

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 12 JANUARY 2022 AT 9.00 AM*

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

Enquiries to: Email: karen.wardle@nfdc.gov.uk
Tel: 023 8028 5071

PUBLIC PARTICIPATION:

Members of the public may watch this meeting live on the [Council's website](#).

*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

Claire Upton-Brown
Executive Head Planning, Regeneration and Economy

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

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

AGENDA

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

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 8 December 2021 as a correct record.

2. 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.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Kingfisher Cottage, Salisbury Road, Burgate, Fordingbridge (Application 21/11256) (Pages 5 - 12)**

Change of use of existing leisure building to holiday let; windows to south elevation

RECOMMENDED:

Refuse

- (b) **24 Oakwood Avenue, Ashley, New Milton (Application 21/11313) (Pages 13 - 20)**

Single-storey front and rear extensions; new garage with office/storage space above

RECOMMENDED:

Grant subject to conditions

- (c) **11 Marine Drive, Barton-on-Sea, New Milton (Application 21/11349) (Pages 21 - 28)**

Outbuilding (to replace existing outbuilding to be demolished)

RECOMMENDED:

Grant subject to conditions

- (d) **Corboy, Wiltshire Road, Bransgore (Application 21/11400) (Pages 29 - 36)**

Replacement dwelling

RECOMMENDED:

Grant subject to conditions

- (e) **Land off, Moore Close, New Milton (Application 21/10932) (Pages 37 - 60)**

Affordable Housing Development consisting of 10 Houses and 6 apartments

RECOMMENDED:

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to, an obligation for the provision and retention of at least 50% of the homes on the site to be affordable, an obligation to pay the relevant financial contributions and the imposition of conditions.

(f) **7-9 Rumbridge Street, Totton (Application 21/11281) (Pages 61 - 74)**

Construction of 6 x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1 x dwelling; part demolition of existing building (outline application with details only of access, layout and scale)

RECOMMENDED:

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion by the landowner of a planning obligation entered into by way of a section 106 Agreement (or unilateral undertaking) and the imposition of conditions.

(g) **3 Farnleys Mead, Lymington (Application 21/11438) (Pages 75 - 80)**

Single-storey side extension

RECOMMENDED:

Grant subject to conditions

(h) **Land at Burgate Acres, Salisbury Road, Burgate, Fordingbridge (Application 20/10228) (Pages 81 - 84)**

Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings

RECOMMENDED:

To allow a further one month period until the end of January 2022 for the completion of the S106 Agreement and the issuing of the Planning Permission.

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

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.

To: Councillors:

Christine Ward (Chairman)
Christine Hopkins (Vice-Chairman)
Ann Bellows
Sue Bennison
Hilary Brand
Anne Corbridge
Kate Crisell
Allan Glass

Councillors:

David Hawkins
Maureen Holding
Mahmoud Kangarani
Joe Reilly
Barry Rickman
Tony Ring
Ann Sevier
Malcolm Wade

Planning Committee 12 January 2022

Application Number: 21/11256 Full Planning Permission

Site: KINGFISHER COTTAGE, SALISBURY ROAD, BURGATE,
FORDINGBRIDGE SP6 1LX

Development: Change of use of existing leisure building to holiday let; windows
to south elevation

Applicant: Mr Pritchard

Agent:

Target Date: 08/11/2021

Case Officer: James Gilfillan

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the use
- 2) Flood Risk
- 3) Ecology

This application is to be considered by Committee because of the support of Fordingbridge Town Council

2 SITE DESCRIPTION

The site is on the east side of Salisbury Road to the north of Fordingbridge in Burgate. It is sandwiched between Salisbury Road and the River Avon to the east. The New Forest National Park boundary cuts across the site.

The site is occupied by a house with 2 large outbuildings, one in use as a garage and garden store, the second a games room used by the residents. There are 2 vehicle accesses to the site, either side of the house.

The applicant owns land across the river, accessed by bridges, and extending alongside it to the north. The application site is restricted to the south west part of the site falling in the jurisdiction of the District Council, relating to the games room outbuilding.

The ground slopes down away from Salisbury Road towards the river. Being adjacent to the river, the area is at risk of flooding, however the river is heavily managed by sluice gates and a slipway, both within the control of the applicant.

The site is outside the built-up areas identified by the development plan. Land opposite on Salisbury Road is within the built-up area of Fordingbridge, being allocated for housing as Strategic Site 18. The Fairgate employment centre is located on the land opposite the site, Burgate farm and Fordingbridge day nursery.

3 PROPOSED DEVELOPMENT

Change of use of existing leisure building to holiday let; windows to south elevation

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
11/96666 Outbuilding (Lawful Development Certificate that permission is not required for proposal)	19/04/2011	Was Lawful	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR3: The strategy for locating new development

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 ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM13: Tourism and visitor facilities

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

Relevant Advice

National Planning Policy Framework

Constraints

NFSFRA Fluvial

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend PERMISSION under PAR3, as it is a good use of the building.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency: No objection subject to a condition securing the building remains ancillary to the main house and does not become a separate dwelling itself.

New Forest National Park Authority: No objection subject to securing mitigation for recreational impact on protected habitats in the New Forest National Park.

Hampshire Fire & Rescue Service: Comment Only

9 REPRESENTATIONS RECEIVED

None received

10 PLANNING ASSESSMENT

Principle of Development

The building subject to this application is subject to a certificate of lawfulness as an outbuilding, used as a games room, incidental to the enjoyment of the occupiers of the house.

The application proposes to convert the building to a three bedroom holiday residential unit. Such proposals are managed by policy DM13 of local plan part 2. That policy directs such holiday uses to the identified built up areas across the district. However it does recognise that where, as with this application, the site falls outside the built-up areas, in the open countryside that tourism accommodation can be supported in a range of circumstances. This application does not meet any of the scenarios supported by the policy.

This proposal would be contrary to that policy, however it has to be recognised that the site is immediately adjacent to the built-up area of Fordingbridge and on a site that is not readily open countryside, nor in such an isolated location.

Tourism is accepted as an important part of the local economy by the development plan and DM13 seeks to balance the environmental impacts such development can have. Largely down to the impact on the character and appearance of the rural landscape due to increased built form, but also leading to additional activity in rural parts of the district not readily supported by services and facilities.

This proposal would have economic benefits, investing in an existing building and bringing spend to local towns and tourism attractions.

Despite being outside the built up area, the site is not isolated from other development or a significant distance from services likely to support its use. Furthermore the mixed character of the area, would be able to accommodate the proposed use.

Whilst the proposal is not directly supported by the aspirations of DM13, it is also not considered to result in the impacts the policy seeks to manage. Most notably it would not give rise harmful impacts on rural communities or the countryside.

Flood Risk

Being adjacent to the river, the site is at risk of fluvial flooding. The representation from the Environment Agency accepts no greater risk would arise, provided occupation remains ancillary to the main house and does not become a separate residential unit, a change that would require planning permission.

Based on the range of sluices, the slipway and height of the embankment between the site and the main river, it is considered there would be a low risk of flooding occurring to the extent of placing occupants at significant risk.

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

The building has limited architectural merit, contrasting with the appearance of the surrounding building. It is set back behind the house so not readily visible in the streetscene.

The application proposes to add two windows to the south elevation, facing the boundary. These would be in keeping with the character of the existing building.

Conversion of the building would preserve the existing landscape setting. In accordance with NPPF para 176 great weight is given to the importance of conserving and enhancing landscape and natural beauty in National Parks. The building already exists as does its presence in the backdrop of the National Park. The alternative proposed use would not introduce any features to the detriment of the landscape and scenic setting of the National Park.

There are listed buildings close to the site, at Burgate Farm and to the south on Salisbury Road. However, these buildings are not so close that their setting and integrity as heritage assets would be effected.

Highway safety, access and parking

The house already benefits from two vehicle accesses, as such should the access directly serving the proposed holiday unit, be retained for that unit, the house would still be safely served by adequate parking and manoeuvring space.

Sufficient space is available for parking for the proposed use, the existing access would be retained, providing safe access.

Residential amenity

The outdoor space associated with the proposed holiday unit and the existing house are immediately adjacent to each other, potentially compromising each others enjoyment. However, this is a matter for the applicant, as occupier/owner of the house to consider and manage accordingly.

The amenity and privacy of neighbours to the south would be unaffected due to the respective layouts, distances and outbuildings.

Ecology

Conversion of the building would have not impact on local ecology. There would be no loss of landscape around the building, nor any activities materially different or greater in scale than the existing residential occupation that would impact on ecology.

All overnight tourism accommodation is recognised as contributing to effects on protected habitats and species in the important and sensitive habitats in the New Forest. Financial contributions towards identified mitigation projects could be secured. Furthermore contributions towards monitoring air quality in the New Forest would be required.

At the time of writing no such mitigation has been made or secured by way of binding S.106 undertaking. As such the likely significant effects on the important sensitive habitats would not be mitigated.

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and River Avon European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon.

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new overnight accommodation development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, a further reason for refusal must be introduced.

Developer Contributions

As part of the development, the following is required to be secured via a Section 106 agreement:

- New Forest recreation Infrastructure projects: £4,020.90
- New forest recreation non-infrastructure revenue projects £584.22
- Air quality monitoring £85.00

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	83.56	83.56	0	0	£80/sqm	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

11 CONCLUSION

The principle of the development has economic benefits and environmental benefits of preserving the character of the area and being located adjacent to the built-up area.

However such benefits would be outweighed by the failure to mitigate the effect of the development on protected and sensitive habitats in the New Forest and along the River Avon, in the absence of which the scheme would fail an Appropriate Assessment of the habitats regs and would not deliver sustainable development.

The application is recommended for refusal.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policies STR1 and ENV1 of the New Forest District Local Plan Part 1: Planning strategy 2020.
2. 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 proposal will result in new units of residential accommodation which will potentially have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), the Avon Valley Special Protection Area and the River Avon Ramsar site. A precautionary approach is required to be adopted and, in this case, an Appropriate Assessment has been carried out, with it not being possible to rule out adverse impacts on the integrity of the SAC, SPA and Ramsar site. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District (outside of the National Park).

Further Information:

James Gilfillan

Telephone: 02380 28 5797

NFDC



New Forest DISTRICT COUNCIL

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PLANNING COMMITTEE

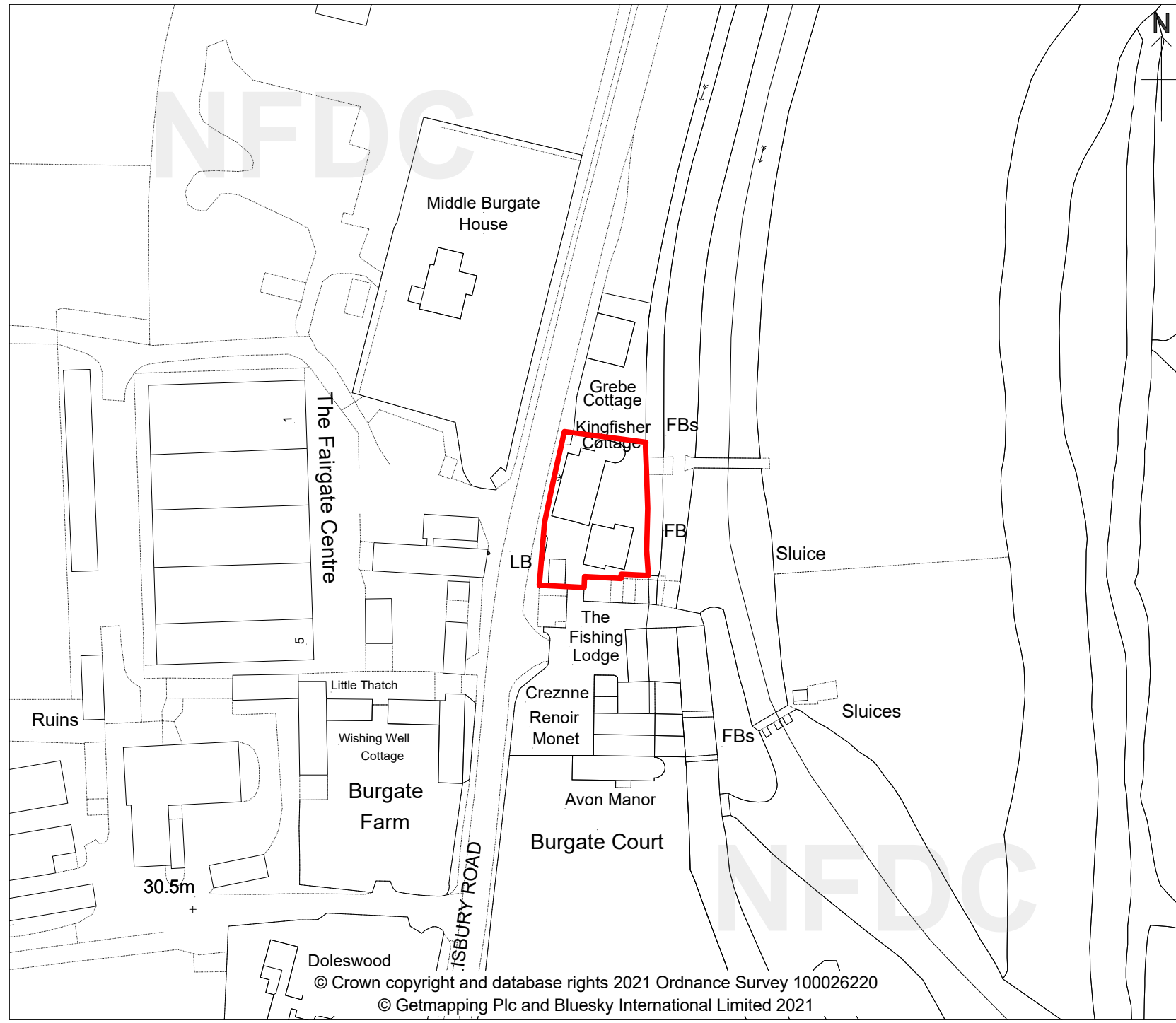
January 2022

KINGFISHER COTTAGE
SALISBURY RD, BURGATE
FORDINGBRIDGE, SP6 1LX
21/11256

Scale 1:1250

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

11



NFDC

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Planning Committee 12 January 2022

Application Number: 21/11313 Full Planning Permission

Site: 24 OAKWOOD AVENUE, ASHLEY, NEW MILTON BH25 5DY

Development: Single-storey front & rear extensions; new garage with office/storage space above

Applicant: Mr & Mrs Kelsey

Agent: Simpson Hilder Associates

Target Date: 15/11/2021

Case Officer: Kate Cattermole

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Impact on street scene and character of the area
2. Neighbour amenity
3. Protected trees

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

2 SITE DESCRIPTION

The application site is situated in an established residential area, in the built up area of New Milton.

The application site consists of a detached chalet style dwelling with front and rear dormers, and a rear conservatory. The dwelling is located on an outward bend, forming a wide frontage, with the site tapering to the rear of the dwelling and then widening out at the end of the garden. The plot backs onto a garage block in the adjacent Woodvale Gardens, and the land levels decline towards the rear boundary of the site. There are several single storey outbuildings concentrated in the area at the end of the garden of varying appearance and materials, including a double carport. The area housing the outbuildings has a graveled surface, but there is an existing tarmaced driveway which runs the majority of the length of the garden providing access to this area.

A Tree Preservation Order (69/01) which relates to 7 Oak trees on land between Oakwood Avenue and Woodvale Gardens, extends over the rearmost part of the application site. There are also a number of other trees within the immediate area of the application site.

3 PROPOSED DEVELOPMENT

The application is for single storey front and rear extensions to the dwellinghouse; the rear extension would replace in part the existing conservatory with a larger flat roofed structure with roof lantern over. The proposal also seeks permission for a two storey detached outbuilding to be utilised as a double garage and workshop with office over to be sited at the end of the garden, which would replace the existing double carport, attached shed and portacabin.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
11/96771 1.95 metre high front boundary fence	02/06/2011	Refused	Decided
95/NFDC/57350 Extension/dormers & roof alts to form rooms in roof	18/09/1995	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

New Milton Neighbourhood Plan

Policy NM4 - Design Quality

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

Constraints

Tree Preservation Order: 69/01/G1

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council comments 4 November 2021

OBJECT (non-delegated)

1. Detrimental impact to group of TPO trees to the rear of the site, TPO/0069/01
2. No vehicular access to the garage without risk of damaging tree roots.
3. Overdevelopment concerning the proposed garage/office space
4. Lack of ecological enhancements
5. Should it be approved, the Council would want a condition that the garage is not used for ancillary living accommodation.

New Milton Town Council, Town Hall comments 6 December 2021

OBJECT (non-delegated) The Council do not feel that the amended plans have mitigated our concerns and our reasons for objection still stand.

1. Detrimental impact to group of TPO trees to the rear of the site, TPO/0069/01
2. No vehicular access to the garage without risk of damaging tree roots.
3. Overdevelopment concerning the proposed garage/office space
4. Lack of ecological enhancements

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

Environmental Health Contaminated Land: no concerns

NFDC Tree Team: no objection Subject to Condition(s)

9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 2

comments received from Mr Marshall, 20 Oakwood Avenue (on original submission):

- no objections to the proposed extensions to the dwelling
- no reason to approve higher front boundary fence [wall]
- proposed garage/office should not adversely impact property, unless any fenestration at first floor level results in overlooking.
- possibility in future proposed outbuilding could be converted to a separate residential dwelling
- concerns with impact on root system of protected tree, T1 which is on neighbour's property
- replacement of recently felled diseased trees

Objections:

Mrs Charge 21 Oakwood Avenue (objection to original submission):

- no need for a two storey building - denotes a commercial building not a residential one
- concerns with potential loss of trees due to proposal - road suffers with subsidence and flooding and removal of trees would be detrimental
- outbuilding would ruin outlook and perception of overlooking and loss of privacy for neighbours in immediate location of application site

Mr & Mrs Farrer 22 Oakwood Avenue (objections to original submission and amended plans):

- Overlooking, as 4 windows shown on rear elevation on amended plan, why are windows on front roofslope required?
- size of outbuilding not conducive to be sited in rear garden
- assurances that two mature oak trees that were felled would be replaced

10 **PLANNING ASSESSMENT**

Principle of Development

Amended plans and a change to the description was accepted during the course of the application. Originally the proposal also included changes to the front boundary, but this has now been removed from the description and does not fall to be considered. The amendments also included changes to the proposed outbuilding, reducing the overall height and changes to the fenestration.

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and 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 and residential amenity.

There are two distinct elements to this application namely the proposed additions to the dwelling and the proposed outbuilding, and these will be dealt with separately in the report.

Extensions to the dwellinghouse

Impact on the street scene and general character of the area

The proposed extensions to the dwelling would be single storey and by reason of their location on site and the existing screening to the front boundary, these additions would not impact on the street scene.

The single storey front addition would square off an area to the front of the dwelling, and would alter the pitch of the front roofslope, as well as lengthening it, which would mirror the rear roofslope.

The proposed rear extension would replace the existing brick and glazed conservatory, and albeit a larger footprint could easily be accommodated within the curtilage of the application site. Furthermore, by reason of its design it allows for the dominant form of the existing dwelling to be retained.

The proposed extensions would form sympathetic additions and would be appropriate to the character and appearance of the dwellinghouse and wider area.

Neighbour amenity

It is considered that because of their single storey form and siting, the proposed extensions to the dwelling would not impact on neighbour amenity. Furthermore, no concerns have been raised in respect of this part of the proposal.

Proposed outbuilding

Impact on the street scene and character of the area

Even though sited at the end of garden, the proposed outbuilding would be visible from Woodvale Gardens. However the existing garage block (outside of the application site) would create a barrier between this development and Woodvale Gardens, and coupled with the amendments which have reduced the height of the proposed outbuilding and replaced a proposed rear dormer with rooflights, it would not be overly prominent within the street scene of Woodvale Garden, which is characterised by two storey dwellings.

The proposed outbuilding would replace existing outbuildings within the site, including a carport. As such the principle of vehicles being in this part of the plot is already a feature of the application site. Even though a two storey building it would be at a lower level to the dwellinghouse, and subservient in height to the main dwellinghouse. The removal of the rear dormer has helped simplify the overall design, and even though dormers are still proposed on the front elevation these have been reduced in number from three to two and have also been reduced in size.

Furthermore, the replacement of existing outbuildings which sprawl across the site, would consolidate the built form in this location. Taking all these factors into consideration, the view is that this would be an appropriate outbuilding in this location, which could easily be accommodated within the plot.

Neighbour amenity

The side boundaries of the application site narrow towards the end of the garden, and then widen out at the end where the existing outbuildings are located. As such the boundaries with the neighbouring properties are not straight. Taking into account the relationship with the neighbouring boundaries of the proposed

outbuilding, the direct views from the proposed front dormers would be over the application site, and any views over the neighbouring properties would be oblique. Furthermore, the amended plans have reduced both the height of the outbuilding and the number of dormers, and coupled with the land levels across the site would not result in an unacceptable level of overlooking to either of the adjoining properties in Oakwood Avenue.

The rooflights in the rear roofslope would look over the public street scene of Woodvale Gardens and as such would not create issues of loss of privacy to the residents of this adjacent road.

Landscape impact and trees

There is a group of protected Oak trees at the rear of this site that are covered by Tree Preservation Order TPO/0069/01. Two Oak trees have been removed in the past under tree work applications TPO/18/1187 and TPO/20/0552, in both cases the replacement planting was a condition of consent. According to the Council records neither tree has been replaced as of yet. To support the application the applicant has submitted a Tree Report by Complete Arb services dated 7th September 2021. The existing outbuildings already incorporate a double car port and there is an existing tarmaced driveway running the length of the garden to the existing graveled area which contains the outbuildings.

Three Lawson Cypress trees, numbered T4, T5 & T6 within the submitted tree report, would be lost to this proposal. These trees are small specimens and have limited public amenity value and therefore are not considered a constraint to development.

The most prominent tree that could be affected by this proposal is an off-site Oak tree, T3 within the submitted tree report. The proposed replacement garage would be outside the root protection area of this tree, however tree roots have the potential to be damaged by site traffic or through the storage/mixing of materials. If the barriers and ground protection measures are set out as specified in the submitted tree report then any adverse impact on this tree should be minimised.

The council's Tree Officer considers that overall, the proposed extensions and replacement garage should not adversely affect trees which are considered a constraint to development, if the tree protection measures set out in the above report are carried out in full and this can be secured by an appropriately worded condition. Furthermore, the tree planting to replace the two felled Oak trees (allowed under previous tree works application) can be achieved through this application, and a condition has been applied to achieve this.

Ecological enhancements

There are no ecological enhancements identified to be incorporated in the proposed outbuilding, which taking into account the setting of these buildings in close proximity to established trees is disappointing. Nevertheless, taking into account the scale of the proposed development this would not be grounds to refuse this part of the proposed development.

Other considerations

Comments received during the course of the application have questioned whether in the future this building would be intended to be used as a separate unit of accommodation. However, this would require the benefit of further planning permission and therefore does not require a condition. With regard to the use in connection with ancillary accommodation for the main dwelling, this would not be altering the use of the plot as a single residential unit and the addition of a condition to prevent this would not be justified in this case.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	271.78	158.3	113.48	113.48	£80/sqm	£11,627.34 *
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Subtotal:	£11,627.34
Relief:	£0.00
Total Payable:	£11,627.34

11 CONCLUSION

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained with the National Planning Policy Framework (2021) and other Local Plan policies. Permission is therefore recommended

12 OTHER CONSIDERATIONS

None

13 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:
 - 8626.HS-100-P1 Existing floor plans as deposited with the Local Planning Authority on 17 Sept 2021
 - 8626.HS-101-P1 Existing Elevations as deposited with the Local Planning Authority on 17 Sept 2021
 - 8626.HS-102-P1 Existing Site plan as deposited with the Local Planning Authority on 17 Sept 2021
 - 8626.HS-103-P1 Proposed floor plans as deposited with the Local Planning Authority on 17 Sept 2021
 - 8626.HS-104-P1 Proposed elevations as deposited with the Local Planning Authority on 17 Sept 2021

- 8626.HS-107-P2 Proposed garage floor plans and elevations as deposited with the Local Planning Authority on 17 Nov 2021
- 8626.HS-105-P2 Block and Location Plan as deposited with the Local Planning Authority on 17 Nov 2021
- 8626.HS-106-P2 Proposed site plan as deposited with the Local Planning Authority on 17 Nov 2021

Reason: To ensure satisfactory provision of the development.

3. No development, demolition or site clearance shall take place until a Tree Planting Schedule and Tree Plan specific for tree planting including (tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only take place in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area. in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

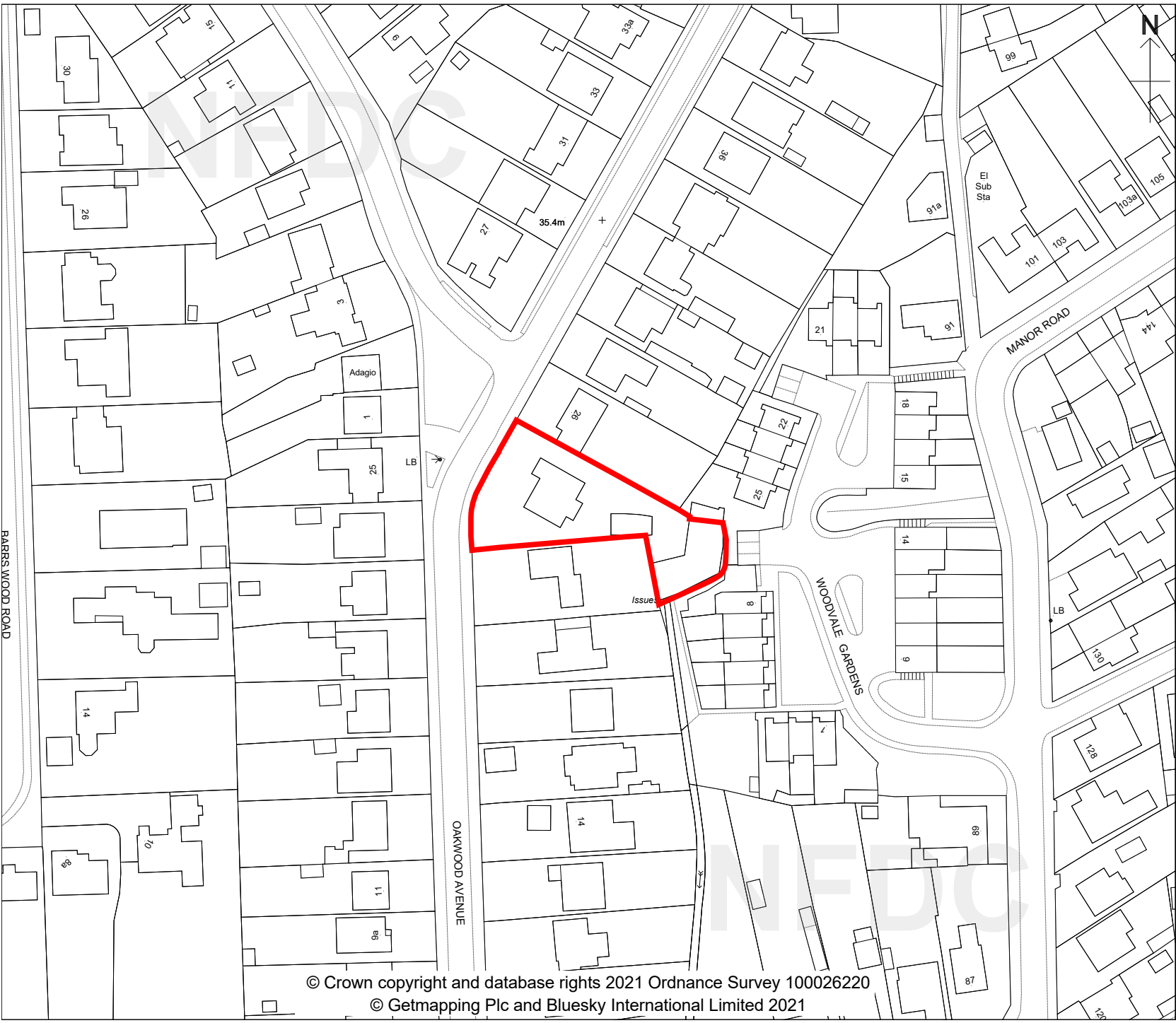
4. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural Complete Arb Services Ltd, BS5837:2012 Trees in Relation to Design, Demolition and Construction dated 7th September 2021.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

Kate Cattermole

Telephone: 023 8028 5446



20

BARRS WOOD ROAD

OAKWOOD AVENUE

MANOR ROAD

WOODVALE GARDENS

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New Forest

DISTRICT COUNCIL

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Claire Upton-Brown
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PLANNING COMMITTEE

January 2022

24 OAKWOOD AVENUE
 ASHLEY, NEW MILTON
 BH25 5DY
 21/11313

Scale 1:1250
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 the internet, it will not be to
 scale.

Planning Committee 12 January 2022

Application Number: 21/11349 Full Planning Permission

Site: 11 MARINE DRIVE, BARTON-ON-SEA, NEW MILTON
BH25 7EG

Development: Outbuilding (to replace existing outbuilding to be demolished)

Applicant: Mr & Mrs Simmons

Agent: Brian Turner

Target Date: 22/11/2021

Case Officer: Kate Cattermole

Extension Date: 22/12/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- (1) Impact on the street scene and character of the area
- (2) Neighbour amenity
- (3) Coastal erosion

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

2 SITE DESCRIPTION

This application site consists of a large detached two storey dwelling typical of this part of the Barton on Sea cliff top, and is located in the built up area. The rear garden is enclosed by a brick wall with timber panels and there are small sheds and a larger outbuilding sited adjacent to the rear boundary. The site is relatively level and the properties either side are two storey detached dwellings. Properties immediately to the rear in Sandmartin Close are single storey bungalows with two storey dwellings to the east of these.

Green Belt land is located opposite the site along the cliff top and the site is within the Coastal Change Management Area where development is strictly controlled and no soakaways are permitted.

3 PROPOSED DEVELOPMENT

Two storey outbuilding, incorporating a double garage with hobbies room/study over. The proposed building would replace an existing single storey outbuilding which is sited adjacent to the rear boundary.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10992 Chalet-style dwelling, detached garage, bin & cycle store (resubmission following refusal of 20/10011)	13/11/2020	Refused	Appeal Decided	Appeal Dismissed

20/10012 Extensions	04/05/2020	Granted Subject to Conditions	Decided
20/10011 'Chalet' bungalow; detached garage; bike & bin stores	17/03/2020	Refused	Decided

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

Local Plan Part 2: Sites and Development Management 2014

DM6: Coastal Change Management Area
DM7: Restrictions on new soakaways

New Milton Neighbourhood Plan

Policy NM13 - Barton-on-Sea
Policy NM4 - Design Quality

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

Plan Policy Designations

Built-up Area
Coastal Change Management
No Soakaway

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council (response to original plans received 22 October 2021)

OBJECT (Non-Delegated)

- (1) Despite reduction in floorspace from 20/10992 there is great concern this two storey build with more western siting will set a principle and precedent
- (2) North elevation flank wall will create a negative character impact on Sandmartin Close
- (3) The siting and roof form make it contrary to local character as regards 'Set Back' (page 60) and 'Rhythms, Patterns and consistency in features and detail '(page 61) of Local Distinctiveness Study SPD
- (4) Use of the site long drive will create disturbance for number 10 Marine Drive.

New Milton Town Council, Town Hall (response to amended plan received 17 December 2021)

OBJECT (Non-Delegated)

- (1) The two-storey nature of this outbuilding will set a precedent;
- (2) North elevation flank wall will create a negative character impact on Sandmartin Close;
- (3) Use of the site long drive will create disturbance for number 10 Marine Drive.

- (4) There is concern that aspects of the appeal text (APP/B1740/W/21/3267842) are still relevant and would preclude this outbuilding. Namely para.6 'indicating strongly that the policy is primarily seeking to restrict new build development' and para.8 'From the evidence I am not convinced that the development would likely be safe over its planned lifetime due to coastal erosion'.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Southern Water: comment only

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 5

Objections:

Mr Unger 2 Sandmartin Close (comments relate to both original and amended plans):

- impact on value of neighbouring properties
- application unfit for purpose
- garage building so close to Sandmartin Close would be injurious to residents health
- amended plans do not overcome initial objection

K & M Billington 3 Sandmartin close (comments relate to both original and amended plans):

- two previously refused applications for a chalet bungalow in this location
- visually inappropriate and fail to enhance the character and appearance of the area
- amended plans do not overcome initial objection

Mr J Masters 1 Sandmartin Close (comments relate to both original and amended plans)

- following refusal of two applications for a dwelling, the outbuilding has the appearance of a dwelling
- above the height of what is permitted for a garage
- siting would affect light from kitchen
- should be in line with building line of Sandmartin close
- out of keeping with the area
- amended plans do not overcome concerns, objection remains

Mrs Shelton, 5 Sandmartin Close (comments relate to both original and amended plans):

- similar to previously refused chalet bungalow. Services are likely to be installed so what would prevent change of use at a later stage?
- Even though a hedge is to be planted would be very close to the back fence
- could set precedent for similar development
- amended plans do not overcome concerns

Mr S Aindow, 29 Beach Avenue (comments relate to both original and amended plans):

- loss of visual amenity, light and privacy and detrimental impact on the character and appearance of the street scene and neighbourhood as well as environmental concerns
- amended plans do not overcome concerns, objection remains

10 PLANNING ASSESSMENT

Amended plans were accepted during the course of the application, which has moved the outbuilding away from the rear boundary, and reduced the overall height and altered the first floor fenestration.

Two previous applications for a new dwelling, in a similar location to the currently proposed outbuilding, were refused. The second application (20/10092) which was refused did not raise issues with the siting or design of the proposed new dwelling. This decision was the subject of an appeal, which was subsequently dismissed. The Appeal Inspector identified that the only issue with the proposal was the effect of coastal change on the development (the second reason for refusal was not challenged, as this had been resolved by a legal agreement with regard to the impact on internationally significant ecological sites).

Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and 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 and residential amenity.

The application site falls within the Coastal Change Management Area and is within the indicative erosion zone 2055 to 2105. Policy DM6 allows for limited residential extensions that are closely related to the existing scale of the property. Furthermore, the site is within an area that does not allow for new soakaways, but this can be ensured by an appropriately worded condition.

Impact on the street scene and character and appearance of the dwelling

By reason of its siting within the rear garden of the application site, the proposed outbuilding would not impact on the street scene of Marine Drive. In respect of Sandmartin Close (which is a narrow no through residential road) the proposed outbuilding would be visible. There is currently a large single storey outbuilding closer to the rear boundary, and albeit single storey its presence is detectable from this adjacent road. Notwithstanding that the two storey outbuilding would be more visible by virtue of its height, the amendments have moved it further away from the rear boundary. Furthermore, it has been reduced in height and with its simple roof form with no openings in the rear elevation forms a simple building form. Also it would be located within the curtilage of a large dwellinghouse, and as such is appropriate in form and scale to the host dwelling. Even though it would be visible from Sandmartin Close, it would not form part of the street scene by virtue of it being within the rear garden of the application site and facing into the site and unlike the previous proposals would not form a physical presence within the street scene of Sandmartin Close.

Parallels have been drawn between the current proposal and the previously refused schemes for a chalet dwelling. However, this current application is being considered on its merits as an outbuilding only, and the amendments have reduced and changed the design of the front dormer resulting in a less domestic appearance of the building. If there were proposals in the future to sever this building from the main dwellinghouse, this would need to be the subject of a separate planning application.

Concerns have also been raised about this proposed outbuilding setting a precedent for similar development in the area, however all applications are judged on their individual merits.

Neighbour amenity

The only first floor windows on the building would be on the south elevation, and as such would look towards the rear of the host dwelling. The proposed building does not meet the criteria of permitted development by reason of its height, and therefore any future alterations to the building would require the benefit of planning permission too under the current legislation and therefore it has not been considered necessary to apply a condition to restrict further openings at first floor level within the building.

The proposed outbuilding would have an overall height of 5.1m and the plans indicate that there would be a distance of 7m with the side wall of 1 Sandmartin Close, which is sited to the west of the application site. Having reviewed the original plans for this neighbouring property (which dates from the 1990s) these show that the existing kitchen has a dual aspect with windows on both the side and the front elevation. Furthermore, there appears to be a small shed and greenhouse within the curtilage of this neighbouring dwelling which are located to the side of the property. Taking into account the orientation and relationship of the outbuilding with this neighbouring property it is not considered that this would create an unacceptable level of harm to the amenities of this neighbour by virtue of overshadowing or loss of light.

Concerns have also been raised in respect of the impact of the driveway to access the proposed outbuilding, which would incorporate a double garage. Firstly the proposed driveway would be to the rear of the dwelling and could be installed without the benefit of planning permission, as such it does not form a consideration for this application. Notwithstanding this, it should be noted that 10 Marine Drive has a garage to the rear of the property, which is accessed by a driveway off Marine Drive. The officer report for the relevant application (20/11177) indicated that this arrangement was to remain to serve the replacement dwelling on site, and no objections were raised with regard to the use of this driveway in respect of neighbour amenities.

Reference has also been made that the position of the proposed garage could adversely impact on the residents of Sandmartin Close, however there are other garages within the area close to boundaries with neighbouring properties, so this is not an untypical arrangement in an urban situation.

The devaluation of properties is not a planning consideration.

Coastal Erosion

The site lies within the indicative erosion zone 2055-2105 where there are restrictions on residential development. However, the proposed outbuilding would be required to serve the needs of the occupants and there is no suggestion that this building would result in any increase in occupancy numbers on site. The policy does not make specific references to outbuildings, but it should also be noted that this would replace an existing outbuilding and would have a smaller footprint than the

current building. Policy DM6 allows for limited residential extensions that are closely related to the existing scale of the property, and this extension would be proportionate in scale and massing to the dwelling it would be serving. The National Planning Policy Framework 2021 para 172, states that development in a Coastal Change Management Area will be appropriate where it is demonstrated that it will be safe over its planned lifetime and not have an unacceptable impact on coastal change. As the use of the proposed outbuilding would be in conjunction with the host dwelling which is located to the front of the site, it is reasonable to conclude that it would be safe over its planned lifetime.

Soakaways

Soakaways are not appropriate in this location due to the proximity to the cliff top. Taking into account that this building would consolidate built form within the rear garden and would have a smaller footprint it is unlikely that this would create a requirement for a soakaway. However as no details of surface water drainage are required as part of a householder application, but to ensure no new soakaways are installed a condition to secure details of surface water drainage has been applied.

11 CONCLUSION

For the reasons given above, and in particular the recent appeal decision, it is considered that the proposed development is acceptable and accords with the Government advice contained within the National Planning Policy Framework (2021) and other Local Plan policies. Permission is therefore recommended

12 OTHER CONSIDERATIONS

None

13 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:
 - 1321-36 Existing outbuilding as deposited with the Local Planning Authority on 27 September 2021
 - 1321-35B Proposed elevations as deposited with the Local Planning Authority on 29 November 2021
 - 1321-34C Proposed floor plans as deposited with the Local Planning Authority on 29 November 2021
 - 1321-37C Proposed Site Plan as deposited with the Local Planning Authority on 29 November 2021

- Location Plan as deposited with the Local Planning Authority on 27 September 2021

Reason: To ensure satisfactory provision of the development.

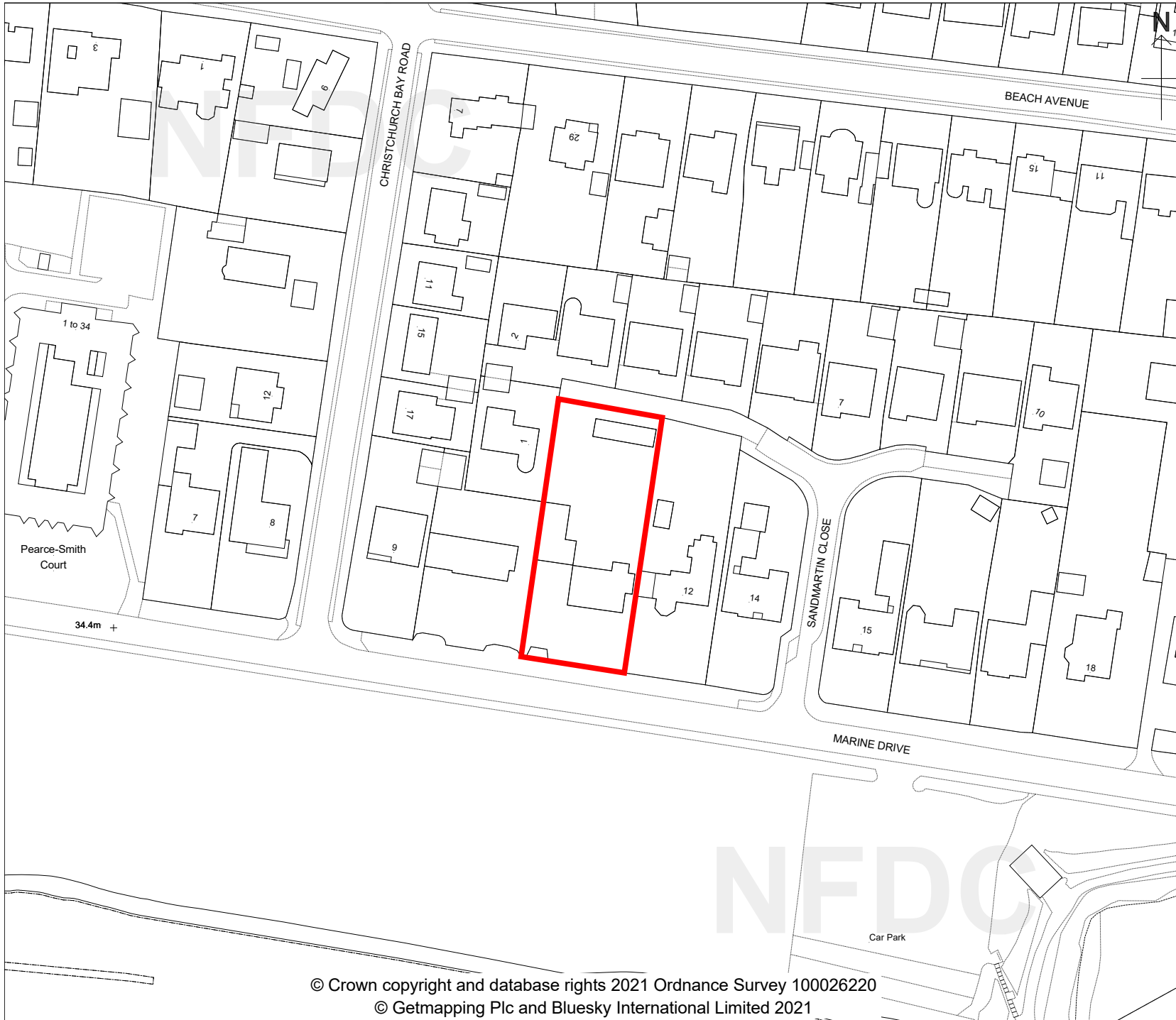
3. No new soakaways shall be constructed on the site and no development shall take place above slab level until full details of an alternative scheme of disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details unless otherwise agreed in writing.

Reason: The site lies within a zone where new soakaways are not to be used for the disposal of surface water due to the proximity of the cliffs and to comply with Policy DM7 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

Further Information:

Kate Cattermole

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New Forest

DISTRICT COUNCIL

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Claire Upton-Brown
 Executive Head of Planning,
 Regeneration and Economy
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

January 2022

11 MARINE DRIVE
 BARTON-ON-SEA, NEW MILTON
 BH25 7EG
 21/11349

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 scale.

Planning Committee 12 January 2022

Application Number: 21/11400 Full Planning Permission

Site: CORBOY, WILTSHIRE ROAD, BRANSGORE BH23 8BH

Development: Replacement dwelling

Applicant: Mr Ellison

Agent: Goss & Partners LLP

Target Date: 01/12/2021

Case Officer: Vivienne Baxter

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 the residential amenities of the area

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

2 SITE DESCRIPTION

The site is situated on the edge of but within the built up area of Bransgore. The site was occupied by a Grade II listed cottage that was destroyed by fire in 2020. The land is set back from the main road frontage and accessed between two bungalows (built many years ago in the original garden area of Corboy). Wiltshire Road is comprised predominantly of single storey dwellings although the former dwelling on this site was a two storey thatched cottage set at a right angle to the road. The south western boundary of the site is partially open to the countryside although the southern part of this boundary is well screened.

3 PROPOSED DEVELOPMENT

The site currently contains a detached double garage and kitchen/dining area which has been retained and refurbished following the fire in early 2021. The original two-storey listed thatched cottage was lost in the fire and the proposal entails its replacement. There are currently other new structures on site which provide accommodation for the applicant and their family and these would be removed following occupation of the replacement dwelling.

The replacement dwelling consists of lounge, study, utility room, WC, dining room and hall to link in with the existing, retained kitchen/dining area at ground floor level with three bedrooms, two of them with walk-in wardrobes and one with an ensuite, a family bathroom and store cupboard at first floor level.

A parking area would be provided adjacent to the new dwelling.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
18/10946 Single-storey side extension; alterations to rear lean-to projection; rebuild chimney	10/04/2019	Granted Subject to Conditions	Decided
18/10947 Single-storey side extension; alterations to rear lean-to projection; rebuild chimney (Application for Listed Building Consent)	10/04/2019	Granted Subject to Conditions	Decided
80/NFDC/15463 Double garage.	30/01/1980	Granted Subject to Conditions	Decided
79/NFDC/14818 Addition and double garage.	19/11/1979	Granted Subject to Conditions	Decided
79/NFDC/12774 Bungalow and garage with access.	25/04/1979	Granted Subject to Conditions	Decided
78/NFDC/10964 Dwelling with access.	31/08/1978	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

Supplementary Planning Guidance And Documents

SPD - Parking Standards

SPD - Design of Waste Management Facilities in New Development

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Relevant Advice

Chap 12: Achieving well designed places

Constraints

NFSFRA Fluvial

NFSFRA Surface Water

SSSI IRZ Rural Residential

Avon Catchment Area

Aerodrome Safeguarding Zone

SSSI IRZ Residential

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council

Recommend Par4, Refusal.

The difference in the design proposed, from the previous thatched property, was not considered acceptable and an overdevelopment of the site.

The committee felt that the proposals were out of keeping with the character of the local area and surrounding properties, which are all single storey bungalow, in addition would cause negative impact on neighbour amenity, with regard to visual intrusion and loss of privacy.

Following re-consultation:

Recommend Par4, Refusal.

Whilst it is noted that some changes have been made to the design of the replacement property, the overall design remains largely unchanged. The property is out of keeping with the properties surrounding it and the immediate local area. There would be negative impacts on neighbouring properties in terms of visual intrusion and overlooking/loss of privacy and the revised design does not alleviate those issues.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: no objection request condition

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received. It should be noted that the representation in favour of the proposal has come from the applicant in response to objections received.

Against: 3

- proposal is enormous compared to other properties in the area
- new dwelling would tower over adjacent bungalows
- previous first floor windows were much lower down
- loss of sunlight
- could impact on sewage pipe
- septic tank is unnecessary
- does not compliment the road
- loss of privacy
- increase in heavy vehicles would cause further damage to pavement and road

For: 1

- the proposal would not impact on the street scene given its distance from the road
- the windows are oriented not to face the adjoining properties
- the height of the proposal reflects the height of the cottage
- the eastern wall would be further from residential boundaries
- there are Georgian style properties at the end of Wiltshire Road

Following renotification, the following objections have been received from 3 local residents:

- size of property appears to remain the same
- out of character
- would set a precedent
- amendments don't address requested changes
- would have a negative impact on neighbours
- twice the size of the previous cottage

One local resident supports the application preferring the quick build solution and noting that the dwelling would not be out of place due to set back from the road.

10 PLANNING ASSESSMENT

Principle of Development

The site is within the built up area where there are no objections to the principle of replacement dwellings nor any restrictions on their size. However given the unique setting and character of the previous dwelling on this site, consideration has to be given to the impact of the replacement dwelling on the character and appearance of the area and how it may impact on those living adjacent to the site.

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

The proposed dwelling is shown as being located broadly across the siting of the former cottage but in view of its differing proportions, the front (SE) elevation is around 2m in front of the retained kitchen/dining room and the elevation facing the road falls short of the NE extent of the former cottage. In terms of site layout, these changes are not significant and would have a limited impact on the street scene, some 36m away. From the direction of the open countryside to the south west, the proposed dwelling would be situated behind the retained element and although the first floor element would have a greater mass than the former cottage, the overall height of the proposal is comparable to the cottage. It would also be set in from the countryside boundary by around 10m.

Clearly the design of the proposed dwelling is significantly different to the former cottage on site. In this respect, it should be noted that the former cottage on site was significantly different to other properties in the immediate area which were predominantly built in the 1960s/70s. On this basis, it would be difficult to resist the proposed dwelling on the grounds that it is out of context as the context has clearly changed in this part of Bransgore since the cottage was first built.

In view of the current living circumstances of the applicant and their family, the proposed dwelling has been chosen from a company who offer a complete 'turn key' package on the basis that it would result in a finished home quicker than a more traditionally constructed house. This has resulted in some issues which arose being difficult to address. Whilst it would have been preferable to have had a dwelling with lower eaves and fewer windows, the applicant has worked with the company and as a result, a smaller rear projection, first floor windows and provision of a 'fake' window to the right hand opening of the north eastern most bedroom are now proposed in order to help address these concerns.

Residential amenity

Concerns have been expressed locally with regard to the impact of the proposed dwelling on privacy overbearing impact and light to adjoining occupiers. Whilst the previous cottage was two storey, there were only three first floor windows serving

each of two bedrooms and the landing. Due to the diminutive nature of the cottage, these windows were at a significantly lower level than those proposed on the new dwelling with the top of the old windows likely to be around the height of the first floor cill level.

From the information provided, the cottage bedroom windows would have been between 20-25m from the rear ground floor windows of the adjacent bungalow 'Four Oaks' and at an oblique angle. The proposal involves four bedroom windows and a bathroom window to the front elevation although one of these windows, closest to Four Oaks, would be false and would not offer any views. The window adjacent to this false window would be approximately 18.5m from the closest window at the rear of Four Oaks, again at an oblique angle and with a close boarded fence between the two together with some vegetation outside of the applicant's control. The window, and others in this elevation would look directly down the applicant's own garden.

To the rear of the dwelling, the rear projection has been reduced in size and the bedroom window relocated to the south west elevation overlooking the open countryside. There will therefore be no impact on privacy to 'Drifters' (no.18).

It is difficult to fully ascertain the impact of the proposal over and above the previous cottage on the site now that the main cottage has been demolished. However, with the information provided on the submitted plans, indicating where the footprint of the proposed would be in relation to the former cottage together with the proposed elevations, it is noted that the increased massing of the proposal would have some impact on the outlook from the adjoining properties. However, in view of the distances between proposed and existing dwellings together with the boundary treatments to the respective properties, it is not considered that this impact would be detrimental to the living conditions of adjoining occupiers.

Concern has also been expressed in relation to the proposal impacting on light to adjoining properties. It is noted that whilst the overall height of the proposed dwelling is comparable to the previous cottage, the massing is slightly different and this will have some impact on light to adjoining garden areas. However, in view of the distance and orientation of the proposal to the nearest residential properties, it is not considered that this impact would be such to warrant refusal.

On Site Biodiversity and protected species

The part of the site where the dwelling is proposed has little biodiversity at present following the removal of the former dwelling. However, in order to increase bio-diversity on site, a condition is included relating to the provision of bat/bird boxes.

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	231	110.81	120.19	120.19	£80/sqm	£12,314.85 *
Subtotal:	£12,314.85					
Relief:	£0.00					
Total Payable:	£12,314.85					

11 CONCLUSION

There are no objections to the principle of providing a replacement dwelling on this site. The former cottage, although an historic building, was very different to the more modern surrounding development. It is accepted that the proposal is also different to those surrounding properties however the proposed design is not considered to be harmful to the character of the area.

Whilst there are some impacts on the residential amenities currently enjoyed by the immediately adjoining dwellings, the overall impact is not considered to be significant such as to warrant refusal in terms of a loss of residential amenity.

12 OTHER CONSIDERATIONS

Reference has been made to the existing sewage pipe which runs through the site. This has been noted by the applicant and can be dealt with outside of the planning process. The applicant has also clarified that the previous cottage was connected to the mains and there is no need for a septic tank.

13 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:

156-001 rev.P1 - site location
156-002 rev.P1 - site layout
156-100 rev.P1 - existing layout
156-101 rev.P1 - existing elevations
156-102 rev.P3 - proposed layout
156-103_B rev.P2 - proposed layout

Reason: To ensure satisfactory provision of the development.

3. Before the framework of the dwelling hereby permitted is provided on site, 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 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before the occupation of the dwelling hereby permitted, 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), with particular reference to the area adjacent to the western most part of the rear garden to Four Oaks;
 - (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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The outbuildings adjacent to the northern boundary of the site shall be removed within 3 months of the occupation of the dwelling hereby approved.

Reason: The outbuildings do not currently have the prior benefit of planning permission nor has this been sought.

6. Before occupation of the dwelling hereby permitted, ecological enhancements shall be provided to demonstrate biodiversity net gain in line with the NPPF. This can take the form of bird boxes (swift preferred) and/or bat boxes attached to the dwelling.

Reason: To increase bio-diversity in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 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).

Further Information:

Vivienne Baxter

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NFDC



New Forest DISTRICT COUNCIL

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Claire Upton-Brown
Executive Head of Planning,
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PLANNING COMMITTEE

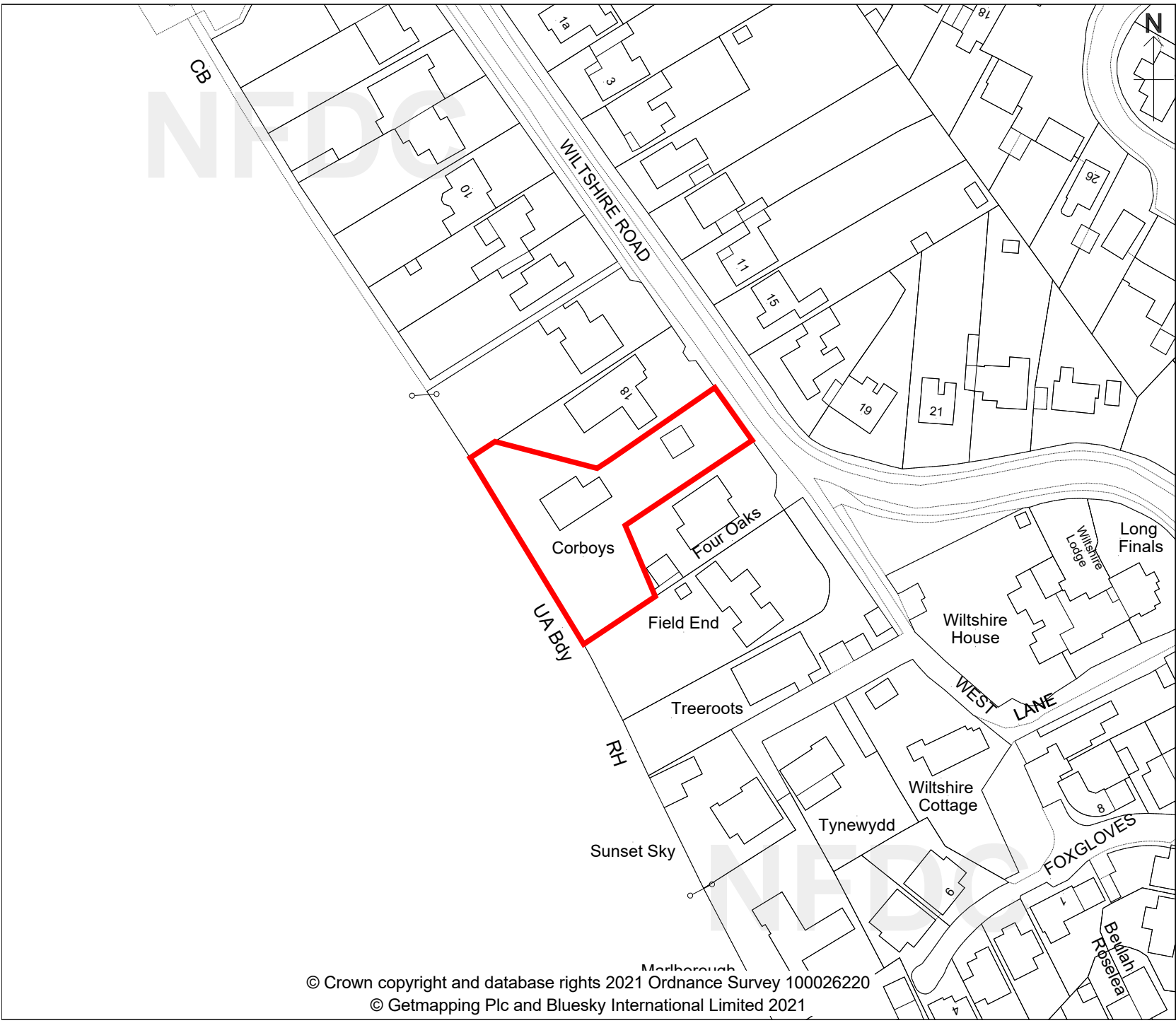
January 2022

CORBOY
WILTSHIRE ROAD, BRANSGORE
BH23 8BH
21/11400

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scale.

36



Planning Committee 12 January 2022

Application Number: 21/10932 Full Planning Permission

Site: LAND OFF, MOORE CLOSE, NEW MILTON, BH25 6QX

Development: Affordable Housing Development consisting of 10 Houses and 6 apartments

Applicant: Project Manager - New Forest District Council

Agent: Aspire Architects Ltd

Target Date: 15/10/2021

Case Officer: Judith Garrity

Extension Date: 19/01/2022

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) Residential amenity
- 4) Landscape impact and trees
- 5) Highway safety, access, and parking
- 6) Ecology and Biodiversity Net Gain

- 7) Habitat Mitigation and Nitrate neutrality.

This application is to be considered by Planning Committee at the discretion of the Executive Head of Planning, Regeneration and Economy as it relates to an NFDC Housing development.

2 SITE DESCRIPTION

The site is a rectangular shaped and 1.08 ha in size. It has a boundary to the south east of the existing small cul du sac of Moore Close. It has a relatively narrow frontage to Christchurch Road. It adjoins Fawcetts Field which is public open space owned by New Milton Town Council to its north western boundary. The northern boundary of the site adjoins the Old Milton Green Conservation Area.

The site includes land to the north-west boundary adjoining Fawcetts Field owned by New Milton Town Council and the highway verge area to the South East which is owned by HCC Highways. Notices have been served on these parties. The works to these areas primarily relate to trees which fall outside of the developed area of the application site.

The site is slightly elevated from Moore Close at its southern end but is at level where it adjoins No 13 Moore Close. There is a verge with a number of highway trees to this edge. Of most note a large mature Monterey Pine to the south eastern corner of the site which is a significant feature in the landscape and street scene. The site is currently overgrown grass with vegetation, hedgerows and trees to most of its boundaries.

Moore Close is characterised by 2 storey dwellings arranged in terraces with garage courts, the surroundings being a mixture of styles and forms but of a domestic scale.

3 PROPOSED DEVELOPMENT

The proposed development is for 16 residential units comprising 10 dwellings and 6 flats for affordable housing with parking provision, public open space and a play area on the site. The proposals are 100% affordable housing for shared ownership and affordable rent.

There would be 10 dwellings (2 and 3 bed) and 6 no 1 and 2 bed flats in a separate block. Access to the 10 houses would be from Moore Close adjacent to No 13. The flats would be served by a separate access from Moore Close to a courtyard parking area where there would be a parking barn to enclose some of the parking as well as the bin and bike storage areas.

An area of public open space of 491 sq. m in size would be provided to the south west part of the site close to the frontage with Christchurch Road. This is the area around the large mature Monetary pine tree and a footpath link provided to Fawcetts Field located to the north-west.

A children's play area of 102 sq. m would be provided to the north west boundary at the end of the parking courtyard for the proposed dwellings.

Existing trees along the north west boundary of the site would be removed and replaced with new trees as part of the landscaping proposals. A landscape strategy has been submitted with new trees and landscape planting.

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

Policy STR4: The settlement hierarchy

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 HOU2: Affordable housing

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy CCC2: Safe and sustainable travel

Core Strategy

CS7: Open spaces, sport and recreation (saved policy)

Local Plan Part 2: Sites and Development Management 2014

NMT2: Land west of Moore Close

DM1: Heritage and Conservation

New Milton Neighbourhood Plan

Policy NM4 - Design Quality

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

Biodiversity Net Gain Interim Guidance 2020

Relevant Legislation

Environment Act 2021

Relevant Advice

NPPF 2021

NPPF Ch 12: Achieving well designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

NPPF Ch.16 - Conserving and enhancing the historic environment

Constraints

SSSI IRZ

Aerodrome Safeguarding Zone

Article 4 Direction

Conservation Area: Old Milton Green Conservation Area

Plan Policy Designations

Housing

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: ACCEPTABLE (Delegated)

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Southern Water: Comment Only

HCC Highways: No objection subject to conditions

HCC Surface Water: Following the submission of additional information and a revised drainage strategy no objection is raised subject to a condition.

HCC Countryside Services: Comment Only

NFDC Waste Management: Comment Only

NFDC Open Space Officer: Comment Only

NFDC Conservation: No objection. The scheme will not materially affect the Grade II listed church or the setting of the Old Milton Green conservation Area.

NFDC Trees: No objection subject to conditions.

NFDC Building Control: No adverse comments to make

Hampshire Swifts: Permission recommended subject to provision of integral universal bird boxes in accordance with policy.

New Milton Residents Association: Support principle of affordable housing. Further work is required to site infrastructure, building design and density, minimal biodiversity net gain and protection and accommodation of wildlife. Further work is also required in relation to traffic issues. The impact of the planned development in existing residents of Moore Close regarding amenity and parking needs much further thought.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

Against: 10

Parking and access

- Increased traffic in Moore Close
- Concerns about the safety of the access and traffic congestion and conflict with existing pedestrian crossing.
- Additional traffic generation and hazards at the junction, particularly as there is a blind corner.
- The 2 proposed new accesses will cause hazard. Suggestion of a separate /alternative access from Fawcett Fields entrance which would be more considerate to Moore Close residents and allow hedgerows to remain.
- Request for construction access to be via Fawcetts Field
- A traffic safety is required
- A need for traffic calming measures. The existing 30mph limit should be extended.
- Speed of cars in Moore Close leading to a health and safety issue.
- Loss of on street parking on Moore Close due to two new accesses. Parking will cause obstruction and congestion.
- Need for replacement parking for existing residents and one disabled parking space to be provided for carer of a resident.
- Overprovision of parking for new housing but loss for existing Moore Close residents
- Further double yellow lines on Moore Close will result in loss of all parking.
- Need to redesign existing parking on Moore Close. Garages in Moore Close are not used for parking as they are too small.
- Access required for emergency and refuse vehicles.
- Construction and delivery vehicles will cause congestion and hazard.

Landscape, wildlife and ecology

- disturbance of wildlife including those protected by WCA 1981
- timing of wildlife surveys (after grass was cut) and loss of habitat including birds, hedgehogs, foxes and bats.
- Need to accommodate bats (including lofts), birds, hedgehogs and other small mammals
- Loss of trees, reference made of a cherry tree at the access point.
- Need to retain hedge to highway.
- No BNG.

- Need to use landscaping that encourages wildlife and biodiversity
- Need for trees and wildflower areas which are managed.
- New trees should be protected.
- Car ports/cycle store should be designed with wildlife in mind

Layout and amenity

- Unnecessary provision of play park on the site and lack of toilets and parking space associated with it. Fawcetts Fields have space for a play park
- Is this just play area for residents or for the public to use and need for additional parking to be provided to serve this.
- Impact on side window (No 13) due to proximity of new dwelling with overshadowing and loss of privacy.
- The new footpath to Fawcetts Field will causes anti-social behaviour noise and disturbance. Current pavement already provides access and does not attract general public to Moore Close

Other issues

- Support for affordable housing provision but too many dwellings on the site,
- If NFDC Empty Housing Strategy is managed well it could outweigh the building cost of new homes on Moore Close.
- .Conflict with Neighbourhood Plan
- Need to incorporate measures to reduce impact on climate change including water efficiency, PV cells, energy provision.
- Previous application for 9 flats off Southern Lane refused due to additional traffic on Lymington Road and insufficient access.
- Wellbeing of existing residents.
- Drainage issues and need for use of porous surfaces

10 PLANNING ASSESSMENT

Introduction

The proposals for 16 new affordable houses and flats make a positive contribution to the provision of affordable homes for local people which forms part of how NFDC will deliver its priorities in the Housing Strategy (December 2018). Of the 10 dwellings 5 would be for shared ownership, the remaining 5 and the 6 flats would be for social rent. The proposed development seeks to address the identified need for affordable homes in New Milton and the wider district.

The housing need for affordable housing in New Milton has been identified as 164 applicants as of May 2021 (Applicants to new housing Register). The highest need is for 1 person and 2 bedroom units, with over 77% of all applicants in New Milton requiring these properties. A further 20% are in need of 3 bedroom accommodation. The proposed mix of units on the application site seeks to address this significant need by providing 75% 1 bed and 2 bed units and 25% 3 bedroom units.

The proposed number of properties is 16 and therefore the provision of 50% affordable housing on the site is a requirement of Policy HOU2 of Local Plan Part 1. Although this is a NFDC proposal where there is certainty of 100% affordable housing provision, the site could be sold in the future with the benefit of planning permission or after it is built. The provision and retention of Affordable Housing on the site in accordance with Policy HOU2 needs to be secured by an obligation for affordable housing on the site in accordance with this policy requirement in perpetuity.

Principle of Development

The site is located in the built up area and is allocated by Policy NMT2 of Local Plan Part 2 for residential development specifically to provide for local housing needs with 70% of this housing should be affordable. Site specific criteria include access from Moore Close; provision of pedestrian and cycle access to the site with links to existing networks; provision of a footpath link from Christchurch Road to Fawcetts Field POS to the west; provision of public open space in accordance with Policy CS7 including on site natural play space for young children and retention of trees and hedgerows on the site boundaries wherever possible. The supporting text to this policy (paragraph 4.98) specifies that the site will provide around 15 homes.

The principle of its development for 100% affordable housing is acceptable subject to ensuring that the site retains affordable housing as set out above and subject to compliance with the site specific policy and other material planning considerations.

Furthermore, in considering the principle of development it is relevant to note that the Council cannot demonstrate a five-year supply of deliverable housing land. The Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and if there is any harm identified this presumption would be relevant in the planning balance.

Accepting this principle, the relevant planning considerations are assessed below:

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

NPPF Para.130 requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Para 132 states that design quality should be considered through the evolution and assessment of individual proposals. Policy ENV3 of the Local Plan Part 1 reflects the need for development to be appropriate in its scale, form and design as well as considering amenity impacts and highway parking matters.

The design and access statement (and later addendum to reflect revised plans) identifies how the design concepts for the site have evolved and responded to its context and demonstrates how appropriate consideration has been taken of the location, the setting of the Old Milton Green Conservation Area, the character of the street and surrounding landscape in order to ensure that the proposed development is of a suitable quality and contextually appropriate to the local setting.

The proposed site layout responds to the context of the site and is of an appropriate form, scale and density for its setting and would respect its location to the southern boundary of the Old Milton Green Conservation Area. Subject to appropriate details the development would be in keeping with the character of the area and visually acceptable within the street scenes of Moore Close, Christchurch Road and the wider area. The impact of the built development would be softened by retained and

new planting and the large Monterey pine tree within an area of public open space fronting Christchurch Road.

Dwellings – Plots 1-10

The scale and massing of the proposed 2 storey dwellings on plots 1 - 10 are 2 would reflect that of existing properties on Moore Close. They would pick up on the local context with their various design features to include front elevations with articulated square bay projections, contrasting brick and cladding together with appropriate windows proportions and frame details. However, any alterations to roof forms could undermine the strong design concept adopted for these dwellings and so it would be appropriate to remove permitted development rights by condition.

The side (end) elevations of plots 5 and 10 and of the flats would be visible in public views of the development from Fawcetts Field. They will be set behind new landscaping and tree planting to this edge so as to be seen within a sylvan setting and not as over dominant features.

There is a parking courtyard to serve the houses with small front gardens which are too shallow to be used for additional parking. This layout would ensure that an acceptable balance of hard surface and landscaping is retained so the character and visual integrity of the courtyard will not be undermined.

There is a small children's play area with natural play equipment at the end of the parking courtyard. This will be convenient for use and surveillance of it is possible from the dwellings. Pedestrian access from the play area is also provided to Fawcetts Fields (subject to agreement by the Town Council) so the play area will be accessible from the south west. This makes acceptable provision in accordance with policy requirements.

Flats (Plots 11-16):

The flats are in the most prominent location on the site and need to be of a high design quality, and of an appropriate scale, and use the opportunity to create a single pavilion building as a landmark feature which responds to local traditional form. The proposed design is for a traditionally designed 2 storey pitched roof building under with a L shaped footprint, The building has a simple design with its mass and scale broken up effectively by the used of a variety of ridge heights and gables with front entrance canopies/porches. The building would have a feature brick plinth to link its various elements. The proposed materials would red and buff facing brick and render which along with reconstituted stone window heads, natural slate roof and terracotta ridge tiles to provide contrasting details of a good quality.

The site layout is appropriate for this part of the site with amenity space located to the rear which would provide a degree of seclusion within a pleasant setting including proposed tree planting as well as a communal area to the front which would provide an appropriate landscape setting for the flats, with gated access to the public open space to the south western frontage.

A parking barn is proposed to cover the parking area to the north which would enclose the bin and bike storage areas. This creates a courtyard with a subservient built form which would give presence and character to the building. A path links the parking to the entrance to the flats and the public open space which is acceptable.

Residential amenity

The proposed layout does not raise specific residential amenity issues. The dwelling on Plots 1-10 have adequate private garden spaces and those to plot 1 -5 are deep enough to ensure any shading from adjoining trees would not be over-dominant.

However it would be appropriate to removed permitted development rights for further extensions to ensure this level of amenity provision is safeguarded in the future.

The relationship of Plot 1 to No 13 Moore Close is acceptable. Although Plot 1 is slightly set back relative to this existing neighbour there would be an adequate separation of over 3 m and no side facing window are proposed. This arrangement would protect amenity, ensure that any loss of light or overshadowing would be limited and avoid over dominant impact.

There would be a separation of approximately 35m from the front of the proposed flats and existing dwellings on Moore Close so that overlooking and other amenity impacts would not result.

The back to back distances between the new flats and proposed dwelling on plots 6 – 10 would be 19 m which is marginally below the recommended separation of 21m. The facing first floor windows in flats 4 and 5 would serve living/diner and kitchens and so there would be potential for overlooking from these primary rooms. However any loss of privacy would not be harmful given the site characteristics and intervening trees that would provide some screening as well as enhancing the overall setting and outlook so that the relationship is acceptable.

The functional needs of residents of the flats would be met with outside drying space, bin and bike storage and two areas of shared amenity space.

Once the site is developed amenity impacts would be acceptable. However whilst some noise and disturbance is likely to result to existing residents on Moore Close during the construction period this would be a relatively short term impact . This can be mitigated to an acceptable level with respect to times of deliveries and construction. The details of this can be agreed within in a construction environmental management plan to be secured by condition.

Landscape impact and trees

The development of the site would lead to the loss of some of the boundary trees which are important features within the area and positively contribute to the setting of the area. The landscape design needs to mitigate for this loss with replacement planting in order to provide a development that is appropriate to its context . A schematic landscape plan has been submitted that indicates the proposed planting, hard surface and boundary treatments. Drainage plans have also been provided to demonstrate the feasibility of achieving the proposed new landscaping and tree planting on the site. Full planting details, a planting specification, maintenance and management plans along with details of hard landscaping and boundary treatments can all be agreed by condition.

The trees to the Moore Close boundary are located on highway land. This land to the edge of the road and including the street verges is included within the planning application site. The provision, management and maintenance of the replacement trees and landscaping can be secured by planning condition. Some trees will be lost primarily to allow for construction of the new access points. Remaining trees will be retained, and new planting is proposed which will include native species and a replacement hedge to enhance the setting of the development. Sufficient details of the landscaping have been provided with the application to give an understanding of how this margin can be planted. Full details can be agreed by condition. Public views from Fawcetts Field towards the site are important and the treatment of the western boundary is important to ensure that the character of the area is not adversely affected by the proposed development and that the park has a good secure border. Existing pine trees along the boundary with Fawcetts Field are to be

removed as part of these proposals. Trees and a new hedge are shown to replace the pine trees on this edge. Groups of new tree planting will be planted to provide screening to the gable end elevations of the new buildings in views from this direction. New trees are also shown on land between the flats and dwellings that will soften the visual impact of the built form allowing it to fit more comfortably into the context of the existing area.

Where garden boundaries are exposed and visible in public views, appropriate boundary treatments and landscaping is required to ensure an acceptable visual impact. Whilst indicative treatment to the side garden boundaries of Plots 5 and 10 and to the flats are shown as 1.8m close boarded fencing there is a need to provide secure gardens. There would be a dense native hedge and groups of tree planting in front of the fence. Given the set back of these exposed garden boundaries and the proposed planting along this edge any dominant or adverse impact of the fencing would be mitigated and as such the visual impact is considered to be acceptable.

The play area would be enclosed by a post and rail fence will allow intervisibility whilst providing a secure area for play, with planting between the plan area and Fawcetts Field, Final details of boundaries and landscaping can be agreed by condition, but in principle this is acceptable.

Plans of the drainage layout in the site have been provided which show that the underground drainage within the proposed area of public open space will be limited. A surface water sewer will connect to a storm water manhole under the proposed footpath through the public open space from Moore Close to Fawcetts Field with a surface water sewer linking to the existing watercourse on Christchurch Road. There would be porous paved areas with attenuation tanks with soakaways in the car parking courts.

A new foul water drain would run along the western boundary of the site but this is located outside of the proposed landscaped area so it will not unacceptably limit the ability for planting to be established along this important boundary. These details provide sufficient comfort at this stage that the proposed landscape is realistic to be delivered and that the anticipated landscape setting of the site can be delivered.

HCC LLFA raise no objection and comment that the additional information submitted addresses previous concerns raised regarding surface water management and local flood risk. They recommend a condition that the drainage scheme should be constructed in accordance with the approved documents.

Trees

The trees within the site and along the western and eastern boundary are not protected by a Tree Preservation Order. However, trees on the adjacent land to the north of this site are within the Old Milton Green Conservation Area.

On the eastern boundary towards the southern side of the site is a very large Monterey cypress tree. This tree is highly prominent in the surrounding area and considered a constraint to development. This tree is to be retained in the submitted plans. The proposed pedestrian path is located within the Root Protection Area (RPA) of this tree but it will be constructed using a non-dig cellular confinement system and provided this methodology is adopted this tree can be adequately protected and retained throughout the construction of the proposal.

There is a significant group of semi-mature Monterey pine trees on the western boundary of this site which are collectively a feature in the landscape. However individually these trees are of mixed quality and significant management of this group will be required in the future for they are to be able to develop into any

reasonable mature form. The removal of this group does not raise objection as long as this tree loss is mitigated through suitable replacement tree planting.

The large off-site Pine trees to the north of this site are protected by conservation area status. Three of these trees (T30, T36 & T38) are in declining condition and works will be required to reduce the risk these trees could pose to future occupiers prior to occupation of the dwellings. These trees are not within the application site. Negotiations with owner of these trees will need to be carried out and a separate Tree Works application submitted for this work.

Overall, there are no objection on tree grounds subject to conditions relating to tree protection and replacement trees are included as part of the landscaping scheme for the site.

Public open space provision:

This site exceeds 0.5 ha in size and so on site open space provision is required in accordance with Policy CS7 and this is also specified in site specific policy NMT2. Based on the site area of 1.08 ha the informal POS requirement is 0.07 ha and the play area required is 0.01 ha based on an occupancy of 34.4 people.

Provision is made on site for 102 m² of play area and 491 m² of informal open space. Whilst play area provision would meet the standard in accordance with policy there would be shortfall of 209 m² of informal open space. A financial contribution of £6,976.42 would however be made for off-site provision to address this shortfall. This contribution would be used within Fawcetts Fields that are located adjacent to the application site and the contribution directed towards additional informal and formal open space projects that the Town Council are considering in this area.

The Public Open Space and Play areas on the site needs to be provided prior to first occupation of the penultimate dwelling. The space would be maintained in perpetuity by New Forest District Council Housing who have service agreements with ground maintenance. As such a financial contribution towards maintenance of these areas is not required.

Conservation Area impact

The proposed site sits to the west and south of the boundary of Old Milton Conservation Area. The grade II listed church of St Magdalene sits a short distance to the east of the site. A detailed Heritage Statement has been submitted which assesses these attributes and the impacts of the proposals. The impacts on the listed church and conservation area are limited by tree screening and mature landscape. There is a small glimpse of the church tower from the site and Fawcett Field, but this is not a strategic view and its contribution to the overall significance of the conservation area is limited.

As such, the proposed development will not materially harm the setting of the Grade II listed Church of St Magdalene or the setting of the Old Milton Green Conservation Area. The proposed changes will have a limited impact upon the character and appearance of the Old Milton Green Conservation Area in this location.

Highway safety, access and parking

A Transport Assessment (TA) has been submitted in support of the planning application. The TA includes details of accident History. A PIA survey has been undertaken for the latest 5-year period that identifies that only two accidents have occurred in the vicinity of the site, indicating there is no issue with the operation of the highway.

Two new accesses are being proposed and these have acceptable visibility splays subject to a condition to limit the height of vegetation within these splays. The creation of these 2 new accesses would result in the loss of some on street parking spaces on Moore Close. This has been raised as a concern by third parties along with need for parking for disabled residents and carers. However this existing parking is within the public highway and is not subject of a residents parking scheme or allocated for the existing properties. Furthermore there are no parking restrictions on the road and Moore Close properties have garages within 2 garage courts available which would remain. No objection can therefore be made on this basis.

A trips analysis has been undertaken using the TRICs database which indicate that the proposed development would result in an additional 7 morning peak trips and 6 afternoon peak trips, with a 12 hour daily trip generation of 54. Due to the low number of trips associated with this development, no junction modelling has been undertaken, which is acceptable in this instance.

The parking courtyards shown allows for delivery vehicles and visitors to the site. Furthermore, the TA shows that that a fire tender and refuse lorry is able to get within 45m of all the proposed dwellings and refuse collection will be made via an on-street collection with bin storage areas and collection points conveniently located. This is acceptable

Parking standards for the dwellings on plots 1 -10 would be between 1.5 and 1.9 communal spaces or 2.0 – 2.5 spaces per unit if unallocated. 2 parking spaces are provided for each of these plots in a central courtyard area. This is acceptable and meets current parking standards.

The proposed flats would be 1 and 2 bedroom units where these would be a parking standard of between 1.4 - 1.5 communal spaces per unit. This gives a requirement of 8.4 unallocated spaces. A total of eight parking spaces are provided including 2 disabled spaces. This marginal shortfall is considered acceptable.

Space is available for cycle storage within the plots of the dwellings. For the proposed flats, cycle parking facilities and storage are provided within the front car parking area. to meet the needs of residents and visitors.

In accordance with Policy IMPL1 electric vehicles charging points are required to be provided as part of this development. An EVC points are shown on the submitted plans for each of the 10 dwellings and one ECP plus charging for electric bikes or a mobility scooter for the flats are located within the parking barn area and this is acceptable.

Ecology and Biodiversity Net Gain

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy, Government advice and the Environment Act which became statute in November require an enhancement to on site biodiversity wherever possible. NFDC Interim Advice on Biodiversity Net Gain is underpinned by the National Planning Policy Framework (NPPF) (2021) paragraph 174(d), which requires planning decisions to provide net gains in biodiversity. Paragraph 179(b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180(a) suggests that if significant biodiversity losses cannot be avoided, mitigated or compensated then permission should be refused. New Forest District Council's policy STR1 (iii) in the New Forest District (outside the National Park) Local Plan Review 2016-2036 Part One: Planning Strategy, adopted

6 July 2020 has a requirement for all development to achieve an environmental net gain. 'Environmental Net Gain' encompasses 'Biodiversity Net

The requirement to deliver 10% biodiversity net gain has been applied to all major new build development since the adoption of the Local Plan in July 2020 but this requirement for 10% BNG to be demonstrated - via use of the Defra Biodiversity Metric - became a mandatory requirement in England following the passing into law of the Environment Act in November 2021.

The site is undeveloped at present and is open grassland which has allowed its biodiversity value to increase over time. A BNG statement and report have been submitted that show that as a result of the existing biodiversity value of the site and the scale of the development proposed there would be a net loss of biodiversity as a result. This has been quantified using the Defra metric 2.0. The proposals will result in loss of 1.0 non-linear habitats (-73.45%) and 0.10 loss of linear habitats (-10.08%). There would also be a net loss of grassland and scrub on the site.

As such an off-site provision of this biodiversity uplift is required to be made. Whilst no BNG offset schemes are identified at present New Milton Town Council are working on the identification and implementation of BNG projects as part of their Green Infrastructure Plan. It is therefore considered appropriate, in this instance, to use a Grampian condition to secure off site BNG as part of one of the forthcoming projects within this plan to include an agreed timetable for delivery, and the future management and maintenance of the BNG mitigation package.

On Site Biodiversity and protected species

A full ecological survey has been undertaken of the site and submitted with the planning application. The proposals would provide ecological enhancement within the proposed landscaping and planting areas and provide corridors to the boundaries of the site. These ecological enhancements can be secured by condition.

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 undertake to make a financial contribution to secure the required habitat mitigation directly to the Council before any development commences on the site.

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, 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. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. 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. In this case, the applicant will undertake make a financial contribution to secure the required air quality monitoring contribution directly to the Council before any development commences on the site.

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 financial contributions are required :

- i) £48,606 to secure recreational habitat mitigation (infrastructure)
- ii) £7,374 to secure recreational habitat mitigation (non-infrastructure)
- iii) £1,190 to secure Air Quality monitoring.
- iv) £6,976.42 for shortfall of 209 m² of informal open space on the site in accordance with saved Policy CS7 and NMT2.

An undertaken will be made for these financial contributions to be paid directly to the Council before any development commences on the site.

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 (Affordable)	1365.62	0	1365.62	1365.62	£80/sqm	£139,923.53 *

Subtotal:	£139,923.53
Relief:	£0.00
Total Payable:	£139,923.53

11 CONCLUSION

The site is allocated for residential development by Policy NMT2 of the Local Plan Part 2 which sets out a series of criteria for an acceptable scheme. The scale of current proposal accords with the expectations of the development potential on this site. The layout, scale and design are acceptable. The prominent and mature Monterey cypress tree on the Christchurch road frontage of the site has significant public amenity value and would be retained. Associated landscaping and replacement tree planting will enhance the visual amenity of the site and the layout makes provision for public open space and play space with footpath links to Fawcetts Field adjacent.

The site would provide 100% Affordable housing (rented and shared ownership) which is welcomed as it would meet an identified need in the area and wider district. Whilst BNG cannot be achieved on site, off-site BNG can be provided through a project to be identified in the forthcoming NMTC Green Infrastructure Plan and this provision, management and maintenance secured via a Grampian condition.

The main issues raised by objectors relate to highway safety and parking. These and other matters are considered in the above planning assessment and it has been concluded that impacts would not be harmful such that planning permission should not be granted.

As such, the current proposals are considered acceptable in accordance with policy. Planning permission is therefore recommended subject to conditions, the identified contributions being made and an obligation that Affordable housing to meet policy requirements is secured on the site in perpetuity.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to

- a) an obligation for the provision and retention of at least 50% of the homes on the site to be affordable in accordance with Policy HOU2
- b) an obligation to pay the relevant financial contributions directly to the Council before any development commences on the site. These contributions being as follows
 - i) £55,980 to secure recreational habitat mitigation [made up of £48,606 infrastructure + £7,374 non-infrastructure]
 - ii) £1,190 to secure Air Quality monitoring.
 - iii) £6,976.42 for shortfall of 209 m² of informal open space on the site in accordance with saved Policy CS7 and NMT2.
- c) the imposition of the conditions set out in the report.

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:

SP.19.099.PL001 Rev B	Amended block and location plan
ASP.19.099.PL002 Rev C	Proposed site plan
ASP.19.099.PL200 Rev B	Proposed apartments floor plan
ASP.19.099.PL300 Rev B	Proposed elevations
ASP.19.099.PL301 Rev B	Proposed elevations
ASP.19.099.PL201 Rev A	Apartments roof plan
ASP.19.099.PL303 Rev A	Cycle, refuse and parking barn
ASP.19.099.PL101	Proposed elevations 2B4P Shared ownership houses
ASP.19.099.PL100 Rev A	Proposed shared ownership houses floor plans
ASP.19.099.PL108	Proposed shared ownership houses roof plans
ASP.19.099.PL103 Rev A	Proposed rented houses floor plans
ASP.19.099.PL107	Proposed rented houses floor plans
ASP.19.099.PL104	Proposed elevations 3B5P houses rent
ASP.19.099.PL105	Proposed elevations 2B4P houses rent
ASP.19.099.PL106	Proposed street scene elevations
ASP.19.099.PL302 B	Proposed street scene elevations
C1590-P- 100 P4	Proposed drainage plan Sheet 1 of 3
C1590 -P-101 P4	Proposed drainage plan Sheet 2 of 3
C1590-P-102 P4	Proposed drainage plan Sheet 3 of 3
C1590-P- 104 P2	Proposed drainage contribution areas plan
C1590-P- 105 P2	Proposed engineering layout sheet 1 of 2
C1590-P- 106 P2	Proposed engineering layout sheet 2 of 2
C1590-P- 107 P	Typical construction details
C1590 P- 108 P	Typical construction details
C1590 P- 110 P2	Proposed drainage exceedance Plan
213-2-R7	Landscape plan dated 05.11.21
Design and Access Statement and addendum to Design and Access Statement received on 11.11.21	
ECOSA Ltd Ecological Impact Assessment Final Document dated 15th July 2021 (Reference 21/0128.0001.F0)	
Biodiversity Net Gain Statement received 10 August 2021	
Biodiversity Net Gain metric - ECOSA dated October 2021 ref 21.0128.002.FO	
Foul and surface water drainage report (CGS Civils) P2 dated 15th December 2021 and Appendix A -D received on 16th December 2021	
Drainage designer reply to LLFA queries (CGS Civils) C1590 Ref P1 dated 16th December 2021	

Phase I - II Geo-Environmental and Geotechnical site investigation (Omnia ref A11583/211209/L1) dated 9th December 2021
Flood Risk Assessment Rev P ref C1590 dated 1st November 2021 and appendices received 16.11.21
Arboricultural Impact Assessment and Tree Protection Scheme Herne Arboriculture Ref JH/AIA/19/048 dated 8 June 2021
Transport Statement Paul Basham Associates dated August 2021 ref 020.0692/T5/2

Reason: To ensure satisfactory provision of the development.

3. Before any works above DPC 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 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The development hereby permitted shall not be occupied until the spaces shown on plan ASP-19-099.PL002C for the parking of vehicles and parking and storage of cycles have been provided. The spaces shown on plan ASP-19-099.PL002C for the parking of vehicles and parking and storage of cycles shall be unallocated to specific dwellings, retained and kept available and unallocated for the parking of vehicles and parking and storage of cycles for the dwellings hereby approved at all times unless otherwise agreed in writing by the Local Planning Authority

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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park

5. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015, no obstruction of over 1m in height shall be placed or permitted to remain within the visibility splays shown on the approved plan.

Reason: In the interest of highway safety and in accordance with Policy ENV3 of the Local Plan 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) a tree Planting Schedule and Tree Plan specific for tree planting including (tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014
- d) areas for hard surfacing and the materials to be used;
- e) a detailed design for the children's play area, with details of the play equipment to be installed;
- f) precise specification of the proposed levels across the areas of public open space;
- g) other means of enclosure;
- h) 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 and thereafter retained.

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

7. 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 and maintained thereafter as built unless otherwise agreed in writing by the Local Planning Authority.

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

8. Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated and specified within the submitted Hearne Arboriculture Tree Protection Plan dated 07/06/2021 Drawing No: HN_TPP_7_6_21.

During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. The trees/hedges that 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 Arboricultural Impact Assessment and Arboriculture Tree Protection Plan ref JH/AIA/19 048 Hearne dated June 2021 and Drawing No: HN_TPP_7_6_21 or as may otherwise be first agreed in writing with the Local Planning Authority.

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

10. No development, demolition or site clearance shall take place until a plan showing the location of site compound and mixing areas has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. The construction of the new footpath and drainage works where they are located within the RPA of the Monterey cypress tree shall be undertaken using a no dig cellular confinement system in full accordance with the provisions set out within Section 7.0 of the Arboricultural Impact Assessment (ref JH/AIA/19 048 Hearne dated June 2021) and Drawing No: HN_TPP_7_6_21 or as may otherwise be first agreed in writing with the Local Planning Authority.

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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. The works hereby approved shall be undertaken in strict accordance with the ECOSA EclA. The mitigation and enhancement measures detailed in the EclA should be provided in accordance with these approved details. Prior to development commencing above dpc level the locations and specifications of the ecological enhancements including bat and hedgehog boxes, dormouse and bird nesting boxes to be provided in accordance with Section 5 of ECOSA Ltd Ecological Impact Assessment Final Document dated 15th July 2021 (Reference 21/0128.0001.F0.7.5) shall be submitted to the Local Planning Authority prior to their installation. Once agreed these ecological enhancement features shall be installed prior to first occupation of the dwellings hereby approved and evidence provided to show them installed as agreed. These approved ecological enhancement features shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park 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. No development shall commence on the site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include:
- (a) Development contacts, roles and responsibilities
 - (b) Public communication strategy, including a complaints procedure.
 - (c) A method, programme and phasing of demolition (if any) and construction work;
 - (d) The provision of long term facilities for contractor parking;
 - (e) The arrangements for deliveries associated with all construction works;
 - (f) Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
 - (g) Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
 - (h) Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- (a) Details of hours of demolition and construction
 - (b) Details of parking and traffic management measures.
 - (c) Access and egress for plant and machinery;
 - (d) Measures to control light spill and glare from any floodlighting and security lighting installed.
 - (e) Protection of pedestrian routes during construction;
 - (f) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - (g) Wheel washing facilities to be provided.

All demolition and construction work shall only take place in strict accordance with the approved Construction Environmental Management Plan.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity and highway safety and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

14. The foul and surface water drainage system for the development hereby approved shall be implemented in accordance with the approved Foul and Surface Water Drainage Report (CGS Civils) P2 dated 15th December 2021 and Appendix A - D received on 16th December 2021 and surface water discharge to the watercourse shall be limited to the approved discharge rates. Any changes to these approved documents shall be first submitted to and approved in writing by Local Planning Authority and HCC Lead Local Flood Authority and the revised details must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculation. Evidence that the surface water sewer asset owner has agreed to the proposed discharge rates and connection should

be submitted before any drainage connection is made. These submitted details shall include schedules for each drainage feature type, its ownership and details of protection measures. If necessary, improvement to the condition of a drainage feature as reparation, remediation, restitution and replacement should be undertaken

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 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.

15. Prior to occupation of the penultimate dwelling on the site details of the means of the future maintenance of the watercourse on the boundary of the site and the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. These maintenance arrangements shall thereafter be retained as agreed in perpetuity

Reason: In order to ensure that the future drainage maintenance arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 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.

16. 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 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

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;

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

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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.

18. 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 shall be erected or carried out to Plots 1 - 10 without express planning permission first having been granted.

Reason: In view of the physical characteristics of plots 1 - 10, 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 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

19. The first residential unit of the development hereby approved shall not be occupied until details of a package of off-site Biodiversity Net Gain (BNG) has been submitted to, and approved in writing by, the Local Planning Authority. This package should secure the identified 10% BNG arising from the development and include:

- (i) a calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 2.0 Calculation Tool (Beta) (2019);
- (ii) details of the BNG project including its location;
- (iii) a timetable for the provision of the BNG project;

- (iv) details of the management of the BNG project
- (v) details of the future monitoring of the BNG project in perpetuity.

The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.

Reason: To ensure Biodiversity Net Gain is secured as part of the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park 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), NFDC interim Biodiversity Guidance and the Environment Act 2021.

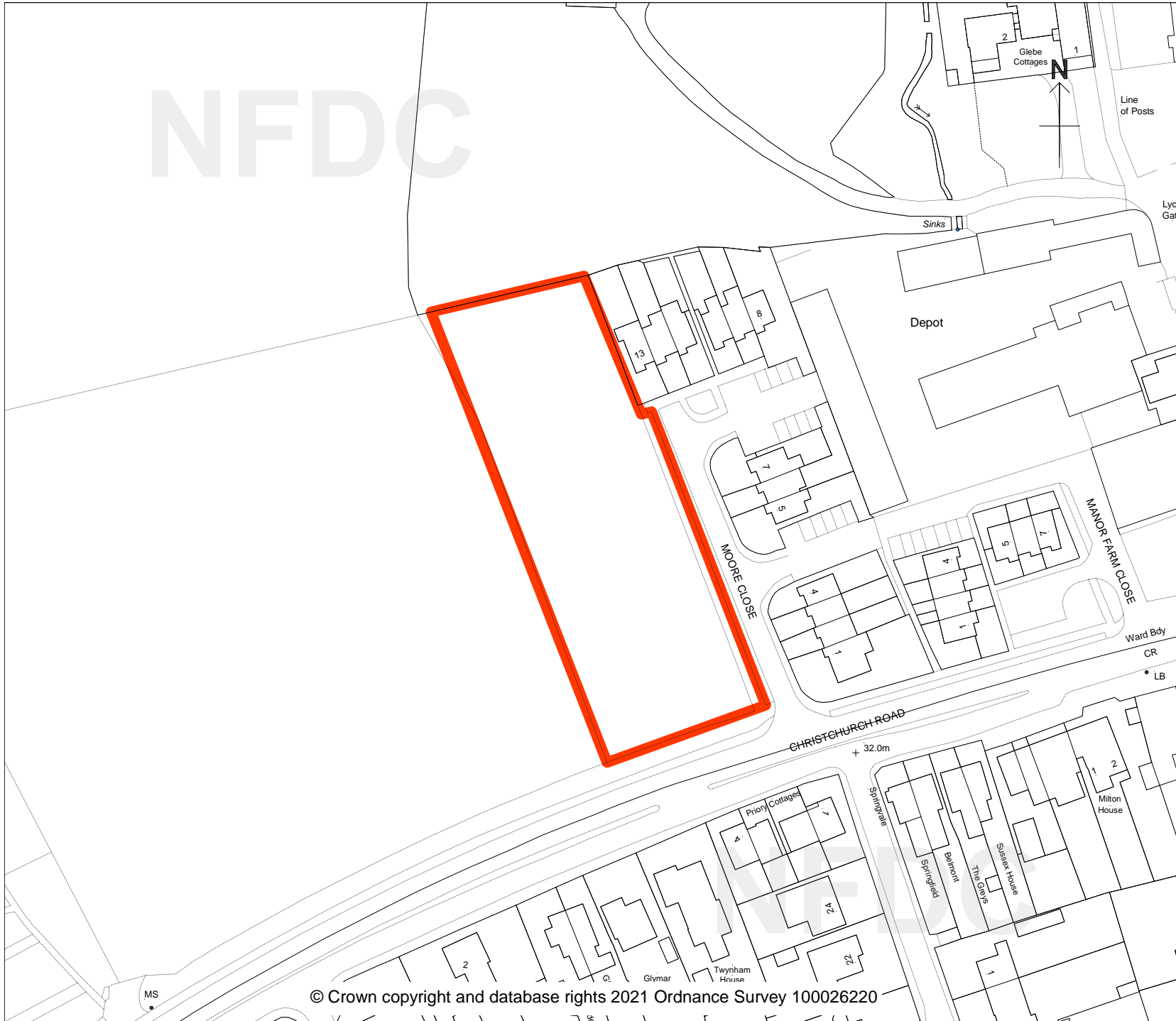
Further Information:

Judith Garrity

Telephone: 023 8028 5434

NFDC

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New Forest
DISTRICT COUNCIL

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Claire Upton-Brown
Executive Head of Planning,
Regeneration and Economy
New Forest District Council
Appletree Court
Lyndhurst
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PLANNING COMMITTEE

January 2022

LAND OFF, MOORE CLOSE, NEW
MILTON, BH25 6QX

21/10932

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the internet, it will not be to
scale.

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Planning Committee 12 January 2022

Application Number: 21/11281 Outline Planning Permission

Site: 7-9 RUMBRIDGE STREET, TOTTON SO40 9DQ

Development: Construction of 6x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1x dwelling; part demolition of existing building (Outline application with details only of access, layout and scale)

Applicant: D.P.P Limited

Agent: Vail Williams LLP

Target Date: 26/11/2021

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development and local and national policy
2. Impact on character and appearance of area
3. Highway safety, parking access and refuse storage
4. Local residential amenity considerations
5. Ecological impact and habitat mitigation
6. Flood risk

This application is to be considered by Committee due to the objection received from Totton Town Council.

2 SITE DESCRIPTION

The site is located within Totton town centre, fronting onto Rumbridge Street at the north and backing onto the Windsor Road car park at the rear. The site is used for office purposes in support of DPP Ltd plumbing operations. The frontage onto Rumbridge Street is a two storey pitched roof building which is to be retained. The remainder of the long and narrow site is covered by a single storey flat roof building, used for office purposes, and a small service yard to the rear (accessed from Winsor Road car park).

To the east of the site is number 5 Rumbridge Street which is a two storey flat roof building with a variety of commercial uses on the ground floor and residential flats above including informal rear balconies at first floor level.

To the west is 11 Rumbridge Street which constitutes a two storey low pitched building with commercial ground floor frontage and residential uses above and behind. Mayday Court to the west includes four west facing terraced houses whose rear building line is on the boundary of the site. There are no windows in the rear (east facing) elevations of the terraced houses apart from small roof lights.

3 PROPOSED DEVELOPMENT

The application is for outline planning consent concerning matters of Access, Layout and Scale of the proposed development only.

Therefore, the remaining matters of Appearance and Landscaping will constitute Reserved Matters, to be considered as part of a separate, subsequent Reserved Matters application.

The proposed development involves the demolition of the existing single storey office building to the rear of 9-7 Rumbridge Street, and the construction of a residential scheme consisting of six, two bedroom dwellings with associated amenity space, landscaping and bin store. The scheme includes the retention and conversion of the existing ground floor office building fronting onto Rumbridge Street to provide a ground floor commercial use (and inside cycle parking) and the conversion of the upper floor offices to create 1No. two bedroom flat.

The proposal therefore consists of 7 No. two bed dwellings and a commercial shop.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
05/83883 Retention of first-floor extension for additional office and a flat; detached two-storey terrace of 4 houses	06/09/2005	Granted Subject to Conditions	Decided
03/79535 First floor extension for additional offices and a flat; detached two-storey terrace of four houses	16/02/2004	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ECON6: Primary, secondary and local shopping frontages

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 STR4: The settlement hierarchy

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

SPD - Parking Standards

Relevant Advice

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Constraints

Flood Zone
Plan Area

Plan Policy Designations

Town Centre Boundary
Built-up Area
Rumbridge Street Secondary Shopping Frontage

6 TOWN COUNCIL COMMENTS

The application was discussed and it was felt that as this has been designed as a 'car free? development, the Town Centre Planning Policy with reference to parking allocation is not appropriate to rural conurbations as they do not have an integrated transport system.

RECOMMENDATION REFUSAL for the reasons listed above

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency

No objection (following the submission of additional information)

NFDC Building Control

B1 Means of Escape

The access to the roof terrace is through the first floor open plan lounge which would be a concern for means of escape in the case of fire. Secondary means of escape from the roof terrace should be provided.

B5 Access and Facilities for the Fire Brigade

Fire brigade access is required to within 45 meters of all parts of the dwellings from the fire appliance. details to confirm this should be provided or suitable alternatives provided.

M1-4 Access and Use of the Buildings

A satisfactory access strategy should be provided for this scheme

NFDC Ecologist

No objections, with comments in respect of mitigation for impacts on designated sites, habitats (Biodiversity Net Gain) and species.

NFDC Environmental Protection

No objection, subject to the standard contaminated land planning condition

Hampshire Swifts

Support the proposal with a recommendation for the addition of additional Swift bricks incorporated into the development.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Two representations from third parties, objecting to the proposal on grounds including excessive scale and overdevelopment, loss of light/overshadowing, overlooking, lack of parking provision, additional traffic generation and dangerous roof terraces.

For: 0

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

The application site is located within the built up area of Totton and forms part of the designated Rumbridge Street Secondary Shopping Frontage, whereby saved local plan policy TOT18 is relevant. TOT18 states:

"Within the Rumbridge Street Secondary Shopping Frontage, as defined on the Policies Map, development proposals which enhance the commercial vitality of the area will be permitted. A minimum of 40% of the total street frontage should be retained in retail use.

No residential uses will be permitted within the ground floor street frontages."

The site is not within or adjacent to a Conservation area, nor are there listed buildings or other structures of heritage significance within close proximity. There are no Tree Preservation Orders (TPOs) affecting the site (however, two TPOs exist within Mayday Court).

The site lies in a highly sustainable location, being situated centrally within the town centre of a 'tier one' town as defined within the Council's Settlement Hierarchy (Policy STR4 refers). Within Totton there are a very good 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.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated this will be published in early 2022 and will be the formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

The NPPF identifies (para.69) that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

In summary, provided the use of the ground floor Rumbridge Street frontage of the property remains a shopping/commercial use (with an appropriate retail frontage and access), the proposed residential development to the rear can be considered acceptable in principle.

Impact on character and appearance of area

The impact of the new development on the street scene and surrounding area has been assessed and whilst the new building(s) would be taller than the existing single storey rear projecting building, the proposed development would be relatively well screened by the retained two storey element at the Rumbridge Street end and would otherwise harmonise/accord with the scale of other existing buildings to the north east and south west and would thereby not be considered inappropriate in terms of impact on the existing character of the surrounding area.

From the perspective of the impact of the proposal from properties adjoining the application site to the south west, the side elevation of the proposed new dwellings would be very well screened by the existing extended building at 11 Rumbridge Street and the recent linear two storey development at Mayday Court which would act to very significantly screen the proposed development in wider views.

From the perspective of the rear yards of other properties adjoining the application site to the east, there exists a mix of commercial and residential uses in this area and due consideration should be given to ensuring there are no undue amenity impacts, such as overlooking or overshadowing.

Officer note - this is an outline application and is only considering the access, layout and scale of the proposed development (with the further detailed matters relating to appearance and landscaping withheld to form the subject of a subsequent 'Reserved Matters' application). Officer's consider the current outline application is acceptable in terms of impact(s) on the character and appearance of the surrounding area, subject to the approval of an appropriate details in respect of materials and detailing, to form a subsequent Reserved Matters application.

Highway safety, parking access and refuse storage

The access arrangements and provision for the application site are pedestrian only and remain as existing - no additional parking provision is proposed, and it is accepted that no additional parking provision is possible by reason of the limited amount of outside space available within the site.

As part of the Local Development Framework for its area, New Forest District Council adopted a revised Parking Standards Supplementary Planning Document (SPD) on 3 October 2012 (this document is currently being reviewed and out for consultation until mid-January 2022). The adopted SPD forms part of the Local Development Framework for New Forest District (outside the National Park) and outlines the recommended provision of cycle and vehicle parking for all new developments. For each new two bed dwelling the current adopted Parking Standards SPD recommends 1.5 shared or communal parking spaces, or 2 on-plot parking spaces, together with 2 cycle parking spaces per unit. However, within the draft revised Parking Standards SPD it is proposed that in the Main Town Centre locations of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel.

Furthermore, the NPPF (July 2021) at Para.107 provides guidance that, if setting local parking standards for residential and non-residential development, policies should take into account matters including:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;

Consequently, whilst the proposal does not provide any additional off-street car parking, the application is considered acceptable on balance nonetheless by reason of its sustainable town centre location and the benefits it would bring through the provision of additional new small dwellings.

In respect of cycle parking, the proposal indicates provision for 15 x cycle parking spaces to be provided as per the requirements of the SPD.

Local residential amenity issues

The application site is within an existing mixed commercial residential use area of the town centre. The proposed development would introduce additional mass and bulk/height at first floor level and would introduce additional residential units, potentially (indicatively shown) with roof terraces.

Therefore great care should be taken in considering the final design of the proposal to ensure the development does not result in the undue overlooking of adjacent residential uses from windows, balconies or any outside amenity space areas.

In addition to sensitive design (to be considered as part of a subsequent Reserved Matters application), the use of obscure glazing and privacy screening to prevent undue overlooking is commonly successfully used in close-knit urban areas. Such considerations will be particularly relevant in respect of the existing first floor rear terraces relating to dwellings at 5 Rumbridge Street, in respect of which concerns have been raised in third party representations.

The Environmental Protection officer has previously commented on the proposed redevelopment of the site for residential purposes, as follows:

"I have no objection in principle to the proposed development as submitted. However, we consider that the planning permission should only be granted to the proposed development as submitted if standard planning condition 14i is imposed. This is to ensure that any potential contamination that could pose risks to human health and/or the environment found during the proposed development on this site will be dealt with in accordance with the Environment Agency's technical guidance."

In all other respects, it is considered the proposed development would not be likely to result in undue impacts (such as overlooking or overshadowing) on the amenity of adjoining neighbours or uses, subject to the approval of a suitable scheme in respect of the appearance and landscaping under a subsequent Reserved Matters application.

Flood risk

The northern end of the application site falls within Environment Agency Flood Zone 2. This area of the site is also within the NFSFRA (Strategic Flood Risk Assessment) Fluvial flood zone 2.

To address flooding risks and to ensure that flood risk is taken into account the Sequential Test will be applied to direct new development to areas with the lowest probability of current and future flooding, and to control and avoid inappropriate development in areas at current or future risk from flooding.

The Exception Test will be applied to consider proposals that it is not possible to locate in areas of lower flood risk, taking into account any wider benefits of the development proposal, and safety consideration on- and off-site. Appropriate flood warning and evacuation plans are a SFRA requirement for any sites at risk of flooding where development is allocated or permitted in accordance with the flooding Exception Test.

In considering potential or proposed locations for development it is therefore important that, as far as reasonably possible, development is located where the risk of flooding (from all sources) is and will remain lowest, taking account of climate change and the vulnerability of future uses to flood risk. The Flood Risk Vulnerability Classification in National Planning Policy Guidance identifies 'Highly vulnerable' and 'more vulnerable' uses that are least appropriate to locate in flood risk areas. These include emergency service stations, mobile home parks, caravans, hospitals, residential institutions and housing.

The application is accompanied and supported by an appropriate (revised) Flood Risk Assessment specific to the proposed development. The Environment Agency has assessed the submitted FRA and (following revisions to include climate change levels) and raises no objection to the proposed development.

Ecological impact and habitat mitigation (including nitrates)

On Site Biodiversity and protected species

The applicant has submitted a Phase 2 Bat Survey Report (EcoSupport Preliminary Ecological Appraisal (PEA) dated 16th August 2021) for the site, in which a scheme of ecological enhancements to provide a biodiversity net gain (BNG) for the development is set out.

The submitted PEA and scheme of BNG has been considered by the Council's Ecologist who raises no objection. The scheme of ecological enhancements can be made a Condition of the planning approval.

Habitats 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 would be required (prior to determination of this planning application) to enter into a Section 106 legal agreement or submit a unilateral undertaking, which secures the required habitat mitigation contributions as detailed in the 'Developer Contributions' section below.

Nitrate neutrality and impact on Solent SAC and SPAs

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 has now raised this with the Council and other Councils bordering the Solent catchment area and has 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 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 considers that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

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_x, 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 (to be secured via a Section 106 legal agreement or unilateral undertaking) 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.

Developer Contributions

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

- Air quality monitoring contribution of £595
- Bird Aware Solent contribution of £3,654
- Non-infrastructure contribution of £3,801
- Infrastructure contribution of £24,304

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

11 CONCLUSION

The proposed development constitutes a sustainable form of new housing development within a town centre location, whilst retaining the existing ground floor commercial unit and is considered acceptable in principle.

Subject to the subsequent approval of an appropriate scheme for the appearance and landscaping of the development (as a Reserved Matters application), the proposed development would accord with local and national planning policy guidance and would not result in undue impacts in respect of the character of the surrounding area or amenity.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate habitats mitigation (as detailed within the Committee report), and
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. Approval of the details of the appearance and landscaping for the development ("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 hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

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

- 02 A SITE PLAN - SECOND FLOOR
- 301 B SITE PLAN - FIRST FLOOR
- 300 B SITE PLAN - GROUND FLOOR
- 303 LOCATION & EXISTING BLOCK PLAN
- 308 UNITS 1-6 - PROPOSED - REAR ELEVATION
- 307 UNITS 1-6 - PROPOSED FRONT ELEVATION
- 313 A PROPOSED SITE PLAN (SECTIONS)
- 309 A PROPOSED UNIT 6 SIDE ELEVATION & SECTIONAL ELEVATIONS
- 310 PROPOSED SECTIONAL ELEVATIONS 2
- 312 PROPOSED SECTIONAL ELEVATIONS 4
- 311 PROPOSED SECTIONAL ELEVATIONS 3
- 304 A PROPOSED UNIT 1 - FLOOR PLAN
- 305 B PROPOSED UNITS 2-5 - FLOOR PLAN
- 306 B PROPOSED UNIT 6 - FLOOR PLAN
- 316 B RETAINED BUILDING - PROPOSED FLOOR PLANS
- 317 RETAINED BUILDING - PROPOSED ELEVATIONS

Reason: To ensure satisfactory provision of the development.

5. 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 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.

6. 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 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. 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.

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 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).

8. The development hereby permitted shall not be occupied until:
- (i) 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; and
 - (ii) 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

- (iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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.

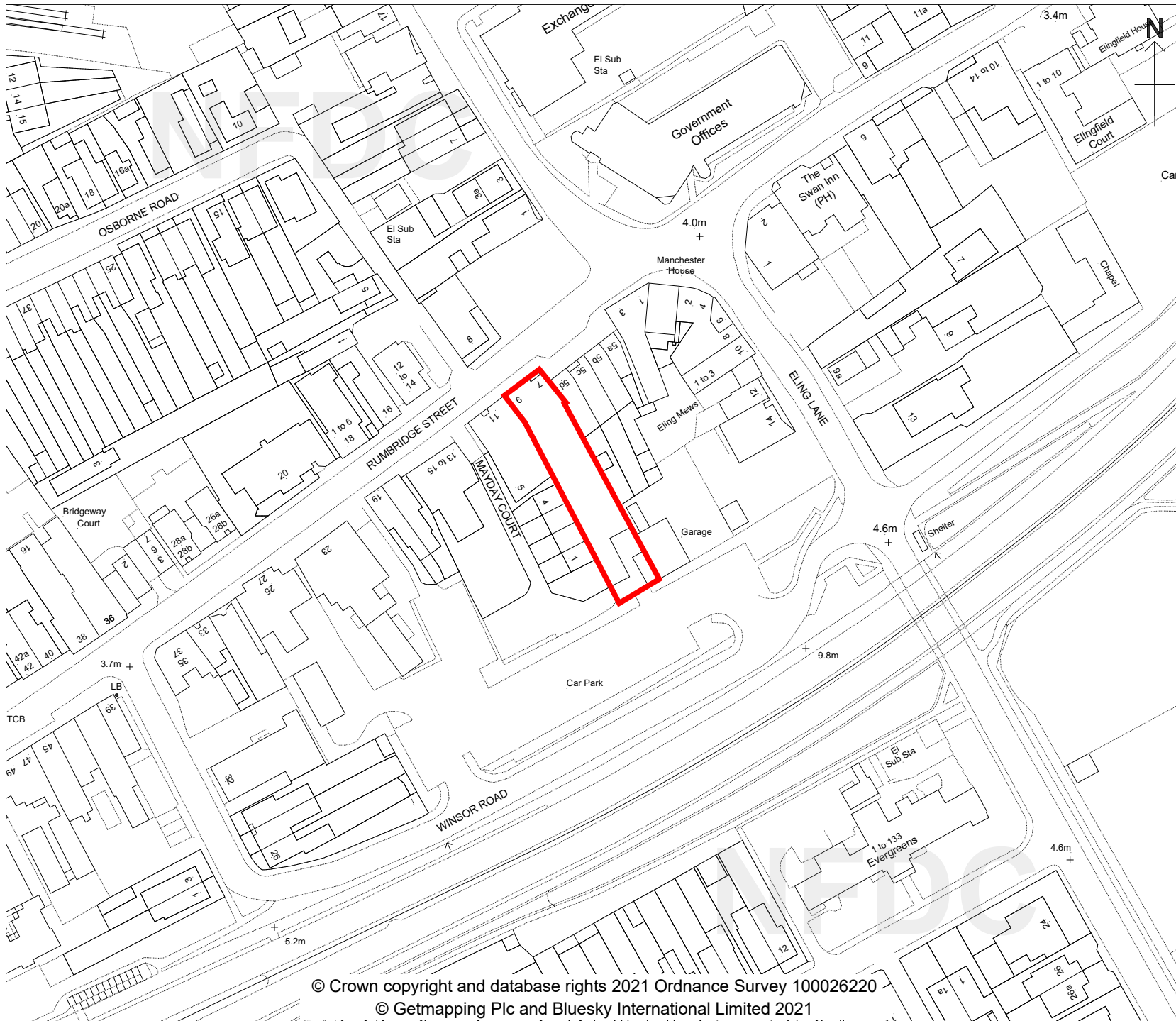
- 9. Development shall be carried out in accordance with the enhancement measures (Mitigation and Enhancements) for biodiversity as set out in Section 5 of the submitted EcoSupport Preliminary Ecological Appraisal (PEA) dated 16th August 2021.

Reason: To provide an appropriate level of biodiversity net gain for the development.

Further Information:

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PLANNING COMMITTEE

January 2022

7-9 RUMBRIDGE STREET
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 SO40 9DQ
 21/11281

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Planning Committee 12 January 2022

Application Number: 21/11438 Full Planning Permission

Site: 3 FARNLEYS MEAD, LYMINGTON SO41 3TJ

Development: Single-storey side extension

Applicant: Mrs Dunning

Agent:

Target Date: 14/01/2022

Case Officer: Andrew Sage

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of area and street scene
- 2) Impact on neighbour amenity

This application is to be considered by Committee because the applicant is the spouse of a member of the Council.

2 SITE DESCRIPTION

The application site is a detached two-storey dwelling in a quiet residential cul de sac in the built-up area of Lymington. The dwelling has a simple L-shaped form with a gable roof with the property orientated perpendicular to the road. The property is brick built with render and mock timber framing to the first floor.

The roadside boundary of the property is demarked by a c.1.8m high brick garden wall. At the location of the proposed development this is fronted by shrubs.

3 PROPOSED DEVELOPMENT

The proposal is for a lean-to side extension, on the elevation fronting the highway, to be completed in matching materials to the existing dwelling. This will involve the removal of the garden wall in the location of the development and replacement with a new hedgerow and shrubs on the boundary of the property.

4 PLANNING HISTORY

No relevant history

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

Lymington Local Distinctiveness SPD

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Flood Zone

Plan Area

Small Sewage Discharge Risk Zone - RED

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

No comments received

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Natural England: comment only

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 1

Against: 0

- *Development will not impact representees (neighbour) amenity.*

10 PLANNING ASSESSMENT

Principle of Development

The scheme proposes demolishing part of an existing garden wall and the construction of a single-storey lean-to extension in materials matching the existing property. The principle of extending the house is acceptable, subject to compliance with policies.

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality through creating buildings and places that are sympathetic to their environment and context, that respect and enhance local distinctiveness, character, and identity.

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

Currently the building presents a sheer gable end towards the street although the bulk of the building is lessened by the decorative treatment of the first floor and the planting at the roadside. The proposed development will remove this planting and

extend the existing building towards the street. This will result in the building appearing more prominent in the streetscene when viewed from both the east and south. However, by virtue of the single storey scale and lean-to design in matching materials it is considered that the proposed extension it will be readily absorbed by the site and sit comfortably on the side of the existing property.

The proposal includes planting a new hedge and replacing any loss shrubs between the development and the road which will further limit the impact on the street scene. Therefore the impact on the appearance of the street scene, property and character of the area are considered acceptable.

Residential amenity

Due to the location and single-storey scale of the proposal it is considered that the amenity, privacy, light to and outlook from of neighbouring properties would be preserved.

Highway safety, access and parking

It is not considered that the development will have an impact on highways safety.

Flood Risk

Part of the application site is located within Flood Zone 3. However the site of the development is outside of the flood zone and the applicant has indicated that floor levels will be set no lower than the existing dwelling. The risk from, and the impact on flooding is considered acceptable.

Biodiversity and Ecology

Householder developments are not exempt from the requirement to deliver biodiversity net gain as part of development. However, in proportion to the scale of the development, they can deliver features that will be valuable to wildlife and enhance local biodiversity. Additional planting of native species of shrubs and trees and the addition of bee bricks and bird boxes should be considered as a proportionate measure to address biodiversity net gain.

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 third parties. The application is considered to raise no significant issues and is recommended for approval.

12 OTHER CONSIDERATIONS

None

13 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:

- Dwg title. Site location plan, as submitted to NFDC on 10 November 2021
- Dwg title. Block plan, as submitted to NFDC on 19 November 2021
- Dwg title. Proposed floor plan, as submitted to NFDC on 22 November 2021
- Dwg title. Proposed elevations, as submitted to NFDC on 22 November 2021.

Reason: To ensure satisfactory provision of the development.

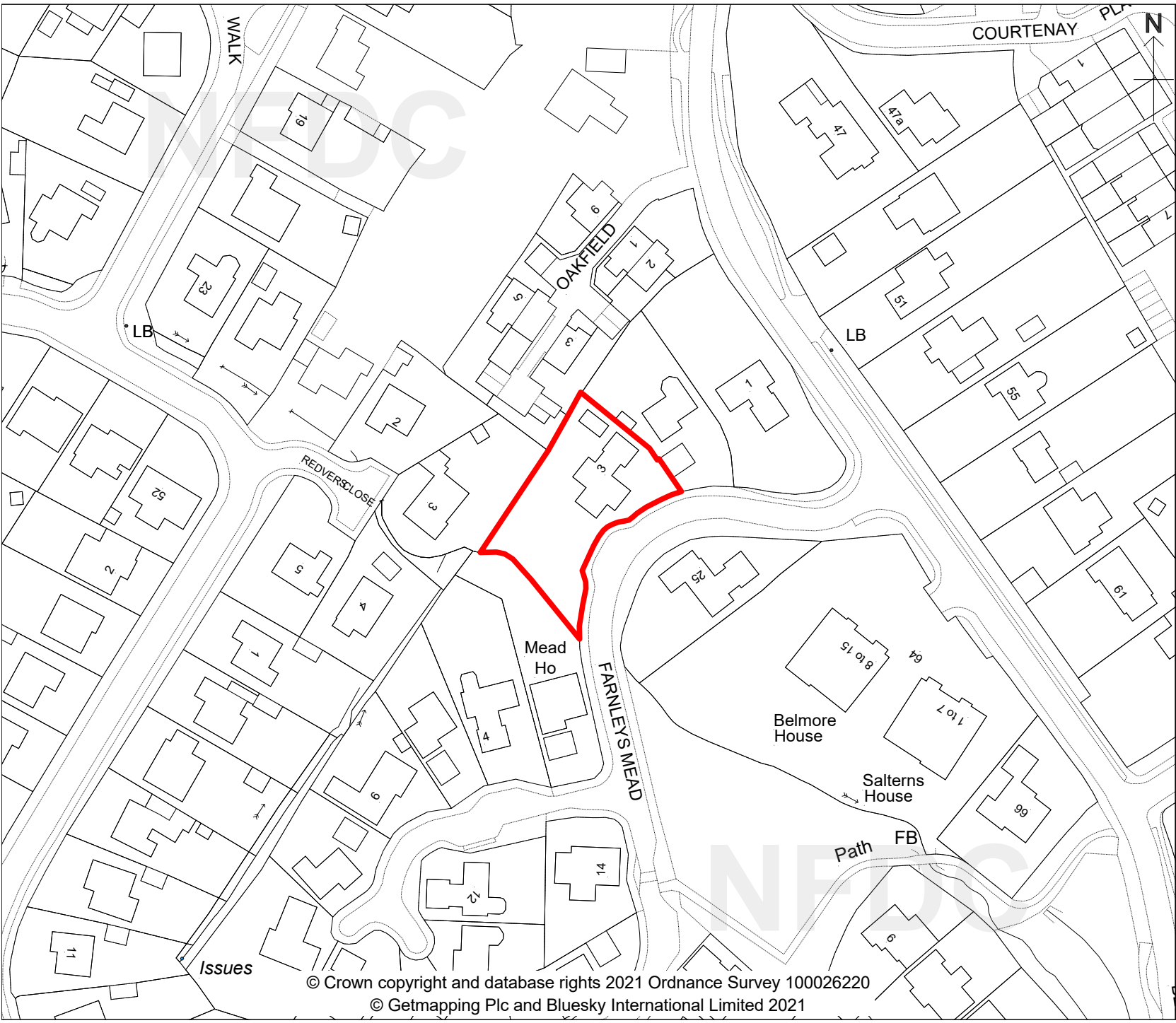
3. The external facing materials shall match those used on the existing building.

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

Further Information:

Andrew Sage

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PLANNING COMMITTEE

January 2022

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Planning Committee 12 January 2022

Application Number: 20/10228

Site: Land at BURGATE ACRES, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX (NB: PROPOSED LEGAL AGREEMENT)

Development: Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings

Applicant: Metis Homes Ltd

Agent: Metis Homes

Case Officer: Stephen Belli

Members will recall this application was presented to the 10 February 2021 meeting of the Planning Committee on which date it was resolved as follows –

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

- i) The carrying out of a further Appropriate Assessment under the Habitat Regulations 2017 to consider the likely significant effects of phosphorous entering the River Avon SAC in consultation with Natural England. The results of the Assessment shall conclude that any adverse impact to areas and species of importance can be adequately mitigated by reference to any mitigation plan which the Council may bring forward or any plan brought forward by the applicant
- ii) the completion by end of 2021, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits:
 - 1 **Affordable Housing (AH)** – Phasing delivery of 14 no.units to be agreed, and long-term retention as AH.
 - 2 **Biodiversity net gain (BNG)** long term management/maintenance plan, setting up of management company and provisions to safeguard against failure. Appropriate monitoring charges. 30 year minimum time span for BNG on site.
 - 3 **ANRG** provision and maintenance and long term management/maintenance plan, – if privately managed. Structure of management company. and failure safeguards. If to be adopted the transfer to the Council and appropriate maintenance contribution
 - 4 **POS** provision and maintenance – management company to be set up and maintained, if private, or transfer to NFDC and contributions towards future maintenance

- 5 **Formal open space** contribution towards off-site formal open space to be confirmed
- 6 **Drainage, highways and street lighting on site** – arrangements to ensure all are provided in a timely manner and maintained appropriately in the future.
- 7 **Off-site drainage** – phasing and extent of works of works to be agreed.
- 8 **Formal open space contribution** towards off-site formal open space to be confirmed.
- 9 **Air quality assessment monitoring contribution**
- 10 **Footpath 83 improvements** – to include a detailed specification of the works, the timing of such works, a proportionate contribution towards future maintenance of any works carried out, and appropriate landscaping works to adjoining vegetation
- 11 **Phosphate neutrality contribution** Level of contribution to be agreed.

- iii) Delegated authority be given to the Chief Planning Officer to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

Should Members wish to view the earlier report and the confirmed minutes of the meeting they can do so by following this web link:

<https://democracy.newforest.gov.uk/ieListDocuments.aspx?CId=504&MId=6935>

CURRENT POSITION

The S106 Agreement has now completed its drafting stage and is ready for signature. However, because of the Christmas break it was not possible to get the agreement signed, this will be completed in the first part of January.

In addition, a scheme for the mitigation of phosphorous impact has been submitted in draft form and Natural England notified that the Council intends to carry out an Appropriate Assessment following the issuing of the planning permission and as there is a project can impose a Grampian condition requiring a mitigation scheme to be in place prior to the commencement of development as follows -

The development shall not be commenced until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:

Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.

Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

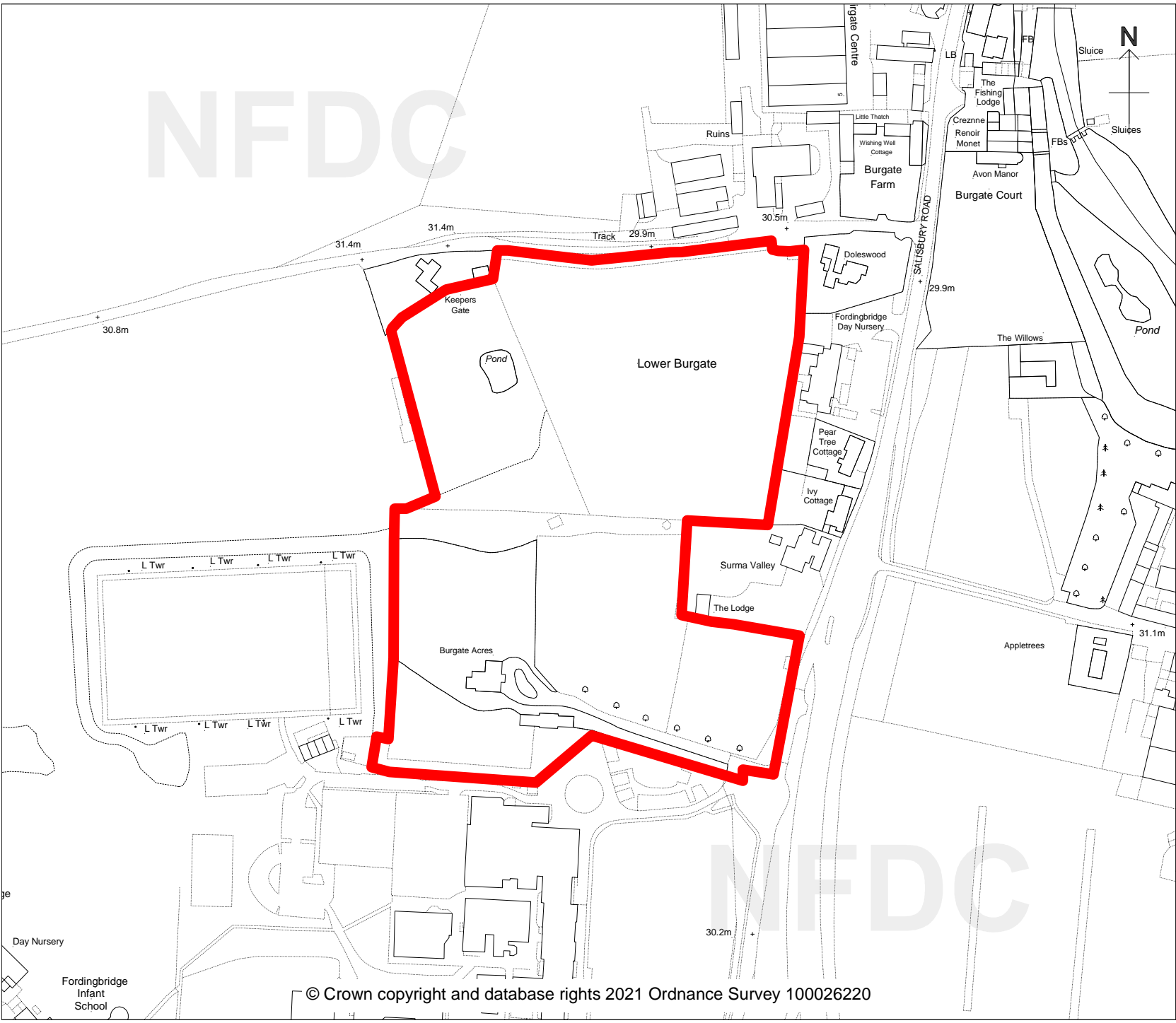
The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

This report seeks the approval from the Planning Committee to grant delegated authority for a further one month for the completion of the S106 Agreement and the issuing of the Planning Permission.

RECOMMENDATION

To allow a further one month period until the end of January 2022 for the completion of the S106 Agreement and the issuing of the Planning Permission.



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PLANNING COMMITTEE

January 2022

Land at Burgate Acres
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