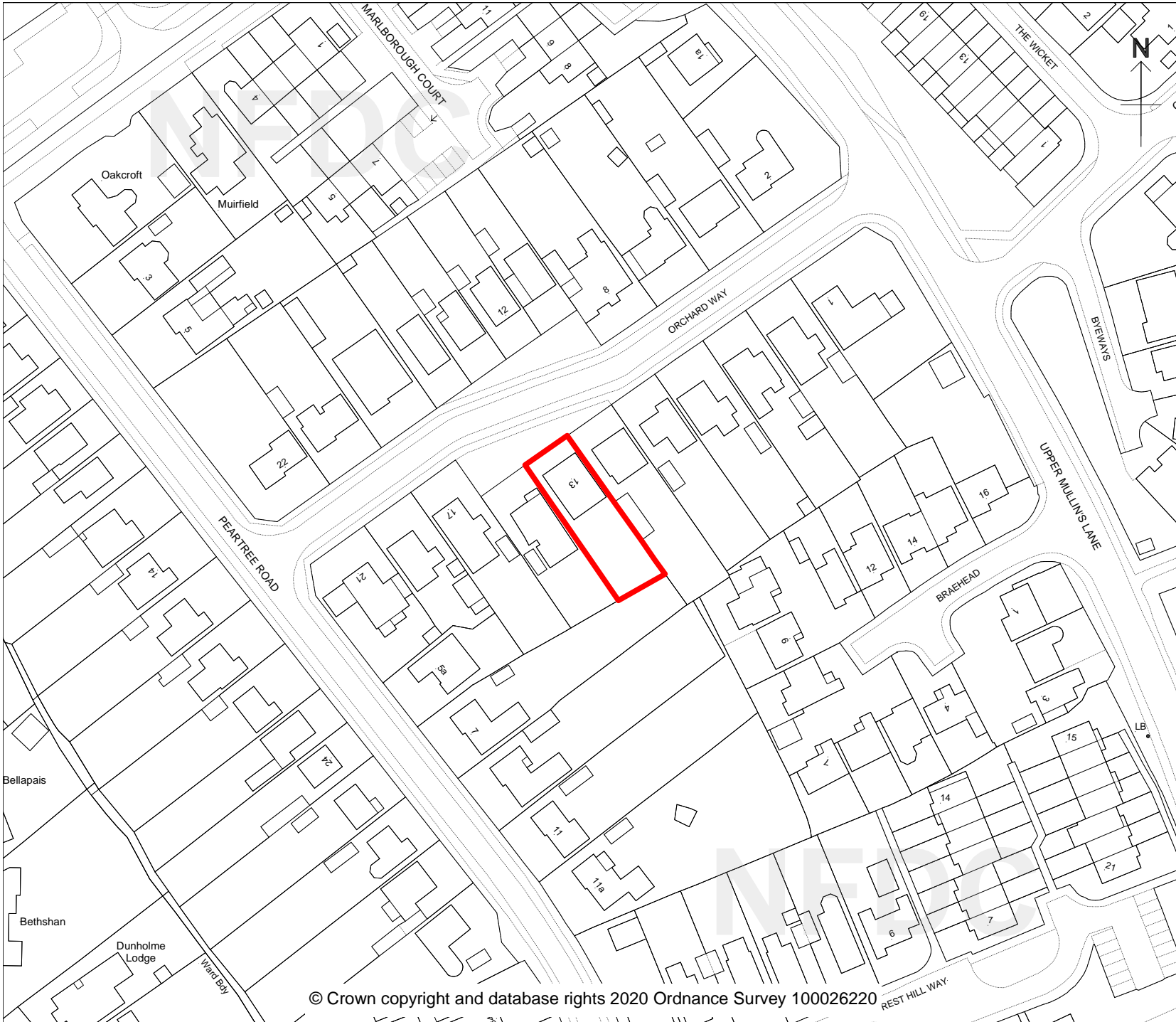
### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed first floor front extension, with its raised eaves height and its deep shallow-pitched, asymmetric roof form, would be an incongruous and visually imposing addition that would result in a dwelling that would appear poorly proportioned and unbalanced, to the detriment of the character and appearance of the streetscene. This harm would be further compounded by the overly deep dormers on the front elevation, which would be out of keeping with the host property and other development in the street scene. As such, the proposed development would be a poor and contextually inappropriate design, contrary to Policy ENV3 of the Local Plan Part 1: Planning Strategy New Forest District outside the New Forest National Park, Section 12 of the National Planning Policy Framework and Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan.

#### **Further Information:**

Rosie Rigby  
Telephone: 023 8028 5437



# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
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## PLANNING COMMITTEE

November 2020

13 Orchard Way  
Dibden Purlieu  
SO45 4AP  
20/11005

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the internet, it will not be to  
scale.

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**Application Number:** 20/10938 Full Planning Permission

**Site:** 110 CHRISTCHURCH ROAD, RINGWOOD BH24 1DP

**Development:** Change of use for short term residential accommodation;  
minor elevational changes

**Applicant:** New Forest District Council

**Agent:** KSA Architects Ltd

**Target Date:** 30/10/2020

**Case Officer:** Judith Garrity

**Extension Date:** 13/11/2020

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on local character and appearance of area
- 3) Conservation Area and Listed Building impacts
- 4) Residential amenity
- 3) Parking and highway matters
- 4) Habitats mitigation matters and ecology.

This application is to be considered by Committee because of a contrary view by Ringwood Town Council.

## 2 SITE DESCRIPTION

This site is located in a prominent corner position in the Ringwood Conservation Area. The building is currently vacant having previously been used as an accountancy office and a barber's shop. The building is predominantly 2 storeys with a single storey pitched roof extension to the south and of brick and render construction. It is not of any particular architectural merit. There a large area of hard standing around the building with a block of 3 flat roof garages to the rear accessed from Coxstone Lane. A terrace of two storey residential properties are located adjacent to the site fronting Christchurch Road. On the opposite corner of Coxstone Lane is a car sales business.

The site is located in close proximity to a number of Listed Buildings. Nos 3, 4 ,5 and 6 Coxstone Lane are Grade II listed building all being timber framed with thatched roofs. No 3 Coxstone Lane adjoins the northern boundary and the access to the site.

## 3 PROPOSED DEVELOPMENT

The proposal is to change the use of the existing vacant building with office/retail use to form 7 bed sui generis House in Multiple Occupancy comprising 7 bedrooms with ensuite bathrooms a shared kitchen on each of the two floors and a laundry room on the ground floor. This would be used for short term housing accommodation for those seeking permanent homes. The proposed layout would provide flexible accommodation to suit the needs of a range of different households and families. One of the garages to the rear would be retained for storage use with 5 car parking spaces provided on the site. A car parking space would also be retained for No 3 Coxstone Lane.

The proposed external changes would be modest. These would include the reduction in the size of some of the large ground floor windows openings, new timber frame casement windows and door and use of a white rendered finish on all elevations. Landscaping would be provided on the front and corner of the site; two new trees are indicated with a new low front boundary wall enclosure. Provision is shown for external bin and cycle storage as well as a small paved area and drying space to the rear.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
82/NFDC/22452 Change of use from launderette to retail shop.	24/08/1982	Granted	Decided
80/NFDC/18324 Change of use of 1st floor flat to office.	17/02/1981	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy IMPL2: Development standards

Policy CCC2: Safe and sustainable travel

##### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

##### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness

##### **Relevant Legislation**

##### **Relevant Advice**

##### **Chap 12: Achieving well designed places**

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### **Ringwood Town Council**

Refusal (4) Recommend refusal. The Committee felt that the number of units proposed was excessive. The space within each unit was insufficient and provided no amenity space for the occupants. The intensification of use, increased footfall and vehicle movements would have a detrimental impact on the amenities of neighbouring properties and the tandem parking provision would create additional vehicle movements and potential conflict.

#### 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Conservation Officer:** No objection.

**HCC Highways:** No objection subject to conditions. Comment that parking is a matter for NFDC to assess.

**Ecologist:** No objection.

**NFNPA Archaeologist:** No objection or conditions.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Objection: 7

- Lack to water quality checklist and no habitat mitigation S106 has been submitted;
- Lack of biodiversity net gain on the site;
- Sub-standard accommodation which is too cramped for habitable accommodation;
- No account taken of wellbeing of residents;
- No managers accommodation is provided;
- No transport statement submitted and deficient of car parking and turning space on the site;
- Parking layout is likely to lead to disruption and there is a lack of visibility;
- Parking issues in the area;
- Impact on privacy due to removal of garages;
- Overlooking from new windows;
- Impact on living conditions and amenity of existing residents;
- Noise and disturbance close to existing residential properties;
- Noise and activity generated will increase relative to previous use with an increase impact on amenity particularly during evenings and weekends;
- Potential for 7 households to live at the premises;
- Lack of outside amenity space could lead to anti-social behaviour;
- An appropriate scale of residential use could be acceptable, but this is too dense
- Accommodation could be for 13 people and how can this be Covid safe given numbers to be accommodate;
- Impact on Conservation Area;
- Fire risk;
- Effect on property values.

## 10 PLANNING ASSESSMENT

The site is located in the built up area and Ringwood Conservation Area and is for conversion of an existing building. The main issues to consider in the planning assessment are:

1. The principle of development
2. Impact on local character and appearance of area
3. Conservation Area and Listed Building impacts
4. Residential amenity
5. Highway safety, access and parking
6. Habitat Mitigation matters and on site ecological enhancements.

These issues are considered in turn below

### Principle of Development

The site is located in the built up area the application seeks a change of use from an employment use to a residential use Policy ECON2 which seeks to retain employment sites that remain suitable for employment uses with other uses supported provided they meet the criteria set out in Policy ECON2 For uses that are non-employment uses it is necessary to demonstrate that the employment site is no longer suitable or viable for continued employment use. One of the ways this can be demonstrated is through the submission of evidence that the site has actively unsuccessfully marketed for employment purposes.

In support of the application a statement has been submitted that states that the property was vacated in April 2018 and formal marketing for office use commenced in August 2018, although informal marketing by the previous owner took place during the intervening months which was unsuccessful. By February 2019 a number of viewings had taken place but virtually all were seeking a residential conversion. In light of the marketing exercise and the fact that the building has been vacant for some time it is considered that it has been demonstrated that the building is no longer suitable or viable for continued employment use. The principle of the use is considered worthy of support having regard to the significant need for the type of temporary accommodation proposed.

### Impact on local character and appearance of area

There would be minimum changes to the external appearance of the building. The changes are to existing fenestration with the reduction of window openings and use of new timber casements along with rendering of the external walls. The proposals would significantly improve the appearance of the building and site and have a positive impact on the character and appearance of the area.

Landscaping proposals which show hard surfacing, tree planting and front boundary treatments have been submitted with the planning application. This scheme is acceptable in principle and would ensure the visual enhancement of the site and in particular its frontage with Christchurch Road.

There are some trees close to the boundary of No 116 Christchurch Road with the application site are self-seeded ash trees. The current surface adjacent to these trees is graveled and is already used to access the garages and for parking/turning space. The proposal is for a paved permeable surface in this area. Although these trees offer some amenity value to the area the amenity value does not render these trees suitable for preservation under a Tree Preservation Order.

### Conservation Area and Listed Building impacts

The site is located in a sensitive and prominent position in the Ringwood Conservation Area and in close proximity to Listed Buildings. No 3 Coxstone Lane being sited immediately to the west of the site and adjoining its boundary. The principle of the changes proposed are acceptable and would preserve the character of the Conservation Area. Given the proximity of the driveway to the listed building further details have been provided of the proposed paving to be used. This would be Flagstone paving in sandstone finish and the proposed shared surface for the parking court would be Tegula block in Slate finish which is considered to appropriate and would ensure that the setting of No 3 is preserved. These details are shown on the landscaping plan their use can be secured by condition.

### Residential amenity

In considering the impacts of the change of use on residential amenity consideration must be given to how the building could be used for existing uses against the way the building could be used for the new use proposed.

The most direct relationship is with No 3 Coxstone Lane. There are existing windows on the west elevation of the application property that face No 3 with a large single window which served the previous barbers use on ground floor and two windows that served the accountancy offices above. These existing windows face onto the front elevation of this neighbour where there are ground and first floor windows and a front door with a limited separation from the application property across the access drive. The new windows in the west elevation would serve bed sit rooms and a first floor shared kitchen. There would be one additional ground floor window at ground floor. All the proposed window openings would be smaller than those in the existing building and whilst there would be an additional window this given the relative location of the new window and existing relationships on the site no harmful additional impact on residential amenity could be demonstrated.

The proposed layout would remove 2 of the garages that adjoining the boundary with No 7. Concerns have been raised about additional noise and disturbance and amenity impacts that would result from this. The rear wall of the two existing garage which are to be demolished would be retained. This would provide screening to this boundary and the parking spaces are set away from this boundary which would limit any amenity impact. Furthermore No 7 has a relatively long garden and so any additional noise and disturbance would not have a direct impact on their amenity. Again, considering the existing uses against the proposed the garages and forecourts could be used in connection with the office and barber shop use with a constant flow of traffic coming to and from the site.

Reference has been made in representations that general disturbance will be increased by the proposed use when compared to the previous office use on the site. Whilst it is accepted that there would be some change in the nature of the use and activity associated with the site this would be related to residential activity which would be appropriate in this area.

It is acknowledged that there is limited functional external space for prospective occupiers but that is considered to be acceptable given the nature of the use of this accommodation. No other amenity impacts are identified, and the scheme is considered to be acceptable in this respect.

### Highway safety, access and parking

There is no intended change to the access to the site and Highway Authority are satisfied that the potential traffic generation from the development would not have a severe or detrimental impact on highways safety.

HCC have not fully assessed the proposed parking provision on the site as this is a function of the LPA. There would be 5 spaces and 3 cycle parking spaces provided and there appears to be adequate space for vehicles to turn on the site. It is however noted that some of these parking spaces are shown in a tandem arrangement which can be inconvenient for residents to use. There are no specific parking standards for the proposed use. The site is located in a sustainable location close to the town centre given the nature of the accommodation to be provided it is anticipated that there would be relatively low car ownership by future residents, the parking provision is considered acceptable.

Policy IMPL2 places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. However, as these proposals are for temporary accommodation where residents are less likely to own cars it is not considered to be a reasonable requirement in this case.

#### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant paid a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed to make a payment which secures the required habitat mitigation contribution. This payment will be made before the planning permission is issued.

#### Phosphate neutrality and impact on River Avon SAC

In July 2020, the Council adopted the Local Plan 2016-2036 Part One: Planning Strategy. The Local Plan recognises that the Planning Authorities in the River Avon will work with Wessex Water, Natural England and the Environment Agency to identify suitable mitigation of offsetting measures to enable development to be achieved phosphate neutral, including an update of measures set out in the River Avon Nutrient Management Plan. This work is ongoing. The principle of requiring all new development to contribute to mitigation measures in proportion to its likely impact on the European sites is set out in policies of the Local Plan 2016-2036 Part 1: Planning Strategy, namely Policies ENV1, ENV3 and ENV4.

The Council has been advised by Natural England and the Environment Agency that existing measures to offset the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation. However, following the end of the interim period on 31st March 2020, the Council has been advised by Natural England and the Environment Agency that existing measures to offset the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur.

Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral" in accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations').

An Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the River Avon Catchment, in view of that site's conservation objectives. The Assessment concludes that in consideration of the lawful (previous) use of the site the proposed development would not in isolation or in

combination with other developments, result in a net increase of nutrient from the site, demonstrating phosphate neutrality and so an adverse effect due to the recreational impacts on the European sites would not result. This conclusion is based on the nature of the previous use of the building as a large accountancy office of 220 sq. m and a barber's shop. The office use could have accommodated a large number of staff during office hours who would all have used the facilities provided, together with a separate barber's shop where the 2 dedicated hand basins would have been in almost constant use 6 days a week. The proposed use would be for 7 bed sits with their own facilities and 2 shared kitchens. Although a larger number of facilities would be provided the frequency and nature of their use is unlikely to be greater than the previous use on the site. It is therefore concluded that there would not be a net increase in phosphate impacts which would adversely affect the integrity of the River Avon Catchment.

### Managing Air Quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site, which will be secured by a direct payment before the permission is issued.

### On Site Biodiversity and protected species

Local Plan policy ENV1 requires ecological enhancements to demonstrate biodiversity net gain (BNG) in line with the NPPF. Under the forthcoming NFDC interim guidance note on BNG, this development would constitute a 'minor' development where there would not be an expectation to assess biodiversity net gain using the Defra biodiversity metric. However, minor developments such as this are not exempt from the requirement to demonstrate appropriate ecological enhancement measures on the site, but this can be secured through a condition.

### Developer Contributions

As part of the development, the following contributions will be secured via a direct payment before planning permission is issued:

- Habitat mitigation
- Air Quality mitigation

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	230	265	-35	-35	£80/sqm	-£3,596.92 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

## 11 CONCLUSION

Overall, the proposed development is considered to be acceptable in principle in the built up area and Conservation Area. It would provide urgent temporary accommodation for those in housing need. Parking is provided on the site and access arrangements are acceptable. Habitat mitigation will be dealt with by a contribution and it has been shown that phosphates neutrality would be achieved so that there would be no adverse effect the integrity of the River Avon Catchment. The application is therefore recommended for approval following the appropriate contributions being made and conditions.

## 12 OTHER CONSIDERATIONS

The site is in an area of known archaeological interest. However due to the limited ground works involved there are no issues raised in this respect.

The following matters raised in representations have not been covered in the above assessment but are addressed as follows:

The accommodation proposed would provide an acceptable space standard for this type of accommodation; the site is not located in the area where nitrate neutrality is required to be demonstrated and impact on property value is not a material planning consideration.

## 13 RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the identified contribution first being made for habitat and air quality mitigation
- ii) the imposition of the conditions set out below.

### Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: 1210 PD100 Rev A; 1210 PD100 Rev G and 1210 PD102 Rev B.

Reason: To ensure satisfactory provision of the development.



3. The development hereby permitted shall not be occupied until the spaces shown on plan 1210 PD100 Rev G for the parking of motor vehicles and cycles have been provided.

The spaces shown on plan 1210 PD100 Rev G for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the residential use hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Prior to undertaking any works to the external areas of the site, the following details shall be submitted to and approved in writing with the Local Planning Authority:

- (a) a specification for new trees to be planted (species, size, spacing and location);
- (b) details of biodiversity enhancements;
- (c) a method and programme for the implementation of the approved landscaping scheme and the means to provide for its future maintenance.

The scheme shall be implemented only in accordance with those details prior to first occupation of the residential units hereby approved and thereafter retained.

Reason: To ensure that the development takes place in an appropriate way and biodiversity enhancements are secured to comply with Policies ENV1, ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details prior to first occupation of the residential units hereby approved and maintained thereafter. The paving to be used shall be Flagstone paving in sandstone finish and the proposed shared surface for the parking court would be Tegula block in Slate finish and it shall thereafter be retained such.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and given its location in the setting of a listed building and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2 for the New Forest District outside of the National Park .

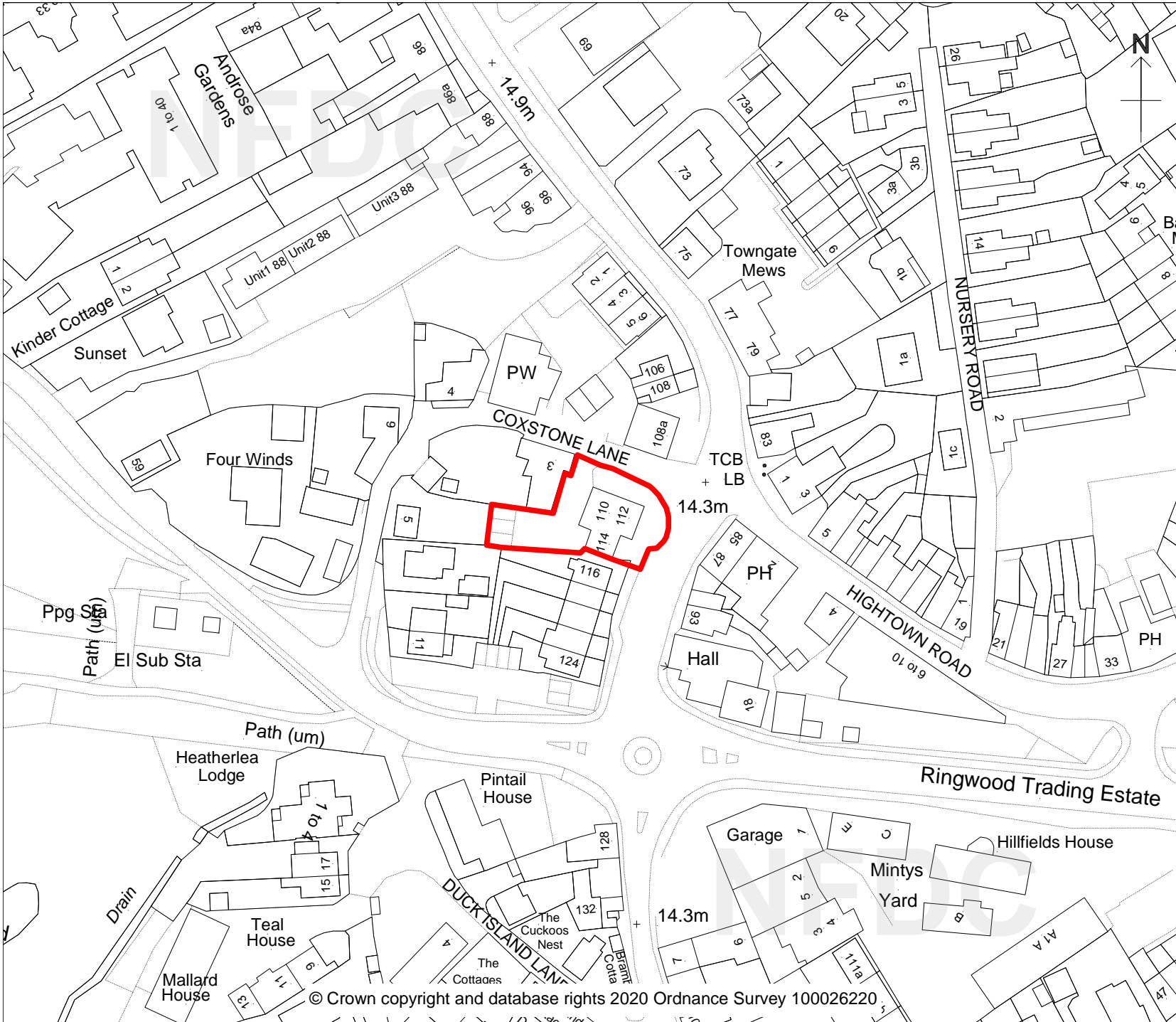
6. The windows and door hereby approved shall be constructed on timber and thereafter retained as such.

Reason: Due to the location of the site in the Ringwood Conservation Area and in the setting of listed buildings in accordance with Policy DM1 of the Local Plan Part 2 for the New Forest outside of the National Park

**Further Information:**

Judith Garrity

Telephone: 023 8028 5434



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# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
 Chief Planning Officer  
 Planning  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

November 2020

110 Christchurch Road  
 Ringwood BH24 1DP

20/10938

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**Application Number: 20/10894** Full Planning Permission

**Site:** HYTHE KNOCK, 18 DIBDEN LODGE CLOSE, HYTHE SO45 6AY  
**Development:** Proposed hip to gable roof extension with front facing dormer; rear facing dormer; single storey rear extension and material change to elevations  
**Applicant:** Mr & Mrs Haws  
**Agent:** MDT Design  
**Target Date:** 21/10/2020  
**Case Officer:** Julie Parry  
**Extension Date:** 12/11/2020

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on local character and appearance of the area in terms of scale and design
- 3) Impact on neighbour amenity in terms of outlook, loss of light and privacy
- 4) Highway Safety, Access and Parking

This application is to be considered by Committee because of a contrary view to the Parish Council.

## 2 SITE DESCRIPTION

The application site relates to a detached bungalow within an area of similarly sized and styled dwellings, albeit with the majority having fully hipped roofs. The current roof to number 18 has a gable on one side, with a hipped design to the other, and a dormer has been added to the rear. Within the wider streetscene there are two bungalows which have a gabled roof design to the sides, along with flat roof dormers to the front. The levels of the land decline in the street from west to east, meaning that number 16 is set at a slightly lower level.

## 3 PROPOSED DEVELOPMENT

The application seeks planning permission to extend the roof to the side with a hip to gable addition, to match the other side of the property, and to add a dormer to the front roofslope. The rear dormer would be extended and a single storey rear extension would also be added, with associated fenestration alterations.

## 4 PLANNING HISTORY

Proposal	Decision	Decision
	Date	Description
80/NFDC/17367 Alterations to form room in roof space.	02/09/1980	Granted

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan Part 1: Planning Strategy 2016-2036

Policy STR1: Achieving Sustainable Development  
Policy ENV3: Design quality and local distinctiveness

### Neighbourhood Plan

Hythe and Dibden

## 6 PARISH / TOWN COUNCIL COMMENTS

**Hythe & Dibden Parish Council:** Recommend REFUSAL (non-delegated)

The Committee feels that this application increases the footprint of the site significantly and is out of keeping with the streetscene. There are concerns about overdevelopment and overlooking neighbouring properties, with the dormer noted as being out of keeping with the wider streetscene. It is felt that the current application is overbearing compared to neighbouring properties.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Environmental Health (Contaminated Land):** No comment

## 9 REPRESENTATIONS RECEIVED

No representations received

## 10 PLANNING ASSESSMENT

### Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. The principle of the development is considered to be acceptable subject to compliance with these policy criteria and the relevant material considerations relating to its impact on the character and appearance of the area, residential amenity and highways matters.

### Scale and Design, with resulting impact on local character and appearance of area

The property has a hipped roof design on one side and a gable to the other, with a small dormer to the rear. The proposed hip to gable alteration would retain the original roof height and provide a symmetry to the resulting building. With materials to match the existing, the resulting roof would be balanced and, whilst different to the neighbouring properties, the front roofslope would retain its hipped design which is distinctive in this location and, as such, the resulting roof would not be visually intrusive in this street scene.

The proposed front dormer would have a flat roof design which is similar to some other properties in the wider streetscene. With the proposed roof alterations, the scale of the proposed dormer would be in proportion to the front roof slope and, with materials to match the main roof, it would be an appropriate addition which would be sympathetic to the resulting dwelling, with limited impact on the streetscene.

The proposed rear dormer would extend further across the rear roof slope and, whilst this would be a relatively large addition, it would not be clearly visible within the streetscene given its position to the rear of the property. Therefore, it would not be detrimental to the local area.

The proposed rear extension would be single storey and have a flat roof design. This addition would extend between 6 and 7 metres from the existing staggered rear wall of the property. Whilst this would create a large addition it would be in keeping with the pattern of development and with the neighbouring property at number 16 which has been extended to the rear with a single storey extension and also a large outbuilding close to the shared boundary. Being to the rear of the property and with its limited height, the proposed extension would not impact on the streetscene.

The property benefits from a long rear garden and the resulting dwelling would still retain a large garden, and therefore there would not be an overdevelopment of the site.

The proposed fenestration alterations would include additional ground floor windows on side elevations. Given that there are high boundary treatments on the side boundaries, there would not be an adverse impact in terms of overlooking from the additional fenestration.

#### Materials

The proposed external materials are to match the existing property and a condition would be applied to any approval to this effect to ensure an acceptable appearance of the resulting building.

#### Residential amenity

The neighbour to the east, number 16, has been extended to the rear with a single storey extension, following a planning permission in 2018 (18/11673). The proposed rear extension to number 18 would be set away from this neighbour and, with its height of 2.9 metres, it would not have a detrimental impact on this neighbour's amenity in terms of loss of light or visual intrusion.

The neighbour at number 20 has a relatively large outbuilding to the rear which forms part of the shared boundary. There is a degree of separation between this neighbour and the proposed rear extension and, along with the modest height proposed, there would not be an adverse impact on this neighbour's amenity. The proposed hip to gable roof alteration would result in a gable being positioned to the side of this neighbour's property. This neighbour has windows on the elevation facing number 18. However, there is a gap of 4.5 metres between the properties, and therefore the additional built form would not cause an unacceptable loss of light or adverse impact on this neighbour's outlook.

The proposed rear dormer would introduce more windows at first floor compared to the existing dormer. The outlook from these windows would be primarily straight into the rear garden, with angled views into the neighbour's gardens. Given that there is already a degree of overlooking at first floor, there would not be an unacceptable loss of privacy.

### Highway safety, access and parking

Parking is available within the front garden and on the highway with no restrictions. Therefore there would not be any highway safety concern in relation to an additional parking requirements from the increased number of bedrooms.

## **11 CONCLUSION**

The proposed development would be sympathetic to the existing property and would have an acceptable impact on neighbour amenity and the streetscene. The proposal would be consistent with the policies and objectives of the Local Plan 2016 - 2036 Part 1: Planning Strategy, Local Plan Part 2: Sites and Development Management Development Plan and the National Planning Policy Framework, with the planning balance being in favour of development. As such, the application is recommended for permission.

## **12 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

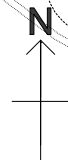
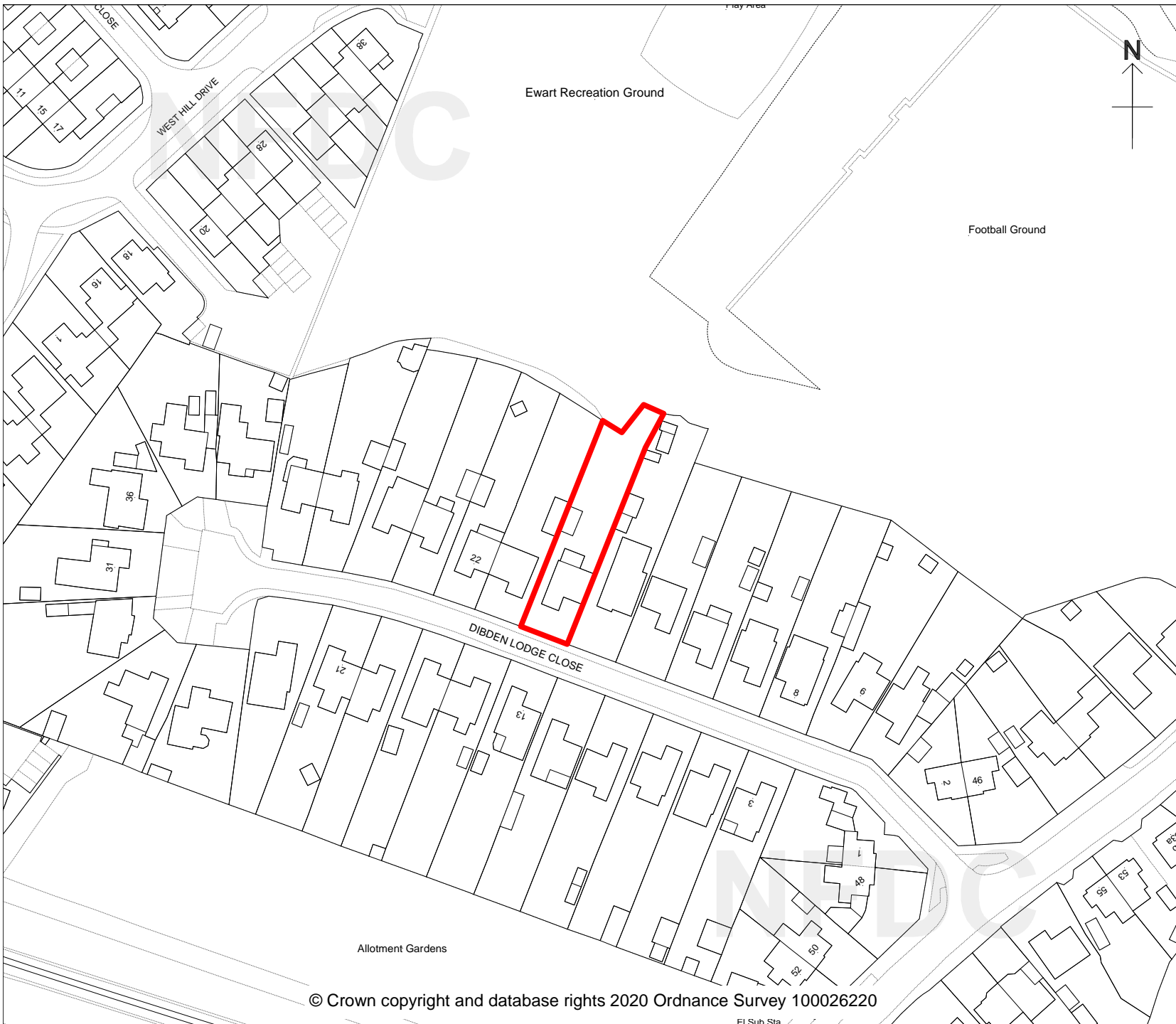
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development permitted shall be carried out in accordance with the following approved plans: 01 REV B  
  
Reason: To ensure satisfactory provision of the development.
3. The external facing materials shall match those used on the existing building.  
  
Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

#### **Further Information:**

Julie Parry

Telephone: 023 8028 5436





# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

November 2020

Hythe Knock  
18 Dibden Lodge Close  
Hythe SO45 6AY  
20/10894

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

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## PLANNING COMMITTEE – 11 NOVEMBER 2020

### **PROPOSED NEW FOREST DISTRICT COUNCIL REVISED 1APP (PLANNING APPLICATION) LOCAL REQUIREMENTS**

#### **1. INTRODUCTION**

- 1.1 The Government requires all Local Planning Authorities to review their Local 1APP planning information requirements (The Local Requirements) every two years. The Local Requirements mean that applicants must submit additional information, in terms of drawings and supporting documents, beyond the basic National Requirements which comprise the forms, fee, certificates, some drawings and Design and Access Statements in certain circumstances.
- 1.2 The 1 APP requirements were last approved by in 2016, therefore a review and of revised a Local 1APP Requirements is now required.
- 1.2 Members agreed to the revised 1APP requirements as a basis for a consultation exercise at its meeting of the 9 September 2020.
- 1.3 A consultation exercise was carried out between 14 September and 28 October 2020 with Town and Parish Councils, internal and external consultees and agents all being consulted.
- 1.4 All comments received are set out in a summarised form in Appendix A and appropriate updates have been made to Appendix B.

#### **2. COMMENTS RECEIVED**

- 2.1 At the time of publication of this report 16 responses have been received. These are summarised in Appendix A.
- 2.2 All comments made were supportive of the changes and in line with the improved customer focussed Planning Service is focused on delivering.
- 2.3 Minor changes are proposed to the local requirements based on the comments received. Where changes are proposed, these are highlighted in Appendix A next to the relevant comment.
- 2.4 If adopted, the checklists will be displayed on our website with an easy to read summary and downloadable checklists. The checklist will be used for validation of all planning applications from the date of approval.

#### **3. ENVIRONMENTAL, CRIME AND DISORDER, EQUALITY AND DIVERSITY IMPLICATIONS**

- 3.1 The proposed revised 1APP requirements and the manner in which they are used would ensure that sufficient information is submitted regarding environmental, crime and disorder, equality and diversity allowing this to be available to all interested parties and to be taken on board when the decision is reached.

#### 4. CONCLUSION

- 4.1 In conclusion, the overall support for, and lack of objection to, the proposed Local 1APP requirements are welcomed. A review will be undertaken every 2 years or sooner, if required, to review validation requirements and to examine how they are used as part of the wider planning function. This will ensure that, overall, the Council's approach to dealing with development proposals and its Requirements are proportional and that, while requiring sufficient information to facilitate an informed decision, they do not unnecessarily inhibit development and allow the Council to work with applicants.

#### 5. RECOMMENDATION

- 5.1 The comments received are noted.
- 5.2 New Forest District Council's Local 1 APP Requirements as set out in Appendix B and C are adopted and published on our website in accordance with current guidelines.

<b>For further information contact:</b>  Claire Upton Brown Chief Planning Officer	<b>Background Papers:</b>  Review of Local Information Requirements for Planning Application 9 September 2020 <a href="#">Planning Committee Report</a>
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<u>Representee and Comment</u>	<u>Response</u>
<p><u>Sport England</u></p> <p>I attach a copy of the consultation guidance checklist prepared by Sport England.</p> <p>Further information can also be found on our website at:</p> <p><a href="http://www.sportengland.org/playingfieldspolicy">http://www.sportengland.org/playingfieldspolicy</a></p>	<p>Noted and addressed in the 'open space/recreation facilities assessment section (number 18)</p>
<p><u>Marine Management Organisation</u></p> <p><i>Advised that 'Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to'.</i></p>	<p>This is an informative rather than a validation matter.</p>
<p><u>Hythe and Dibden Parish Council</u></p> <p>As a Parish Council we welcome planning applications that follow a consistent, realistic, and clear presentation on the relevant site and dimensions plans, pre and post proposed development. It is integral that all relevant details are provided to allow for informed decision making.</p> <ul style="list-style-type: none"> <li>• Impact on wider street scene</li> <li>• Impact on direct neighbours</li> <li>• Scale of development</li> <li>• Pre and proposed dimensions of development</li> <li>• Location of trees before and after proposal, and clear sizes.</li> <li>• Where necessary descriptions of opening times, explanations for usage and what a proposal is for.</li> <li>• Feedback from local community where required.</li> <li>• Similar designs / proposals that relate to application.</li> <li>• Mitigation considered for issues raised in pre application process.</li> <li>• Clear imagery, either in drawing or computerised. photos are welcome too.</li> <li>• Timescale for major development consultation and relevant additional paperwork, however make it clear and targeted for clarity and access for local residents.</li> </ul>	<p>Agreed.</p> <p>Part of the registration process is to assess the quality of the submitted plans for legibility. If they are not of suitable quality then the applicants will be asked to submit further information.</p>

<p>It is integral that Parish and Town Councils, who are made up of local residents who know the areas where applications are coming forward, are provided with all information to make the right decision for their communities.</p>	
<p><u>Milford on Sea Parish Council</u></p> <p>The Parish Council support the standardisation of drawings and plans and also stated '<i>Submitted plans need to be detailed and clear in their presentation. Block plans need to adequately show the location of a site either within a street or in relation to all neighbouring properties including locations to the rear of a proposed development.</i></p>	<p>Agreed This is a quality matter that is supported</p>
<p><u>Forestry Commission</u></p> <p>The Forestry Commission advised of the needs to be aware of existing trees and Ancient Woodland as part of planning applications</p>	<p>Noted</p>
<p><u>Mr Ludlow Fisher</u></p> <p>Under "General Information you refer to "the site block plan at a scale of 1:50 or 1:100."</p> <p>Surely this is incorrect as for all but the smallest sites a scale of 1:50 would make the drawing impossibly large?</p> <p>Should it therefore read; 1:500 or 1:100?</p>	<p>Officers confirmed the correct scales. These will be made clear on the website when the new requirements are published.</p>
<p><u>Historic England</u></p> <p>2.Archaeological Desk-based Assessment We agree with the new requirement for a desk-based assessment, where an initial assessment indicates the proposed development would affect an archaeologically sensitive area (including a scheduled monument or non-designated sites of archaeological interest). This is in line with NPPF paragraph 189. In addition, we suggest that the requirement include "a field evaluation, where necessary". This would also mirror NPPF paragraph 189.</p> <p>12.Heritage statement We agree that a heritage statement should still be required, for the applications listed in</p>	<p>Addition proposed.</p> <p>Amendment proposed.</p>

<p>column 2. This is in line with NPPF paragraph 189. However, we suggest the list could be made clearer with some redrafting, such as:</p> <p>A heritage statement should accompany all planning applications affecting a heritage asset, or its setting, and all applications for listed building consent. Heritage assets consist of: world heritage sites, scheduled monuments, listed buildings, protected wreck sites, registered parks and gardens, registered battlefields and conservation areas designated under the relevant legislation. It also includes assets identified by the local planning authority (including local listing). For the avoidance of doubt, this includes all applications for development with the curtilage of a listed building.</p> <p>We agree that a heritage statement should include a description of the significance of any asset affected by the proposed development. To reflect the NPPF, this should include any contribution made by the asset's setting. We also agree with the references to the appropriate level of detail.</p> <p>The council may wish to refer in the list that it is for the LPA to assess the impact of development on the significance of any heritage assets, but it can often be helpful for applicants to make their case, as part of the heritage statement. Historic England's Statements of Heritage Significance: Analysing Significance in Heritage Assets<sup>1</sup> offers further advice on this.</p>	<p>Noted</p> <p>Noted</p>
<p><u>Cranbourne Chase</u></p> <p>Thank you for consulting the AONB on your proposed Local Requirements. The Cranborne Chase Partnership welcomes this approach. All too often this office finds that planning applications provide either insufficient information or inadequate plans to facilitate a swift appraisal and recommendation on a planning application.</p> <p>For the record, please see Annex A and B for the membership of this AONB Partnership and the status and importance of Areas of Outstanding Natural Beauty.</p> <p>Whilst the AONB welcomes the approach to improving planning applications there are a number of elements that the AONB Partnership recommends should be added to your documentation.</p> <p>1. Starting with Appendix A, where detailed guidance is given on the form and content of plans, the landscaping plan seems to relate almost entirely to tree and tree planting. Landscaping covers considerably more than just tree planting and plans</p>	<p>Noted. Planning officers will work with applicants to ensure that all elements of landscaping are provided so that details</p>

<p>should include levels and details of hard materials. Species other than trees do need to be identified and specified on landscape plans. All of these factors are particularly important when linked to net environmental gain, proposals that are seeking to overtly enhance the environment, and when the landscape treatment is an important element of mitigating the impacts of the proposed development. This AONB recommends that the details of the landscaping / landscape plan are significantly enhanced</p> <p>2. I note that the numbering of the subject topics in the other appendices is not consistent. For example, Lighting Assessment is Topic 18 in Appendix D and B, but Topic 15 in Appendix C. Similarly, Landscape and Visual Impact Assessment is Topic 14 in Appendix C but Topic 17 in Appendix B, and 16 in Appendix D. To facilitate both understanding and compliance the AONB Partnership recommends a consistent numbering system across the supplementary / explanatory documents.</p> <p>In connection with Lighting Assessment reference should be made to the Cranborne Chase AONB being an International Dark Sky Reserve and the obligation that places on partner authorities (including the New Forest District Council) to reduce light pollution. Reference could also be made to the AONB's Good Lighting Guides and its Position Statement on Light Pollution.</p> <p>1. Whilst the inclusion of landscape and visual impact assessments is welcomed, the AONB Partnership recommends that separate landscape plans and specifications do need to be provided with applications to support proposals, particularly where the landscape treatment is a significant element in either enhancing the local environment or mitigating the impacts of the proposed development.</p> <p>It would help both applicants and planning staff if the submitted documentation indicated whether or not the application site is located within or adjacent to the Cranborne Chase Area of Outstanding Natural Beauty. That would also help applicants and their agents when considering the matters to address and the details needed. In the latter context it would also be beneficial for all parties if the Local Requirements include a statement of how the proposed development complies with the adopted AONB Management Plan. That Management Plan is, after all, your Council's policies for the management of the AONB.</p>	<p>can be reviewed as part of the application.</p> <p>Noted and agreed.</p> <p>Amendment proposed</p> <p>Noted</p> <p>Noted and will be addressed by case officers.</p>
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<p><u>NFNPA archaeology</u></p> <p>Appendix D We noted that for “Archaeological Deskbased Assessment” under “Major Outline” the box is blank. Should this be “YES*”?</p> <p>Appendix E One of the repeated ‘issues’ we have is assessing the potential impact of a development on below ground archaeology. We find ourselves regularly asking for foundation information or clarity on ground disturbance for a proposed development, both big and small. With regard to the required information provided in the section drawings we note the “Show “slices” (cross sections) through land...”. However, it would be very helpful if there could be a specific reference asking for foundation details, even if only indicative. We feel that asking for this information fits with some of the goals outlined in 3.1 (EMT – 17 May 2011): Ensuring those consulted are provided with sufficient information to be able to make a constructive response to the Local Planning Authority. Avoids the need for additional information to be sought during the determination of the application, leading to delay in a decision being reached.</p>	<p>Yes</p> <p>Noted, amendment proposed,</p>
<p><u>NFDC Environmental Health Team</u></p> <p><b>Air Quality Assessments</b> It is agreed that air quality assessments should be included in the local list information requirements for the developments advised and welcome their inclusion.</p> <p>Appendix C - with regards to the types of application or development that require the submission of an air quality assessment, the detail is agreed however moving forward it may be more appropriate to link this with any agreed air quality supplementary planning document or guide.</p> <p><b>Land Contaminated Assessments</b> It is agreed that contaminated land assessments should be included in the local list information requirements for the developments advised.</p> <p>Appendix D – with regards to proposed information by application type, contaminated land assessments (typically desk top surveys) may be required for householder developments due to the potential contamination of the land being developed. However it</p>	<p>Agreed</p> <p>Noted</p>

<p>is acknowledged that such a requirement for a household development could result in a costly report being commissioned with no guarantee of planning permission being obtained. As such we would welcome the opportunity for planning to consider this aspect of the application process further and whether this may requirement amending.</p> <p>Please note that the link provided to the Council's website is not current (Appendix D).</p> <p><b>Noise Assessments</b> It is agreed that noise assessments should be included in the local list information requirements for the developments advised.</p> <p>Appendix C - we would welcome the consideration of the 'agents of change' principle within the documentation if deemed appropriate.</p> <p>Appendix D - there may also be a requirement for householder developments to provide an appropriate noise assessment. As such we would welcome the opportunity for planning to consider this aspect of the application process further and whether this may requirement amending.</p> <p><b>Lighting Assessments</b> It is agreed that lighting assessments should be included in the local list information requirements for developments advised.</p> <p><b>Odour Assessments</b> There is no inclusion of odour assessment in the local list information requirements for the developments advised. This type of assessment may be required for specific developments, for example those in close proximity to known potentially odorous sources or include a potential odorous source. As such it is suggested these assessments are considered for inclusion of the local list information requirements.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted, the requirement will be for new development that may create additional noise in areas where noise sensitive development already exists, which may include some householder developments. The case officer will make the judgement on whether this is required.</p> <p>Noted</p> <p>Additional requirements have been added to the ventilation/extraction statement requirements.</p>
<p><u>New Milton Town Council</u></p> <p>From within Appendix C – We wholeheartedly agree that householder applications submit a Biodiversity Net Gain report. We suggest this should be for minor applications also, applicable when the extension is equal to or greater than 30% of total existing floorspace.</p>	

<p>From within Appendix D.</p> <p>Items 6 - Renewable and Low Carbon Statement and 11 – Environmental Impact Assessment.</p> <p>We suggest that the Council consider requiring these for Householder applications, as they would for Minor housing developments. Our reasoning is that some individual householder application suggests such substantial change that a dwelling is almost being rebuilt. This makes the two development types quite in common.</p> <p>Item 29 Telecommunication Statement should read 'YES' in the Telecom application column.</p> <p>We wholeheartedly agree that householder applications should submit a biodiversity survey and report, and that Design and Access statements are required across all types of application as above.</p>	<p>Noted</p> <p>Yes</p>
<p><u>Netley Marsh Parish Council</u></p> <ol style="list-style-type: none"> <li>1. The draft repeated states reliance on an 'electronic platform' to communicate the new planning process but: what electronic platform; provided by?; maintained by?; and how is this going to be effectively developed and in place for rapid change proposed?</li> <li>2. If the system will rely more upon early input to a more specific Local Plan to control development and remove layers of local scrutiny of individual planning applications later, how will the system remain flexible enough to ensure development which actually takes place is still appropriate for local needs?</li> </ol>	<p>Our website provides a lot of information needed to make a planning application with links provided to other websites where required. This is updated in house and will continue to be so in order to maintain the required information.</p> <p>This is related to proposals for the change in the planning system overall which is not for this consultation.</p>
<p><b>Hampshire County Council - Economy Transport and Environment Team</b></p> <p><b>Flood risk assessment</b></p> <p>In line with footnote 50, page 47 of the NPPF, a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use –</p>	

<p><b><i>Using this statement, the vast majority of sites will require a FRA as they are all at risk to some degree. I would consider the only exception to be if vulnerability level was being reduced</i></b></p>	Noted
<p><b>Sustainable Drainage System Strategy</b> This applies to all applications proposing 10 or more residential -units or 1000 sq. gross floorspace or more. –</p>	
<p><b><i>We also comment on residential if its 0.5ha or more</i></b></p> <ul style="list-style-type: none"> <li>• indicative sustainable drainage principles for the development</li> </ul>	Amendment proposed
<p><b><i>We would expect a drainage drawing and calculations to show that a drainage option is viable for the 1:100 + climate change storm</i></b></p> <ul style="list-style-type: none"> <li>• proposed destination for surface water post-development</li> </ul>	Amendment proposed
<p><b><i>If this is an asset owned by a 3<sup>rd</sup> party, we would request documentation to show that this is likely to be accepted i.e. approval in principle from the Water company. This should also indicate acceptance of a proposed flow rate.</i></b></p> <ul style="list-style-type: none"> <li>• ground investigation results for infiltration (if appropriate) –</li> </ul>	Noted
<p><b><i>Can we also request information on groundwater levels. If infiltration is proposed this is critical to ensure 1m unsaturated zone. For outline, historic borehole information may be sufficient to give confidence of groundwater level but ongoing monitoring may be requested depending on the risk. As a minimum, groundwater monitoring should be done in winter and spring. We would like to see reference made to BRE365 as the industry standard testing requirements. This requires multiple tests to represent saturation in the soils and an appropriate distribution of testing. This is considered to provide the most representative indication of infiltration rates.</i></b></p>	Amendment proposed
<ul style="list-style-type: none"> <li>• existing and/or proposed watercourses</li> </ul> <p><b><i>Worth highlighting that any works to a watercourse / ditch that is not main river will require consent from us as LLFA - <a href="https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse">https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse</a> Culverting will not be permitted unless there is no alternative so amendments to ditches within the site</i></b></p>	Noted

<p><b><i>boundary will be critical to assess at an early stage.</i></b></p> <ul style="list-style-type: none"> <li>• surface water storage volumes and locations</li> </ul> <p><b><i>This should include detailed <u>network</u> calculations and a detailed drainage plan. We do not accept source control calculations in full applications</i></b></p> <ul style="list-style-type: none"> <li>• treatment train components</li> </ul> <p><b><i>We are using the SuDS Manual methodology which for most developments consists of the simple index approach.</i></b></p>	<p>Amendment proposed</p> <p>Noted</p>
<p><u>Pennington and Lymington Lanes Society (PALLS)</u></p> <p>PALLS supports the provision of a comprehensive set of information relating to all matters relevant to the consideration of a planning application. We make no comment on the technical content of the information requirements other than to request that the Council ensure that in the case of outline planning applications sufficient information is submitted to establish the full extent and impacts of the proposed development to ensure that matters which may be fundamental to the acceptability of development are not overlooked or reserved for consideration at a later stage.</p> <p>PALLS welcome the inclusion in Part 1 of the Local List – Additional Information Requirements APPENDIX C 6. Community Involvement Statement. However we consider that the requirement is too limited. It should include a requirement for broad consultation with all sectors of the affected community including residents, businesses and local interest groups and should include an expectation that applicants or developers consult with communities at an early stage. There should also be a requirement for applicants to set out how community participation in pre-application discussions with the Council and/or other stakeholders has been achieved. It is only in this way that the process can provide meaningful community engagement and participation at the appropriate time so that community involvement can help shape proposals as set out in your recently adopted SCI.</p>	<p>Noted</p> <p>Noted. It is anticipated, and hoped, that pre-application advice will be sought prior to any application being submitted and that the Community Engagement Strategy is agreed with the planning authority as part of the pre application process.</p> <p>The requirements to the statement will depend on the nature of the application but would expect it to cover many of the points raised in your representation.</p>
<p><u>Hampshire County Council - Hampshire Countryside Service</u></p> <p>We require that public rights of way running through or adjacent to the site have been shown on the submitted plans as part of planning applications. We request that</p>	<p>Noted, all this information is available on the Council's mapping system and it will be for officers to consult HCC on specific matters such as RoW and therefore would make these matters known to officers.</p>

applications without such plans should not be validated. They could also include a red line plan that shows access from the nearest adopted highway and where possible include Village Greens and Registered Commons.

It is therefore not proposed to include this as a requirement for applications.

Responded with no comments:

- Highways England

**Local & Mandatory Requirements by Application Type**

**APPENDIX B**

\* Indicates where the requirement is dependent on the nature of the proposed development and/or location, refer to Appendix C

	<b>Householder</b>	<b>Listed building consent</b>	<b>Minor Full</b>	<b>Minor Outline</b>	<b>Major Full</b>	<b>Major Outline</b>	<b>Telecom</b>	<b>Rural Workers Dwelling</b>
<b>Mandatory Information</b>								
<b>Biodiversity Survey and Report</b>	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>Biodiversity Net Gain Report</b>	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>Design and Access Statement</b>	Yes*	Yes*	Yes*	Yes*	Yes	Yes	No	Yes*
<b>Flood risk assessment</b>	Yes*	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>Additional Local Requirements</b>								
<b>1. Affordable Housing Statement</b>	No	No	No	No	Yes*	Yes*	No	No
<b>2. Archaeological Desk- based Assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>3. Air Quality Assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>4. Agricultural Land Assessment</b>	No	No	No	Yes*	Yes*	Yes*	No	No
<b>5. High Speed Broadband</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>6. Community Involvement Statement</b>	No	No	No	No	Yes	Yes	No	No
<b>7. Renewable and low Carbon Statement</b>	No	No	Yes*	Yes*	Yes*	Yes*	no	Yes*
<b>8. Environmental Impact Assessment**</b>	No	No	Yes**	Yes**	Yes***	Yes***	No	Yes**

\*\* Subject to screening opinion

\* Indicates where the requirement is dependent on the nature of the proposed development and/or location, refer to Appendix C

	Householder	Listed building consent	Minor Full	Minor Outline	Major Full	Major Outline	Telecom	Rural Workers Dwelling
<b>9. Green Belt Openness Statement</b>	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>10. Flood Risk Sequential Test</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>11. Heritage statement</b>	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>12. Land contamination Assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>13. Landscape and Visual Impact Assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>14. Lighting assessment</b>	No	no	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>15. Noise assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>16. Nutrient budget and nutrient neutrality and mitigation strategy</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>17. Mineral Resource assessment</b>	No	No	No	No	Yes*	Yes*	No	No
<b>18. Open Space/recreational Facilities Assessment</b>	No	No	No	No	Yes*	Yes*	No	No
<b>19. Parking Provision</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>20. Planning Statement</b>	No	No	Optional	Optional	Yes*	Yes*	No	Optional
<b>21. Recreational mitigation strategy, New Forest and the Solent Coast</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes
<b>22. Retail Impact Assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>23. Rural Workers' Dwelling Justification</b>	No	No	No	No	No	No	No	Yes
<b>24. Structural Survey</b>	No	Yes*	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>25. Sustainability Statement</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	Yes*



\* Indicates where the requirement is dependent on the nature of the proposed development and/or location, refer to Appendix C

	Householder	Listed building consent	Minor Full	Minor Outline	Major Full	Major Outline	Telecom	Rural Workers Dwelling
<b>26. Sustainable Drainage System Strategy</b>	No	No	No	No	Yes*	Yes*	No	No
<b>27. Telecommunication Statement</b>	No	No	No	No	No	No	Yes	No
<b>28. Transport statement</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>29. Transport assessment</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>30. Travel Plan</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No
<b>31. Tree Survey /Arboricultural Statement</b>	Yes*	No	Yes*	Yes*	Yes*	Yes*	No	Yes*
<b>32 Viability Appraisal</b>	No	No	No	No	Yes*	Yes*	No	No
<b>33. Ventilation/Extraction Statement</b>	No	No	Yes*	Yes*	Yes*	Yes*	No	No

**Local Requirements – when/what types of application information will be required.**

**APPENDIX C**

**Additional Mandatory validation requirements for planning applications**

In addition to the National validation requirements there are also a number of other mandatory requirements which apply depending on the nature of the proposal and/or its location

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Description	Regulation/ Guidance	Types of application or development that require this information	What is required
Biodiversity Survey and Report	<p>New Forest District Council Local Plan 2016-2036 STR1</p> <p>Wildlife and Countryside Act 1981</p> <p>Hedgerow Regulations 1997</p> <p>Protection of Badgers 1992</p> <p>Natural Environment &amp; Rural Communities Act 2006</p> <p>Conservation of Habitats and Species Regulations 2017</p> <p>NPPF Section 15 'Conserving and enhancing the natural</p>	<p>Supporting ecological information may be required for any development from small householder applications to large strategic projects depending on the nature and value of the site. The Biodiversity Checklist provides a guide to help ascertain what information may be required to support an application for a given project.</p> <p>All developments in or adjacent to:</p> <ul style="list-style-type: none"> <li>• European Site (ie SAC/SPA/Ramsar)</li> <li>• Site of Special Scientific Interest (SSSI)</li> <li>• In or adjacent to National Nature Reserve (NNR)</li> <li>• Site of Nature Conservation Interest (SNCI)</li> <li>• Regionally Important Geological Sites (RIGS)</li> <li>• Local Nature Reserve (LNR)</li> <li>• Wildlife Corridors</li> <li>• Priority Habitats</li> </ul> <p>Any development where there is potential for protected or notable species to be impacted e.g. bats, birds, reptiles, badger, amphibians (particularly great crested newt), otters, white-clawed crayfish and dormice.</p>	<p>The NFDC Biodiversity Checklist is to be completed for all applications. If further ecological considerations are shown to be required then a PEA or EclA (supported by appropriate survey effort) should be submitted to support the application.</p> <p>In general terms all ecological information will need to be prepared and presented in such a way that it is fit to inform the decision-making process and to serve as BNG baseline. It should include:-</p> <ul style="list-style-type: none"> <li>- information on existing biodiversity interests (sites, species, habitats) on the land affected by the proposed development as well as on adjoining or nearby land that may be affected by the proposed</li> <li>• development (such as location, size, abundance, importance);</li> <li>- information on likely impacts on the biodiversity interests;</li> <li>- details on avoidance, mitigation and/or compensation measures; and</li> <li>- Proposals for enhancements of biodiversity.</li> </ul> <p>The level of information required will be proportionate to the scale of development proposed and the likely impact on biodiversity. In most cases a Preliminary Ecological Appraisal (PEA) produced in line with CIEEM Guidance should be provided and inform further survey requirements. Where a proposal is likely to affect protected species, the applicant must submit a Protected Species Survey and Assessment.</p>

Description	Regulation/ Guidance	Types of application or development that require this information	What is required
	environment' Para 170		<p>Any survey should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions, over a sufficient period of time and using nationally recognised survey guidelines/methods where available and as appropriate.</p> <p>For development where potentially significant ecological effects are likely to arise from proposals, an Ecological Impact Assessment (EclA) will be required. Typically, the EclA report prepared for planning submission will collate the baseline information gathered during the PEA and/or other detailed surveys. It will value existing ecological features, consider the potential effects of development and assess any residual ecological impacts after mitigation (both adverse and beneficial). The Guidelines for Ecological Impact Assessment published by CIEEM should be adhered to.</p> <p>Ecological Information should:</p> <ul style="list-style-type: none"> <li>- record which habitats, features and species are present or likely to be present on and, where appropriate, around the site;</li> <li>- identify the extent/ area/ length/ numbers (where appropriate) present;</li> <li>- map the habitat/ features distribution on site and/or in the surrounding area shown on an appropriate scale plan; species distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).</li> </ul> <p>Any ecological report must identify and describe potential development impacts likely to harm designated sites, priority habitats, other biodiversity and geological features, protected/notable species and/or their habitats</p>

Description	Regulation/ Guidance	Types of application or development that require this information	What is required
			<p>identified by the survey. These should include both direct and indirect effects both during construction and afterwards. Where harm is likely, evidence should be submitted to show:</p> <ul style="list-style-type: none"> <li>- how alternative designs or locations have been considered;</li> <li>- how adverse effects will be avoided wherever possible;</li> <li>- how unavoidable impacts will be mitigated or reduced;</li> <li>- how impacts that cannot be avoided or mitigated will be compensated.</li> </ul> <p>In addition, an ecological report will need to include information on proposed works that will enhance, restore or add to designated sites, priority habitats and features or habitats used by protected species. The Assessment should also give an indication of likely changes to habitats and/or how species numbers may be affected, if at all, after development, e.g. whether there will be a net loss or gain.</p>
Biodiversity Net Gain Report	New Forest District Council Local Plan 2016-2036	<p>For 'major' applications</p> <p>'Minor' applications, defined as residential development of nine units or less, or commercial development of less than 1000 m<sup>2</sup> of floor space or on a site of less than 1 ha are not exempt from providing biodiversity net gains but use of the Defra Biodiversity Metric will not be required. Householder development (such as extensions), and change of use of an existing building fall within the definition of 'minor development'.</p> <p>Note this may be updated following enactment</p>	<p>Defra Metric Net Gain Calculations (Biodiversity Report) - Biodiversity report to include full details of the ecological baseline including detailed justifications for the choice of habitat types, distinctiveness and condition. Any assumptions made should be presented and likewise justified.</p> <p>A plan should clearly illustrate the areas covered by each of the existing habitat types and the area/length in hectares/km of each habitat type.</p> <p>A proposed habitats plan, for example taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plan should also be</p>

Description	Regulation/ Guidance	Types of application or development that require this information	What is required
		of the Environment Bill.	included. The plan should detail what existing habitats are to be retained and enhanced, and any new habitat types that will be created. The plan should ensure that each habitat type is identified and the area/length of each habitat type should be quantified in hectares/km
Design and Access Statement	The substituted Section 62 (5) of the T&CP Act 1990 Act stipulates that design and access statements must be required by development order. The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the current requirements.	With all applications for: <ul style="list-style-type: none"> <li>• Major development,</li> <li>• development in a Conservation Area</li> <li>• listed building consent</li> <li>• one or more dwellings; or</li> <li>• a building or buildings with a floor space of 100 square metres or more.</li> </ul>	A design and access statement must— <p>(a) explain the design principles and concepts that have been applied to the development;</p> <p>(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;</p> <p>(c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;</p> <p>(d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and</p> <p>(e) explain how any specific issues which might affect access to the development have been addressed</p> <p>For more information on Design and Access Statements refer to <a href="https://www.gov.uk/guidance/making-an-application#Design-and-Access-Statement">https://www.gov.uk/guidance/making-an-application#Design-and-Access-Statement</a>:</p>
Flood risk assessment	National Planning Policy Framework – paras. 163 - 165 Planning Practice Guidance	In line with footnote 50, page 47 of the NPPF, a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been	For guidance on preparing a flood risk assessment please refer to: <a href="https://www.gov.uk/guidance/flood-risk-assessment-standing-advice">https://www.gov.uk/guidance/flood-risk-assessment-standing-advice</a>

Description	Regulation/ Guidance	Types of application or development that require this information	What is required
	– Flood Risk and Coastal Change section	identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Information on identified flood zones (including areas of risk of flooding from rivers and seas AND areas at risk of flooding from surface water) are included on the following webpage:- <a href="http://apps.environment-agency.gov.uk/wiyby/37837.aspx">http://apps.environment-agency.gov.uk/wiyby/37837.aspx</a> Alternatively, the council can provide information on whether a piece of land is identified as being at flood risk.	

### Additional Information Requirements

The table below sets out the supporting information required to be submitted, the application types the requirement applies to and the justification for the requirement.

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>1.Affordable Housing Statement</b>	New Forest District Council Policies HOU1,HOU2  National Planning Policy Framework - para. 64 Planning Practice Guidance (NPPG)	In accordance with the NPPF and NPPG this applies to all applications proposing 10-units or more	The Council will require information concerning both the affordable housing and any open market housing. Such information shall include details of the number of residential units, the mix of units and the proposed tenure. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained.

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
			Where the applicant considers the development will not support the level of affordable housing required under the Councils policies then a Viability Assessment will be required (see below).
<b>2.Archaeological Desk-based Assessment</b>	New Forest District Local Plan Part 2: Sites and Development Management (2014) Policy DM1 National Planning Policy Framework - para. 189 Planning Practice Guidance	A desk-based assessment will be required where an initial assessment indicates the proposed development affects an archaeologically sensitive area (including a Scheduled Ancient Monument or non-designated sites of archaeological interest).	A field evaluation may be required where necessary, together with foundation details (indicative may be acceptable).  Information and advice on the content of reports is available either through Hampshire County Council Archaeological Service or the following Chartered Institute for Archaeologists website:- <a href="http://www.archaeologists.net/codes/ifa">http://www.archaeologists.net/codes/ifa</a>
<b>3.Air Quality Assessment</b>	New Forest District Council Local Plan 2016-2036 Policy STR1 and CCC1,IMPL2  National Planning Policy Framework - para. 108  Planning Practice Guidance – Air pollution section	New housing development within or adjoining AQMA. All development which an Environmental Impact Assessment or a Transport Assessment (all development likely to result in significant increase in traffic volume/congestion/speed/composition). All development having an effect on sensitive areas such as ecological sites or areas previously defined as having poor air quality.  Application proposals that impact upon air quality or are potential pollutants should be supported by an air quality assessment.	All as per government advice included on:- <a href="https://www.gov.uk/guidance/air-quality--3">https://www.gov.uk/guidance/air-quality--3</a>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
		Confirmation to Air Quality Monitoring contribution for all new residential development	
<b>4,Agricultural Land Assessment</b>	National Planning Policy Framework - para. 170 Planning Practice Guidance	Applications that propose the loss of 20 hectares or more of best and most versatile (BMV) agricultural land <a href="https://www.gov.uk/guidance/natural-environment#brownfield-land-soils-and-agricultural-land">https://www.gov.uk/guidance/natural-environment#brownfield-land-soils-and-agricultural-land</a>	<a href="https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land">https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land</a>
<b>5.High Speed Broadband</b>	New Forest District Council Local Plan 2016-2036 Part 1 Planning Strategy IMPL2	All new residential development	Statement confirming how connection will be delivered prior to first occupation
<b>6.Community Involvement Statement</b>	National Planning Policy Framework – paras. 128,	Major development.	The statement sets out how you involved the community during the design process, issues the community identified and how you responded in your final design. If you couldn't change your design, you need to give reasons why.



Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>7.Renewable and low Carbon Statement</b>	<p>New Forest District Council Local Plan 2016-2036 Part 1 Planning Strategy STR1 and CCC1</p> <p>New Forest District Local Plan Part 2: Sites and Development Management (2014) Policy DM4</p> <p>National Planning Policy Framework – para. 150</p>	With planning applications for new development over 100 sq metres gross, or one or more dwellings.	An Energy Statement should include evidence to demonstrate the predicted regulated energy use of the proposed development and the energy generation achieved through the proposed renewable/low carbon measures. For outline planning applications, the Energy Statement need not provide full details, but should set out an explanation in broad terms.
<b>8.Environmental Impact Assessment</b>	Town and Country Planning Act (Environmental Impact Assessment Regulations 2017)	Development and significant infrastructure projects which fall within Schedule 1 &2 of the Regulations 2017 and have been screened as requiring an Environmental Statement	Environmental Statement
<b>9.Green Belt Openness Statement</b>	New Forest District Council Local Plan 2016-2036	Development that affects or impacts on the openness of the Green Belt	Landscape impact assessment

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>10.Flood Risk Sequential Test</b>	<p>New Forest District Council</p> <p>National Planning Policy Framework – paras. 157 to 162</p> <p>Planning Practice Guidance – Flood Risk and Coastal Change section</p>	<p>You need to do a sequential test if both of the following apply:</p> <ul style="list-style-type: none"> <li>• your development is in flood zone 2 or 3</li> <li>• a sequential test hasn't already been done for a development of the type you plan to carry out on your proposed site – contact the Council to find out if a test has already been carried out for the site.</li> </ul>	<p>For guidance on undertaking a sequential test please refer to:  <a href="https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants">https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants</a></p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>11.Heritage statement</b>	<p>New Forest District Local Plan Part 2: Sites and Development Management (2014) Policies DM1</p> <p>National Planning Policy Framework – paras. 189</p> <p>Planning Practice Guidance – Conserving and enhancing the historic environment section</p>	<p>A heritage statement should accompany all planning applications affecting a heritage asset, or its setting, and all applications for listed building consent. Heritage assets consist of: world heritage sites, scheduled monuments, listed buildings, protected wreck sites, registered parks and gardens, registered battlefields and conservation areas designated under the relevant legislation. It also includes assets identified by the local planning authority (including local listing). For the avoidance of doubt, this includes all applications for development with the curtilage of a listed building.</p>	<p>The assessment will need to describe the significance of any heritage assets affected by the proposed development. The level of detail necessary will vary according to an asset's importance and the nature of the development/works proposed. Heritage assets should be assessed using appropriate expertise where necessary.</p> <p>Applicants are advised to undertake a pre-application enquiry with the Council before any application is made. Further national advice on heritage significance is provided on the following web- page <a href="https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment">https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</a></p> <p>The Council has produced a number of Conservation Area Appraisals as well as guidance notes relating to heritage issues. These may be useful in preparing heritage statements and can be accessed through the following web-page:- <a href="https://www.newforest.gov.uk/article/1236/Conservation-areas">https://www.newforest.gov.uk/article/1236/Conservation-areas</a></p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>12.Land contamination Assessment</b>	<p>New Forest District Council Local Plan 2016-2036 Part 1 Planning Strategy CCC1</p> <p>New Forest District Local Plan Part 2: Sites and Development Management (2014) Policy DM5</p> <p>National Planning Policy Framework – paras. 178 and 179</p> <p>Planning Practice Guidance – Land Affected by Contamination section</p>	<p>All applications where</p> <ul style="list-style-type: none"> <li>• The proposed end use is sensitive to contamination</li> <li>• The sites are known or suspected of being affected by current or previous contaminating land uses</li> <li>• The proposed end use could cause contamination</li> </ul> <p>For all applications proposing new buildings where:</p> <ul style="list-style-type: none"> <li>- the development site is or has been used for purposes that may lead to ground contamination (eg. Industrial land, agricultural land where inappropriate spreading may have occurred); or</li> <li>- the site has a history of a contamination incident; or</li> <li>- the development site is within an established buffer zone to a site that is known to suffer from ground contamination (for example land where records held by the Council under Part 2A of the Environmental Protection Act 1990 indicates contamination is present).</li> </ul> <p>Where contamination is known or suspected or the development site is in the vicinity of such land, a report with a desk study listing current and historic uses of the site and adjoining land together with a site reconnaissance shall be provided to determine the likelihood of contamination.</p>	<p>General guidance is provided on the following website:-  <a href="https://www.gov.uk/guidance/land-affected-by-contamination">https://www.gov.uk/guidance/land-affected-by-contamination</a></p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>13.Landscape and Visual Impact Assessment</b>	<p>New Forest District Council Local Plan 2016-2036 Part 1 Planning Strategy ENV3 and ENV4</p> <p>National Planning Policy Framework – paras. 8, 170, and 172</p>	<p>- A Landscape and Visual Impact Assessment will be required, depending on the nature and type of the proposed development. Such an assessment will be required for applications proposing:-</p> <ul style="list-style-type: none"> <li>- development other than householder development in the Cranbourne Area of Outstanding Natural Beauty;</li> <li>- major development on un-developed land outside settlement boundaries;</li> </ul> <p>development that will have a more than insignificant impact on valued landscapes and/or views available to people and their visual amenity.</p>	<p>The assessment should identify the different elements that give a place its unique character - landform, woodlands and specimen trees, hedgerows, land use, historic artefacts, building styles and settlement patterns. From this assessment, it should be demonstrated to what extent the proposed development may alter the fabric, quality and character of the landscape. Reference should be made to the character Assessments on the Council's web site: <a href="https://www.newforest.gov.uk/article/1236/Conservation-areas#character">https://www.newforest.gov.uk/article/1236/Conservation-areas#character</a></p> <p>The assessment should also identify where the proposed development can be seen from (and record this information on a map with accompanying photographs/photomontages from the various viewpoints) the extent to which those views would be occupied by the proposed development (degree of visual intrusion), the distance of the viewpoint from the site and whether views would focus on the proposed development due to proximity or whether the proposed development would form one element in a panoramic view. Consideration should be given to seasonal differences arising from the degree of vegetative screening and filtering of views that will arise in summer/winter; and also to any cumulative effect of the proposals. From this assessment the change in the character of the landscape resulting from the proposed development and the change in views/visual amenity may be determined. The assessment should also clearly set out mitigation measures to</p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
			address any adverse landscape and/or visual effects identified
<b>14.Lighting assessment</b>	<p>New Forest District Council Local Plan 2016-2036 Part 1 Policy</p> <p>ENV3: Design quality and local distinctiveness, part (ii), Policy ENV4: Landscape character and quality, part (vi)</p> <p>National Planning Policy Framework – para. 125</p> <p>Planning Practice Guidance  <a href="https://www.gov.uk/guidance/light-pollution">https://www.gov.uk/guidance/light-pollution</a>)</p>	<p>Applications that propose development including artificial external lighting that may:-</p> <ul style="list-style-type: none"> <li>- materially alter light levels outside the application site; or</li> <li>- affect residential amenities, impact on visual amenities, highway/railway safety or natural environment</li> </ul> <p>All planning application proposing floodlighting.</p> <p>Applications in or adjacent to the Cranbourne Chase AONB which is an International Dark Sky Reserve.</p>	<p>The Lighting Assessment should include:-</p> <ul style="list-style-type: none"> <li>- details of the external lighting and hours when it will be switched on;</li> <li>- lighting layout plan with beam orientation and a schedule of the equipment proposed; details of lighting levels and assessment on how the proposed lighting may affect local amenity, intrinsically dark landscapes, natural conservation and highway/railway safety (or as appropriate)</li> </ul> <p>The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light' 2011 provides lighting designers, planners and environmental health officers with recognised technical limitations on stray light. Limits are provided for each environmental zone for each of the main sources of nuisance light pollution: sky glow, glare, spill and building illuminance.</p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<p><b>15.Noise assessment</b></p>	<p>New Forest District Council Local Plan 2016-2036 Policy STR1 Achieving sustainable development, Policy ENV3: Design quality and local distinctiveness, part (ii)</p> <p>National Planning Policy Framework – para. 180</p> <p>Planning Practice Guidance</p>	<p>All applications proposing:</p> <ul style="list-style-type: none"> <li>• new development that may create additional noise in areas where noise sensitive development already exists; and</li> <li>• new noise sensitive development in areas that already experiences significant noise levels.</li> </ul> <p>Including:-</p> <ul style="list-style-type: none"> <li>- development for Class B2 uses</li> <li>- development that incorporates HGV turning, loading and unloading areas (such as large retail developments);</li> <li>- development that incorporates external plant and equipment that generates noise;</li> <li>- development that may result in noise associated with the users of the proposal, particular outside daylight hours e.g. night clubs, event venues</li> </ul> <p><b>Noise sensitive development</b> will include residential properties, hostels and hotels. Applications for noise sensitive development adjacent to major road/transport infrastructure and other significant sources of noise;</p>	<p>Any noise assessment shall need to have regard to the advice contained in the Planning Practice Guidance (<a href="https://www.gov.uk/guidance/noise--2">https://www.gov.uk/guidance/noise--2</a>) Noise assessments will need to establish the observed effect levels relevant to the proposed development and where appropriate set out proposed mitigation measures to address noise issues. This may include details of sound insulation.</p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>16.Nutrient budget and nutrient neutrality and mitigation strategy</b>	New Forest District Council Local Plan 2016-2036 Part 1 STR1: Achieving sustainable development, part (iii), Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites, parts (i) and (iv)	All applications proposing: <ul style="list-style-type: none"> <li>• Net additional dwellings</li> <li>• Units of visitor or institutional accommodation, or other proposals that include overnight stays including campgrounds, will be calculated on a dwelling-equivalent basis.</li> </ul>	A nutrient budget and nutrient mitigation strategy for the development covering both foul drainage and surface runoff. Currently required for nitrogen in the Solent catchments, and for phosphate in most of the Avon catchment. Development that connects to Christchurch WWTW via the sewer network is currently exempted.  The calculators, links to natural England guidance and the (forthcoming) NFDC Nutrient Neutrality guidance can be found here <a href="https://www.newforest.gov.uk/article/1206/Nutrient-Neutral-Development">https://www.newforest.gov.uk/article/1206/Nutrient-Neutral-Development</a>
<b>17.Mineral Resource assessment</b>	NPPF para 205. Hampshire Minerals and Waste Plan 2013 Policy 15 and 16  New Forest District Council Local Plan 2016- 2036 Part 1 policies SS1-18	All large scale applications. All allocated strategic site applications where minerals safeguarding are issues identified. Other sites within minerals safeguarding areas.	A statement to demonstrate the level and type of minerals resource on the site. This will involve a phase I survey of the site and identification of the likely impact of the development as well as mitigation measures to safeguard future minerals resources on the site. The detailed Minerals Safeguarding Assessment should include any measures that are to be taken to recover minerals from the site.
<b>18.Open Space/ recreational Facilities Assessment</b>	New Forest District Council Local Plan 2016-2036 Part 1 Policy ENV3: Design quality and local distinctiveness, part (vi)  New Forest District Council Core Strategy (2009) Saved Policy	Required for applications within or affecting open space, including the loss of open space, playing fields, bowling green etc. plans should show any areas of existing or proposed open space within or adjoining the application site and demonstrate through an independent assessment that the land or buildings are surplus to	An assessment will need to show the impact of the proposed development on the need for recreational facilities and open space in the area of the application site.  The recommended methodology is set out in Fields in Trust, Guidance for Outdoor Sport and Play 2018



Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
	<p>CS7: Open spaces, sport and recreation</p> <p>New Forest District Local Plan Part 2: Sites and Development Management (2014) Policies DM8 and DM9</p> <p>National Planning Policy Framework – para. 96 and 97</p> <p>Planning Practice Guidance</p> <p><a href="https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities">https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities</a></p>	<p>local requirements. Proposals introducing new open space will need to be supported by a long term Maintenance and Management Plan.</p>	<p><a href="http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England-Apr18.pdf">http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England-Apr18.pdf</a></p>
<p><b>19.Parking Provision</b></p>	<p>New Forest District Council Local Plan 2016-2036 Part 1 Policy ENV3: Design quality and local distinctiveness, part (IV), Policy CCC2: Safe and sustainable travel IMPL2</p>	<p>Required for all applications where new dwellings and/or floorspace is proposed or where a loss of existing car parking is involved.</p>	<p>All (non-householder) applications will be required to provide details of existing and proposed parking provision, including cycle parking, and to justify the level of provision. For major applications, applicants will be required to justify proposals which exceed the Council's maximum/required parking standards set out in the SPD:</p> <p><a href="https://www.newforest.gov.uk/media/759/Parking-Standards/pdf/Parking_Standards.pdf?m=637298154628700000">https://www.newforest.gov.uk/media/759/Parking-Standards/pdf/Parking_Standards.pdf?m=637298154628700000</a></p> <p>Details of electric charging infrastructure</p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
	<p>New Forest District Council Parking Standards Supplementary Planning Document (SPD)(2012)</p> <p>National Planning Policy Framework – para. 102, 105 and 106</p>		
<b>20.Planning Statement</b>	National Planning Policy Framework – para.43	<p>Planning Statement setting out comments in support of proposals can be submitted with any planning application. However a statement will be required for</p> <ul style="list-style-type: none"> <li>• all major planning applications</li> <li>• applications that are not in accordance with the development plan</li> <li>• proposals that require detailed policy consideration</li> </ul>	<p>Planning statements should include all comments the applicants want the Council to consider in support of the proposal. In particular statements should:-</p> <ul style="list-style-type: none"> <li>- explain why the proposal complies with relevant development plan policies; or if not in accordance with such policies;</li> <li>- explain why the applicant(s) consider permission should be granted contrary to development plan policies.</li> </ul> <p>Planning statements may also usefully include additional information, such as suggested planning conditions and expand on information provided on the application form. It would also be helpful for such documents to include an explanation as to why it is considered the proposal represents sustainable development, having regard to the advice in the National Planning Policy Framework.</p>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
<b>21.Recreational mitigation strategy, New Forest and the Solent Coast</b>	New Forest District Council Local Plan 2016-2036 Part 1, Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites	<p><u>New Forest</u>            Sites providing 50 or more homes, the threshold for on-site provision of ANRG (alternative natural recreational greenspace) to mitigate recreational visits to the New Forest European Sites</p> <p>For sites of less than 50 homes, mitigation is secured by a financial contribution</p> <p><u>Solent Coast</u>            All residential development within 5.6km of the Solent coast. Mitigation is secured by a financial contribution</p>	<p>A demonstration with accompanying layout plans, commentary and a land budget to demonstrate that on-site ANRG provision will be both quantitatively sufficient for the number and size of dwellings proposed, of sufficient quality and character to be effective and attractive for recreational use as an alternative to visiting the New Forest European sites.</p> <p>A recreational mitigation land requirement calculator is available here  <a href="http://forms.newforest.gov.uk/ufs/ufsmain?formid=POS_ANRG&amp;ebz=1_1598465693608&amp;ebd=0&amp;ebz=1_1598465693608">http://forms.newforest.gov.uk/ufs/ufsmain?formid=POS_ANRG&amp;ebz=1_1598465693608&amp;ebd=0&amp;ebz=1_1598465693608</a></p> <p>The Mitigation Strategy For European Sites SPD provides qualitative and design guidance for the layout of recreational mitigation land  <a href="https://www.newforest.gov.uk/media/757/Mitigation-Strategy-for-European-Sites/pdf/Mitigation_Strategy_SPD.pdf?m=637298154069500000">https://www.newforest.gov.uk/media/757/Mitigation-Strategy-for-European-Sites/pdf/Mitigation_Strategy_SPD.pdf?m=637298154069500000</a></p>

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<b>22.Retail Impact Assessment/</b>	<p>New Forest District Council Local Plan 2016-2036 Part 1 ECON5</p> <p>National Planning Policy Framework – para. 89</p> <p>Planning Practice Guidance  <a href="https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres">https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres</a>)</p>	Retail development of over 1,000sqm gross internal area (GIA) outside of town centre boundaries needs a Retail Impact Assessment. In villages and locations outside defined built up areas retail developments of over 500sqm GIA will need a retail impact assessment	<p>Retail Impact Assessments will need to include evidence/information to show the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.</p> <p>Further information and guidance on these assessments is included as part of the Planning Practice Guidance see <a href="https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres">https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres</a></p>
<b>23.Rural Workers' Dwelling Justification</b>	<p>New Forest District Local Plan Part 2: Sites and Development Management (2014) Policy DM21</p> <p>National Planning Policy Framework – para. 79</p>	Where an application is made for a dwelling in a rural location and justified by its association with an agricultural/forestry or other rural business need.	<p>For a permanent dwelling, the document should include:-</p> <ul style="list-style-type: none"> <li>- evidence of functional need for the proposed dwelling;</li> <li>- information to demonstrate the associated enterprise is viable and clear prospects of doing so;</li> <li>- evidence that any need for the dwelling cannot be met by existing dwelling or re-use of existing building;</li> <li>- evidence that the size of the dwelling is commensurate with functional requirements of the enterprise.</li> </ul> <p>-audited financial accounts for 2 years and final year draft accounts</p> <p>For a temporary dwelling on a new rural enterprise, the document should include evidence to show compliance with economic and functional tests and no appropriate accommodation available in the locality.</p>

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<b>24. Structural Survey</b>	New Forest Local Plan policy CS7  National Planning Policy Framework – para. 44	A structural survey is required with:- - planning application/applications for listed building consent for works that include demolition of all or a significant part of a listed building; or - a planning application proposing the conversion of an existing rural building; or - an application proposing the replacement of existing rural building with a new building, In order to help show the accommodation needs cannot be met through alterations, extension and/or refurbishment. -demolition of a building where it would result in the loss of a sport, recreation or play facility where a replacement of equal or better quality is not proposed	The survey document shall accurately describe the structural condition of the building to be demolished/converted. For applications proposing demolition of the building (be it listed, locally listed or building to be replaced) the survey shall set out an explanation as to why repairs works or alterations could not be carried out to address any structural problems. For applications seeking permission for conversion of rural buildings a full schedule of works (with plans) will be required to clearly explain and illustrate the works required to carry out the proposed conversion.
<b>25. Sustainability Statement</b>	New Forest District Council Local Plan 2016-2036 Part 1 STR1 ENV3  New Forest District Local Plan Part 2: Sites and Development Management (2014) Policy DM1	All planning applications for new residential, mixed use, commercial, retail, community or leisure uses with the following exceptions: 1. “Householder” applications for alterations and extensions to dwelling houses. 2. Alterations and extensions to existing non-residential buildings, including: <ul style="list-style-type: none"> <li>• Extensions of up to 10% additional gross internal floorspace, to a maximum of 250m<sup>2</sup>.</li> <li>• External works where no additional floorspace is being created, such as: New air-conditioning units New shopfronts New windows</li> </ul>	A Sustainability Statement is a comprehensive document that covers all aspects of the environmental impact of a proposed development. The following are examples of what a Statement can include,  <ul style="list-style-type: none"> <li>- Water Efficiency calculations.</li> <li>- Flood Risk Analysis.</li> <li>- Drainage Strategy.</li> <li>- Community Impact.</li> <li>- Transport Impacts.</li> <li>- Daylight Assessments.</li> <li>- Thermal Comfort.</li> <li>- The Sourcing of Materials.</li> <li>- Impact on Pollution.</li> <li>- Impact on Ecology.</li> </ul>

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		<p>3. Applications for planning permission proposing a “change of use” <b>only</b> (unless over 1,000m<sup>2</sup> floorspace). The exemption for changes of use is only offered to proposals that involve no increase in floorspace or subdivision of units.</p> <p>4. Applications that are themselves solely for the installation of energy efficiency measures or renewables.</p>	<p>Statement of design measures that improve resource efficiency and Climate Change Resilience</p> <p>Applicants are advised to undertake a pre-application enquiry with the Council which will provide advice on what should be covered in a Sustainability Statement in respect of the proposed development.</p>
<p><b>26.Sustainable Drainage System Strategy</b></p>	<p>New Forest District Council Local Plan 2016-2036 Part 1 STR1: Achieving sustainable development, part (iii), ENV3: Design quality and local distinctiveness, part (v) New Forest District Council Core Strategy (2009) Policies CS1, CS2 and CS6</p> <p>National Planning Policy Framework – para. 163</p>	<p>This applies to all applications proposing 10 or more residential (and sites over 0.5ha) -units or 1000 sq. gross floorspace or more.</p>	<p>In addition to any requirement for a Flood Risk Assessment (FRA), the following information with regard to surface water drainage must be submitted:</p> <p><b>Outline Planning Application</b></p> <p>Any outline application for a development falling within the definition of ‘major’ shall be accompanied by a drainage strategy. Information to include:</p> <ul style="list-style-type: none"> <li>• indicative sustainable drainage principles for the development</li> <li>• drainage drawing and calculations to show that a drainage option is viable for the 1:100 + climate change storm</li> <li>• topographical survey showing how water naturally flows on the site together with groundwater and land drainage flows</li> <li>• proposed destination for surface water post-development</li> <li>• ground investigation results for infiltration (if appropriate)</li> <li>• Information on groundwater levels</li> </ul>

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			<p>in accordance with BRE365</p> <ul style="list-style-type: none"> <li>• existing and/or proposed watercourses</li> <li>• existing and/or proposed surface water sewers and/or pumping stations</li> <li>• surface water flows onto the site, flows from the site and flood risk to and from the site</li> <li>• offsite works which may be required to provide surface water drainage or mitigate against flood risk</li> <li>• sensitive receptors</li> <li>• general maintenance principles</li> </ul> <p><b>Full Planning Application</b></p> <p>In addition to details required for an Outline application (listed above) the following shall be provided:</p> <ul style="list-style-type: none"> <li>• details of compliance with Defra non-statutory technical standards</li> <li>• off-site works</li> <li>• consents required</li> <li>• flow paths through the development</li> <li>• surface water storage volumes and locations (including network calculations and drainage plan)</li> <li>• sub-catchment areas</li> <li>• treatment train components</li> <li>• proposed landscaping and/or vegetative systems</li> </ul> <p>design calculations for:</p> <ul style="list-style-type: none"> <li>- greenfield run-off</li> <li>- brownfield run-off if appropriate (including reductions)</li> <li>- peak flow rates</li> </ul>

Description	Justification & details of the policy driver i.e. National Planning Policy and Local Plan policy	Types of application or development that require this information	What is required
			<ul style="list-style-type: none"> <li>- surface water volumes</li> <li>- storage requirements</li> <li>- drain down times</li> <li>- multi-use areas</li> <li>- exceedance routes</li> <li>- temporary drainage during construction</li> <li>- climate change allowances</li> <li>- future development allowances</li> <li>• details of how the sustainable drainage system is to be maintained, and by whom, for the lifetime of the development</li> </ul>



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<p><b>27. Telecommunication Statement</b></p>	<p>National Planning Policy Framework – para. 115</p>	<p>All applications proposing telecommunications development, including applications for prior approval under part 16 of the Town and Country Planning (General Permitted Development) Order) 2015.</p>	<p>In line with the policy drivers, planning applications should be accompanied by a range of supplementary information including:-</p> <ul style="list-style-type: none"> <li>• outcome of consultations with organisations with an interest in the proposed development (see NPPF para. 115);</li> <li>• for an addition to an existing mast or a base station or for a new mast or base station</li> <li>• a statement that self-certifies that the cumulative exposure will not exceed International Commission on non-ionising radiation protection guidelines; for a new mast or base station,</li> <li>• evidence that shows the possibility of erecting antennas on an existing building, mast or other structure.</li> </ul> <p>To support this evidence, details of the operational requirements of the telecommunications networks and the technical limitations of the technology should be provided.</p>

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<p><b>28. Transport assessment (TA)</b></p>	<p>New Forest District Council Local Plan 2016-2036 STR7 and CCC5</p> <p>New Forest District Council Parking Standards Supplementary Planning Document (SPD)(2012) National Planning Policy Framework – para. 111</p> <p>Planning Practice Guidance – (section on Travel Plans, transport assessment and statement)</p>	<p>In determining whether a Transport Assessment or Statement will be needed for a proposed development the local planning authority will take into account the following considerations:</p> <ul style="list-style-type: none"> <li>• New Forest District Council Core Strategy (2009) Policy CS24;</li> <li>• the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement);</li> <li>• existing intensity of transport use and the availability of public transport;</li> <li>• proximity to nearby environmental designations or sensitive areas;</li> <li>• impact on other priorities/strategies (such as promoting walking and cycling);</li> <li>• the cumulative impacts of multiple developments within a particular area; and</li> <li>• whether there are particular types of impacts around which to focus the Transport Assessment or Statement (e.g. assessing traffic generated at peak times).</li> </ul>	<p>Where required the TA should illustrate accessibility to the site by all modes of transport, for example cycle, foot or car, as well as giving details of measures which will</p> <p>a) improve public transport; b) reduce the need for parking; and, c) mitigate transport impact</p>

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<b>29. Transport Statement</b>	<p>New Forest District Council Local Plan 2016-2036 Policy STR7</p> <p>National Planning Policy Framework – para. 111</p> <p>Planning Practice Guidance – (section on Travel Plans, transport assessment and statement)</p>	For developments with anticipated limited transport impacts.	Transport Statements similar to a TA but are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development.
<b>30. Travel Plan</b>	<p>New Forest District Council Local Plan 2016-2036 Policy STR7 and CCC5</p> <p>New Forest District Council Parking Standards Supplementary Planning Document (SPD)(2012)</p> <p>National Planning Policy Framework - para. 111 Planning Policy Guidance</p>	<p>In determining whether a Travel Plan will be needed for a proposed development the local planning authority will take into account the following considerations:</p> <ul style="list-style-type: none"> <li>• New Forest District Council Core Strategy (2009) Policy CS24;</li> <li>• the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Travel Plan);</li> <li>• existing intensity of transport use and the availability of public transport;</li> <li>• proximity to nearby environmental designations or sensitive areas;</li> <li>• impact on other priorities/ strategies (such as promoting walking and cycling);</li> <li>• the cumulative impacts of multiple developments within a particular area;</li> </ul>	<p>A travel plan should set out measures to reduce the demand for travel by private cars and encourage cycling, walking and public transport use through agreed targets and monitoring arrangements.</p> <p>For town centre development applications, draft travel plans will need to show that the needs of alternative powered vehicles have been considered.</p> <p>Further advice is included on the following webpages:- <a href="https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements">https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements</a></p>

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		<ul style="list-style-type: none"> <li>whether there are particular types of impacts around which to focus the Travel Plan (e.g. minimising traffic generated at peak times); and</li> </ul> <p>A Travel Plan is also required with all Transport Assessments.</p>	
<b>31.Tree Survey/ Arboricultural Statement</b>	New Forest District Local Plan Part 2: Sites and Development Management (2014) Policy DM9 National Planning Policy Framework - para. 175	<p>An arboricultural report (see Table 2) must be submitted where there are trees within a proposed application site, or on land adjacent to an application site (including trees in neighbouring gardens and street trees), that could influence or be affected by the development, including works such as site access, service routes and site compounds. Information will be required on which trees are to be removed and retained, the means of protecting those to be retained during demolition and construction works and compensatory planting for removed trees.</p>	<p>An arboricultural statement should show how the tree constraints on and adjacent to the site have been correctly incorporated into the design and how these trees are to be retained without damage during construction and future occupancy. The statement must be produced in line with the guidelines set out within BS5837:2012 and shall include:</p> <p>(i) <i>Tree survey drawing and schedule</i> - The survey shall provide clear data regarding the species, size, age, condition and useful life expectancy of trees. It shall also categorize trees, groups of trees or woodlands in terms of their quality and value within their <i>existing context</i> and not within the context of the proposals.</p> <p>(ii) <i>Arboricultural Constraints Plan (ACP)</i> – An aid to layout design that shows tree Root Protection Areas (RPA) as well as representing the effect that the mature height and spread of retained trees will have on the development. The ACP shall incorporate the tree survey information as well as illustrate both the above-ground (shade patterns) and belowground RPA constraints posed by the trees.</p> <p>(iii) <i>Tree Protection Plan</i> – scale drawing</p>

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			<p>produced by an arboriculturalist showing the finalised layout proposals, tree retention and tree and landscape protection measures detailed within the arboricultural method.</p> <p>(i) <i>Arboricultural Method Statement (AMS)</i> – sets out the information regarding the measures to be taken to protect the trees shown to be retained on the submitted drawings. Also detail the methodology for the implementation of any aspect of the proposal that has the potential to result in loss or damage to a tree.</p>
<b>32. Viability Appraisal</b>	<p>New Forest District Council Local Plan Part One 2016-2036 Policy HOU2: Affordable housing, Policy IMPL1: Developer contributions</p> <p>National Planning Policy Framework – para.56,57 and 62 Planning Practice Guidance</p> <p>RICS Guide to Planning and Viability Appendix C</p>	<p>Required for major development of 1- or more units where the applicant is proposing that they can not provide the full range of S106 requirements, which includes affordable housing due to financial viability issues.</p> <p>The NPPF and accompanying PPG require that all viability assessments must be published for public scrutiny. Financial viability appraisals/assessments must be completed in accordance with the standards set out in the PPG.</p> <p>The Financial Viability Appraisal must be accompanied by an agreement that the applicant will pay for the reasonable costs of an independent appraisal of the submitted viability assessment.</p>	<p>RICS Guide to Planning Viability Appendix C details what a viability assessment should comprise.</p>
<b>33. Ventilation/ Extraction Statement</b>	<p>New Forest District Local Plan Part 2: Sites and Development Management ( 2014)</p>	<p>All applications where extraction equipment for the preparation of cooked food is to be installed.(excluding alterations to existing dwellings and</p>	<p>Statements should include</p> <ul style="list-style-type: none"> <li>• details of measures for fume extraction, including the mechanical equipment proposed,</li> <li>• the location of any external pipework or flues</li> </ul>

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		<p>proposals for new dwellings)</p> <p>A statement will be required with all applications for new restaurants, hot food takeaways and bars/pubs which sell hot food where they are proposed next to residential property, including flats.</p>	<p>and the means by which a chimney would be capped to prevent ingress by rain.</p> <ul style="list-style-type: none"> <li>• An assessment of the potential for smoke, grease and odour from commercial kitchen extracts</li> <li>• The location and specifications of any smoke, grease or odour abatement systems and a schedule of maintenance for those abatement systems.</li> </ul>