

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 9 FEBRUARY 2022, AT 9.00 AM*

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

Enquiries to: Email: karen.wardle@nfdc.gov.uk
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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

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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 12 January 2022 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) **Land at Tinkers Cross, Whitsbury Road, Tinkers Cross, Fordingbridge (Application 20/11469) (Pages 5 - 56)**

Erection of 64 dwellings, change of use of land for Alternative Natural Recreational Greenspace, new accesses onto Whitsbury Road, and all necessary on-site infrastructure

RECOMMENDED:

Delegated Authority to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to being able to use a Grampian style condition for phosphates; the completion of a planning obligation entered into by way of a Section 106 Agreement by the end of 2022 and the imposition of conditions set out in the report with authority to add conditions or amend as appropriate.

(b) **Marchwood Military Port, Cracknore Hard, Marchwood (Application 21/11156) (Pages 57 - 130)**

Hybrid planning application for the development of land at Marchwood Port (existing classes B2, Class B8 and ancillary uses) for additional development to support the proposed use of the land for port and port related uses comprising:

An application for full planning for the demolition of existing buildings and creation of additional hard standing (Class B2 (Industrial)/Class B8 (storage & Distribution), including ancillary offices (class E(g)) and ancillary security staff welfare and facilities; highway & railway improvements; perimeter and internal fencing; ecological enhancement areas; landscaping & infrastructure; enabling and earthwork's; utilities and associated works (Phase 1 works and specified plots - Plots S1; Plot A1.1, Plot A1.3, Plot A1.4 Plot A1.5; Plot M2 and Plot A2 (enabling works)).

Outline application for demolition of existing buildings; additional hard standing (Class B2 (Industrial)/Class B8 (Storage & Distribution), ancillary security and staff welfare & facilities; warehousing (Class B2(Industrial)/B8(storage & Distribution); circulation and access improvements; vehicle parking & servicing; lighting, plant infrastructure and associated works (Details only of access) (Remainder of the site).

RECOMMENDED:

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to: first referring the application to the Secretary of State to consider whether to issue a Direction under section 77 of the Town and Planning Act 1990; the completion of planning obligations entered into by way of Section 106 agreement; and the imposition of the conditions set out in the report.

(c) **Land adjacent Autumn Lodge, North Road, Dibden Purlieu, Hythe (Application 21/11711) (Pages 131 - 142)**

Variation of Condition 2 of Planning Permission 16/11569 to allow

amendments to Plot 1, entailing alterations to roof, additional roof lights and increase of glazing on first-floor

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 a unilateral undertaking and the imposition of the conditions set out in the report.

- (d) **207-209 Long Lane, Holbury, Fawley (Application 21/11538) (Pages 143 - 156)**

4 Semi detached houses with parking; demolition of existing buildings

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 a unilateral undertaking and the imposition of the conditions set out in the report.

- (e) **The Pilgrim Inn, Hythe Road, Marchwood (Application 21/11667) (Pages 157 - 166)**

Form new timber framed pitched roof structure with timber cladding and Cedar roof shingles; new paving below new structure; heating & lighting within structure

RECOMMENDED:

Grant subject to conditions

- (f) **Land adjacent to Peartree House, Tavells Lane, Marchwood (Application 21/11535) (Pages 167 - 182)**

Erection of a detached dwelling

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 the conditions set out in the report.

- (g) **Docharty, 51 Hampton Lane, Blackfield, Fawley (Application 21/11658) (Pages 183 - 188)**

New 1st floor extension with new roof including alterations to existing roof and new rear extension

RECOMMENDED:

Grant subject to conditions

- (h) **26 Moorland Avenue, Barton-On-Sea, New Milton (Application 21/11442)
(Pages 189 - 194)**

Replacement garage with home office / Gym

RECOMMENDED:

Grant subject to conditions

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 09 February 2022

Application Number: 20/11469 Full Planning Permission

Site: LAND AT TINKERS CROSS, WHITSBURY ROAD, TINKERS CROSS, FORDINGBRIDGE SP6 1NQ

Development: Erection of 64 dwellings, change of use of land for Alternative Natural Recreational Greenspace, new accesses onto Whitsbury Road, and all necessary on-site infrastructure

Applicant: Pennyfarthing Homes

Agent: Terence O'Rourke Limited

Target Date: 14/05/2021

Case Officer: Stephen Belli

Extension Date: 31/08/2021

1 SUMMARY OF THE MAIN ISSUES

This application is to be considered by Committee because the application forms part of the Strategic Housing Sites to be delivered as part of the recently adopted Local Plan.

The key issues are:

- 1) Principle of development including 5-year land supply
- 2) Site layout, design of dwellings, and impact on the character and appearance of the area including matters relating to hard and soft landscaping.
- 3) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, and car parking provision
- 4) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG formerly called SANG), and impact on Sites of Interest for Nature Conservation (SINC).
- 5) Flood risk, surface and foul water drainage
- 6) Impact on residential amenities of near neighbours, in terms of light, outlook and privacy
- 7) Affordable housing policy, application submission
- 8) S106 contributions and Heads of Terms in the event of an approval

2 SITE DESCRIPTION

The site is located within the newly extended settlement boundary of Fordingbridge as now shown in the adopted Local Plan 2016-2036. The site is located about 1.2kms from Fordingbridge Town centre and lies between the current northern built-up edge of the town along Whitsbury Road and the small separate hamlet known as Tinkers Cross which has grown up around the junction of Whitsbury Road and Fryern Court Road. The site forms part of the larger strategic housing site known as

Site 17 (Land at Whitsbury Road) and together with the land to the southwest and east is allocated for a development comprising of a minimum of 330 new dwellings.

According to the application form the site comprises an area of agricultural grazing land of some 5.74 ha. in extent (14.2 acres) accessed directly from Whitsbury Road by an agricultural field gate. A further agricultural gated access exists in the north-eastern corner of the site opposite Tinkers Cross. The site has its highest point in the northeast where it adjoins Tinkers Cross with the land falling away steadily over a distance of some 240 metres to the southwest where the Sweatfords Water mains river forms the boundary. There is approximately a 11-metre difference in elevation between the two points. The northern part of the site forms a plateau of land upon which the new estate is to be built. Apart from the remains of a small barn and stables in the south-eastern corner the site is devoid of any farm buildings. The former mobile home on the has now been removed.

The site is bounded to the east by Whitsbury Road (adopted public highway Class C 159), to the west by Puddleslosh Lane (private road and Bridleway 77), and to the south by Sweatfords Water. The site adjoins an existing recreational area of land provided as part of the applicant company's earlier development on the eastern side of Whitsbury Road known as Augustus Park (see application 17/10150 approved 26/03/18 - 145 dwellings), allocated by policy Ford 1 in the Local Plan part 2. Fryern Court Road (Unclassified) lies to the north east of the site and connects Tinkers Cross with the A338 Salisbury Road. Leading eastwards from Tinkers Cross there is a public footpath 83 which runs eastwards to the A338 Salisbury Road. Whitsbury Road itself connects the site with the town centre. Alongside Whitsbury Road and opposite the entrance to Augustus Park lies a complex of buildings known as Arch Farm. These buildings are now used for a variety of uses including a motor repair car workshop, and a newly opened farm shop.

Arch Farm buildings back onto the water meadows of the river with the land now laid out as part of the recreational land - part of the Ford 1 allocation forming part of the SANG for that development, (site of alternative natural greenspace – now referred to in the new Local Plan as Alternative Natural Recreational Greenspace or ANRG this land being required under the Habitat Regulations as mitigation land used to offset recreational trips to protected areas such as the New Forest National Park).

Either side of the Sweatfords Water lies an area of river meadow with a line of woodland trees to the north and a more substantial wooded group to the south. These trees are all protected by a blanket Tree Preservation Order imposed on Site 17 as a whole. Three individual trees are also protected alongside the south eastern boundary of the site.

Whilst none of the site has any national ecological designations there is an extensive area of three SINC's (Site of Interest for Nature Conservation) which are locally designated as important for ecology which covers the Sweatfords Water and water meadows and woodland areas either side of the river.

Site constraints/ designations

- Strategic Allocated Site
- Tree Preservation Order covers whole site
- Adjacent to public bridleway (Puddleslosh Lane)
- Includes parts of three SINC areas

3 PROPOSED DEVELOPMENT

This full planning application submission from Pennyfarthing Homes (PFH) was

originally submitted for 63 dwellings but has now been amended to a total of 64 dwellings, access roads, landscaping, drainage and other infrastructure and public open space including informal play space and land used for ANRG purposes (habitat mitigation).

The housing mix is made up of the following -

- 3 x1 bed apartments
- 4 x 2 bed apartments
- 11 x 2 bed houses
- 32 x 3 bed houses
- 14 x 4 bed houses

The amended housing mix for 64 units is made up of 51 no. two storey dwellings with a mix of detached and semi-detached units, a single range of 7 no. apartments (2-2.5 storey) and 6 no. bungalows on one floor. All dwellings comprise a mix of traditional facing brick, tiles and slates with uPVC windows and doors. The dwellings are provided with a mix of parking spaces, garages and car ports.

The residential element of the scheme is all contained within the north eastern plateau area of the site with a 25-30m wide x 100m long area of public open space (POS) along the Whitsbury Road boundary, and a further recreation area split between ANRG and play facilities in the south eastern part of the site. The south-western part of the site will supplement the POS and ANRG areas and is to be laid out with two drainage basins and circulatory paths.

Highway access is provided in two places. The main access point is located mid-way between the Arch Farm complex of buildings to the south and Tinkers Cross to the north. This access road is intended to be publicly adopted and will be in effect a cul de sac with no vehicular access intending onto Puddleslosh Lane. This new access is just to the north of the original agricultural access which is to be retained for pedestrian purposes only. In addition three dwellings are provided with a private drive access near to the north eastern junction of Whitsbury Road and Puddleslosh Lane.

The development will be provided with a new foul sewer connecting to the mains system to the south, and two surface water drainage basins along the southern boundary which will collect all surface water and release it to the river at existing greenfield run off rates. All other mains services will be provided to serve the site.

The proposals contain a detailed landscaping plan and a framework for managing all public open spaces and landscaped areas along with ecological management measures.

a) Amended plan submission – August/September 2021

Following detailed discussions with the Case Officer the applicants have amended their proposal to address the concerns set out by the Case Officer in his letter dated 16 April 2021. A series of amended plans were then received on 6 August supplemented by further plans and reports received on 27 August 2021 and 2 September 2021. These amended details have been the subject of a further round of consultations both with the consultees listed in this report and local residents (including all those who wrote in as well as a further small number of residents not

consulted by the applicants during their pre application community engagement exercise). The amended application was also advertised in the Local Press. The comments below are a summary of all comments made.

The revised dwelling mix is as set out above.

b) Further amendments received November/December 2021

The amended plans have been the subject of a further set of amendments submitted on 10 November 2021, with further minor changes dated as 9 December 2021.

It is these plans and any other plans submitted which are not superseded that are now put before the Committee for approval.

These amended plans were not the subject of further consultation as they were changes of details rather than of layout etc. with no significant impact on neighbours close to the site.

Members and other interested parties are referred to the Council's planning web site for further details of the superseded and amended plans and supporting reports. All comments received are also to be found there by following the web link set out below and inserting the application number when prompted.

<https://newforest.gov.uk/article/1051/View-or-comment-on-a-planning-application>

4 PLANNING HISTORY

20/10351 EIA screening (no EIA required) – 29/05/2021

13/11172 Continued temporary 3 year period for mobile home
Allowed – 12/12/2013

Other Fordingbridge Strategic Site applications

Site 16

20/10522 Development of 240 dwellings, a new access off Station Road, 10.7ha of public open space (SANG, formal open space and informal open space), associated private amenity space, off-street car parking and access roads." (Outline Application with details only of Access) - LAND NORTH OF, STATION ROAD, FORDINGBRIDGE SP6 1JW -

Not determined and awaiting amended plans submission

Site 17

20/10052 Residential development and change of use of land to Alternative Natural Recreational Greenspace and all other necessary on-site infrastructure (Outline planning application all matters reserved except means of access only in relation to a new point of vehicular access into the site) - LAND TO WEST OF, WHITSBURY ROAD, FORDINGBRIDGE –

Not determined with amended plans currently being considered.

Site 18

20/10228 Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings - LAND AT BURGATE ACRES, SALISBURY

ROAD, BURGATE, FORDINGBRIDGE SP6 1LX (NB: PROPOSED LEGAL AGREEMENT) –

Resolution to grant subject to S106 10 February 2021

21/11237 Hybrid planning application comprising: Outline planning application (all matters reserved except means of access only in relation to new points of vehicular access into the site) for residential development and change of use of land to Alternative Natural Recreational Greenspace, together with a community hub (to comprise a mix of some or all of; local food retail, local non-food retail, community use and business use) and all other necessary on-site infrastructure. Full planning application for the first phase of development comprising 111 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure
LAND WEST OF BURGATE, SALISBURY STREET,
FORDINGBRIDGE SP6 1LX –

Not determined and still at early stage of consideration.

5 PLANNING POLICY AND GUIDANCE

The Core Strategy 2009 (Saved policy)

CS7: Open spaces, sport, and recreation

Local Plan Part 2 2014 Sites and Development Management Development Plan Document (Saved Policies)

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity, and geodiversity

DM4: Renewable and low carbon energy generation

DM5: Contaminated land

DM9: Green Infrastructure linkages

Local Plan Review 2016-2036 Part One: Planning Strategy

STR1: Achieving Sustainable Development

STR2: Protection of the countryside, Cranborne Chase AONB & New Forest National Park

STR3: The Strategy for locating new development

STR4: The Settlement hierarchy

STR5: Meeting our housing needs

STR7: Strategic Transport Priorities

STR8: Community services, infrastructure, and facilities

STR9: Development within a mineral safeguard area

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

ENV3: Design quality and local distinctiveness

ENV4: Landscape character and quality

HOU1: Housing type, size, and choice

HOU2: Affordable Housing

CCC1: Safe and Healthy Communities

CCC2: Safe and Sustainable Travel

IMPL1: Developer contributions
IMPL2: Development standards

Strategic Site SS17: Land at Whitsbury Road Fordingbridge

Supplementary Planning Guidance and other Documents

- SPD Mitigation Strategy for European Sites 2021
- SPD Parking standards 2012
- SPD Housing design, density and character 2006
- SPD Fordingbridge Town Design Statement 2008
- Developer contributions towards air quality
- Draft SPD guidance on play provision within development sites
- Draft SPD Strategic sites masterplanning
- Ecology and Biodiversity Net Gain Interim Advice Note

Relevant Legislation

Planning and Compulsory Purchase Act 2004

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

Environment Act 2021

Section 98 and Schedule 14 – Biodiversity Net Gain

Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

Relevant Government advice

National Planning Policy Framework July 2021 (NPPF)

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

National Design Guide 2021

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Original submission

The Town Council recommended PAR4 refusal on the basis of poor design and poor

access.

This revolved around the following observations:

1. Traffic travelling north is likely to use Fryern Court Road, essentially a single track country road. The developer has advised that residents living within 100m of the site have been contacted as part of a consultation process, however the Town Council has been advised that numerous residents within that area have not been contacted and it is suggested that the consultation has been inadequate.
2. Whilst a traffic plan has been submitted by the developer, comments from Highways were unavailable. The comment was again made that in isolation, it may be possible to argue the impact of traffic case, cumulatively looking at the overall strategic site in the round is a very different matter. The Town Council again is firmly of the view that the access road from the A338 should be built at the beginning of development or at least a site access road.
3. Further comment was made regarding the design of the housing. In particular that it is not in keeping with the rural nature of the site and is more in keeping with an urban brownfield site. Front gardens for the property would be more in keeping with other housing in the locale and from a crime perspective there should be [a] wall around the back of properties.
4. Waste management comments were noted regarding difficulties accessing the site.
5. Finally, it was noted that there is no footpath from Puddleslosh Lane to the junction of Whitsbury Road and Fryern Court Road, which is also on a blind bend so would be a dangerous crossing, particularly for children going to school.

Amended Plans

As discussed, at its planning committee meeting on 13th October 2021, the Town Council recommended PAR4 refusal of the above application due to the following concerns:

- The lack of affordable housing in the scheme (NIL offer at time of writing)
- The impact of extra traffic on the town and resulting congestion
- Phosphates
- Biodiversity Net Gain
- The sustainability and ecological soundness of the proposed housing

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

The following comments in summary have been received. The full comments of each consultee can be found on the planning web site. The comments are divided between those originally received regarding the submission documents and any further comments received following an amended plans re-consultation.

Environment Agency

Original submission – have considered flood risk assessment and confirm that there are no objections subject to flood risk assessment and mitigation planning condition. Noted that all residential development is confined to zone 1 low flood risk area with higher risk areas zones 2 and 3 only used as open space, drainage basins and ANRG land.

Amended Plans – no further comments received.

National Park Authority (Archaeology)

Original submission - Potential area of interest on the site showing possible Bronze age to pre-Roman settlement. Further evaluation needed and a scheme for further exploratory work and recording required prior to construction taking place. Does not require remains to be protected in situ however and recognises some destruction of the archaeology through the course of the development.

A substantive archaeological site has been discovered on the site which indicates the presence of a settlement. Such sites should not be needlessly or thoughtlessly destroyed. In this case this site will be damaged or destroyed by the development and whilst it is my opinion that this is not an overriding issue, I recommend that archaeological condition/s attached to any planning permission which might be issued to secure the archaeological recording by excavation of that site prior to development commencing (NPPF 199).

Amended Plans - no change to the recommendation of excavation prior to development

Natural England

Original submission – No objections subject to appropriate mitigation to deal with recreational impact on protected areas, air quality contributions to be sought to assist in evidence being collected, and finally no adverse impact from phosphates entering the River Avon with a mitigation scheme being in place to demonstrate nutrient neutrality.

Amended Plans - Natural England welcomes the removal of the area of SINC from the ANRG provided for the development. We also welcome the improved interconnection between other strategic sites, FORD1, future ANRG proposed provision for SS117 and the potential for access to flow from the play area to the wider ANRG. Please note that provided your ecologist is satisfied with the ANRG habitat management plan and the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

The development should ensure that flood and surface drainage are properly addressed, and that Sustainable Drainage Systems (SuDS) are designed in accordance with CIRIA C753 SuDS Manual, to be as 'natural' as possible.

New Forest District Council (NFDC) Building Control

Original submission - Weatherboarding may require fire retardment treatment. Access strategy needed for fire service to ensure all properties can be reached by fire appliance.

Amended Plans – No adverse comments to make.

NFDC Conservation

Original submission - No concerns to raise

Amended Plans – No concerns

NFDC Ecology

Original submission - In summary the following concerns are raised

- Insufficient data to establish no harmful impact to on-site species – further evidence and survey work may be needed.
- Concern about use of SINCS for recreational access – conflict between recreational use and potential damage to nature conservation value of SINCS – some limited access may be acceptable but further discussion needed.
- Clear impact of additional phosphorous entering River Avon SAC – no mitigation shown – application currently fails the Habitat Regulations tests on neutrality and adverse impact with no mitigation plan in place.
- Requirement for 10% uplift in biodiversity net gain (BNV) not yet proven
- ANRG and BNG management plans needed for future retention of ecological value

Amended Plans (August 2021) - I am pleased to see the SINC removed from the ANRG calculation in response to my earlier concerns that this did not accord with policy. Likewise, I am supportive of the change to the southern footpath, bringing this within the core site to the north of the treeline rather than to the south within the SINC.

I have reviewed the updated BNG metric, this has used the newly released version 3.0 (previously these were undertaken in 2.0). This shows a 24% gain for habitats area and 22% linear habitats. This compares with a previous calculated net gain of 18.62% BNG for area habitats and a 11.09% BNG for hedgerows using 2.0.

I am grateful that several of my previous comments relating to use of realistic target conditions for habitats have been taken account of and these are in evidence in the new 3.0 calculations e.g., SUDS being of moderate not Good condition.

There is one key area which I have not seen addressed as part of the latest submitted information and that is related to additionality and will need to be addressed.

Additionality - Where areas of the same site are being utilised for other activities e.g. ANRG, it is necessary to demonstrate how the biodiversity net gains are additional to other provisions which would be made irrespective of the biodiversity net gain requirement. Further information is needed to address this key point before a final recommendation can be made.

Protected species - No new information has been provided as part of the August 2021 submission relating to species.

Amended ecological information (9 December) - The applicants submitted further information on 9 December 2021 which has now been considered by the ecologist. His further comments in brief are as follows

- **Habitats - Biodiversity Net Gain** - I am satisfied with the approach taken and assumptions made and appreciate this additional work being undertaken. The calculations now address the BNG fundamental of additionality in a clear and transparent way. The result of this is a reduction in the amount of BNG delivered from 24% to 15%, critically this still

- demonstrates a BNG greater than the 10% required.
- **ANRG Management Plan** - The ANRG Management Plan has not been updated with BNG elements e.g., 30-year period, monitoring frequency, reporting etc. It does however provide comfort as to how BNG and the ANRG would be implemented. If you were minded to grant permission, I would request that a Biodiversity Monitoring and Management Plan is conditioned.
 - **Bat Species** - I appreciate the ground level roost assessment being undertaken / provided. I am content with the conclusions. The proposed development will retain all trees highlighted as having bat roosting suitability. All trees currently highlighted for removal to facilitate the development have been identified as having negligible bat roosting suitability. As such I am happy that further surveys are not necessary.
 - **Other Comments** - An updated EclA has been provided – I have reviewed this at a high level but would request that signposting is provided as to how and where my previous comments have been addressed for clarity and for expediency.

NFDC Environmental Health (Contaminated Land)

Original submission - No objections subject to standard conditions to deal with any unexpected contamination.

Amended Plans - no further comments received.

NFDC Environmental Health (Pollution)

Original submission – Regarding construction works on site - No objections subject to conditions to cover a Constructing Environmental Management Plan, and lighting controls. However, with regard to air quality and the impact on the wider town there are significant concerns that insufficient evidence has been submitted to demonstrate no adverse impact. Further survey work and modelling should therefore be carried out and a mitigation strategy put forward if there are any significant adverse impacts arising from construction traffic accessing the site through the town as well as the traffic emanating from the site during its operational occupancy phase.

Amended Plans - I refer to the email update provided by the air quality consultants (Redmore Environmental Ltd) on 6 December 2021 in response to points raised concerning air quality on 16 November 2021 regarding the proposed development detailed above and the air quality assessments associated with the development site. It is noted that due to the continuing complexities of the development of SS17 and SS18 by Penny Farthing, and therefore the details advised in the Air Quality Assessment A11338 (v6), further assessment concerning the cumulative impacts of SS17 (reference 21/10052), SS18 (reference 21/11237) plus Tinkers Cross on local air quality may be required. However the air quality assessment C10556 (v4) is accepted and the assessed impact of the Tinkers Cross (reference 20/11469) on local air quality as a stand-alone development is agreed as being 'not significant.'

Therefore, based on assessing Tinkers Cross as a stand-alone development Environmental Health (pollution) **do not object** to the submitted application ref: 20/11469 subject to the conditions

Additional note: There is an expectation for the cumulative impact for all proposed development in Fordingbridge, including Tinkers Cross, to be appropriately assessed as part of the planning applications for SS17 (ref: 21/10052) and SS18 (ref: 21/11237), using the traffic data and routing agreed with the transport regulators. Whilst it is noted additional comments have been made by the air quality consultants

(Redmore) on 6 December 2021 in response to concerns raised by Environmental Health (pollution), it is advised these comments are reviewed and if appropriate form part of the consultation on the air quality assessment for SS17 and SS18.

NFDC Strategic Housing Manager

Original submission - The current application and the approach towards affordable housing is still under discussion so advice at this stage is limited to guidance on type, tenure and size of units and policy requirements.

Policy HOU2 sets a required provision in the Avon Valley of 50% for affordable split 70/30 in favour of equal proportions of social and affordable rented accommodation, with intermediate housing products such as shared ownership taking the lower proportion. There is a clear demonstrable need for affordable housing across the district as a whole with an emphasis of need for rented accommodation on 1-2 bed units for both the rented and intermediate home ownership sectors.

If viability issues arise then the Council will only consider a reduced level of affordable housing once options to vary the tenure mix and timing of delivery have been considered. Further consideration then needed on an appropriate tenure mix.

In design terms affordable units should be indistinguishable from open market. Local connection mechanisms will be sought for all affordable tenures and a legal agreement required to include a registered provider.

Would be pleased to comment on the appropriateness of the Applicant's affordable housing proposals once the current viability issues have been addressed.

Amended Plans - Noted the revised offer now includes an appropriate mix of affordable homes with the First Homes proportion of the mix in line with the 25% government guidance. The mix of units will assist in meeting local need. Supports the application subject to a S106 agreement to secure the mix, tenures and local connection and that the houses are genuinely affordable. Note that the rent and shared ownership dwellings could be delivered by NFDC or a registered provider partner with First Homes delivered by the developer.

NFDC Open Spaces

Original submission - Detailed comments provided. At present there are concerns regarding the quantum and areas of POS/ANRG. Split between two needs to be clarified as does the relationship with the SINC's. Masterplan needed showing potential transfer land to NFDC. Details of play equipment needed. Location of play area next to road not suitable. Details shown between plans are inconsistent. No swings and over reliance on balance equipment. Duplication of play equipment with existing nearby. SUDs basins unlikely to be able to operate as POS. Not clear on who will look after SUDs. Landscaping and street furniture not clear. Construction details for POS etc. missing. Maintenance details for access not clear. Need for BNG and maintenance of same over 30-year period required.

Amended Plans – welcomes re-siting of main play area. Further detail required for all play equipment and specific advice given on play, landscaping, SUDs basins and other areas if those areas should be offered for and approved for adoption by the Council.

NFDC Trees

Original submission - Adverse impact on trees and hedgerows to the south west of

the site. Some of these trees have high landscape value and are protected by TPO. Some concern regarding proximity of attenuation basins immediately adjacent to root protection area. No dig walkway within RPA not suitable as land is liable to flood. Raised walkways would be possible if they were essential and had to be in this location. Currently object and would seek some amendments.

Amended Plans – no objections to amended plans which have overcome the concerns noted above. Recommend conditions to cover tree protection measures etc.

NFDC Urban Design

Original submission - A lot of guidance has been given through both published draft SPD (on masterplanning, and design for recreational mitigation) and pre-app discussion. The layout has evolved positively but many issues remain unresolved as yet and there are issues of non-compliance with points I, VI and VII under policy ENV3 based on issues of functionality, appropriateness and attractiveness which I will set out below.

There are significant concerns regarding site layout, housing designs, and open spaces, ANRG and drainage basins functioning well on the site.

I would welcome further discussion with the applicant if some assurance can be given that these issues can be taken seriously. For now, the application does not demonstrate a design which is good enough to approve and is considered to fail the Local Plan policy tests and design guidance documents.

Amended Plans – not gone as far as I would have liked and response to our request for further changes not fully met. It will be for the case officer to now assess the final amendments to consider if they are of good enough quality to warrant a recommendation of approval.

In addition, I note the applicant intends Wessex Water to manage large areas of SUDs basins which are intended to double as ANRG areas. It is important that future management of SUDs basins is guided by a land management plan that proves that the maintenance of these areas will be in line with ANRG requirements.

NFDC Landscape officer

Original submission - With regard to landscape impact whilst there is no concern regarding the principle of the development and its impact on the wider landscape more work is required to improve the submission document in terms of the number of trees, quality and species for tree and shrub planting and a landscaping strategy produced as well as plans for future management and maintenance of any new soft landscaping works. Concerns also expressed regarding management of open spaces and ANRG areas and whether or not the intended drainage basins will add to landscape quality and opportunities – further work is required before the development can be considered acceptable.

Amended Plans – detailed landscaping plans still needed by condition as the current batch are still open to interpretation. Some species will need to be changed. Management of POS and Swales along with ANRG still needs to be conditioned and agreed in detail. Boundaries still need to be confirmed. Some SUDs basins still need clarification and details to be approved. Would support need for bridge linking the Tinkers Cross ANRG with the new ANRG to be provided on the wider Site 17 application to the south. Happy to deal with all these matters by condition.

NFDC Waste Management

Original submission - Consideration will have to be given to the storage and collection of waste & recycling materials, the sweep plan analysis for a refuse freighter only shows on the new proposed roundabout, it does not show on the development itself; what turning areas will there be? There seems to be a large number of small roads with no turning areas. Reversing a refuse freighter is one of the most dangerous activities in the waste collection industry and needs to be eliminated where possible. At present NFDC are a sack collection authority but the Councils waste strategy is currently under review, with a possibility of moving to a wheelie bin collection method. If this was to happen storage would be needed for up to two wheelie bins, as well as glass boxes and reusable sacks.

Amended Plans – No comments to make.

Hampshire County Council (Countryside Services)

Original submission – no comments received.

Amended Plans – no comments received.

Hampshire County Council (Education)

Original submission – no comments received to initial consultation.

Amended Plans - The proposed development of 64 dwellings would usually be expected to generate a total of 19 additional primary age children and 13 additional secondary age pupils. The development site is served by Fordingbridge Infant and Junior Schools and The Burgate and Sixth Form. The primary age phase schools are forecast to be full so, to accommodate the anticipated yield of pupils from this development, a contribution will be sought. The Burgate School is also full but is only at capacity owing to the recruitment of pupils from out of county. Consequently, no additional secondary school places will be needed to cater for these pupils and no contribution will be sought from the developer.

The County Council has used previous extension projects to derive a cost for the proposed expansion to the primary places within Fordingbridge, and this is estimated at **£272,517**. This is based on the provision of two teaching spaces at a pro-rata cost at both Fordingbridge Infant and Junior School. Details of how these costs were derived can be found in Appendix B. This will go towards any expansion at Fordingbridge Infant and Junior Schools. No contribution will be sought to provide additional secondary school places owing to the out of county recruitment of pupils to the school.

Without the provision of a contribution towards the provision of additional school places the County Council, as Local Education Authority, would object to the proposal on the grounds that the impact on the existing infrastructure cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

Hampshire County Council (Fire and Rescue)

Original submission - Standard advice offered on need for compliance with Building Regulations

Amended Plans – no further comments to make

Hampshire County Council (Highways)

Original submission – the following comments offered in summary

- Site access – no objections subject to highway agreement governing finer details
- Car parking - a matter for the LPA to consider – overall no objections are raised to the suggested parking levels for the site.
- Sustainable travel – Further work needed to demonstrate improvements to local rights of way, improvements required to encourage walking and cycling to local facilities such as schools and farm shop. Travel plan submitted needs further improvement. Cycle storage needs to be conditioned and provided for each dwelling to encourage sustainable travel options.
- Impact on highway network – note the concerns of the Town Council but do not consider these comments could be sustained and that they should form the basis of a refusal. In particular the HA note the concerns over Fryern Court Road being used as a 'rat run' but taking into account the traffic from Augustus Park added to this new estate proposed there is insufficient impact on the capacity of this road to cause concern. No localised improvements are suggested. Construction traffic to the and from the site can be managed by an appropriately worded planning condition.

Provided the points set out in response letter are secured by S106 obligations, and planning conditions then no objections are raised to this development.

Amended Plans

- agree no need now for a footway along the western highway verge given internal linkages to be made between the site and the Ford 1 SANG area.
- highway adoption plan may need further amendments as part of s38 adoption
- highway materials using blocks in heavily used turning areas may not be acceptable
- highway drainage should be adopted by HCC with combined drainage features adopted by the LPA or statutory drainage authority.
- Concerns are noted from by the Town Council re the crossing point near Fryern Court Road junction but there is adequate visibility provided any hedgerow is planted at least 1 metre behind the vis splay with any existing hedge within the vis splay removed. The submitted plan does indicate this so an objection would be unsustainable.

Having reviewed the amended plans, the Highway Authority maintain their recommendation of approval subject to conditions and S106 obligations relating to a Travel Plan and Section 278 agreement for the junction, together with a new footway on the eastern side of Whitsbury Road

Hampshire County Council (Local Lead Flood Authority - LLFA)

Original submission - County Council has reviewed the FRA and surface water drainage strategy submitted. Note that surface water is to be managed by two infiltration basins and connection to Sweatfords Water. Note that ground does not lend itself solely to infiltration so no objections subject to conditions that works are carried out in accordance with FRA, approval of EA to discharge to river, and long-

term maintenance of surface water systems.

Amended Plans - The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through porous paving, a bioretention/wetland area, swales, filter drains and two attenuation basins. Additionally, surface water will be discharged into an adjacent ditch, which will be connected to the Sweatfords Water by a channel, at a discharge rate of 6.9 l/s (QBAR). This is acceptable in principle since the ground investigation report showed that infiltration is not feasible at the application site.

The information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority has **no objection** to the proposals subject to the following planning condition ensuring the development is carried out in accordance with the FRA and any changes are agreed beforehand with the LLFA

Hampshire County Council (Minerals)

Original submission - Noted that site is safeguarded for minerals. Notes preliminary mineral resource assessment and agrees that prior extraction is not viable. Suggests conditions to allow for incidental extraction during course of development.

Amended Plans – no further comments received.

Hampshire County Council (Public Health)

Original submission - Whilst we do not normally comment on proposals for less than 100 dwellings we welcome housing which provides a mix of tenures and in particular a range of affordable dwellings, along with measures to improve public health through open space within the site, and other environmental safeguards around air quality measures, and mitigation against air and noise pollution. We also welcome measures intended to improve biodiversity and sustainable modes of transport and would encourage proportionate measures related to climate change.

Amended Plans – no further comments to offer.

Historic England

Original submission - No requirement to consult so no comments to make

Southern Gas Networks

Original submission - Standard advice regarding working close to gas pipelines. Site affected by some pipelines close by

Wessex Water

Original submission - The site at Tinkers Cross will ultimately drain to the public foul sewer network in Whitsbury Road. To provide foul sewer capacity for Tinkers Cross, allocation SS18 and potentially remaining SS17 allocation Wessex Water is planning to construct foul attenuation storage in the vicinity of Whitsbury Road. A high-level strategy has been agreed through internal governance process supported by developers and the NFDC via a Memorandum of Understanding. Wessex Water is due to commence outline design this Summer. Foul sewer capacity is currently available to accommodate predicted foul flows from 63 dwellings. Wessex Water will plan downstream capacity improvements in line with projected growth.

The sewer network in Fordingbridge does react to storm events and it is imperative that no surface or groundwater flows enter the network from the new development. The developer and sewer adopting body must ensure that all sewers are watertight in accordance with adoption standards. We note the surface water strategy proposed by the applicant and reviewed by the LLFA (ultimate discharge to Sweatfords Water). There must be no surface water connections to the public foul sewer. Elements of the surface water network can be offered for adoption to Wessex Water where they are in conformity with the Design and Construction Guidance and Wessex Water's SuDS Policy.

Amended Plans – comments awaited

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 1

Against: 14

Original submission

14 letters of objection

- In principle objections – brownfield not greenfield, change in character of town
- High density does not reflect hamlet of Tinkers Cross
- Visual intrusion into countryside
- Impact on local infrastructure like doctors, dentists, and schools
- Where are all these new residents supposed to work. Town is fast becoming a dormitory settlement – not sustainable in the long term.
- Cumulative impact with other housing developments
- Impact on Sweatfords Water ecology and fish
- Lack of biodiversity net gain both on site and in the houses themselves
- Increased recreational demand on sensitive environment
- Nutrient enrichment issues
- Highway safety and speed of traffic on Whitsbury Road
- Dangerous crossing points and access points - support for lower speed limit
- Where is the new link road to the A338 – must be brought forward
- Impact on town centre through more traffic congestion
- Rat running on rural lanes is unacceptable such as Fryern Court Road which contains a nursing home and other dwellings adversely affected along with those who walk the lane for recreational purposes – need to put in place traffic management measures
- Casts doubt on traffic surveys run through Covid restrictions
- Alderholt development will bring intolerable pressure onto Town when added to current proposed developments in the town.

- Three dwellings in top corner with their own access is dangerous given bend in road and other nearby driveways
- New residents of Augustus Park unaware their estate would be a through road. Concern as to how this will impact on safety for children playing in street etc.
- Poor design on energy efficiency and meeting climate change challenges
- Where are the required electric charging points for all new cars and why does the developer still build with gas builders as these are to be phased out
- Building houses to the cheapest spec misses opportunities for sustainable build and reacting positively to climate change
- The Town is drowning in identikit housing to the detriment of everyone's quality of life
- Lack of affordable housing is not acceptable – refer to policy requirement.
- Where is the land used for SANG on Ford 1 as compensation for use by road
- Disposal of surface water is a real issue
- Archaeological dig needed to assess historical impact of development.
- Any public spaces should be managed by a public body rather than a private company to ensure they remain of good quality and open for use.

Amended Plans

7 further letters of objection received which reiterate some of the concerns raised above

6 other letters are either neutral or demonstrate some support for housing need but with reservations about impact of development.

10 PLANNING ASSESSMENT

Principle of development

The Local Plan gives full details of the of the Fordingbridge Strategic Sites and indicates how they fit together both in geographic and in infrastructure terms. (See Local Plan pages 161-175 for the Fordingbridge sites).

The principle of development in this case is firmly established by the allocation of the land for housing as part of strategic site 17 which is intended in totality to deliver a minimum of 330 new dwellings. The applicants, PFH, also have another application (21/10052) submitted on site 17 directly to the south of the Tinkers Cross application site. That proposal is in outline and is for an unspecified number of dwellings albeit the Design and Access Statement and Environmental Impact Assessment are based on the provision of around 365 new dwellings. That application is currently being considered.

There are two smaller parcels of land in separate ownership on land east of Whitsbury Road forming part of Site 17 but there are no applications submitted on those parcels as yet.

Added to the proposals for Site 17 there is another current application on hold for Site 16 and Members will recall dealing with the Metis Homes proposal at the February

2021 Committee which forms part of Site 18. Finally, PFH have also submitted an application for Site 18 for a further 400+ dwellings. The details of these and other more recently submitted new applications for site 18 are listed for information in the planning history section above.

Many of the letters of objection raise the issue of greenfield development and the Government's latest reported comments on avoiding such development but those comments are not material in a case such as this where the adopted Development Plan specifically allocates the site for housing.

Housing Land Supply

The Council cannot at this point in time 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. The updated housing land supply position remains 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 new estate development of 64 units which will make a valuable contribution to housing supply in the District.

The July 2021 NPPF states the following

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The remainder of this report will now turn to other environmental and sustainable development factors to be balanced against this government advice to Local Planning Authorities.

Design and site layout

Policy ENV3 of the Local Plan states that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces. The Local Plan includes a concept Masterplan on which any new developments that come forward should be based unless the developer can show any changes are improvements or equal in quality. The Council's draft SPD

guidance on masterplanning sites is also to be afforded some weight. Added to this local policy the Government has now revised its NPPF in July 2021, and this together with the Governments Design Guidance provides further advice in achieving improved standards of design in layout and house types.

Site Layout

Pre application proposals were submitted for a total of 100 new dwellings covering the whole site from the northwest to the southeast along Whitsbury Road. The applicants agreed to scale back their development to that more broadly shown in the concept Masterplan contained in the adopted Local Plan and to reduce the number of dwellings to 64. In particular the need to ensure a green corridor along the eastern, south-eastern and south- western boundaries has now been maintained helping the local landscape to assimilate the new development. The Local Plan required this part of Site 17 to form a new recognisable hamlet based on Tinkers Cross. The development as now shown has concentrated its focus on the Tinkers Cross whilst maintaining an attractive buffer to the other rural boundaries.

The Local Plan Strategic Site 17 policy and concept masterplan suggest a total of 60 units on the land at Tinkers Cross and the parcel of land directly opposite to the east of Whitsbury Road. That said, the overall number of new dwellings expressed for Site 17 was a minimum rather than a ceiling. Any increase in numbers must demonstrate the development is still of good design quality and that contributions required can be provided.

The highest part of the site in the northeast near the junction of Puddleslosh Lane and Whitsbury Road provides a range of low-level bungalows and a traditionally designed pair of two storey dwellings which reflect the traditional two storey dwelling which forms a prominent corner at the junction of Whitsbury Road and Fryern Court Road. The new estate successfully addresses the main access road coming into the site and provides some attractive street scenes. The impact to Puddleslosh Lane has for the most part been well addressed – retaining the lane-side hedgerows and trees along with a sensitive screening and treatment of high boundaries should protect this important rural edge to the site.

Similarly, the street scene to the southern boundary forms an attractive edge to this important rural fringe area of the site. The woodland edge is not harmed by the location of drainage basins in this area helping to keep an open buffer between the southern housing edge and the landscape features of trees and water meadows to the river. The inclusion of -the south-eastern part of the site as further POS and ANRG land further helps to retain the countryside edge nature of the existing site.

Within the site itself the new houses will front onto a number of new streets arranged around short cul de sacs with native hedgerows and trees providing soft planting as per the latest government advice on introducing street trees.

Members are referred to the site layout plans including the illustrative masterplan, site landscape plan and the other more detailed plans for further information with particular reference to the final amended version of these plans dated 9 December 2021. These matters will be referred to in the Case Officer's presentation at Committee.

The amended plans are now considered to be acceptable in terms of site layout. There have been a number of improvements in the layout which have improved design quality. Whilst there are still some missed opportunities to improve design yet further, and other issues such as landscaping to resolve, the latter can be conditioned. There are overall no significant site layout issues that now prevent a

positive recommendation. Some of the plans are still it is considered for illustrative purposes or such that they need to be amended so they will not be appropriate to include in any list of approved plans.

House designs

Turning to individual house design matters, the original submission provided a series of house designs which very much reflected the earlier permission granted to PFH for the Augustus Park development in 2018. Whilst the earlier scheme was considered acceptable at the time this was prior to the new policies included in the more recently adopted Local Plan as well as recent Government advice set out in their Design Guidance to LPAs. The emphasis now is to provide quality design and beautiful places that reflect local character rather than be more generic in design terms. This is further emphasised and underlined by the recent version of the NPPF approved in July this year. This advice adds the need to ensure not only well-designed places but also that such developments make room for trees.

Amended plans - Detailed discussions between the applicant and officers have now taken place following the initial submission. Those discussions have culminated in an updated set of house types which demonstrate some better-quality house designs which are more reflective of local vernacular. The proposal now includes a range of house types which are considered acceptable subject to further fine details being agreed at condition stage. It is considered that the housing designs now put forward broadly support that local and national aspiration although there are a number of missed opportunities to improve design further such as in the courtyard section of the development where the applicant has resisted further design changes apart from some swapping of house types.

Overall, the quality of the scheme has now been improved to an acceptable level. Members will note the original comments of the Town Council and their more recent comments on the amended plans. The latest November and December submissions build on those changes with further improvements. The application details are now overall considered acceptable subject to conditions on details covering matters such as the need for finalised working drawings to be agreed.

Landscaping and tree planting

The applicants have submitted a series of landscaping plans ranging from an overall masterplan, landscape framework plan and more detailed tree planting schedules and landscaping proposals for each part of the site. These plans however are not yet at a stage where they can be approved but they do form a good basis for the final plans to be worked up by condition. Landscaping is not just about tree planting however as it must cover ongoing maintenance not just for those areas close to the new dwellings but also the areas further afield within the ANRG and SINC areas as well. Landscaping must also cover hard landscaping i.e., materials to be used and details for all hard surfaced areas and boundaries.

The Council's urban design and landscape officers have made some detailed comments and these comments must be used by the applicants to form the basis of the finalised landscaping schemes. There is one significant missed opportunity relating to tree planting within the rear garden areas of dwellings which the applicants refuse to entertain as they contend those trees will be removed by future occupiers once the usual 5-year maintenance period has passed. Your officers do not agree that is necessarily the case and consider that on certain plots there is the space available and the opportunities to plant smaller suitable garden trees to reduce the impact of new houses and boundary fences when seen in close proximity to each other. The government advice on planting trees is pertinent and forms part of creating

'beautiful' places as set out in the Government Design Guide.

Provision of play equipment

The development includes one locally equipped area for play (LEAP) which is to be fenced, with other more informal 'doorstep' type play facilities with natural play equipment such as balance logs and earth mounding elsewhere within the site. This combines a number of different types of play equipment both metal and wooden as well as a formed landscape that encourages natural play.

The main LEAP is situated within the south-eastern part of the site close to the main ANRG area but separated and fenced off from it so as to provide a secure play park for a variety of ages with no access to dogs. Your officers have been keen to ensure that the details of the LEAP and the actual play equipment to be provided at the very least are submitted now rather than be left to condition. The applicants however have declined to do so quoting the need to ensure that any equipment used is in line with the standards applicable at the time of delivery. Whilst it would have been preferred to see the detail at this stage detailed guidance and advice has been provided to the applicant, the developer is expected to follow this advice in agreeing any finalised scheme by condition. What is also crucially important is that the LEAP is completed and open prior to the occupation of the first dwelling having first been signed off as fit for purpose by the Council. Other informal areas for play can be opened on a phased basis and completed prior to the occupation of the final dwelling. Conditions relating to the agreement of a finalised scheme will be worded so that they are agreed with the Council prior to any works taking place on site.

For details of ANRG provision within the site see the section below on Habitat Mitigation.

Adoption and future maintenance of play areas, POS, ANRG, and SINC

Comments have been made by some objectors regarding a desire to see public areas being maintained by the Council and not the developers. Whilst these comments are not it is not a material planning consideration. The future management and maintenance of these areas together with on-going monitoring will be agreed and secured as part of any Section 106 Agreement together with an appropriate contribution for ongoing maintenance.. The applicant/ developers will not carry out ongoing maintenance of the development. Comments expressed by objectors are incorrect in this regard.

Highway safety matters

Vehicular access and highway safety

The position of the proposed new access has been chosen so that it retains as much roadside hedgerow as possible and provides sufficient separation distance between existing and proposed access points on Whitsbury Road. The principal new access road into the site will be to full publicly adoptable standards and provides an adequate and safe means of access subject to a final detailed approval. The Highway Authority are content with this proposal subject to a Section 278 Highway Agreement to govern the works and any planning conditions as appropriate. As for the timing of these works this will be required as a first phase of development so that all construction traffic can safely access the new site compound. Some concerns have been raised by 3rd parties with regard to the new access but given the Highway Authority raise no objection there are no sustainable grounds to resist the plan as submitted.

A small secondary access has also been included to serve just three new dwellings near the Puddleslosh Lane junction. This allows for the extreme north-eastern corner of the site to be used to accommodate a small number of dwellings and makes best use of the land available. Again, some concerns have been raised locally but no objections are submitted by the Highway Authority. The scale of use of this private drive does not give rise to any significant sustainable planning harm. The residents of these three dwellings will be able to access other parts of the site internally on foot without having to come out onto Whitsbury Road using the grass verge around the bend.

Vehicular access onto Puddleslosh Lane is not shown in the plans. Whilst Puddleslosh Lane is a public bridleway it is not a public highway so such a vehicular access would be inappropriate. That said there will be a pedestrian and cycle access created onto Puddleslosh Lane (see below). Puddleslosh Lane is currently used by a small number of properties and a farm for access. It connects with Marl Lane to the southwest (bridleway) and whilst it's use for pedestrians and cyclists may increase it is not anticipated that this will generate additional vehicular traffic. In addition, it will be possible for pedestrians to access Puddleslosh Lane and vice versa directly from and into the site in two locations.

See further comments below regarding a potential Traffic Regulation Order requiring a reduction in local speed limits. In coming to a view on the access new junction provision the Highway Authority are content taking into account current above 30mph speeds that the access is safe.

Trip generation and impact on local network

The Town Council in their comments have taken on board the concerns raised by local objectors and consider that the development will add to existing congestion and 'rat running' in the town with construction traffic and occupiers of the new dwellings using side roads and other minor roads such as Fryern Court Road to bypass the town centre. Those concerns have been acknowledged by the Highway Authority, but they maintain that the modelling of traffic flows in and around the town and the capacity of various junctions does allow for this modest new estate development. To that end there is no justification in highway safety terms to reject this development.

Other parts of Strategic Site 17 and 18 however will need to be considered on their own merits and Members will be advised at the time those applications come to Committee of any further considerations. The Highway Authority are clearly aware of all the Fordingbridge strategic sites in their assessment of this current application for the Tinkers Cross site. The Case Officer specifically drew the attention of the Highway Authority to the concerns and objections raised by the Town Council.

To allay any local concerns the Highway Authority have recommended a Construction Traffic Management Plan which can assist in controlling construction vehicles and the routes they use. The site will be provided with its own compound for all construction staff and visitors and there should be no issue with highway safety during construction on Whitsbury Road.

Car parking layout and Council standards

The Council uses its 2012 Car parking standards SPD to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and other local policy seeking a shift away from cars to more sustainable forms of transport. That said given the site is some distance from the town centre and the likely levels of car ownership from residents occupying the site, it would be prudent to ensure adequate car parking is provided to serve the site. In this case the amended

plans now show a sufficient number of car parking spaces to serve the development and with a small number of visitor spaces also provided. It is considered that the level of car parking provided on site through a mixture of surface parking, open car ports and garages will be adequate to serve the new dwellings subject to some further changes that have been requested. There is a balance to be struck here between providing reasonable levels of car parking and encouraging sustainable transport options rather than always relying on the private motor vehicle.

At this point it should be further noted that the Council has embarked on a review of the SPD and has issued a revised draft which updates in particular the size of parking spaces and the need for electric charging points and the larger spaces needed to accommodate those. Electric charging points can be incorporated into the development and can be covered by condition to require provision to be made prior to occupation. This supports the Government announcement that future legislation will require this for all new houses. Apart from a small number of key locations the size of car parking spaces being drawn as per the current SPD should not create a significant issue on this site subject to the point below on future Permitted Development (PD) restrictions.

It would be considered prudent in this case to ensure that all car ports remain as open structures so that they do not get 'converted' into closed garages at some future date – with the attendant risk that they are not then used for parking. The result of such works may diminish actual car parking spaces if those garages then are used solely for household storage. Similarly, any dwellings which have integral garages should have PD rights withdrawn to ensure those garages are not converted into additional ancillary living accommodation without the need for a further planning permission. Planning conditions are recommended to control these matters. Finally, any detached garage buildings within individual plots should be retained as buildings which are capable of being used for car parking rather than being converted into outbuildings with an ancillary domestic use. The negative side of not providing enough car parking is that it will encourage indiscriminate parking on soft verges and even pavements which would be contrary to good design principles and create dangers for both vehicular and pedestrian users and visitors to the site.

Sustainable transport

Local Plan policy and NPPF guidance both require that new dwellings are provided with a number of sustainable transport initiatives. The Highway Authority note the submission of a Full Travel Plan for the site and require this to be incorporated into any planning permission and S106 agreement. The Travel Plan will encourage sustainable transport initiatives. Other works such as the improvement of a short stretch of Public Footpath 83 which links Tinkers Cross with the entrance onto Augustus Park from this public footpath will be secured through either a monetary contribution payable to the County Council who are responsible for the maintenance and upkeep of the public path, or a requirement that the works are carried out by the developer under license.

Members may recall the Metis Homes scheme (20/10228) which would complete the improvement of Footpath 83 meaning that Salisbury Road and Tinkers Cross would be connected with a new widened and re-surfaced path giving ready access to both the primary and secondary school for parents and children. In addition, the existing public footpath that runs from Tinkers Cross and connects with the entrance to Augustus Park on the eastern road verge of Whitsbury Road is to be widened and re-surfaced. This provides a further improved link for parents taking their children to the junior and infants' school. Finally, new footpath links are provided within the site that connect to the Ford 1 SANG area to the south and via that to the new farm shop without needing to use the highway verge. This network of routes will also connect to

the wider Site 17 site to the south via a new pedestrian bridge over the river as well as the main bridge river crossing. It is considered important this pedestrian bridge is created as part of the Tinkers Cross development and ready for opening to the wider Site 17 application to the south of Sweatfords Water when that development comes to fruition. The bridge will be conditioned accordingly as part of this development.

Traffic Regulation Order (TRO)

As part of the proposal, it has been recommended to the developers that they apply for a TRO to reduce the speed limit of the site frontage from 40 mph to 30 mph. At the present time the speed limit along Whitsbury Road changes from 30 mph to 40 mph at the point just to the south of the earlier northern edge to the built-up area. This changes back to 30mph at Tinkers Cross hamlet just to the south of the fork junction between Whitsbury and Fryern Court Roads. This makes no sense now bearing in mind that Site 17 and the new estate development at Ford 1 effectively will fill the gap between the earlier built-up area of the town and Tinkers Cross. This coupled with the fact that there will be significant numbers of pedestrians seeking to cross Whitsbury Road from the Site 17 development to access the schools at Burgate (secondary) and Fordingbridge Junior and Infants (primary) to the east of Augustus Park means that it will be safer if the 30-mph zone is extended to include all of Whitsbury Road up to and including the hamlet of Tinkers Cross.

The applicants have agreed to apply for a TRO and to pay for the necessary implementation and signage infrastructure should this be successful. As for timing a TRO application cannot be made before planning permission is granted. Whilst there is no guarantee of success it is hoped that both the local Police and the Town Council will support such an application. The TRO application submission can be included as part of the clauses of the S106 agreement.

Members are referred to the final comments of the Highway Authority. Whilst the concerns raised by the Town Council are noted both in respect of the capacity of local roads and details such as the pedestrian crossing point, there are no sustainable reasons to refuse the application in this case.

Ecology

On Site Biodiversity and protected species

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 emerging legislation all require an enhancement to on-site biodiversity wherever possible. In accordance with policy DM2: Nature conservation "*Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site.*"

The Council's ecologist in his latest comments makes various recommendations with regard to protected species which can be dealt with by condition.

Biodiversity Net Gain (BNG)

Members will be aware that the recent Royal Assent of the 2021 Environment Act formally requires new developments to provide for biodiversity net gain for all housing developments (not just major schemes). Whilst secondary legislation is not yet in place it is considered that policy STR1 of the Development Plan can require a 10% improvement in biodiversity post development compared to pre-development and that

this improvement should be secured over a minimum 30-year time horizon which will then be subject to Secretary of State extension of that time period potentially subject to regulations.

With regard to this site the requirement for BNG is complicated by the presence of part of the site being classed as having local nature interest and designated as a Site of Interest for Nature Conservation (SINC). The Council's ecologist has raised issues with respect to the extent of Alternative Natural Recreational Greenspace (ANRG) and how this might impact on the SINC's nature conservation value e.g., use by dogs and walkers could have an adverse impact on ecological value. The latest plans now show the SINC retained within the site but protected from ANRG use by appropriate fencing with limited public rights of access through that area.

The ecologist also points out the concept of 'additionality' which must be resolved. Additionality is defined as where areas of the same site are being utilised for other activities e.g., ANRG or SINC, it is necessary to demonstrate how the biodiversity net gains are additional to other provisions which would be made irrespective of the biodiversity net gain requirement.

Any BNG that is secured must be managed and monitored to ensure its continued function over a minimum 30-year time frame. The regime for such management and monitoring will be subject to further consideration through the Section 106 Agreement and planning conditions. A biodiversity monitoring and management plan will be critical to successful achievement and maintenance of BNG. This can be conditioned as per the ecologist's advice.

As well as land-based improvements to secure BNG such as trees, shrubs and grassland habitats, the dwellings themselves should also all be fitted with bird and bat boxes prior to occupation. This can be secured by condition.

The further ecological details submitted on 9 December have now been considered and the Council's Ecologist is content to allow the development to proceed subject to conditions. On this basis it is considered that the proposal does meet with both national legislation on BNG as well as local policy guidance on protection of species. The future management of ANRG, SINC and other public areas will be crucial to ensure long term ecological benefits are retained. This will be achieved via a combination of management plans to be submitted by condition, protection during construction works, lighting strategy details, and future maintenance and monitoring which will be secured by a Section 106 agreement.

Habitat Mitigation and recreational impact on protected areas and species

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.

The Strategic Site policy requires sufficient on site ANRG areas be provided to divert recreational trips away from protected areas. In this case there is a large new dog walking and exercise area provided in the southern part of the site as well as further use of the area surrounding the SUDs basins which are to be provided with circular pathways. Added to this the site will link directly with a new footpath to the existing Ford 1 SANG area provided as part of the Augustus Park development (note – this

area is not affected by the new roundabout proposal on Whitsbury Road). The two areas will be contiguous with a footpath link allowing existing residents and new residents to benefit from this additional facility. The Tinkers Cross ANRG area will also link directly with Puddleslosh Lane and other public rights of way which in turn will provide access to other planned areas of ANRG on both Site 17 and Site 18. It will be noted above that public footpath 83 in particular will be improved to allow better use for dog walkers and other users.

Finally, when Site 17 is developed there will be a new footpath pedestrian bridge link across the river connecting off road the Tinkers Cross site with the larger Site 17 ANRG and POS areas further extending such dog exercise opportunities. The policy requirements for the current application site are fully met with the new ANRG area planned taken in combination with the improved linkages to other public rights of way and other areas of ANRG to be provided on both Site 17 and Site 18. The future maintenance and management of these areas in perpetuity will form part of the Section 106 Agreement.

Phosphate neutrality and impact on River Avon SAC

The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation.

However, following the end of the interim period on 31st March 2020, the Council has been advised by Natural England and the Environment Agency that existing measures to offset the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. As this interim period has now passed, 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 Local Plan policy.

In July 2020, the Council adopted the Local Plan 2016-2036 Part One: Planning Strategy. The Local Plan recognises that the Planning Authorities in the River Avon will work with Wessex Water, Natural England and the Environment Agency to identify suitable mitigation of offsetting measures to enable development to achieved phosphate neutrality, including any update of measures set out in the River Avon Nutrient Management Plan. This work is ongoing. The principle of requiring all new development to contribute to mitigation measures in proportion to its likely impact on the European sites is set out in policies of the Local Plan 2016-2036 Part 1: Planning Strategy, namely Policies ENV1, ENV3 and ENV4.

The proposed development therefore may by itself and in combination with other developments, have an adverse effect on the integrity of European sites due to the impacts of additional phosphate loading on the River Avon SAC, the River Avon SPA and the River Avon Ramsar site, having regard to their conservation objectives. Without mitigating these adverse effects through the future implementation of mitigation projects these impacts would unacceptable and therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Local Plan policy

The applicants have indicated they are working towards a private off-setting and mitigation scheme and are in discussion with both the Council and Natural England. It is anticipated that there will be more certainty over this scheme in the near future at which time the Council could use a Grampian style condition. The applicants are happy to accept a Grampian style condition which requires a mitigation scheme to be finalised and agreed as well as secured in the long term to deliver the necessary mitigation, prior to commencement of development. Any such project for mitigation will also have to pass the Appropriate Assessment test taking into account the views of Natural England.

Air Quality mitigation

Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. This is currently set at a flat rate fee of £85 per dwelling. The contribution will be used to ensure that impacts on international nature conservation sites are adequately mitigated, with a financial contribution required to put 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 NO_x, 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. The contribution can be collected via a S106 Agreement.

Flood risk, foul and surface water drainage

Flood Risk

Whilst the site lies close to the Sweatfords Water which falls within flood zones 2 and 3, none of the residential element of the scheme lies outside zone 1 which is the lowest risk of land liable to flood. Nevertheless, the applicants have submitted a flood risk assessment and the comments of the Environment Agency are set out above confirming they have no objections. The policy requirement in this case is for the development not to exacerbate flood risk elsewhere outside the site. The Environment Agency and Hampshire Local Lead Flood Authority are both content that the development will not do so subject to the works being carried out in accordance with the drainage strategy and plans submitted and the mitigation measures put forward, with such measures being maintained into the future.

Surface Water

Local and national guidance now encourage sustainable urban drainage solutions (SUDS) to deal with surface water. In this case the site does not lend itself to infiltration (water soaking in) of surface water and consequently such surface water will need to be managed and the run-off rates slowed to existing green field run off rates before entering the Sweafords Water so as to prevent further off-site flood risk downstream. Added to this it is important to ensure that such drainage features are appropriate in both design terms (how they look) and in ecological terms to encourage improved biodiversity.

The current application now includes two linear basin features which will act as reservoirs during times of excess rainfall. These basins are designed so that they are shallow features which can look attractive with and without water. Added to this the basins can also be part of the ANRG recreation offer on the site and can extend dog walking opportunities. Further enhanced biodiversity opportunities may also exist with appropriate species planting of the SUDs basins.

Both the Hampshire County Council LLFA and your officers are satisfied that the drainage basins will be acceptable in their re-designed form subject to any further fine detailing being dealt with by condition. The concerns raised by the ecologist and tree officer have also been addressed.

Other parts of the site will also be used to slow down surface water and reduce any surface water run off onto public highways or pathways by the use of permeable materials.

It is considered overall that the surface water drainage strategy now put forward will be effective in dealing with surface water run-off and will be acceptable both in design and ecological terms as well.

It is important that the management of these drainage structures is clear. This will also include the management of soft planting and measures to ensure the safe availability of access for occupiers to use the area around the basins recreationally. The design of drainage basins is illustrated in this case as being shallow basins which could allow for use as amenity areas as well as for their primary purpose of surface water retention as well as attenuation (i.e. regulation and rate of flow of water) of surface water flow rates to the river. Such management arrangements can be dealt with as part of any Section 106.

Foul water drainage

Wessex Water who are the sewerage undertaker have been consulted on the application and have no objections. Whilst there are issues with the current sewerage system in the town there is sufficient capacity within the current system to accommodate the relatively small number of additional dwellings that would be brought forward with this scheme. Their comments refer to the high-level strategy now in place to manage further large-scale developments in the town. This includes two large foul water storage tanks to be placed on land adjoining Whitsbury Road and Station Road. All the Fordingbridge strategic site developers have now signed a Memorandum of Understanding to confirm they will collaborate and work together to resolve the sewerage issues.

The larger developments associated with strategic sites 16, 17 and 18 will trigger the construction of the storage tanks, but for the time being provided there is no surface water entering the foul system from the new dwellings then there are no objections to the Tinkers Cross scheme.

The development of the larger separate site 17 application at Whitsbury Road (21/10052) makes provision for the location of one of the storage tanks within its site. In brief the purpose of the holding tanks is to delay the release of effluent from the new development areas into the existing sewer network until there is capacity to do so without risk to properties 'downstream', at times when the sewer system is affected by flood water ingress or other overload risks. Post 2025 it is likely that the Fordingbridge Sewage Treatment works will be upgraded. The tanks provide an interim solution to allow the strategic sites to come forward in advance of those works taking place.

Residential and wider amenity impact

The development of this site will have an effect on the wider population in the town who may currently enjoy the countryside views afforded from Whitsbury Road as a public benefit. The allocation of the site for housing however will inevitably have to set this loss aside, albeit this is tempered with the soft landscaping and open space margins that will be retained around three sides of the residential development and the green backdrop along the southern boundary with Sweatfords Water being retained.

The more immediate impact will be on those local residents living at Tinkers Cross. Some of those residents directly front onto Whitsbury Road and will suffer some loss of amenity through the impact on wider views, and some levels of overlooking as well as additional access and turning movements in and around the site. There will be noise and disruption caused by construction traffic and construction on the site itself.

With regard to loss of privacy and light there are no significant issues given the small number of dwellings that directly front Whitsbury Road in the north-eastern corner. These dwellings are far enough away from the front elevations of Tinkers Cross properties (25-45 metres wall to wall). There is no direct overlooking and the relationship of the site to Tinkers Cross is acceptable in amenity terms. Similarly, any impact from construction can be adequately managed through a Construction Traffic Management Plan and Construction Environmental Management Plan.

The stated objection on highway safety grounds to an individual access in the northern corner of the site and the impact this might have on other residents' turning manoeuvres is not supported by the Highway Authority and there are no grounds either based on amenity or highway safety to resist this minor private drive access.

The location of any play areas is also far enough away from the existing residents so as not cause any undue loss of amenity with the principal play area being located in the south-eastern corner of the site. A small natural play area in the northern section of the site will not cause such harm as to warrant a refusal of permission.

The proposal is therefore considered acceptable in residential amenity terms.

Affordable Housing including viability assessment

Background, local policy and national guidance

The delivery of affordable housing (AH) is a key corporate priority for the Council, and this is reflected in the Council's Corporate Plan.

With regard to Local Plan Policy HOU2 the policy requirement in this case is for 50% of the units to be affordable, and those units to have a split tenure mix with 70% being affordable homes for rent (with an equal split between social and affordable rent) with

the remaining 30% of units to be intermediate/shared equity homes.

The Policy states that the viability of development will be taken into account in applying this policy as set out in Policy IMPL1: Developer Contributions, Starter homes or what are referred to as Discount Market Units (DMUs) are not considered to be affordable in terms of the Development Plan policy. First Homes are not considered to comply with Local Plan policy either, but they are now officially recognised as an affordable housing product by Government who have recently published new guidance on First Homes (see below).

The policy requirement in this case is therefore that the development should provide 33 units as affordable resulting in 22 dwellings being split between social and affordable rent, and 11 units provided on a shared equity basis as intermediate.

Where developers cannot deliver the level of affordable housing set by policy, they need to submit a financial viability assessment (FVA) to demonstrate why they cannot make the development viable if the policy level of affordable housing is delivered.

The Planning Practice Guidance ('PPG') which accompanies the NPPF defines viability assessment as *"a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return."*

The RICS Guidance 'Financial viability in planning' states that:

A viability appraisal is taken at a point in time, taking account of costs and values at that date. A site may be purchased some time before a viability assessment takes place and circumstances might change. This is part of the developer's risk. Land values can go up or down between the date of purchase and a viability assessment taking place; in a rising market developers benefit in a falling market they may lose out. A developer may make unreasonable/over optimistic assumptions regarding the type and density of development or the extent of planning obligations, which means that it has overpaid for the site'.

Land Values

The revisions to the Viability Planning Policy Guidance 3 and the National Planning Policy Framework (updated 19th February 2019 and further updated to July 2021 in other respects) now very clearly advise that land value should be based on the value of the existing use plus an appropriate level of premium or uplift to incentivise release of the land for development from its existing use. Regarding how land value should be defined for the purpose of viability assessment, it states: 'To define land value for any viability assessment, a benchmark land value (BLV) should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner' *[to encourage that landowner to allow the land to come forward for development]*.

The guidance defines existing use value (EUV) as: 'the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses.

Existing use value is not the price paid and should disregard 'hope' value. Existing use values will vary depending on the type of site and development types. EUV can

be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.'

It states that a Benchmark Land Value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.'

The guidance further states that:

'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.' It goes on to state: *'Policy compliance means that the development complies fully with up-to-date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan. A decision maker can give appropriate weight to emerging policies. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement).'*

In this case it is a matter of fact that the land was purchased for a sum well below that of the suggested benchmark land values put forward by the applicant. Whilst this is not a determinative matter it should not be lightly set aside.

OFFICER ASSESSMENT

First offer on affordable housing

The application as originally submitted proposed to deliver 8 no. affordable housing units with the following mix.

- 1 x two bed house - affordable rent
- 2 x one bed flats - affordable rent
- 1 x two bed house - shared ownership
- 1 x 2 bed flat - shared ownership
- 3 x 2 bed flats - First Homes

(Officer explanatory note - First Homes is a new Government scheme designed to help local first-time buyers and key workers onto the property ladder, by offering

homes at a discount of 30% compared to the market price. Whilst the discounts will apply to the homes forever, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold, the price paid after discount currently set at £250k outside London will rise with inflation etc. The Government guidance allows LPAs to develop and adopt their own criterion on such matters as the level of discount, and any local occupancy requirements. As yet these have not been formulated by the Council).

NB – discount market units or starter homes are not officially recognised as an affordable housing product so can be ignored for the purposes of this planning report. In addition, whilst the offer referred to First Homes it was not made on that strict model basis for this first offer.

This first offer equates to a 13% level compared to a policy compliance target of 50%. The tenure mix did not match policy requirements either.

As this application does not propose to deliver the full level of affordable housing required by policy a Viability Assessment report has been submitted. This economic viability assessment (Financial Viability Assessment as termed by the applicant - FVA) considers all the development costs including any abnormal site related costs, build cost of the units and the site (using national standards), developer profit, and the price of the land with a sufficient incentive to the owner to bring the site forward. An FVA was submitted with the original application for 63 units.

The Council's assessor advised that the the level of affordable housing being offered could be greater and in particular took issue with the benchmark land value set by the developer which the Council's assessor found to be too high and not in line with the above advice. Added to this the level of developer profit was also considered to be too high. The assessment is available to view online dated 15 April 2021 with the summary of this advice set out on page 34 of that report.

Second Offer – 16 August 2021 Amended Plans and revised FVA

Since the slight increase in the number of units to 64, to meet design and other objections, the FVA has now been updated and amended to reflect the amended proposals. As part of this resubmission the applicants amended their offer to 3 discount market units (80% value of open market units) 3 x affordable rented units, and 3 x shared ownership units. This offer was made on the basis of no education authority contribution being made.

Following on from the Education Authority's recent request for a contribution towards future funding of additional child places for both the Fordingbridge Infant and Junior school the applicants have reduced their affordable housing offer to **NIL** indicating the development of the site is not viable if affordable housing is included. It is not considered appropriate to trade off the required and necessary education contribution to allow the re-instatement of the earlier offer.

NFDC Assessor comments

On receipt of a non-compliant affordable housing offer the Council now uses an independent consultant to assess the FVA provided and provide an independent assessment report to the Council. As required under the current PPG both the FVA and the Council's independent assessor report are included on the web site. See report dated 23 November 2021 in draft form.

There are three clear differences of opinion between the Council's consultant and the applicant's position.

- Benchmark land value – should be reduced from £375,000 per acre to around £200,000 per acres
- Profit level should be reduced from 20% to 17.5%
- Sales values undervalued need to be increased

These three factors will improve viability and the ability to provide affordable housing.

In addition, the actual tenure of any affordable housing that is provided should reflect the Council's policy as set out in the Development Plan i.e., 70% should be for rent and 30% as intermediate model of housing such as shared ownership. The Discount Market Units referred to by the applicants are not considered to comply with this policy. The Government's First Homes policy has now been published but at the present time this is not considered to warrant consideration and to outweigh the Council's own adopted Development Plan policy.

Third offer – 9 December 2021

The latest position on this following discussion with the applicants is an improved offer as taken from their letter dated 9 December which states the following -

There remains disagreement in respect of the views of Pennyfarthing Homes viability consultant BNP Paribas, and Dixon Searle the council's advisor. A response to the most recent comments is submitted (letter dated 3 December 2021) responding to those points most recently raised.

However, notwithstanding this disagreement, Pennyfarthing are proposing to provide a without prejudice affordable housing offer of 14 dwellings (22 %). This consists of:

- 10 affordable rent dwellings
(4 x two-bedroom apartments, 3 x one-bedroom apartments,
2 x two-bedroom houses, 1 three-bedroom house)
- 4 x shared ownership dwellings (all three-bedroom houses)

This 22% provision is in line with the percentage affordable housing secured through the Metis homes scheme.

We would also note that the Dixon Searle report in respect of the viability information for the Metis Homes scheme did not include allowance for any S106 costs, yet 22% was accepted as the maximum provision. For the Tinkers Cross scheme various S106 items are required including an education contribution, yet the proposal being made by the applicant is the same level of affordable.

Added to this the applicants have updated this information with a further letter dated 7 January 2022 and supporting documents all of which can be viewed on the web site.

NFDC assessor's comments on third offer

The NFDC consultant comments as follows -

Whilst we may now assume that S106 costs and other abnormal costs are agreed, there is still disagreement about Benchmark Land Value. We consider that BLV should be reduced to no more than £200k per acre (£500k per ha) which is more in

line with other recent schemes with which we are familiar.

We consider on this basis that a minimum further headroom of £700k could be found which could release a further 6-8 units of affordable housing without adversely impacting on viability. We would need to leave the discussion on which units and tenure mix to the Council to take forward with the applicant. This would result in an offer in excess of 30% which whilst still being well below the policy threshold is in our view, taking into account all the circumstances of this case, a reasonable position to take.

We have had to make assumptions with regard to build costs and sales values so if no further improvement can be made on the AH offer then a review mechanism should be considered to allow the Council to re-visit this at a future date once costs and values are better known. It would however be preferable if a settled agreed position could be found now.

Fourth offer – 27 January 2022

Following on from a further meeting between officers and the applicants they have now improved their offer to the following -

The affordable mix now proposed is as follows:

- 7 no. affordable rent homes (3 no. 1-bed apartments: plots 21, 23, 25 and 4 no. 2 bed apartments: plots 19, 20, 22, 24)
- 7 no. shared ownership homes (2no. 2-bed houses: plots 26, 27 and 5no. 3-bed houses: plots 40, 41, 42, 43, 44)
- 5 no. First Homes (5 no. 2-bed houses: plots 7, 8, 56, 57, 60) (assuming 30% discount on market value, with local occupancy)

This equates to an offer which is rounded up to 30%

In doing so the applicant's wish to make the following points in their letter dated 27 January 2022 which can be read in full online.

We must stress that Pennyfarthing and its advisors do not agree with the assumptions behind the Dixon Searle viability analysis. As you are aware the main disagreement is in respect of the benchmark land value (BLV). The applicant considers that it has put forward robust evidence as to why the BLV should be at the level in the submitted viability appraisal, with local examples of land being purchased. Dixon Searle has not provided evidence of local values to justify their assumptions. However, in the unique circumstances of this site, being in the freehold ownership of Pennyfarthing, and the desire to commence construction and avoid further delay or a public inquiry, Pennyfarthing have considered your suggestion, and is prepared to make an improved (without prejudice) offer, by altering the mix of the affordable, and by introducing a new tenure, that of First Homes.

The revised offer comprises altering the tenure of the 14 affordable homes which had been proposed so that half are affordable rent and half are shared ownership. This enables the provision of a further five two-bedroom affordable homes, in the tenure of First Homes. First Homes are a relatively new affordable tenure, which are offered at a discount of 30% from open market value, capped at £250k. The discount is recycled and maintained for any further future purchasers. We understand the district would look to secure a local occupancy clause that would have effect both on the first and future purchasers.

CASE OFFICER CONCLUSIONS

Your officers have taken into consideration the amended fourth offer alongside the advice of the Council's assessor.

The revised improved offer is still below the policy requirement of 50%. Clearly in cases where the applicant can prove, and this is supported by an independent assessment, that the 50% target cannot be achieved alongside a viable scheme, the LPA can set aside this policy requirement and accept a lower % of affordable housing.

The applicant's offer also includes 5 no. First Homes. Set out above is a description of this new affordable housing model. The recently published Government guidance clearly sets out that such properties should be restricted as follows

- Minimum discount of 30% on open market values
- Maximum first sale price after discount applied to be no more than £250k
- Discount recycled and applied to future purchasers – does allow for market value of house to be increased however in line with inflation etc.
- First and future purchasers also need to be first time buyers
- First and future purchasers also subject to a local occupancy clause giving the opportunity for the property to be offered first for a reasonable time period to those with local occupancy status or a strong local connection usually through employment or family for example.

In addition, guidance to be produced by NFDC recommends that following the 25% of any affordable element being First Homes then the remainder should be to the proportions set out in the Local Plan (see section {a} above). Consequently, the offer now made by the applicants is not in line with that proportion so it should be emphasised that this should not be seen as a precedent for how the Council deals with future schemes which involve First Homes. Switching tenures will mean in this particular case less affordable housing overall on the scheme. On balance therefore it is considered that the mix as put forward is acceptable albeit it is not strictly in accordance with emerging guidance.

It will also be important to consider the open market value of any First Homes offered prior to the 30% reduction such that the values of those homes are not inflated to match the £250k Government threshold post the application of the 30% reduction e.g., the Harwood 2 bed house type is shown as having a market value of £265k based on build costs and size in the applicant's 7 January 2022 supporting information. This would result in the 30% discount reducing the price of this unit to £185,500. The Council reserves the right to check the value put forward as part of the assessment of these units and will use the values shown in the applicant's 7 January 2022 supporting information as the starting point. Any inflation of that value will need to be clearly justified.

Whilst the tenure mix is not strictly compliant with Local Plan Policy and emerging advice officers consider it acceptable to widen the variety of tenure and increase the number of units and on this occasion, taking into account all matters in relation to the delivery of this sensitive site, and have no objection to the variation in tenure mix.

The conclusion reached in this case is that there are sound reasons for the development not achieving a policy compliant 50% level and that the revised offer of 30% with the tenure mix set out is acceptable subject to securing all affordable units through a S106 agreement.

The Council does however retain its position on Benchmark Land Values.

Section 106 Obligation and developer contributions

Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan the following are the proposed Heads of Terms for a Section 106 Obligation/Agreement. The Agreement will need to be completed prior to the issue of any planning permission.

- **Affordable Housing (AH)** –19 units = 30% of 64-unit total with 7 no. affordable rent, 7 no. shared ownership and 5 no. First Homes. Phasing delivery of units to be agreed, and long-term retention as affordable
- **Biodiversity net gain (BNG)** long term management/maintenance plan and provisions to safeguard against failure and setting up monitoring arrangements. Monitoring charges. 30-year minimum time span for BNG on site.
- **Education** - contribution of £272,517 towards expansion of Fordingbridge Junior and Infants School payable prior to commencement
- **ANRG on site provision and maintenance** and long-term management/maintenance plan, monitoring costs are required.
- **Habitat mitigation for access and management** – non infrastructure costs associated with ranger and management based on number and size of dwellings proposed.
- **SINC** – implementation of approved ecological management and maintenance plan. Clauses as for ANRG future private management of maintenance contribution.
- **POS provision and maintenance** –

- **Formal open space** - financial contribution towards off-site formal open space to be confirmed. Contribution to be proportionate across all three Fordingbridge strategic sites to each site and number of dwellings. Recommended contribution of £1000 per dwelling i.e., £64k to be paid prior to commencement of development.
- **Internal roads not to be adopted** –
- **Provision of on-site drainage** – management arrangements of on-site drainage including SuDS basins if not publicly adopted.
- **Air quality assessment** monitoring contribution in line with Local Plan policy.
- **Off-site highway works** for new junction and works – S278 Highways Agreement, crossing points for Whitsbury Road, and provision of widened footpath on eastern side of Whitsbury Road from Tinkers Cross to Augustus Park.
- **Footpath 83 improvements** – widening and improvement of FP83 between Tinkers Cross and entrance to Augustus Park estate either under license agreement and carried out by developer or with cost of works contribution. Works to be completed prior to first occupation.

- **Traffic Regulation Order** Application to be made for a TRO to reduce local speed limit to 30 mph prior to commencement and if successful that any measures required are implemented within a timescale to be agreed and no later than first occupation.

11 CONCLUSION AND PLANNING BALANCE

The site forms part of allocated site SS17 in the Local Plan which establishes the principle of development on this greenfield site. The site now lies within the established settlement boundary of Fordingbridge. The initial submission led to objections from officers and a number of consultees and other interested parties on a number of points. These objections have now been largely overcome to the extent to allow a positive recommendation on all matters including the level of affordable housing.

The proposal as amended is now considered to be generally in line with Local Plan policy and national guidance, creates an attractive scheme releasing much needed housing including affordable housing, and other public benefits and contains within it a number of environmental benefits such as the securing of land for ANRG purposes as well as other land of nature conservation interest. Notwithstanding some remaining concerns from Fordingbridge Town Council and other objections from interested parties the overall planning balance on this occasion is therefore one of approval subject to a S106 Obligation/Agreement to achieve the contributions and other benefits set out above and the planning conditions as set out below.

12 OTHER CONSIDERATIONS

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	7204.10	0	7204.10	7204.10	£80/sqm	£738,143.17*
Dwelling houses (Affordable)		0	0	0	£80/sqm	£0.00 *

Subtotal:	£738,143.17
Relief:	£0.00
Total Payable:	£738,143.17

Crime and Disorder

The proposed development has been designed so as to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are considered to be well designed and safe.

Human rights

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

Equality

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

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

Working with the applicant

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was the subject of significant negotiations and the submission of amended plans this has led to a recommendation of approval subject to conditions and a S106 Obligation/Agreement.

13 RECOMMENDATION

Delegated Authority be given to the Executive Head for Planning, Regeneration and Economy to **GRANT PERMISSION** subject to being able to use a Grampian condition for phosphates

- i) the completion by end of 2022, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
- **Affordable Housing (AH)** –19 units with a tenure split of 7 Affordable rent and 7 shared ownership and 5 First Homes. Phasing delivery of units to be agreed, and long-term retention as AH.

- **Education** - financial contribution of £272,517 towards expansion of Fordingbridge Junior and Infants School payable prior to commencement to Hampshire CC.
 - **Biodiversity net gain (BNG).**
 - **ANRG provision and maintenance**
 - **Habitat mitigation for recreational impact** – non infrastructure access and management contributions per dwelling as per standard formula = £46,142.00
 - **SINC enhancement and maintenance scheme** – as per the ANRG clauses above with contribution level TBC
 - **POS provision and maintenance including play spaces** – triggers for implementation, management arrangements to ensure long term public access and proper management and maintenance of those areas.
 - **Formal open space (playing pitches and infrastructure)** contribution towards off-site formal open space and new playing facilities for the town to be confirmed. £1000 per dwelling =i.e. £64k.
 - **Internal roads not to be adopted –**
 - **Provision of on-site drainage – Air quality assessment** monitoring contribution of £5440.00 in line with Local Plan policy.
 - **Off-site highway works** for new junction and works and other crossing points as well as footpath highway verge widening and improvement along Whitsbury Road– under S278 Highways Act agreement
 - **Footpath 83 improvements** – widening and improvement of FP83 between Tinkers Cross/Whitsbury Road junction and entrance to Augustus Park estate either under license/agreement with HCC and carried out by developer or with full cost of works payment. Works to be completed prior to first occupation. The applicants have calculated the cost of these works as circa £67,000 to be checked by HCC Countryside Team.
 - **Provision of a full Travel Plan** with bond, monitoring fees and approval fees.
 - **Traffic Regulation Order** - Application to be made prior to commencement for a TRO to reduce local speed limit to 30 mph alongside Whitsbury Road between the existing 40mph sign to the south and the 30mph sign to the north at Tinkers Cross. If TRO successful any measures required are implemented within a timescale to be agreed and no later than first occupation.
 - Monitoring contributions
- ii) Delegated authority be given to the Executive Head of Planning, Regeneration and Economy to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

Proposed Conditions:

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

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

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

Site plans

P0001	Site location plan
P011 Rev H	House unit types plan
L010 Rev D	ANRG Dimensions
P012 Rev H	Site Levels Parking and Access Plan 1
P013 Rev H	Site Levels Parking and Access Plan 2
P014 Rev G	Site Levels Parking and Access Plan 3
D001 Rev P03	Surface water drainage strategy

House unit materials

P015 Rev H	External materials plan 1
P016 Rev H	External materials plan 2
P017 Rev H	External materials plan 3
P018 Rev A	Materials for typical house types
P019 Rev A	Materials for special house types

House unit plans

P301 Rev A	A2S Floor plans
P302 Rev B	A2S Elevations
P303 Rev C	A3S Floor Plans
P304 Rev D	A 3S Elevations
P305 Rev A	Harwood Floor Plans
P306 Rev C	Harwood Elevations
P307 Rev B	Hatchwood Floor Plans
P308A Rev C	Hatchwood Elevations
P309 Rev A	Knightswood Floor Plans
P310 Rev C	Knightswood Elevations
P311 Rev A	Amberdale Bungalow Elevation and Floor Plans
P312 Rev A	Bolderbury Floor Plans

P313 Rev B Bolderbury Var 1 Elevations
 P314 Rev B Bolderbury Var 2 Elevations
 P315 Rev B Poundwood Floor Plans
 P316 Rev B Poundwood Elevations
 P317 Rev C Fernwood Floor Plans
 P318 Rev B Fernwood Elevations
 P319 Rev D Whitsbury Floor Plans
 P320 Rev D Whitsbury Elevations
 P321 Rev A Riverdale Bungalow Elevations and Floor Plans
 P322 Rev B 11 00 Sq Ft Bungalow Elevations and Floor Plans
 P323 Rev C Aldbury Floor Plans
 P324 Rev C Aldbury Elevations
 P325 Rev B Fletchbury Floor Plans
 P326 Rev B Fletchbury Elevations
 P328 Rev B –Rushbury Floor Plans
 P329 Rev B Rushbury Elevations
 P353 Rev A Ashbury Bay Floor plans
 P354 Rev B Ashbury Bay Elevations

Special house types

P330 Rev D Special House Type 1 Floor plans
 P331 Rev D Special House Type 1 Elevations
 P332 Rev E Special House Type 2 Floor plans
 P333 Rev E Special House Type 2 Elevations
 P334 Rev C Special House Type 3 Floor plans
 P335 Rev D Special House Type 3 Elevations **Apartment and courtyard plans**
 P341 Rev G Apartments Ground floor plan
 P342 Rev H Apartments First and second floor plan
 P343 Rev G Apartments Elevations
 P344 Rev A Apartment block courtyard elevations **Garage/car ports**
 P350 Single garage details
 P351 Double garage details

Tree protection

19364-4 Tree Protection Plan

Reason: To ensure satisfactory provision of the development in accordance with New Forest Local Plan policies 2016-2036

3. Notwithstanding the details as shown on plan SK016 rev P05 and prior to the commencement of development, a full site proposed levels plan shall be submitted to and agreed in writing with the LPA. The development shall be carried out in accordance with the final proposed site levels.

Reason: To ensure that proposed levels are agreed and consistent with other approved plans in the interests of the appearance of the development in accordance with Local Plan policy ENV3

4. Prior to the commencement of any part of the development including any site clearance and demolition works, a detailed phasing plan showing all on and off-site works, including all landscaping, public open spaces, recreation facilities, and all on and off-site foul and surface water drainage and highway works, shall be submitted to and agreed in writing with the LPA. The phasing plan as so agreed shall be implemented in full unless any written variation has been agreed beforehand in writing with the LPA.

Reason: To ensure the development is fully completed in an acceptable timetable and in accordance with the approved plans.

5. Prior to construction (including any demolition works) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Development contacts, roles, and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, management, mitigation, and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths, and highways.
- Details of parking and traffic management measures.
- Measures to control light spill and glare from any floodlighting and security lighting installed.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CEMP so approved.

Reason: To comply with Local Plan policies STR1 and ENV3

6. Prior to the commencement of any part of the development (including any site clearance or demolition works), a detailed landscape masterplan and all final landscape details (planting and hard landscape), shall be submitted to and agreed in writing with the LPA. This shall follow an approved landscape framework to be agreed.

Notwithstanding details already submitted, such plans and details shall show all new planting of shrubs, hedgerows and trees including any necessary tree pits or root barrier systems. The plan shall show all streetlights, pipe ways and other underground service details in proximity to tree planting.

The landscape masterplan shall include a detailed phasing plan for all landscape works. Details will include all planting schedules, quantities, densities, sizes, mulching and irrigation features as well as hard landscape details for boundary treatments, surfaces, play equipment, furniture and features.

Reason: In the interests of the appearance and character of the development and area and to comply with New Forest Local Plan policy ENV3

7. The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed framework, masterplan, details, management and maintenance plans and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March). If any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting, they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season.

Following such an initial establishment period, all planting, shall then be maintained in accordance with the long-term landscape and maintenance provisions approved as part of this permission, including any relevant clauses set out in the accompanying Section 106 Agreement attached to this permission.

Reason: In the interests of the appearance and character of the development and area and to comply with New Forest Local Plan policy ENV3

8. The trees and hedgerows 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 Assessment and Method Statement Barrell Tree Consultancy ref 19364-AA3-CA.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

9. No development, demolition or site clearance shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

- A plan showing the location of service routes, including the position of soak away s;
- A plan showing the location of site compound and mixing areas;
- 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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

10. 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 the pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites V2 .1 SGN 1 : Monitoring tree protection to inspect all tree protection measures and confirm that they have been installed to provide sufficient protection for the retained trees on site.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

11. Prior to the commencement of any development including site clearance an ecological management and maintenance plan shall be submitted to and agreed in writing with the LPA covering all ANRG, POS and SINC areas of the site. The management and maintenance of these areas shall be carried out in accordance with the plan so approved.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2

12. No above ground works (including vegetation clearance) shall take place until a Biodiversity Net Gain (BNG) Monitoring and Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The Plan shall incorporate the requirements set out in the informative note at the end of this permission. The Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA annually for the first five years after completion and at 5-year intervals thereafter until year 30. The development shall be completed in accordance with the BNG Monitoring and Management Plan prior to the occupation of the last dwelling on the site.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2

13. Prior to commencement of development above slab level of any of the dwellings a scheme for the placement of bird and bat boxes and swallow bricks for each dwelling shall be submitted to and agreed in writing with the LPA. The details as may be agreed shall be completed for each house prior

to occupation and maintained as such thereafter.

Reason: In the interests of increasing biodiversity on the site in accordance with Local Plan policies STR1, ENV3 and DM2

14. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with the Building Regulations 2021.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

15. Prior to the occupation of any of the dwellings hereby permitted detailed proposals for the management and future maintenance of all public open space (including flood detention and SuDs basins), play areas, ANRG and SINC areas within the site should these not be formally adopted by the Council shall be submitted to and agreed in writing with the LPA.

Reason: To ensure that such areas are properly managed and maintained as public open spaces and ecological assets in the public interest.

16. Prior to any works taking place above slab level of any of the dwellings hereby approved a detailed specification of all new play equipment and street furniture to be provided within the main LEAP and within the site including any facilities such as benches, bins, interpretation boards in connection with ANRG or POS areas, together with a specification for illustration and interpretation boards relating to the ecological value of the SINC and adjoining Sweatfords Water area shall be submitted to and agreed in writing with the LPA. There shall be a minimum of one ANRG board and two boards in relation to the SINC in positions to be agreed with the LPA.

The details and facilities as may be agreed shall be provided and made available for use prior to the first dwelling being occupied or in line with a phasing plan of provision to be agreed as part of this condition. All play equipment and street furniture, and other facilities in connection with the use of the ANRG and SINC shall be kept available for the public use in perpetuity and maintained in accordance with any provisions set out in other conditions or as part of any Section 106 Agreement accompanying the application.

Reason: In the interests of the proper provision, design and retention of play facilities and other public and ecological interest areas to serve the development in accordance with saved Core Strategy policy CS7 and Local Plan Policies ENV 3 and ENV13

17. The drainage system shall be constructed in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy; ref: 2078-FRA-001.

Surface water discharge to the watercourse shall be limited to 6.9 l/s and in accordance with any detailed drawings submitted as part of other conditions applied to this permission. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations. The development shall be completed in accordance with the Drainage Strategy and any other approved plans prior to occupation according to the phasing plan as may be agreed with the LPA.

Reason: To ensure an adequate drainage system and to prevent and minimise flood risk

18. Prior to the commencement of development final detailed drawings of all SuDS retention basins together with any headwalls and outflow details including cross sections both long and short shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed and in any event prior to the first occupation of any dwelling on the site.

Reason: To ensure that the design of such basins is appropriate and acceptable in the interests of the visual appearance of the development so as to comply with Local Plan policy ENV 3

19. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials (including manufacturer names, type and colour) to be used on all dwellings based on the external materials plans submitted i.e. facing bricks, wall renders, weatherboarding, tile hanging including finish and colours, roofing materials, eaves boards, ridge tiles, together with the materials for all hard surfaced areas including any roadways, pavements and footway/cycleways, fences and walls (with typical elevation sections including straights and where there are changes in alignment supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3

20. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted the material and colours of all new windows with typical joinery and reveal details, external doors, garage doors, and rooflights (including flashings to be used with flush fitting preferred) shall be submitted to and agreed in writing with the LPA together with the details of opening of windows with all windows to be sash or casement rather than top hung except for fanlights. The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy

ENV3

21. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted details of all rainwater goods, soil and vent pipes, ridge flues and meter boxes (including their position on the building and intended colour finish), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3.

22. Notwithstanding the details as shown on plan SK016 rev P05 and prior to the commencement of development, a full site proposed levels plan shall be submitted to and agreed in writing with the LPA. The development shall be carried out in accordance with the final proposed site levels.

Reason: To ensure that proposed levels are agreed and consistent with other approved plans in the interests of the appearance of the development in accordance with Local Plan policy ENV3.

23. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

24. Prior to the installation of any street lighting or lighting to be placed on the dwellings hereby permitted such details (including the design of lanterns and lighting standards and the lux levels of lighting) shall be submitted to and agreed in writing with the LPA. No other street lighting or on building lighting shall be erected including any security lighting without the further written approval of the LPA.

Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential

amenity, wildlife protection, and so as to promote dark skies and to accord with Local Plan policy ENV3.

25. Prior to the commencement of development full drawing details of the two footpath connection points between the site and Puddleslosh Lane shall be submitted to and agreed in writing with the LPA. The details as may be agreed shall be fully implemented prior to any occupancy of the dwellings and maintained as such thereafter to provide a permanent link for public use.

Reason: To promote sustainable travel and 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.

26. Prior to the commencement of any part of the development above dwelling slab level full details of a new pedestrian bridge over the Sweatfords Water located near to the western boundary of the site as shown in the approved plans shall be submitted to and agreed in writing with the LPA. The bridge details as may be agreed shall be completed in two phases with the first phase providing a viewing platform on the southern side of the Sweatfords Water being completed prior to any occupation of any units on the Tinkers Cross site, and the second phase providing an open pedestrian link onto land forming the remaining part of Strategic Site 17 prior to first occupancy of any dwelling on that site.

Reason: To ensure that adequate provision is put in place for the necessary crossing point of the watercourse at an early stage 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.

27. No occupancy of any of the dwellings shall take place until the proposed accesses and highway works as shown on drawings ITB12264-GA-035 and ITB12264-GA-043 or in accordance with any final plans that may be agreed are completed to the required standard.

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.

28. The development hereby permitted shall not be brought into use until visibility splays as shown on drawings ITB12264-GA-035 and ITB12264-GA-043 have been provided at the accesses, crossing points and the public highway. Nothing over 0.6m in height above the level of the carriageway shall be placed or permitted to remain within the visibility splay.

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.

29. No development hereby permitted shall commence until a Construction

Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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.

30. Prior to the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

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.

31. Prior to the occupation of any of the dwellings hereby permitted, the detailed design of all cycle parking facilities including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel 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.

32. All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages and car ports hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles. All car ports shall be retained in perpetuity as open structures and shall not be fitted with external doors other than those shown on the approved plans.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that order, no access, vehicular or pedestrian, other than that shown on the approved plan, or as may be agreed in connection with the conditions of this permission, shall be formed onto Puddleslosh Lane.

Reason: In the interests 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.

34. 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, no extensions, dormer windows or upward extensions of bungalow units 2,3 and 15-18 shall take place without express planning permission first having been granted.

Reason: In view of the design and layout of these specific plots, their reduced plot sizes and location in an elevated part of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual character and appearance of the dwellings and 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.

35. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority (LPA) in writing. The scheme shall include appropriate research questions; and:
- 1) The programme and methodology of site investigation and recording
 - 2) The programme for post investigation assessment
 - 3) Provision to be made for analysis of the site investigation and recording
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under section (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in

accordance with the programme set out in the Written Scheme of Investigation approved under section (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

36. With specific regard to special house types 1,2 and 3 and the Whitsbury house type and apartment units on plots 19-25 and 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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the design and layout of these specific plots the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual character and appearance of the dwellings and 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.

Further Information:

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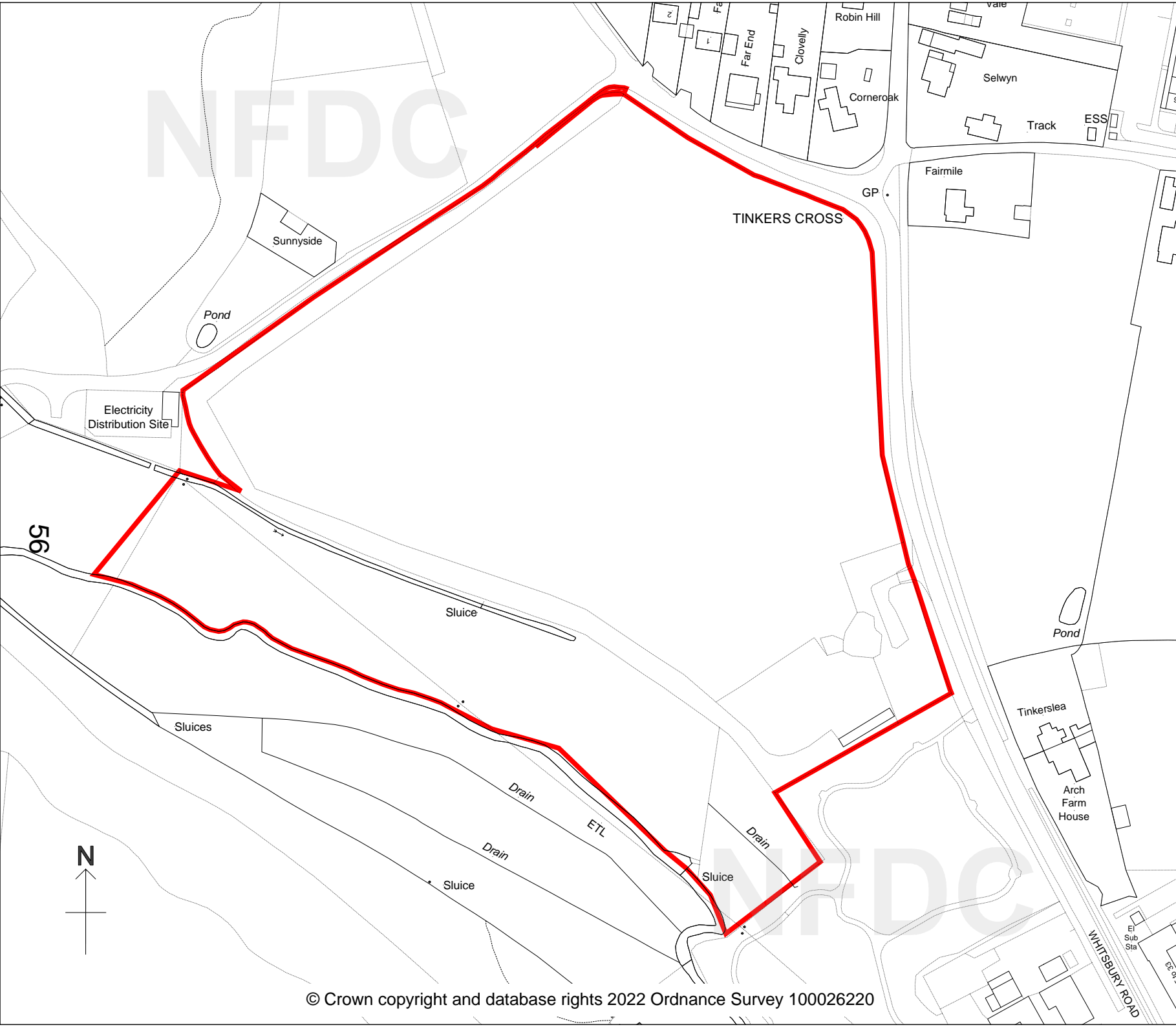
PLANNING COMMITTEE

February 2022

LAND AT TINKERS CROSS
WHITSBURY ROAD, TINKERS CROSS
FORDINGBRIDGE SP6 1NQ
20/11469

Scale 1:2000

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



NFDC

NFDC

Planning Committee 9 February 2022

Application Number: 21/11156 Full Planning Permission

Site: MARCHWOOD MILITARY PORT, CRACKNORE HARD,
MARCHWOOD SO40 4ZG

Development: Hybrid planning application for the development of land at Marchwood Port (existing classes B2, Class B8 and ancillary uses) for additional development to support the proposed use of the land for port and port related uses comprising:

An application for full planning for the demolition of existing buildings and creation of additional hard standing (Class B2 (Industrial)/Class B8 (storage & Distribution), including ancillary offices (class E(g)) and ancillary security staff welfare and facilities; highway & railway improvements; perimeter and internal fencing; ecological enhancement areas; landscaping & infrastructure; enabling and earthwork's; utilities and associated works (Phase 1 works and specified plots - Plots S1; Plot A1.1, Plot A1.3, Plot A1.4 Plot A1.5; Plot M2 and A2 enabling works).

Outline application for demolition of existing buildings; additional hard standing (Class B2 (Industrial)/Class B8 (Storage & Distribution), ancillary security and staff welfare & facilities; warehousing (Class B2(Industrial)/B8(storage & Distribution); circulation and access improvements; vehicle parking & servicing; lighting, plant infrastructure and associated works (Details only of access) (Remainder of the site).

Applicant: Solent Gateway

Agent: Montagu Evans

Target Date: 30/11/2021

Extension of time 18/03/22

Case Officer: Judith Garrity

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Transport
- 3) Landscape visual impact including impact on New Forest National Park
- 4) Landscaping and trees
- 5) Residential amenity
- 6) Ecology and Biodiversity Net Gain
- 7) Flood risk and drainage issues
- 8) Sustainability
- 9) Heritage Impacts
- 10) Minerals
- 11) Cumulative impacts

This application is to be considered by Committee at the discretion of the Executive Head of Planning Regeneration and Economy because of the scale and significance of the proposed development and due to Councillor concerns.

2 SITE DESCRIPTION

Marchwood Port falls within the Port of Southampton which is operated by Associated British Ports (ABP). In 2017 the Ministry of Defence awarded the applicant (Solent Gateway) a 35-year concession to manage the military movements through the port whilst also opening the site for commercial port use.

The application site is 82.8ha in size and has road access from Cracknore Hard Lane. It is bounded by the River Test to the east, and Cracknore Hard Stream to the north-east, Normandy Way and Cracknore Hard Lane to the north, and Marchwood Village to the north west. The Fawley branch railway line enters into the site from the main National Rail line at the western end of the site.

The New Forest National Park is located on the south western boundary and the site is also bordered to the south and south-east by woodland and the Dibden Bay Site of Special Scientific Interest (SSSI). The site is adjacent to the designated SSSI, SPA and Ramsar sites and on the south eastern boundary is Dibden Bay. The site also abuts smaller locally designated sites of Importance for Nature Conservation (SINC). There are Public Rights of Way to the south west and east of the site with NFDC and NFNPA areas.

In terms of the site context, Marchwood Industrial Park is located 400m north east of the site. The McMullan Barracks are situated on the opposite side of Cracknore Hard Lane and is currently used as an existing barracks site. Planning permission has been granted for the re-provision/enhancement for the McMullan Barracks site which includes new technical, office, training, welfare, support and sports facilities, including a MUGA. A revised planning application for this is currently under consideration.

The site currently contains a mix of hardstanding for cargo storage, MoD office buildings, rail and road infrastructure, open areas of land and the quayside. The applicant currently uses 32.8ha of the site for port related activities with 22.7ha of the site suitable for open storage purposes. These current non-operational areas of the site are typically open grassland.

The quayside located to the east of the site is served by two operational jetties (Falklands Jetty and Gunwharf Jetty) which provide access to the River Test. A third existing jetty, Mulberry Jetty, is in a managed state of decline and is currently not able to support commercial operations.

The centre and northernmost parts of the site are a mix of port infrastructure as well as areas of semi-natural habitats trees and grassland. In the central-western part of the site, there are several ancillary buildings currently used by the MoD for storage, workshops, training and office space and sport pitches. On the southern boundary is a hardstanding compound used for automotive storage (part of Plot A5).

On the western side of the site, located around a spur of the rail sidings is an area of hardstanding currently used as a temporary storage and train loading and unloading area (Plot A4.1). To the south west of the rail sidings, there is an area that has historically been used by the MoD for off-road vehicle training and a port operator training area (Plot A4.2). Beyond this, there is an undeveloped area comprising mature oak trees and areas of dense scrub).

Sports pitches are located adjacent to the south east boundary of the site (Plot A3.1 and 3.2) which are used by the MoD for exercise and training and when not in use, for storage purposes. These facilities are not public, accessible or available for wider or non-military use.

3 PROPOSED DEVELOPMENT

The current planning application has been submitted following lengthy pre-application discussions and public consultation with the community which engaged with local residents, interest groups, elected Members and Parish Council.

The proposals are for the phased intensification of Marchwood Port including the construction of hardstanding for storage areas for the movement of materials, vehicles and containers by sea, road and rail. It incorporates open and covered, storage, buildings for warehousing, industrial space, offices, security and staff welfare facilities, access improvements, circulation routes, servicing and parking, landscaping, ecological areas, secure boundary fencing and associated infrastructure.

The site at Marchwood Port is approximately 83 ha in size. The proposals would increase cargo storage capacity on the site from the current existing available storage of 22.7 ha to 43.8 ha. This is an increase of 21.1 hectares. A further 23ha for landscape and biodiversity areas will be provided on the site. The remaining areas (approx. 16 hectares) would be retained as existing.

Existing available storage area	22.7 ha
Proposed storage area	43.8 ha
TOTAL ADDITIONAL STORAGE	21.1 ha

The proposed development will facilitate the storage of containers, automotive. Steel/rail storage; and general loose storage. In addition to this aggregates, aggregate storage, handling and processing plant, asphalt and concrete batching plants are proposed as part of the outline application.

The current proposals are a hybrid planning application for Class B2, Class B8 and ancillary uses for port and port related uses. This will allow flexibility to respond to changing economic and customer requirements but specific plots would be limited in terms of height or type of use and/or storage permitted. The development will take place in 6 phases to be constructed over a period of six to seven years

The full application comprises the following:

Full planning permission is being sought for Phase 1 of the proposed development which relates to Plots S1; Plot A1.1, Plot A1.3, Plot A1.4 Plot A1.5; Plot M2 and enabling works to Plot A2. Full permission is being sought for the demolition of existing buildings and creation of additional hard standing (Class B2 (Industrial)/Class B8 (storage & Distribution), including ancillary offices (class E(g)) and ancillary security staff welfare and facilities; highway & railway improvements; perimeter and internal fencing; ecological enhancement areas; landscaping & infrastructure; enabling and earthwork's; utilities and associated works.

Construction of the new site access, security office and canopy would include a separate access for oversized vehicles. Parking is proposed for security staff and visitors and includes disabled car parking; cycle parking and a covered cycle storage facility; There would be associated highway and footway improvements within the site to serve the open storage plots and the haulier's park.

Plot A1.1 use as high intensity container storage (up to 5 containers high), refrigerated containers or general loose storage of (maximum height of 16.5m).

Plot A1.3 and Plot A1.4: use as flexible open storage / open storage or low intensity container storage of up to 2 containers high (maximum height of 5.5m) and for automotive, steel and rail cargo.?

Plot M2: continued use by MoD for general loose storage general loose storage of a maximum height of up to 15m

Plot A1.5: use as hauliers park and welfare building with a small increase in the existing HGV parking and hard surfaced area and reconfigured parking layout. The existing three major rail level crossings across the site will be retained and improved and some unused rail line removed. A new track and rail corridors would be provided to serve the plots within the site

New and existing fencing up to 3.0.m high.

Lighting to replace use of halogen floodlights with LED equivalents which will be on masts of up to 30 in height on specific plots.

Site wide surface water drainage catchments to replicate the existing catchments. New hardstanding areas will be connected to the below ground drainage system and a sustainable drainage system (SuDS).

On and off-site Biodiversity Net gain are proposed. A landscape masterplan would allow some existing trees and grassland to be enhanced through new planting and biodiversity retention and enhancement on-site. A number of trees will be removed within the central plots.

Outline planning permission for the remainder of the site with details only of access. Reserved matters are appearance, landscaping, layout and scale.

Outline planning permission is sought for the demolition of existing buildings; additional hard standing (Class B2 (Industrial)/Class B8 (Storage & Distribution), ancillary security and staff welfare & facilities; warehousing (Class B2(Industrial) /B8 (storage & Distribution); circulation and access improvements; vehicle parking & servicing; lighting, plant infrastructure and associated works.

The outline part of the application relates to those plots where the detail design has not yet been determined but it seeks to establish a set of parameters for land use and heights for the individual plots which will form part of future reserved matters applications. A number of documents have been submitted to allow these matters to be assessed. These details establish the plot boundaries and the primary and alternative uses for each plot area, maximum height for storage and /or buildings on each plot including an indicative container storage layout and warehouse building location.

The outline planning application seeks consent for the following elements that will be developed through phases two to six:

Plots A1.2, A3.1, A4.1, A4.2, and Plot A5: Proposed general loose flexible open storage some low intensity container storage up to a maximum of two containers in height (maximum height of 5.5m) or automotive, steel or rail storage.

Plot A3.1: Proposed covered storage/ warehouse or a maximum building area is 9,750m² and the maximum height of the built form would be 16.5m. If this plot is used for flexible open storage this would be limited to a maximum height of 5.5m.

Plots A2 and A3.2: Proposed aggregates terminal comprising of a storage, handling and processing plant plus associated concrete and asphalt batch

plants on Plot A3.2. A maximum height for the concrete batching plant would be 25m and asphalt batching plant would be 34m. The remaining buildings or storage heights on these plots be limited to up to 15m in height. A temporary mobile concrete batching plant will be provided on plot A2 until the permanent concrete plant in plot A3.2 is operational.

Plots A1.1, A1.5, A2, A3.2 and A4.1: New Welfare buildings in prefabricated, single storey modular buildings with associated parking hardstanding and lighting.

The existing areas of the site and buildings that are currently used by the MoD on Plots M3, P1 and P2) will be retained by the MoD at present before being handed over to the applicant in a phased approach by 2024. They will then be integrated into the site wide development and are indicated for storage of up to 15m in height.

The proposed development is the subject of an Environmental Statement due to its nature and scale and the resultant environmental impacts. The ES has been submitted following a EIA Scoping Opinion given in September 2020. The approach taken to the ES is based on precautionary, realistic worst-case scenarios. This approach has been used to inform any necessary mitigation measures identified. Flexibility is secured through a number of 'Parameter Plans' which have been informed by an iterative approach to design, EIA and transport assessment, and form the basis for the Environmental Statement.

4 PLANNING HISTORY

Reference	Description of development	Decision	Decision date
21/10098	New lightning protection system to be installed, system will utilise 35 no 20m high freestanding masts, situated sequentially either side of the existing bunds	Granted Subject to Conditions	06/04/2021
20/10795	Marchwood Port (Scoping Opinion)	Opinion given	14/09/2020
20/10443	Construction of a 'Type 1' crushed aggregate surface with geogrid membrane and temporary change of use of land for a period of eight years for open storage of: wind turbine blades; pipes; hydrogen plant parts; timber; boat moulds; steel and paving slabs/stones (Use Class B8).	Grant Temporary Permission	31/07/2020
21/11704	McMullen Barracks Revised Scheme: Demolish two buildings; Erect three new buildings to provide technical accommodation including workshops, storage, offices/training classrooms; with drainage infrastructure and landscaping. Included as Approved: Installation of surface car parks to	Registered	05/01/22

store fleet vehicles and containers;
new guardhouse at altered access
to Cracknore Hard.
Sea Mounting Centre portside
enclave: two-storey port office
welfare building

20/11456	McMullen Barracks. Demolish three buildings; Erect Four new buildings to provide technical accommodation including workshops and storage; offices/training classrooms; welfare and support accommodation; Two deck car park and installation of surface car parks to store Fleet vehicles and containers; New guardhouse at altered access to Cracknore Hard; with drainage infrastructure and landscaping; Retained Sea Mounting Centre portside enclave; Two storey port office welfare building	Granted Subject to Conditions	19/07/2021
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5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON3: Marchwood Port

Policy ECON1: Employment land and development

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR6: Sustainable economic growth

Policy STR7: Strategic Transport Priorities

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

DM4: Renewable and low carbon energy generation

DM5: Contaminated land

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

DM9: Green Infrastructure linkages

DM12: Maintaining access to the water

DM26: Development generating significant freight movements

Core Strategy (Saved policy) 2009

CS7: Open spaces, sport and recreation

Supplementary Planning Guidance and Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

NFDC Ecology and Biodiversity Net gain - Interim Guidance and advice note (2020).

NFDC Landscape Character Assessment.

Bird Aware Solent mitigation scheme.

Relevant Legislation

Relevant Advice

National Planning Policy Framework 2021

NPPF Ch.2 - Achieving sustainable development

NPPF Ch. 6 - Building a strong, competitive economy

NPPF Ch.9 - Promoting sustainable transport

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.14 - Meeting the challenge of climate change, flooding and coastal change

NPPF Ch.15 - Conserving and enhancing the natural environment

National Planning Policy Guidance

Other Policy Documents

Environment Act 2021

National Policy Statement for Ports (2012)

Government Policy on Freeport (briefing 2021)

Constraints

SSSI IRZ

NFSFRA Surface Water, Fluvial and Coastal

Brent and Wader Strategy

Explosives Safeguarding Zone

Article 4 Direction

Aerodrome Safeguarding Zone

Flood Zone

Small Sewage Discharge Risk Zone - AMBER and RED

Special Protection Area

Site of Special Scientific Interest

Historic Land Use

SINC

Tree Preservation Order: NFNPA/0032/08/W1

Plan Policy Designations

Employment

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council, Marchwood Village Hall : No Objection to this application and wishes to confirm its support for the proposed development. Should the delegated officer be minded to refuse this application then the Parish Council would like to see the application determined by the elected members of NFDC's Planning Committee

7 COUNCILLOR COMMENTS

Councillor Alison Hoare: Whilst I support the creation of jobs and work opportunities within the site, I have some caveats to my support of this application.

1. All lorries entering or leaving the site should use Normandy Way/Bury Rd, to ensure that no extra lorry movements are allowed to use the village roads. The size of modern lorries means that they are far too big to be driving safely through our Village, it should also be noted that within Marchwood there are 2 schools, a junior and infant.
2. All employees should also use the same route, not only to protect Marchwood but also to stop rat running through Eling, which has no footpaths and is a dedicated cycle route from Southampton to the Forest.
3. There should be an enforceable height restriction on the stacking of containers, no more than 4 high.
4. That only area E, (Plot A1.1(part) as marked on the plan be used for the storage of containers. I have major concerns that areas marked as H, (Plots A1.1(part) A1.2; A3.1 A4.1; A4.2. A5) of which there are 6 marked on the plans are labelled as flexible storage and could therefore be also used for container storage. Container storage within Marchwood and Eling is becoming a serious concern, they are visually very intrusive within the landscape as the stacking is so high, the noise of moving/stacking and the noise of transporting them, especially empty containers cause a lot of distress to many residents who have their sleep disturbed on a regular basis.

Eling probably the most historic part of the waterside is literally drowning from the sheer volume of containers, it is such an awful shame that the first view of the district is 100s of stacked containers adjacent to the beautiful Eling Marshes.

5. I would ask that the landscaping be commenced at the start of the development and not left until the works are completed.

Finally, although I understand this is not within the gift of the planning committee, I would ask that pressure be brought on Hampshire Highways to resurface Normandy Way with a low noise surface as promised previously by them and that a footpath be instated all along Normandy Way.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Sport England: Objection. Sport England considers that the proposal leads to the loss of land used as playing fields or land which has been used as playing field in the last five years. The proposal does not meet with any of the exceptions in the SE playing fields policy; and is in conflict with both paragraph 99 of the NPPF which protects against the loss of sports facilities unless in exceptional circumstances and saved Policy CS7 of the local plan which includes a presumption against development that involves the loss of sports facilities. Further consideration should be given to developing a mitigation package to compensate for the proposed loss of provision at the site, similar to that Sport England has secured at other comparable military/MOD sites.

Environment Agency: No Objection subject to conditions. These conditions include the requirement for a Construction Environmental Management Plan; details for the proposed fish translocation and a mammal underpass and a method risk and noise assessment. A remediation strategy relating to risks of contamination and unidentified contamination and a verification report are also required.

The EA make further comment on contamination and groundwater protection. The EA would prefer to see the Water Framework Directive assessment (WFD) updated to follow the 'Clearing the Waters' protocols, however it is unlikely in our view that the conclusions of likely WFD compliance will be changed as a result.

Natural England: No Objection subject to appropriate mitigation being secured. Conditions recommended on CEMP to include defined potential impact on SAC SPA and SSSI. NE recommends the production of a Biodiversity Mitigation and Enhancement Plan (BMEP) or similar document for offsite biodiversity net gain site at Cadland Estate to strengthen ecological networks and wildlife corridors. Consideration should be given to securing biodiversity enhancements for the intertidal zone, by the removal of redundant infrastructure potentially supporting Pacific oysters on designated sites adjacent to the development.

HSE Explosives: No comments as the site lies within the boundary of an HSE licensed explosive site. The development would be subject to licensing by HSE under the provisions of the Explosives Regulations 2014 (as amended).

MOD Defence Infrastructure Organisation: No statutory safeguarding objection raised.

National Highways: Following submission of additional information have commented and suggested the conditions that should be attached to any planning permission.

NFNPA: Objection. Concerns about the landscape impacts of significant new areas of open storage and other development immediately abutting the National Park boundary, the impacts of the proposed development on landscape character, local distinctiveness, tranquillity, and dark night skies due to further sky glow effects. Views from public rights of way within the National Park have not been properly considered and opportunities to reduce light pollution immediately adjacent to the National Park should be explored. The proposed screening is not considered to be of a sufficient width to mitigate these impacts; The new hard surfacing will reflect light and heat and effect ground water levels which will new planting and existing mature trees. Comments are also made on the proposed off-site biodiversity net gain at the Cadland Estate and loss of the sports pitches on site in relation to national and local policy.

NFNPA Archaeology: No objection subject to conditions.

Southern Water: Comment. A desktop study of the impact on the public sewer network indicates that the additional foul sewerage flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement necessary to mitigate this will be provided by Southern Water. The Developer will need to work with Southern Water on the delivery of the network reinforcement within 24 months of planning consent. Conditions are requested on the measures to be taken to protect the public sewers and water supply apparatus and the phased occupation of the development to align with the delivery of sewerage network reinforcement to ensure that adequate wastewater network capacity is available. Details are required of proposed means of foul sewerage and surface water disposal and arrangements for the long-term maintenance of the SuDS. A Trade Effluent discharge licence should be obtained before connection to the public sewerage network.

HCC Highways: No objection subject to conditions, off site highway work, a financial contribution to mitigate highway impacts on the A35/A326 and framework travel plan monitoring contribution. Consideration has been given to the traffic impact of the proposed development and trip generation figures that have been based on three

traffic scenarios from a 2020 baseline to 2024 future with OUSWD and planned development. The capacity analysis of 6 junctions has been undertaken and results indicated that the A35/A326 Rushington roundabout junction was already operating at capacity during the 2020 baseline. The increase in traffic as a result of the development is likely to result in reduced capacity on the local highway network. HGV trips are likely to be spread out across the day and so junction impacts outside of peak hours is likely to be greater than predicted in the modelling. However, a financial contribution has been agreed would be used to implement improvements identified in the Transport Waterside Strategy including phase 2 of the A326 improvements which would mitigate these impacts. Detailed information has been provided as part of the TA together with supplementary information and amended plans. The proposed access has been subject of a pre-application design review. The revised Framework Travel Plan is acceptable subject to a condition and monitoring fee.

HCC Lead Local Flood Authority: No objection subject to planning conditions requiring a detailed surface water drainage scheme and the long-term maintenance arrangements for the surface water drainage system. The management of surface water runoff through 3 catchments, which will discharge surface water into the adjacent River Test, is acceptable in principle. The information submitted addresses issues regarding surface water management and local flood risk.

HCC Minerals and Waste: The proposed development is contrary to Policy 15 of the HMW. It is requested that exploratory work is undertaken and a minerals safeguarding report is submitted. The proposed development is supported by this Policy 34. The development site lies adjacent to safeguarded sites (Policy 16 and 26). Mitigation measures are required to assess how the safeguarded sites will be impacted or evidence provided that the minerals can be relocated or provided elsewhere and delivered.

HCC Public Health: Support. Welcome the proposal which supports the vitality and prosperity of the Port and associated businesses, local employment and training opportunities. HCC encourage this development to be undertaken in a health-promoting, sustainable manner with walking, cycling, reduced car use, improved access and proximity to local public transport. HCC welcome segregated pedestrian and cycle paths, especially at the access, there is a need to consider air quality and noise pollution during and after construction, tree retention on the site and provision of enhanced landscapes, and on and off site biodiversity net gain.

HCC Director of Economy Transport and Environment: Supports the proposals from economic development perspective. Separate comments will be made by HCC Highways and HCC LLFA as statutory consultees.
Hampshire and IOW Fire and Rescue: Offer advise

NFDC Environmental Health (Pollution): No objection subject to conditions. We agree with the methodology of the assessments and additional information relating to air quality assessment and cumulative impact

NFDC Environmental Health (Contaminated Land): No objection subject to conditions on contaminated land investigation, monitoring and remediation.

NFDC Ecology: No objection subject to conditions and off-site BNG being provided, retained, managed and monitored.

NFDC Conservation: Comment to confirm the details submitted are acceptable.

NFDC Landscape: No objection. The landscape layout is acceptable.

Southampton City Council: Final Comments awaited. Interim comments made on air quality in relation to the Southampton Clean Air Zone. With the methodology used the proposed development is likely to have a moderate adverse effect in the Redbridge/Millbrook Air Quality Management Area due to additional movement of HGV and LGV along with new shipping movements.

Associated British Ports: No objection in principle to the development but the following transport related issues are important from an ABP, existing [MIP] operators and the community. Concerns expressed about future flows from Marchwood Industrial Park have not been included within any Transport. Should ABP promote any future development / employment schemes on the MIP site, this potentially could mean that the site ends up paying twice for highway improvements. This is clearly a concern given that this “additional capacity” has been accepted by HCC in the past. A future operational monitoring requirement could be helpful in verifying the accuracy of the Transport Assessment predicted traffic volumes. Concerns about the ability of HGVs (in particular) to access the SGL site during off peak hours to avoid the potential for vehicles waiting either in residential areas of the MIP site itself.

Business South and New Forest Business Partnership: Support. Marchwood Port is a key element of the successful Solent Freeport bid which will bring substantial investment and opportunity to the New Forest economy.

Solent Protection Society: Do not object to the principle but there should be sufficient mitigation of the impact. Specific comments are made on landscape, drainage and highway infrastructure. Concerns are expressed about views from the sea, River Test and from Southampton and request that container stacking is kept to a minimum in the actual dock area. Request a blanket TPO is placed on land to the south east; reference is made to historic land fill and the SINC and bird protection areas. Pollution protection measures are required including petrol interceptors to protect the river and Solent. There would be a significant increase in HGV movement on the surrounding road network and a financial contribution should be made towards the upgrading of the road network beyond the immediate site entrances.

Eling Conservation and Preservation Society: Fully support the concerns raised by SPS and consider that unless these concerns are fully resolved the planning application should be refused or delayed. An affordable local transport system should be connected and coordinated with the main national rail lines. Restrictions on local roads should be resolved and transport solutions adopted to deal with the additional traffic generated by the development.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received

For: 17
Comment: 5
Against: 26

Support or comment:

- Creation of secure trade, employment, apprenticeships and investment in the local area.
- Positive impact on the area locally and nationally;
- Importance of Solent Freeport for Marchwood;
- Small increase in traffic would be mitigated by the new port gate;

- Use of rail and sea transport should minimise the impact of large vehicles;
- Preservation of SSSI areas welcomed;
- High quality ecological offset and net gain in ecological enhanced areas.

Objection:

Traffic and highways

- Road and rail infrastructure is inadequate;
- Increased HGV and commuter traffic particularly at peak times;
- Congestion and vehicular/pedestrian safety issues with an increased risk of accidents;
- Highway capacity particularly at Rushington roundabout;
- Concern about local road infrastructure and impacts from other developments at Fawley, Corks Farm and Marchwood Industrial Park;
- Need to improve local highway network, public transport and introduce restrictions for HGVs and a commitment from HCC Highways to do this;
- Condition of roads and need to upgrade surfaces;
- No controls available over the use of contractors /delivery routes;
- Traffic and safety issues on Eling Hill, Jacobs Gutter Lane and northern access route to Port;
- More use of rail and sea in /sea out modes of transportation is needed;
- Need to encourage use of local public transport;
- Lack of pedestrian and cycle routes and safety risk to cyclists and pedestrians using existing routes;
- New footpath /cycleway improvements required on Normandy Way to link to existing off road route and from Jacobs Gutter Lane to junction with Marchwood by-pass (A326) to Rushington roundabout;
- Concern about a dedicated cycle path down Old Cracknore Close;
- Will add to the military transport requirements;
- Reference made to the 1975 Marchwood Local Plan and the HCC Waterside Interim Transport Policy (2017).

Visual amenity, environmental and other issues

- Noise pollution from reversing beepers and movement of containers when they are loaded/unloaded;
- Need to control hours of operation due to disturbance;
- Impact on air quality, particularly due to increase diesel pollution and dust;
- Need provision of shore power so ships do not run engines overnight;
- Noise and lighting assessments are flawed;
- Visual impact of stacked storage containers and current on site storage;
- Container storage should be limited to 3 high. Reference made to Eling Wharf;
- Environmental concerns, impact on designated sites and wildlife.
- Overdevelopment of the site;
- Loss of sports pitches and other open areas on the site;
- Effect on climate change;
- Army had a good relationship with local community
- Effect on property values (non-planning matter).

Councillor K Rhatigan- Leader of Basingstoke and Deane District Council:

Support. The development can play an important role in economic growth and recovery for the whole of the region including Basingstoke and Dean. There would be a substantial positive impact on business in the region alongside the benefits that a Freeport will provide.

10 PLANNING ASSESSMENT

1.Introduction

This is a major development on a large and strategically located allocated site in Marchwood. Furthermore, the site forms part of the proposed Solent Freeport which is crucial to the future economic prosperity of the area and has wider regional and national importance.

In making this submission the applicants have set out the aims and objectives of the proposals. The masterplan for the site has been developed to increase the commercial capacity of the port, while continuing to support and enhance operations by the MoD. The strategic objectives are to:

- i) Maintain current port operations and business continuity throughout the redevelopment of the site.
- ii) Maximise the development opportunity within the context of environmental and social policies.
- iii) Create a flexible port with multi-use areas.
- iv) Create opportunities to lease land for others to develop.
- v) Promote the use of the Port's existing sea and rail connections.
- vi) Maintain existing maritime capability without precluding future seaward development.
- vii) Target phasing of development to minimise financial exposure between phases; and
- viii) Continue to support MoD operations and meet obligations of the concession agreement for the operation of Marchwood Port.

In addition to these strategic objectives the development proposals are informed by the environmental constraints and opportunities of the site:

- i) To strengthen the boundary with the National Park and strengthen visual screening on the boundary to minimise effects on visual receptors.
- ii) To retain and / or strengthen the boundary with Dibden Bay SSSI.
- iii) To focus the noisiest and most visually prominent uses towards the centre of the site and away from more sensitive environmental receptors.
- iv) To minimise presence of new buildings within the flood zone.
- v) To retain and enhance higher value habitat onsite, and secure additional biodiversity improvements offsite to meet a Biodiversity Net Gain (BNG) +10% target; and
- vi) To maintain and enhance habitat connectivity within and across the site

Approach to assessment of impact

Paragraph 3 of Schedule 3 of the EIA Regulations 2017 sets out the information to be included within the Environmental Statement and the need to define the current environmental baseline and if possible, the future baseline for a proposal. The future baseline can be affected by a number of matters including how a site may change in the absence of a development and how the environmental baseline may be affected by wider factors.

When the applicant took the lease from the MoD 5 years ago there was a requirement to make more effective and efficient use of the port. Since this time, most of existing areas of hardstanding within the site have been used more effectively for cargo storage and transhipment however, some developed parts of

the site are still not fully utilised, and so the port is still not currently operating at its full capacity.

In the light of its Freeport designation and associated commercial interest in the port a more intensive use of the site is likely to occur in the future. More efficient and intensive storage use of the existing developed areas on the site is likely even in the absence of the current proposals and this could take place without the need for planning consent. This forms part of a future baseline for the site and is based on the most likely uses of existing storage areas and their associated traffic generation.

Accordingly, the approach adopted to assess the impact of the proposed development takes this into account by considering it against this future baseline. This has been referred to as '*operations that can already be undertaken on the site within the scope of the current development and use*' (the "OUWSCD"). The OUWSCD future baseline assumes no enabling works are undertaken in order to the use of existing storage areas and all existing transport infrastructure, lighting, and drainage on site would remain.

The OUWSCD future baseline considers a number of logistical factors or limitations including the capacity of existing transport infrastructure to accommodate deliveries and departures; the time that cargo is stored before being transported off site; likely market demand for different types of cargo storage; the type of surface, form and function of existing storage space and its ability to accommodate certain types of cargo. This future baseline could result in changes in the number and frequency of traffic, rail, and vessel movements; the types of cargo being stored on different parts of the site; the heights and densities of cargo or containers stored; the volume of plant and machinery operating on the site; and the numbers of employees on site.

The supporting documents to the planning application and the ES consider the potential impacts of the proposed development against this future baseline. If the effect of the OUWSCD baseline on the current baseline is minimal, uncertain or cannot be defined the current baseline is considered. Where the effects of the OUWSCD future baseline on the current baseline are meaningfully significant and can be defined then the effects of the proposed development are assessed against both the current and future OUWSCD baselines.

This approach to assessment of impacts of the current proposals and the methodology adopted were broadly agreed with the Planning Authority in pre-application discussions.

2. Principle of Development

Marchwood Port is a large and established facility which has now been made available for commercial as well as military use which adds significant potential for the site to contribute to the economy of the area. This importance is reflected in its Freeport designation.

Policy ECON 3 of the Local Plan Part 1 safeguards the application site for port and port-related uses. The supporting text to this policy sets out the historic use of the port as a sea mounting centre and as a berth by the Royal Fleet Auxiliary in support of the Royal Navy. The Policy and supporting text makes no reference to the siting being a Sport Pitches. The policy states that the Council will work co-operatively with the operators to enable the effective and efficient use of the site and port facility for commercial, economic and local employment generating purposes. The specified criteria of policy ECON3 are to :

- i) Ensure the effective functioning of the transport network including new highway provision or improvements if required;
- ii) Avoid where possible and mitigating where necessary any harmful impacts on the environment;
- iii) Avoid unacceptable impacts on the local communities and the health, safety and amenity of local residents, including from air pollution, noise, light or other disturbance from operational activity, road and freight movements; and
- iv) Minimise where possible and mitigating where necessary adverse impacts on the wider countryside and landscape, including the New Forest National Park.

The policy goes on to state that any non-port-related proposals must be compatible with the port and port related activity and not prejudice the effective utilisation of the port and rail facilities of the site. The principle of the proposed development is therefore acceptable subject to the identified policy criteria being met.

The principle of the development of the site is acceptable, however it is understood that there was occasional use of part of the site for the playing of football and rugby. Plots A3.1 and 3.2 storage are proposed for this part of the site. Whilst the use appears to have been ancillary to the established use of the site consideration needs to be given to the resultant loss of this open area on the site in accordance with National and local policy.

The National Planning Policy Framework (NPPF) states a presumption against the loss of playing fields. In particular, Paragraph 99 states that existing playing fields should not be built on unless they are surplus to requirements; their loss would be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Saved Policy CS7 of the Core Strategy (2009) includes a presumption against the loss of a sport, recreation or play facility except where alternative facilities of equal or better quality will be provided in an equally accessible location as part of the developments.

Sport England have raised an objection to this proposal. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or part of a playing field, unless one or more of the five exceptions stated in its policy apply. Sport England considers that the land does constitute playing field land and so their playing fields policy and Paragraph 99 of the NPPF are applicable.

The applicant states that the sports pitches have been used for playing sport on an occasional basis for military personnel and not for the general public as there is strict security with limited access to the site. The primary use of the whole site is as an operational port with a military function port and the sports pitches are incidental to this use.

However, Sport England consider that in planning policy terms there is no distinction between playing field land which is open and accessible to the wider community or the public and those that are inaccessible; privately owned and closed off to the wider community or public. Sport England have a statutory role to protect against the loss of all playing field land irrespective of the ownership, management or accessibility arrangements.

Furthermore, as part of the current application there are no plans to provide alternative facilities or to mitigate the loss of playing field land on the site, nor is there any evidence to suggest that the playing field land is not needed. New Forest District Council do not have an up to date or robust assessment or evidence base of their quantitative and qualitative playing pitch needs for their area in the form of a Playing Pitch Strategy and so there is no robust assessment which demonstrates that there is excess playing field land and that this land is surplus to requirements.

On that basis, Sport England object to the application as the current proposals do not meet with any of our exceptions in the SE playing fields policy and is in conflict with both Paragraph 99 of the NPPF and Policy CS7 of the Core Strategy which includes a presumption against development that involves the loss of sports facilities. SE suggest that further consideration is given to developing a mitigation package to compensate for the loss of provision at the site.

Careful consideration has been given to the objection raised by Sport England. Marchwood Port covers an extensive area of land and since 1943 it has been used by the MoD as the UK's only military cargo port. The Council see the site as an important asset, particularly given its deep water frontage and supporting infrastructure. To support and promote economic growth within the district and to strengthen the role the area plays in the global economy Local Plan Policy ECON3 promotes a more efficient and effective use of the port for commercial purposes.

In addition to this, it is important to note that the boundary of the Policy MAR 7 allocation at Marchwood Port in Local Plan Part 2 was expanded to incorporate additional land which included the land in question following modifications made by the Local Plan Inspector. The boundary of the original MAR 7 policy allocation was drawn tightly around the port site and excluded the sports pitches. At the Local Plan Inquiry the Inspector made modifications to Policy MAR7 and redrew the boundary to include the sports pitches. Paragraph 156 of the Inspectors report sets out the reason why the original policy was considered unsound. It was considered that there was a lack of evidence to justify the restrictive approach which did not make the most effective and effective use of the sites port facility for commercial, economic and local employment generating purposes, and whilst seeking a comprehensive approach, the proposed policy boundary excluded key areas. Local Plan Part 1 Policy ECON3 essentially rolled over this allocation with factual updates.

In addition to this, whilst the Council does not have a current Playing Pitch Strategy, the PPG17 study profile for sports pitches at Marchwood (2010) did not include the any land at the port

The application documentation sets out that this part of the site has not only been used for periodic use of storage, general military training exercises, parking vehicles, landing helicopters and other port activities, but is also used to play sport (football and rugby) when not required for port or port-related activity. The applicant considers the primary role of this area to be operational port space, with its secondary role being the temporary use for "sports pitches" when available. The land in question was only used for about 8-10 matches each year, by 17 Port & Maritime Regiment RLC. There has never been and will never be any future public access to the port for sports or other reasons.

The MoD Strategic Command has recognised that as part of the relocation of its non-operational activities from the Port to McMullen Barracks, it is their responsibility to provide for the sporting needs of the regiment and it is not an expectation of the applicant for Marchwood Port. In this context planning permission has been granted for a MUGA within the McMullen Barracks site which meets some needs of the

Regiment for training and general exercise and there also appears to be scope to provide full pitches elsewhere on the McMullen Barracks site.

Officers share this view which is reflected in Policy ECON3. This policy promotes a more intense and effective port use, whilst also requiring development proposals to take into account the transport, ecological, amenity and visual effects of the proposed development. Policy ECON3 does not, however, require the provision of sports pitches on the site. The requirements of the policy reflect the primary use of the port, and the limited nature of the other activities (such as sport) that take place on parts of it.

The conclusion reached is that there is no planning reason for replacement land to be provided, noting that there is an operational requirement for 17 Port & Maritime Regiment RLC but that these are two separate matters. This conclusion accords with the wording of Policy ECON3. Accordingly, it is not considered to be necessary or appropriate for the proposed development of the port to retain or re-provide such provision within the scheme, or to otherwise justify its loss.

Due to the objection made by Sport England, there is a requirement under Paragraph 7 of the Town and Country Planning (Consultation) Direction 2021 to refer the application to the Secretary of State before any decision can be issued.

3. Transport

Chapter 9 of the NPPF relates to promoting sustainable transport. Paragraph 104 states that applications for development should ensure that appropriate opportunities have been given to promote sustainable transport modes, ensure safe and suitable access to sites and to mitigate any impacts from the development on the highway network. Paragraph 110 states that appropriate opportunities should be taken to promote sustainable transport modes, to provide safe and suitable access for all users and mitigate any significant impacts on highway safety and the transport network in terms of capacity and congestion. Paragraph 111 advises that development should only be prevented for highway reasons where it would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Developments that generate significant amounts of movements are required to be supported by a Transport Assessment and Travel Plan (para 113).

Policy ECON3 expects development of the site to ensure the effective functioning of the transport network including new highway provision or improvements if required. Policy ECON1 requires developments which are for the intensification of employment uses to provide safe and suitable access for pedestrians, cyclists and the type of vehicles likely to visit the site.

The application site is in a unique location accessible by existing road, rail and sea access. This existing infrastructure will serve the new development and is considered to be the most sustainable option for the transport of cargo and freight in to and out of the site. The proposed development will increase vehicle trips, shipping and rail movements once operational and during the 6 phase construction period there will also be construction related traffic movements.

Highways:

The local road network is already used by commercial vehicles and HGVs generated by the application site and other industrial areas. There is access from the site to the Totton by-pass, A326 Marchwood bypass where there is a connection to the strategic road network and the M27 at Redbridge.

A Transport Assessment (TA) has been submitted with the application and supplementary information provided on trip rates. The TA considers existing and proposed traffic generation, proposed access works, visibility splays, parking, accessibility and provides details of off-site highway improvement works. A Framework Travel Plan has also been submitted which includes an action plan and sustainable transport strategy.

Traffic survey information on the use of the local road network has been compiled from various locations and historic data has been used to compliment recent surveys undertaken during Covid-19 pandemic. Development traffic generation uses survey data from November 2020. This blended approach of current and historic data forms the baseline for the TA.

Traffic generation:

The proposed traffic generation at the site has been assessed against the future baseline which has been referred to as “*operations that can already be undertaken on the Site within the scope of the current development and use*” (OUWSCD future baseline). This is considered to represent a reasonable future baseline for the traffic generation from the site when allowing for the full operational use of existing areas of hardstanding on site, as well as the use of rail paths allocated to the site that are not currently fully used.

The TA sets out a blended trip rate which has been applied to the 22.7 hectare area of existing hardsurface in order to determine the level of HGV trips that could be generated without the need for any additional planning permission. This provides a range of baseline traffic generation figures per hectare per day. It considers HGVs and employee trips but does not consider other types of LGV trips. The current OUWSCD transport demands that could arise from the existing storage areas is not possible using shipping, rail or highway surveys as much of the existing site is not in use or is underutilised.

An alternative approach has therefore been taken to the potential transport generation from the existing operational areas. This approach considers the multi-modal traffic generation that the port could reasonably generate with a range of transport generations for HGVs, employees, rail and shipping across the site.

The adopted methodology assumes the import and export of a range of goods that have already been stored on some parts of the site through existing commercial contracts. These items include wind turbine blades, pipes, hydrogen plant parts, timber, boat moulds, steel, paving slabs and aggregates. This has been called the ‘SGL mix’ and this has a lower road traffic generation.

The existing available storage areas on the site is 22.7 hectares. However, the highest traffic generation methodology has not be used across the whole of this area due to the nature of existing surfacing. It has therefore been assumed that container storage - which has the highest level of road traffic - could only take place on 5.8 hectares of the existing site.

TOTAL existing hard surfaced area (ha)	22.7
Potential use for Container storage (ha)	5.8
Remaining area (ha)	16.9

The lower existing trip rate has been used for the remaining existing open storage area of 16.9 hectares. This area has been assumed to have a mix of other storage including automotive storage uses where it is reasonable to apply the traffic

demands and trip rate agreed for the recent planning approval for open storage on 3.64 hectare of the application site (known as the 9 acres site- PA 20/10443).

These forecasts of the traffic generation at the port have been used to model the likely impacts of the proposed development. For the purposes of the traffic assessments MoD traffic is assumed to continue to use the port, but the current commercial traffic is replaced with the future OUWSD and the proposed development traffic.

The future trip rates are based on the transport movements of the existing activities on the site which is a combination of mixed commodity storage and the container storage. The proposed development would change the number and frequency of traffic movements, rail, and vessel movements and the amount and types of cargo being stored on the site. Any proposed storage uses that are more road transport orientated are likely to result in a different level of traffic generation to those calculated in application 20/10443 (see above).

The assessment of additional traffic generation is based on 21.1 hectares of new storage use on areas of the site that are currently undeveloped and do not form part of the port's existing functionality. The bespoke trip rates - based on the approach set out above - has been used to calculate the likely number of HGV and employee trips that could potentially be generated from existing area. This has been applied to the new areas of hardstanding and open storage based on the proposed masterplan that has been submitted.

Furthermore, the applicants are discussing the use of 6 ha of the site for container storage and 6.3 ha for an aggregates terminal and the assessment made includes an allowance for these higher trip rates and a bespoke aggregates HGV trip rate.

On this basis, the TA sets out the following potential daily and peak hour movements:

Daily movements Full operation of proposals	OUWSD	Additional over OUWSD	Full operation of proposals
HGV	420	264	684
Employees	476	444	920
TOTAL	897	708	1604

There would be 110 additional vehicle peak hour movements (88 light, 22 heavy) in the morning and evening peak hours - equivalent to between one and two additional movements a minute on the local highway network.

Peak Hour	OUWSD	Additional peak hour movements	Full operation of proposals
HGV	27	22	49
Employees	94	88	182
TOTAL	121	110	231

In support of their case, the applicant states in the TA that there is already funding in place to improve the roundabout junction where enhancement is required. The proposed scheme has also been subject of a safety audit which found the highways aspects of the proposed development to be acceptable in safety terms. Further mitigation of impacts is also proposed through the submission of a Construction Traffic Management Plan. This document will include details of lorry routing,

management of delivery times and vehicle covering / cleaning measures- and CEMP which can be secured by condition.

In terms of construction traffic, additional information has been provided which confirms the anticipated level of construction vehicle trips. This has been calculated from estimates based on the likely volume of earthworks and resurfacing, the numbers of construction staff along with the other programmed construction infrastructure that would be necessary.

Construction movements by type	Number of movements per day
HGV	38
Other construction vehicles	26
Light vehicles	93
Total	157

It is acknowledged that these are estimates and the precise number of vehicle movements is likely to fluctuate throughout the 6-year construction period. The construction worker light vehicle movements may occur outside of the typical morning and evening peak hours. Taking these factors into account alongside the temporary nature of the construction element of the proposals, it is considered unlikely that any construction activity in association with the proposals would result in a severe impact on the operation of the local highway network. Mitigation measures can be secured through a Construction Traffic Management Plan – which can include details of lorry routing, management of delivery times and vehicle covering / cleaning measures to be secured by a planning condition.

Strategic Road Network:

National Highways have been consulted due to their interest in the Strategic Road network (M27 and the M271). The Applicant has also engaged in pre-application discussions with National Highways in relation to the potential traffic impacts on the SRN, particularly at the M271/ A35 junction and M27 junction 2.

In their initial response National Highways requested additional information on how the HGV rates per hectare for SGL mix, (automotive, containers and aggregates) relate to the development proposed. Further details of the assumptions used to predict the likely number of employees and timing of trips to the site were also requested, as well as the application of relevant TRICS derived trip rates to the proposed uses on the site (Class B2, B8 and E). The applicant has submitted this additional information.

It is recognised that the port has bespoke operating parameters due to the significant role of both rail and shipping which need to be reasonably accounted for. The suitability of the TRICS model to this particular development has been assessed. However, the use of TRICs database is not considered to be appropriate other than the B8/B2 HGV trip rates. This is because of the locational and infrastructural characteristics of the site with rail and sea access. The TRICS model includes large modern buildings where main transport generating activity takes place and not large areas of open storage as is currently proposed.

Nevertheless, the proposals include an illustrative warehouse building which is part of the outline application. This is shown on Plot A3.1 which is 2.6 ha in size and so an assessment using a TRICS B8 rate associated with this use has been undertaken to generate HGV trips. In addition, a TRICS B2 rate has been applied to the 12.3 ha of the site for container storage and aggregates areas.

Based on the existing open storage function of the port, with both rail and maritime provision, using the principles applied by the Applicant the proposals are anticipated to generate a total of 684 daily HGV two-way trips. However, applying the TRICS approach analysis above it is anticipated the site will generate 131 additional HGV trips per day compared to the alternative trip rate and a total of 815 daily two-trips.

SGL alternative HGV trip rate	684
TRICS approach HGV trip rate	815
Additional trips using TRICS approach	131

An impact assessment at J2 M27 and the M271/ A35 junction has been undertaken. At the M271/ A35 (Redbridge) the trip generation assessment demonstrates that 63 development trips are likely to impact this junction during the AM and PM peaks. During the morning peak, this equates to an increase of 2.3% of all vehicles and a 1.4% increase of all vehicles during the afternoon peak. In the light of recent improvements to Redbridge roundabout, National Highways are satisfied that the impact can be accommodated at this junction.

At the M27 J2, a similar exercise has been undertaken which demonstrates approximately 10 additional two-way movements would result at this junction due to the development (an increase of 0.2% during both the morning and afternoon peak). This impact can be accommodated.

National Highways are satisfied with regards to trip generation and potential impact on the SRN. This conclusion has been reached based on the particular characteristics of the site and the nature of the proposed development where there would be extensive level of hardstanding. Whilst a B8 land use is proposed given the characteristics of the site a traditional B8 land use trip generation is unlikely to result.

Furthermore, both the maritime and rail provision are significant in the operation of the port and the Masterplan demonstrates the continuation of the existing port functions. In this context, even applying the higher TRICS trip rates, in both cases, given the level of change anticipated, National Highways are satisfied that the impact can be accommodated at the at J2 M27 and the M271/ A35 (Redbridge) junction.

Local Road Network

The Applicant has engaged in significant pre-application discussion with HCC highways. An agreement has been reached on the derivation of bespoke trip rates, base-year and forecasting assumptions, traffic distribution analysis as well as developing a fall-back scenario to test the impacts of the development against.

HCC Highways have been consulted as local highway authority and are satisfied with the approach taken in the TA and the three traffic scenarios used to assess trip generation (based on the 2020 Baseline, the 2024 Future Year OUWSCD 'without development' and 2024 Future Year OUWSCD with development). Capacity analysis for these 3 scenarios has been undertaken at 6 junctions.

1. Cracknore Hard/ Proposed site access priority junction.
2. Normandy Way/ Cracknore Hard priority junction.
3. Normandy Way/ North road roundabout junction.
4. Bury road/ Normandy Way roundabout junction.
5. A326/ Jacob's Gutter Lane signalised junction.
6. A35/ A326 roundabout junction.

The TA includes a summary and comparison of the operation of the junctions for the three assessment scenarios. The additional transport information submitted during the application process includes junction model validation data. The conclusions of the validation exercise are accepted and the submitted junction models are considered to represent a reasonable reflection of the likely operations of the junctions which have been analysed when compared to the existing junction capacity.

With the exception of two junctions, all of the junctions tested are predicted to operate within theoretical capacity during all three scenarios. However, modelling results for the A326/Jacobs Gutter Lane signalised junction predict that parts of it could be at maximum capacity during the 2024 OUWSCD 'without development' scenario. The development proposals would increase demand on this capacity on two arms which would lead to an increase in vehicle delay and queuing.

The junction of the A326/A35 (Rushington roundabout) currently experiences some queuing and delay. Modelling shows that it would be at capacity during the 2020 baseline scenario which would increase with the 2024 OUWSCD 'without development' scenario and be impacted further by the current proposals.

Funding has been secured for improvements to the A35/A326 roundabout junction and Hampshire County Council are currently progressing a scheme as part of the Transforming Cities Fund. The scheme is now in the detailed design stage and is being finalised. This scheme is likely to include measures to improve bus accessibility, reduce journey times and reduce congestion in the area. The improved junction has been modelled within the Transport Assessment. The results of the model predict that the operation of the improved junction during the 2024 'with development' scenario would be comparable to the 2020 baseline scenario with the current junction geometry.

These junction improvements are still being progressed by HCC. Whilst it is accepted that the junctions on the local highway network will be able to accommodate the development proposals, the increase in traffic as a result of the development will reduce capacity on the local highway network, with an increase in queueing and vehicle delay. Except for employee trips, other types of trips such as HGV trips are likely to be spread out over the course of the day as opposed to cresting during the weekday AM and PM peak hours. As such, despite the modelling results the relative development junction impacts outside of the peak hours is likely to be greater than predicted. Furthermore, it must also be recognised that due to the nature of the development, the proposals will result in an increase in HGV trips on the route between the port and the M27, as well as local trips within the Marchwood area.

In order to mitigate the traffic impacts of the development on the local highway network, an appropriate mechanism needs to be in place to ensure that a scheme to address this is delivered when the traffic generation exceeds the future baseline with OUWSD. A financial contribution to fund this scheme can be secured through a Section 106 agreement. This would meet the statutory tests as the calculation has been based on the predicted level of development traffic generation and is therefore directly related to the development, is proportionate to the scale of the development proposals, and is necessary to make the development acceptable in planning terms by mitigating the impacts of the development on the capacity of the local highway network.

his contribution would be used to address these impacts towards implementing the improvements which are set out within the Transport Waterside Strategy which includes phase 2 of the A326 improvements. The improvements will address congestion along the A326 corridor as well as enhance accessibility for all users including non-car modes of travel, which will in turn help to mitigate the impacts of the development proposals. These works that are funded by this contribution to be part of a committed scheme that are completed by HCC prior to any plot in Phase 2 of the development being first used or occupied.

HCC highways have recommended that 50% of the contribution is paid on commencement of the development and the remaining 50% to be paid either upon completion of the Phase 1 works or within 18 months of commencement of the development. However, it is considered to be more appropriate and reasonable for the whole contribution to be made on first occupation or use of the completed Phase 1 of the development. This has been agreed with the applicant.

Subject to the off-site highway works taking place and the financial contribution being paid and a scheme delivered to mitigate the impacts the local highway network can accommodate the proposed additional development traffic and would be acceptable in highway terms.

Access and parking:

The existing main access to the site is from Cracknore Hard Lane which also serves Marchwood Industrial Park and other industrial sites. The access to the site is located opposite the McMullen Barracks east of Normandy Way and a secondary access is located further east close to where Cracknore Hard become Oceanic Way.

The proposals would relocate the main access 50 m further west on Cracknore Hard Lane and improve both the main port gate access and the secondary access. The main port access has been designed in consultation with the MoD and HCC to ensure they are co-ordinated with the recent planning permission for McMullen Barracks which is located opposite (PA refs 20/114526 and 21/11704).

The proposed design includes improvements to the access to provide a safer and more efficient arrangement. It would provide additional lanes, a vehicle processing bay and HGV stacking distance within the site to allow a 16.5m HGV to enter and exit the site with minimal encroachment on the highway. In addition, there would be a separate pedestrian link and uncontrolled pedestrian crossing onto Cracknore Hard.

Amended plans have been provided which show acceptable site access visibility splays as well as the required pedestrian visibility splays at the uncontrolled crossings onto Cracknore Hard. Plans have also been provided which indicate pedestrian visibility splays at the proposed uncontrolled crossings on Normandy Way, Autumn Road and Dapple Place.

The secondary / oversized vehicle access is located to the east of the existing main gate access. This will ensure that the development has a good quality safe access for oversized vehicles to serve the more intensive use of the site.

The access proposals have been subject to HCC Highways for a Pre-Application Design Review, which is separate to the planning process. A 'Departure from Standard' for junction spacing and subsequent S278 approval will be required prior to the implementation of the access works. This will require additional information to be submitted such as Road Safety Audits and formal engineering drawings at the detailed design stage which could result in alterations to the layout being required.

Notwithstanding this, there are no objections to the proposed highway works in principle

Car parking is provided within the overall site and HCC consider that it is unlikely that any on-street parking issues on the surrounding highway network would result. Acceptable provision for car and cycle parking has been shown for the full application in accordance with parking standards which can be secured by condition. A total of 26 car parking spaces are shown on Plot A1.5 (Hauliers Park) 22 of which are located close to the proposed welfare unit within the plot. There would be 4 spaces located at the northern end of the Plot 4.1 for employees working at the site entrance. At the site entrance there would be ten parking spaces including 1 disabled space. Five further parking spaces are to be located adjacent to the welfare facility in Plot A4.2. Other existing parking would remain on the site to include building 33, 36, 113 and those in the central Plot P1.

There would be 14 cycle spaces provided at the site entrance for employees and future provision of the necessary infrastructure for Electric Vehicle Charging points which can be secured by planning condition.

The reserved matters applications will need to include details of car and cycle parking provision for each plot in an acceptable layout .

Off-site highway improvements

Off-site highway improvement works are proposed to include the following:

- A footway link along Normandy Way from its junction with Cracknore Hard linking to Autumn Road.
- A footway link on Autumn Road linking to Dapple Place and associated uncontrolled pedestrian crossings.
- Minor cycle improvements.
- Directional cycle signage on Cracknore Hard, Normandy Way, Main Road and Cork Lane.

The proposed pedestrian improvements would provide a segregated pedestrian link to the west towards the bus stops where the existing footway provision is poor and the proposed pedestrian improvements are welcomed. The package of cycle improvements that are proposed are considered to be acceptable.

The off-site highway works have been fully assessed, taking into account submitted plans and associated information and no highway objections are raised . These will be secured through a legal agreement

Rail

There is an operational rail freight line within the site with existing rail connection to the wider railway network via the South West Mainline at Totton from the loop at Marchwood, on the Fawley Branch Line. The Site also has active rail access direct to two of the jetties with three train paths a day currently available for the port to use.

At present, there are an average of two rail movements each week. The more intensive use of existing developed areas would not result in a significant increase in rail movements given the types of operation that can be carried out on the site.

As part of the proposed development, it is intended to maximise the use of the site by rail. It is proposed that there would be an increase in rail movements using the Fawley Branch line to access the site and the reuse of unused rail paths allocated to

the site. The operational activities of the proposed development will encourage the use of the existing allocated rail paths and will not require additional rail paths from Network Rail. Therefore the increase in rail movements can be achieved within the rail network capacity.

Shipping

Policy DM12 of LPP2 emphasises the importance of the marine section to the economy of the area and supports the retention of direct access to the coast for marine related businesses.

The site has existing access to the commercial shipping lanes of the River Test and Solent, being located within the established port of Southampton. It is served by two double berth operational jetties, of a total three existing jetties at the Site (Mulberry, Falklands and Gunwharf). This infrastructure is currently under-utilised and the number of ships serving the site could increase through intensification of the port and port related uses using existing infrastructure and without any additional hardstanding on the site.

The historic figures and potential future shipping movement figures are set out below:

Shipping movements pa	MOD vessels	SGL vessels	TOTAL	Additional vessels pa
2019	36	10	46	-
2020	40	13	55	9
Existing potential	40	65	103	48
Proposed	40	158	198	95

No physical changes are proposed to the jetties which are outside the application site area.

The proposed development would optimise the continued use of the existing port facilities whilst still accommodating 40 MOD vessels resulting in the potential for 95 additional movements per year. The impacts of the proposed increase in ships have been assessed as part of a Navigational Risk Assessment (NRA) which concludes that there would be no significant effects to shipping in the wider area of the River Test. This is acceptable and would accord with Policy DM12.

Sustainable transport

NPPF Paragraph 112 emphasises the importance of providing access to public transport, with priority to be given to pedestrian and cycling movements, and the need to minimise conflicts between pedestrian cyclists and vehicles. A framework Travel Plan and Sustainable Transport Strategy have been submitted.

The site is in an accessible location with existing infrastructure allowing linkage to the wider strategic transport networks. There are opportunities to access the site in a sustainable way and the current proposals includes options for the use and enhancement of use of sustainable transport. Furthermore, the proposed new access and off-site works would improve pedestrian accessibility with segregated pedestrian access, improved pavements and additional crossings.

A Framework Travel Plan (FTP) has been prepared to seek to encourage future employees to travel sustainably to minimise single occupancy car journeys. Given

the nature of the site and its 24-hour / 365-day operation, the Framework Travel Plan (FTP) focuses on the promotion of walking, car sharing and cycling with infrastructure measures such as the provision of secure cycle parking for staff and changing facilities. The FTP also considers walking, public transport and smart working. The FTP action plan includes other measures such as information provision and management measures including the appointment of a Travel Plan Co-Ordinator, a Travel Pack for all occupiers of the site, a travel noticeboard and travel information for visitors. The FTP includes targets and a five-year monitoring programme have been put forward. The Travel Plan Co-ordinator will oversee the implementation of the proposed measures and also be responsible for the monitoring programme.

The amended Framework Travel Plan is acceptable and its implementation can be secured by planning condition. The delivery and effectiveness of the FTP would be monitored by HCC for a five-year period, and the monitoring fee and associated a bond can be secured as part of the S106 agreement.

With respect to public transport, the site is well placed for bus and rail connections. The closest bus stop is approximately 975 metres northwest of the main access and these buses provide links to Totton and Southampton Central railway stations.

Additional cycle infrastructure would link the site to the existing cycle network at Bury Road and cycle links from the site into Marchwood village would be enhanced to connect to the Fawley development. The proposed pedestrian and cycle improvements, as well as the provision of the Travel Plan would help to promote non-car accessibility to the site.

It is also noted that HCC has secured funds for a package of bus and cycle improvements through the Transforming Cities Fund (TCF). The TCF focusses on connecting the existing Totton to Southampton cycleway at Cork Lane and improved local cycle facilities to create a 8km cycleway from Fawley to Marchwood.

Sustainable distribution of goods and cargo will be encouraged by using sea and rail connections which will reduce the demand of HGV traffic on the local highway network. It is proposed to use alternative modes, with an estimated 60% of aggregates imported/exported by rail and sea.

The site benefits from a rail connection and rail represents an alternative transport option to road transport. In addition to the existing rail freight movements, the proposed aggregate terminal is anticipated to use rail or sea to import/export some of its goods. The Additional Transport Information expands on the rail-related element of the proposals and the sites rail connections are already promoted by the Applicant, and as part of their marketing strategy customers with rail-based needs will be targeted. As part of the development masterplan modifications would be made within the site to improve the existing rail infrastructure to provide rail access to the aggregates area, the jetties, and the steel storage area. It is also noted that steel rails can only be moved by either sea or rail,

Overall, it is considered that the package of measures proposed including the off-site pedestrian/cycle improvements, the Travel Plan, and the modification and promotion of the rail link represent an improvement in terms of the non-car accessibility of the development. These proposals set out will ensure that opportunities for sustainable transport are taken in order to reduce the impact of the development on the local highway network and major transport infrastructure.

In terms of freight routing the Applicant would promote the following route via the M27: M271 – A35 – A326 – Jacob's Gutter Lane – Bury Road/Normandy Way –

Cracknore Hard. The route would be relayed to all visitors through the applicants contracts and booking procedure. As part of the development there is also a proposal to erect new road signage along the route to replace the existing Sea Mounting Centre signage. This is considered to be acceptable in principle, subject to agreeing the type and location of the signage along the route in both directions. It is recommended that a scheme to agree the signage strategy is secured by planning condition.

The HCC Waterside Interim Transport Policy recommends that future port expansion proposals include comprehensive freight routing, enforcement and management strategies and lead to a high mode share of freight and rail. The measures that have been outlined go some way in addressing this and the Applicants commitment to promoting and improving the rail concession is acknowledged. However, further details of the proposed contracts, booking procedure and enforcement of the freight routing are required to be provided in a Freight Routing Strategy to be agreed and secured by planning condition.

Third party comments

ABP have no objection in principle to the development but the following transport related issues are important from an ABP, existing [MIP] operators and a community point of view. Concerns expressed about future flows from Marchwood Industrial Park have not been included within any Transport. Should ABP promote any future development / employment schemes on the MIP site, this potentially could mean that the site ends up paying twice for highway improvements. This is clearly a concern given that this “additional capacity” has been accepted by HCC in the past.

ABP suggest that future operational monitoring requirement could be helpful in verifying the accuracy of the Transport Assessment predicted traffic volumes. However, such monitoring is not considered a reasonable requirement of this planning proposals given that the TA and the assessment methodology used is accepted having been the subject of detailed consideration by the Council in consultation with HCC Highways in relation to highway impacts on the local road network. National Highways have been consulted on the current application in relation to the strategic road network. All of these party accept that the assumptions made are sound. The trip generation rates have been based on reasonable assumptions of existing uses on the site using evidence of the specific uses that have previously occurred on the site and the intensification that could take place on the site without further planning consent being required. These rates have been used to predict traffic generation for the proposed uses on the site. This represents a reasonable approach to assessment in the TA. Furthermore HCC and NFDC are satisfied that if Marchwood Industrial Park had been as part of the TA the conclusions reached on traffic impact of the proposed development would not have changed.

Concerns are expressed by ABP about the ability of HGVs (in particular) to access the SGL site during off peak hours to avoid the potential for vehicles waiting either in residential areas of the MIP site itself. The new site access and security gate along with the second oversized access will improve the existing access arrangements as it will allow stacking of larger vehicles off of the highway. The site will operate on a 24 hour basis as it does now and although more HGV movements will take place the operation of the site and controls provided by the proposed planning conditions will mitigate these impacts in an acceptable manner.

Transport conclusion

In concluding on Transport issues, it is considered that the location of the site and its connection to the wider strategic road network is in accordance with policy in terms of the highway provision. Sustainable modes of transport would be encouraged and due to the unique location of the site, the use of rail and sea trips can be optimised. As such, it has been demonstrated that the proposal will not have a significant adverse impact on the strategic highway network. Furthermore, off-site improvement works and the highways contribution would mitigate the effects on the local highway network.

The proposed new site access will ensure suitable and safe provision is made for pedestrians, cyclists and vehicles coming to the site. Whilst the proposed development will give rise to increased operational transport movements these will not have a significant impact and therefore the proposals are acceptable in transport terms.

4.Site layout and visual impact

The application site has a boundary of approximately 900 metres with Cracknore Hard Lane where open views are possible across the site and towards the port and Southampton Water. There are views of the site from residential properties off of Normandy Way and McMullen Barracks to the north east. Industrial units also adjoin the site. The site also has sensitive boundaries with the Port and New Forest National Park boundary and is visible from Southampton city.

Specific consideration of the landscape visual impact and impact on the New Forest National Park boundary is set out in section 5.

Assessment of the visual impact of the proposed development is important to ensure that the proposals are appropriate within its locality. The context of the existing use needs to be considered. There are no limits over storage height on most of the existing developed areas of the site and the site could be used more intensively without the need for further planning consent. In addition to this, in making this assessment, the policy expectations of Policy ECON3 to make more effective use of the site in future, including the sites Freeport designation are important material factors.

This is a hybrid application with some full and some outline details. The proposed site layout makes the most efficient use of the site allowing for flexibility of use, utilising rail and sea infrastructure. In addition to this whilst significant open areas of the site will be developed 23 ha of land will be enhanced with new landscaping and the remaining area - of approximately 16 ha - retained as existing. Whilst the site would be more intensively used than it is now this would accord with the expectations of Policy ECON3. The proposals are considered to provide an appropriate layout within the site boundaries.

The full planning application relates to a number of plots mainly located within the central part of the site along with a new site entrance. These plots are identified as A1.1; A1.3; A1.4; A1.5; and M2. Most of these plots are to be used for general loose storage or container storage. Maximum heights proposed for each plot with low intensity storage being up to 5.5 m and high intensity storage of up to 16.5m (

Plot A1.1 is 10.3 hectares in size, and this is the only plot where high intensity container storage (up to 16.5 metres high) is proposed. An indicative layout of the storage containers has been provided which shows the container storage area to the south western part of the site. The plot is set back a minimum of 40m from Cracknore Hard Lane and is located behind the new site entrance. It is also located

partly behind Plot A1.2 which adjoins the north eastern boundary of the site with the Industrial Park. Plot A1.2 is part of the outline application and is proposed to be used for general loose storage or, low intensity container storage of up to 5.5 metres high.

A 3.64 hectare part of Plot A1.1 was granted temporary planning approval in July 2020 (Ref 20/10443) for use as open storage (Class B8) for an 8 year period. This is known as the 9 acre site This consent has now been implemented and the site is currently being used for container and pipe storage. The nature of the storage was not restricted thereby allowing flexibility in terms of the types of storage given its port related location. However, a condition was attached to ensure a maximum storage height of 15 metres unless otherwise agreed.

The high intensity storage uses now proposed on Plot A1.1 - with containers to be stacked up to a maximum height of 16.5 metres - would result in a material change to the appearance of the site. The proposed high intensity storage uses would be marginally higher than the height restriction on the 2020 consent referred to above. However, this limited increase in the overall storage height of 1.5m would not be easily perceived in distant views. Given the size of the site and its central set back location within the site the resultant visual impact would not be dominant, from the public highway or other viewpoints outside the site boundaries.

This impact is acceptable in the context of the existing site where - with the exception of the 3.64 ha site referred to above – there are no restrictions on the nature or height of storage on existing hard surfaces, the comprehensive nature of the development now proposed and the other associated works and enhancements that would take place within the site. On this basis the visual impact is considered acceptable.

Plot M2 would continue to be used by the military until it is integrated into the overall development in 2024. At this time it is proposed for use as storage of up to 15 high. The storage uses proposed on this plot will not be as intensive as on Plot A1.1. It is located behind Plot A1.1 and will be effectively screened by it. It is also set back from the portside by over 120m making its visual impact acceptable.

Plot A1.5 is proposed to be used as a haulier's park with HGV parking and processing area. The area is currently used for HGV parking and there would only be a small increase in the existing hard surfaced area. This plot is set back 35 m from Cracknore Hard Lane behind the new site entrance and so within the context of other uses would have limited visual impact.

A new entrance building, canopy and security kiosks are proposed on Plot S1. These building would be located at the new vehicular and pedestrian entrance on Cracknore Hard Lane. These structures would announce arrival at the site which together with new landscaping would be a positive enhancement to this public frontage to the site. The security building would set back 6m from the road and be 4.3 m high. The building would be of a contemporary curved roof design and use engineering bricks and composite panels. A curved entrance canopy 18.5 metres wide and of a maximum of 7 metres high would be erected adjacent to this building over the two entrance security kiosks. These structures would be constructed of suitable materials and detailing and would be appropriate within their setting in terms of their visual impact, scale and design.

The other plots that are the subject of this full consent are proposed to be used for loose storage or low intensity container storage of up to 5.5 m These plots – in particular Plot A1.3 - are located adjacent to part of Plot A1.1 where high intensity storage would take place- and so would be screened in views from the public highway. Plot A1.3 would be screened in views from the public highway by Plot A1.1

. Given the relative locations of these plots within the overall site, their locational context and backdrop of existing and proposed development at the port they would have an acceptable visual impact.

The visual impact of these proposed uses would also be acceptable from the east/Southampton and the intervening Southampton Water. This is in part due to the existing use of the site and other similar open storage uses which are seen in its context – including Eling Wharf. The high intensity storage use would be separated from the sensitive boundary with the National Park to the south-east and north west by over 600m such that any views would be seen against the backdrop of existing development and so the visual impact would therefore be acceptable.

An assessment of the outline elements of the scheme has been based on the proposed layout of use, indicative heights and some details that have been provided for illustrative purposes. The proposed uses are B8 and B2 with details to be agreed as reserved matters although an aggregates processing plant, asphalt and concrete batching plants are indicated as likely uses. It is appropriate for the outline consent to limit the heights of these uses to give certainty about their impacts and in the interests of visual amenity and other relevant considerations.

Plots P1, P2 and M3 would continue to be used by the MoD with no change of use until they are integrated in the overall development in 2024. A maximum storage height of 15 m is identified on these plots as part of the outline application. Whilst these plots are visible in views from Cracknore Hard Lane with Plot M2 being set back 50 m from the road. Given the existing buildings on this part of the site, the visual impact is acceptable within the context of the overall site.

Plots, A1.2, A4.1, A4.2, and Plot A5 are proposed to be used for flexible open storage to include general loose storage with some low intensity storage of a maximum of 5.5m. Storage may comprise of automotive, steel or rail storage. The most visible of these is Plot A1.2 which adjoin the north eastern boundary of the site and is visible from Cracknore Hard Lane. There is existing hard surface which has been used for vehicle and cargo storage although there is evidence of its use for container storage with no planning control on height. As such, the proposed storage with a height limitation of 5.5m is considered to allow greater control over the use of this area and its consequent visual impact.

Plot 4.1 is within 15m of Normandy Way but with the proposed storage height limitation its visual impact is acceptable within its context. Plots A4.2 and A5 are located within 5 m of the boundary with the New Forest National Park. From Cracknore Hard Lane these plots are set back by 230m and 350 m respectively and as they would be seen within the context of other more intensive storage uses are acceptable impact on visual amenity.

It is proposed to use Plot A3.1, currently used as playing fields, for a covered warehouse or storage. Although in outline the maximum size of building proposed is 9,750m² and the maximum height would be 16.5m. Alternative use of this plot as additional flexible open storage is proposed to be limited to a maximum height of 15.0m. The design and layout of the warehouse will be subject of future reserved matters.

This proposed use either as a covered building or open storage will alter the appearance of this undeveloped part of the site and have a visual impact. However, the plot is set well within the site and would not be dominant in views from the public highway or the port given other built form and storage uses on the site. The plot would be 60 m from the boundary with the National Park to the south east and 55m from the north eastern edge of the site. There is screening to these boundaries and

although limited distant views of this development would be possible from Veals Farm (VP10) any building or storage use in this plot would be seen against the backdrop of the industrial and port related uses on the remainder of the site and beyond making its impact acceptable, subject to detailed consideration at reserved matters stage.

An aggregates terminal is proposed which would comprise aggregate storage, handling and processing plant on Plot A2 and associated concrete and asphalt batch plants on Plot A3.2. Submitted documents indicate a concrete batching plant would be a maximum of 25m high and the asphalt batching plant a maximum height of 34m. Alternative uses would be general loose storage of up to 15 m high. Details of design and layout would be part of a reserved matters application.

Whilst the concrete and asphalt plots would have a visual impact due their scale and height these are a functional requirement of these uses. Plot A3.2 is set back from the National Park boundary to the south east and to the north eastern boundary where an existing landscaped buffer and tree planting that would be retained and enhanced as part of the site wide landscaping and ecological enhancement zones. Whilst acceptable in principle, the detailed layout will require careful consideration as part of the reserved matters so as to minimise its visual impact beyond the site boundaries.

Further assessment of the visual impact of Plots A2, A3.1, A3.2, A4.2 and A5 from the boundary with the National Park are set out in Section 6.

There would be a number of relatively small welfare buildings erected on the site on Plot A1.5, A4.1, A1.1; A2 and A3.2. These would be modular prefabricated structures associated with the proposed uses on these plots. Given the small scale of these buildings there are no visual impact issues,

New lighting is proposed on the site which needs to be assessed in terms of its visual impact. Separate consideration of residential amenity is set out in Section 8 and impact of the new lighting on the New Forest National Park is set out in section 6.

The western part of the open storage area of plot A1.1 would incorporate 30m tall lighting masts plus 15m tall lighting masts to the northern boundary to provide the higher illumination required for the fuelling and repair yard. The eastern portion of Plots A1.1, A1.3 and A1.4 would also include 30m tall masts located centrally on the plots. On Plot M2 the lighting masts to the southern perimeter are 20m tall while masts in the centre of the plot are proposed to be 25m tall. Lighting to the roads and associated pathways, the Hauliers Park (Plot A1.5) and to Plot A1.4 will be lit by 10m high columns. The car park and pedestrian routes both side of the two railway crossing will be lit by 6m high although a route of higher 10 m columns is proposed from the accessible parking space to the main entrance of the security office.

There would be a visual impact from these new lighting columns from within the wider Marchwood Port site, some of the light columns they would be seen from residential properties on Normandy Way and could also be visible in long distance views towards the site and from Southampton Water.

However, whilst there would be a greater number of high level lighting columns they are set well within the site and would not be over dominant. The visual impact is acceptable given the nature of site, the needs of the proposed uses and its port related functions and the context within which they would be viewed.

5. Landscape visual impact including impact on New Forest National Park:

Local and national policy set out the importance of protecting and, where possible, enhancing the surrounding countryside, and the quality and character of existing landscapes. Chapter 15 of the National Planning Policy Framework NPPF relates to conserving and enhancing the natural environment. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 176 requires great weight to be given to conserving and enhancing landscape and scenic beauty of National Parks which have the highest status of protection in relation to these issues. It goes on to state that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.

Part of the southern and eastern boundaries of the application site adjoins the New Forest National Park. This is an area of high landscape value and has a high visual sensitivity. As such the impact of the proposed development on the National Park and its setting are an important material consideration in accordance with the NPPF.

Policy ECON3 (iv) requires the development to ensure that any adverse impacts on the wider countryside and landscape and National Park are minimised and mitigated. Policy STR2 requires that development should not have an unacceptable impact on the special qualities and purposes of the adjoining National Park and its setting.

The New Forest National Park Authority (NFNPA) has raised strong concerns about the impacts of the proposed development on landscape character and dark night skies and the consequent visual impact on the National Park. Concern is also expressed about the potential for views from public rights of way (PROW) located within the National Park although some of these PROWs are currently overgrown and inaccessible to the public.

The NFNPA refer to the adopted Local Plan and Paragraph 4.7 of the supporting text along with guidance in the New Forest National Park Landscape Character Assessment (2013) and Landscape Action Plan (LAP) as important documents. They consider that the proposed screening is not of sufficient width and that the proximity of the new hard surfacing would threaten the integrity of the new planting and existing mature trees. These are material considerations, that needs to be given great weight in accordance with the NPPF.

In order to assess the landscape visual impact of the development the context of the existing site, and its landscape character, visual amenity and views to and from the site need consideration. The application site is currently used as an operational port which contains port infrastructure including waterfront dock, cranes, large areas of hardstanding, railway lines and storage facilities as well as large industrial buildings. The site is safeguarded by Policy ECON 3 for port related uses and as such there will be an inevitable intensification of activity on the site associated with this. It is not an undeveloped green field site and already has a visual impact on the National Park providing a backdrop of industrial buildings, container storage and port uses as part of Southampton Port. The assessment of the landscape impacts of the development is made within this context, and the uses that could take place on the site without needing planning permission.

The wide landscape character of the area is made up of open grassland and sparse trees in the north which allows visibility through the site from Marchwood and the local road network This landscape block is perceived as part of the industrial areas associated with Southampton docks and the Marchwood Industrial Park. The city of

Southampton is visible from the site as it is located immediately across Solent water. Dibden Bay SSSI is to the south of the site, between Marchwood and Hythe, which comprises a large, flat, open wetland grazing marsh with limited pedestrian or vehicular access. Woodland on the southern boundary with the New Forest National Park boundary extends westwards.

A Landscape Visual Impact Assessment (LVIA) has been undertaken which considers the impact of the proposed development on the landscape character and distinctiveness of the area. This includes consideration of the height of proposed building and structures, the effects of proposed lighting on the character of the landscape and on night-time and winter views and from Public rights of way (PROW). An assessment has been made of the scale and impact of the changes proposed and allows for the 6 phases of construction of the proposed development, and its operation as well as the time it will take for proposed mitigation measures to mature.

The LVIA identifies viewpoints where there are potential views of the site from public rights of way, nearby residential areas, tourists visiting nearby areas of interest and the public highway. Ten viewpoints were considered with a 3 km radius of the site and include locations in Marchwood, Hythe, Dibden, from the National Park and Southampton.

The most intensive development will be located in the central part of the site and high or intensive lighting will be used in these areas only. Existing screening on the western boundary will be maintained and strengthened. The landscape masterplan and associated habitat creation is designed to integrate the new development into the wider landscape and reinforce the connectivity between the plots. The longer, more filtered views of the site in public views will be mitigated in time through the enhanced areas of planting close to existing boundaries.

There would be localised views from residential properties in Marchwood. However, these views are limited by existing buildings, the topography of the immediate area and wooded landscape around the site. Views from Hythe are filtered by dense vegetation. However, there are longer distance views from Southampton which are more open and allow views of the waterfront and industrial areas to the north and Dibden Bay and Hythe to the south.

The application proposes significant areas of new hard surface which is closer to the National Park boundary to the south east and north west. However, the proposed layout has been designed to limit adverse impacts on the National Park. The new hard surface area on Plots 4.2 and A5 would be located within 10 m of the National Park boundary where areas of loose or container storage up a maximum of 5.5 m high are proposed. A buffer would be provided to these boundaries and existing protected woodland outside of the site would be retained. This large area of mature mixed woodland currently acts as a robust visual screen in views from the south and west including those from within the National Park. The existing woodland tree preservation order ensures the long term retention of these trees as landscape features.

With specific respect to lighting, there is already extensive lighting on the site for the existing uses which is primarily located centrally in the site. The sports pitches and wooded boundaries to the National Park are currently unlit with the exception of the compound to the southern boundary where there is existing lighting (Plot A5). Furthermore, the woodland on the National Park boundary is used by light sensitive foraging bats and so is of high ecological value which limits any new lighting proposed. The increased extent of hard surface and operations currently proposed

could increase the impact of lighting with the potential for greater intensity of lighting across the site as well as night-time skyglow.

Lighting has been considered in the Environmental Statement. A Lighting Design Strategy and assessment of the potential light impacts together with plans of existing and proposed lighting columns and a technical specification has been submitted. The assessment of night-time lighting impact and sky glow particularly in terms of impact on the landscape and ecology of the areas in proximity to the National Park boundary and woodland have been considered.

There are two existing high mast lighting columns within the compound on the north east side of Plot A5 that adjoins the National Park boundary. This lighting would be removed as part of the proposals and there is an opportunity to reduce the lighting immediately adjacent to the National Park boundary. New lighting would be designed to have less spill and intensity in accordance with the outline lighting strategy and the maximum levels of lighting can be controlled by condition.

The proposed layout and technical lighting specification have been developed in accordance with recognised guidance. Subject to new lighting being in accordance with these details, or those agreed as part of the reserved matters, there would not be a significant impact on views of the site at night or on the night-time character of the landscape.

There are Public rights of way (PROW) to the south east and north west which are within the National Park and District Council areas. The existing site has been viewed from public vantage points and public rights of way to the south and within the National Park.

PROW (Marchwood 11a) runs from Pumpfield Farm which ends at the field boundary to Marchwood Port site. The boundary of the application site with this PROW is dense woodland screening and so there are no views from this point into the site.

A PROW from Veals Lane (Marchwood 12) goes north through woodland towards Pumpfield Farm to link onto 11a. The PROW from the east end of Veal's Lane (PROW Marchwood 13) has no access or view to the edge of the application site. There are some designated PROWs that are currently disused or inaccessible. Whilst there is potential for these routes to be brought back into use, there would be no potential views of the proposed development due to the existing dense protected woodland and overgrown field boundaries

The proposals would introduce new lighting and industrial infrastructure which could be seen in distant views, but it would be difficult to distinguish any new development from the existing industrial infrastructure. Views of the proposed development from the National Park are limited and largely screened by dense, mature woodland. However, to the east of the site some limited views could be possible from Veal's Farm (VP 10) which is located within the National Park. This is a County designated PROW which has regional value and has a high sensitivity to change within the landscape.

The proposed warehouse building or storage on Plot A 3.1 could be up to 16.5 m and 15 m high respectively and so could be seen in distant views. The woodland area to the southern boundary would provide effective screening of this new building /storage in the summer but it would be less effective in the winter months. However, whilst potentially noticeable in distant views during the winter, the built form would be set well away from the boundary of the site.

Having viewed the proposals from various locations within the National Park - including VP10 - the planning case officer is satisfied that that given the existing use of the site and locational factors any impact on the National Park would not harm its character, landscape, scenic beauty or setting of the wider area.

Overall, it is considered that the landscape and visual effects of the proposed development would be acceptable. The impact on landscape character and local distinctiveness in views of the site from public viewpoints or PROWs would be acceptable when considered within its wider landscape context. The landscape and scenic beauty of the National Park would be conserved given the mitigation measures put forward and controls over adverse impacts that can be secured by planning condition in compliance with adopted Policy and the NPPF.

6. Landscaping and trees

A landscape masterplan and have been submitted which provides a framework for the works proposed on the whole site. A number of trees will be removed within the central plots. The existing habitats on the southern and western boundary would be maintained and strengthened with tree and scrub planting to offer a screen to views to and from the National Park to the west and Dibden to the south. Along the northern boundary additional tree planting is proposed which would supplement existing trees.

The new main entrance will include planting trees and hedgerows in a formal arrangement to integrate landscaping into the edge of the proposed development.

The proposed habitat planting, and ecological enhancement will contribute to landscape and ecological mitigation that would be provided on the site.

Landscaping:

The landscape scheme has been entirely led by the BNG requirement, resulting in the retention of much of the existing vegetation within the site and on its boundaries. The proposed enhancements include sufficient native trees of a large enough stature to maintain a contextual view from the inland side, together with new native hedges and scrub mixes that reflect the existing pattern of vegetation. Where new features are to be developed, such as the reed beds, that are not a common feature of the local landscape, these are firmly contained behind the existing woodland buffers and will have limited impact on the wider landscape.

The proposed boundary features are appropriately located and will limit wider landscape impacts from within the site as well as providing the required level of security. Frontage boundary treatments respects the local context. As such the submitted landscape layout and planting plans are acceptable.

With respect to the plots that are subject of the outline application, details of landscaping will be considered as a reserved matter.

Trees:

There are a large number of trees within the application site, some of which will be removed as part of the current proposals. Some trees on the north west boundaries are protected by a Tree Preservation Order (reference: TPO No. 55/03) in addition to the woodland on the south east boundary of the site which is within the NFNPA

An arboricultural implications assessment has been submitted which is based on a Topographical Survey plan which has used to produce the Indicative Tree Protection Plan and Planting Plan. A total of 400 individual trees and 79 groups of trees were

identified at the time of survey. A total of 242 individual trees and 47 groups of trees would be retained in addition to two groups that can be retained in part.

There would be the removal of 158 individual trees and 30 groups of trees - in addition to two groups of trees which would be removed in part. However no significant or high A grade individual trees would be lost as part of the development although 34 trees of moderate 'B' grade and 104 trees of low 'C' grade category would be removed. There are a further 20 individual trees to be removed for sound arboricultural management reasons, and not necessarily as a result of this development.

Of the 32 groups of trees (two of which are removed in part) to be removed: none are high 'A' grade groups and only 3 groups are of moderate 'B' grade. The remaining groups to be removed are of low 'C' grade category.

The proposal will provide over 240 new individual trees which in addition to the retention of most of the mature quality trees within the site as part of landscape and ecological enhancement areas makes acceptable replacement provision for the trees lost. The retained trees include those between Plot A2 and P2 and adjacent to Plot A3.1 which are included as part of the framework landscape proposals. Tree protection measures are proposed to safeguard the retained trees from damage during the construction period.

Level changes around the warehouse on Plot A3.1 could have an impact on existing trees that are to be retained. Details are not yet finalised as this plot is part of the outline application. However, further details and a method statement for this work to minimise ground disturbance and arboricultural impacts can be secured by condition.

There is an area of protected woodland to the south eastern boundary which is outside of the site and within the NFNPA. The existing fence to this boundary would be retained so as to avoid any damage to tree roots by its removal. Other fences on this boundary are designed and constructed to minimise the need for excavation and would allow for the repositioning of posts if required to limit impacts on tree roots. The proposed areas of hard standing are located to the north and east of the existing woodland on the National Park boundary where there would be a buffer zone to these trees and the proposed run-off drainage ditch is located outside of the root protection areas. Given these measures these trees would not be compromised.

The current proposals would mainly remove the poorer low quality trees retaining the high quality trees and proposes a significant number of new tree and areas of landscaping whilst achieving a layout that makes the most effective use of the site. Subject to conditions on tree protection, construction methodology and landscape implementation this is considered acceptable.

7. Residential amenity

Policy ENV3 requires that new development does not have unacceptable impacts on residential amenity in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution. Site specific Policy ECON3 (iii) states that unacceptable impacts on the amenity of local residents from air pollution, noise, light or other disturbance from operational activities should be avoided.

The application site is located in a mixed area comprising both residential and industrial uses. There are residential properties located on Normandy Way and Brittany Close along with the residential areas of Marchwood further north and west

and impacts on their amenity due to the proposed development need careful consideration.

When assessing the impact of the development upon neighbours it is important to be mindful that the existing use on the site operates unrestricted and on a 24 hour basis. This has always been a functional requirement of the MoD when the site was used as a military port. Whilst most of the existing areas of hardstanding within the port are used for cargo storage / transshipment, many of these areas are still not fully utilised and so the port is not currently operating at its full capacity. More efficient use of existing developed areas could take place without requiring planning permission. The increased usage of these existing areas is likely to occur even in the absence of the current application. The assessment of impacts of the additional use and activity proposed needs to be considered within this context.

Noise and disturbance:

The ES considers noise and vibration, and a noise impact assessment has been undertaken which considers both construction and operational impacts which includes the movement of goods and containers on the site and traffic noise. These documents consider the potential impacts of demolition and construction noise and vibration; road traffic noise; rail and shipping noise from any changes in movements, operational noise and building services plant noise. Baseline noise measurements were taken in various locations to reflect sensitive receptors.

The operations that can already be undertaken on the site within the scope of the current development and use (OUWSCD) would see an increase in intensity and scale of operations on the application site which will result in an increase in noise levels over this existing baseline. Mitigation measures to minimise any additional noise impacts have been considered as part of this assessment.

It has been stated that construction work would only take place during the day between 0800-1800. This can be controlled by the Construction Environmental Management Plan (CEMP) condition. The applicant has assessed additional noise from construction during for Phase 1. Due to the 100m separation between the nearest residential properties and the proposed development plots harmful impact from noise or vibration are not likely to occur. The impact of traffic noise impact was assessed by comparing the noise levels from traffic during Phase 1 construction against noise levels for the 2020 baseline scenario determined through noise modelling. For all residential receptors the noise level changes from construction traffic would not result in significant effects.

An outline CEMP has been submitted which sets out the mitigation measures to be put in place during the proposed construction which includes details of noise and vibration. A detailed CEMP which building on the principles of the outline plan will be required for each plot within the development in addition to site specific noise and vibration management plans to ensure that any noise associated with the construction development does not cause detriment or nuisance to the amenity to those living and working in the vicinity. This can be required to be agreed by condition.

In relation to operational impacts, the proposed storage uses could lead to additional noise - from movement and stacking of storage containers for example. However, as the proposed development would be an intensification of existing activities on the site, the character of the noise is likely to be comparable to existing noise in the location. The applicant has considered the potential noise levels at all of the residential receptors during both the day and night against the relevant guidance

and has concluded that these impacts would not be significant given the sites context and the existing noise levels.

The largest area of new operation development would take place on Plot A1.1 This Plot is 10.3 hectares in size and located centrally within the site. It is set back a minimum of 60 m from the site boundary with Cracknore Hard Lane and is further away residential properties on Normandy Way. There is already temporary planning consent for the use of part of this plot for storage and most of the remainder of this plot is already surfaced and so could be used for unrestricted storage purposes without requiring further planning consent. The western portion of this plot is shown for stacked containers and there could be some noise associated with movement of these containers.

The nearest plot to residential properties is Plot A4.1. This plot is long and narrow and currently used for storage purposes. It has a boundary of 150 m to the north west which is within 60m of residential properties on Normandy Way. These residential properties are on the opposite side of the road and separated by a highway verge, fencing and an existing rail track within the application site. There are currently no restrictions on the nature of the storage that could take place on plot A4.1 and whilst the proposals indicate potential for stacking of containers this would be a low intensity use of up to 5.5m high.

On this basis, it is considered that any noise from the proposed development operations on the site, including the movement of the containers or other items stored on the site, would not have a materially harmful impact on residential amenity within this context.

Changes to the traffic movement and associated noise generation from operations on the site also need to be considered in terms of impact on residential amenity. For all residential receptors, the predicted noise level changes would not be significant when the proposed development traffic is compared with both the OUWSCD baseline and 2024 with and without development scenarios. Based on these assessments the predicted noise level from the development proposals would be acceptable.

The proposals would be developed over six phases beginning in 2022 and continue for a period of approximately 7 years. Within this period, construction and operation would both occur at the same time and so potential for in-combination effects need to be considered. These impacts have been considered by the applicant in their submissions. Where the noise at a receptor would be approaching the threshold for significance, in-combination effects have been considered by reviewing the potential impacts of noise from multiple sources. The residential receptor 1 (8 Woodmore Close) has been identified as having the highest potential for in-combination effects. In this location the operational traffic noise is predicted to be close to the threshold of significant effects however the specific noise levels from commercial operations of the proposed development and construction activity on the site would be below the noise from traffic. In addition, any increase in shipping and rail traffic noise would be negligible. The combination of noise from each of these sources is therefore not predicted to increase the risk of significant effects at this receptor, and therefore no in-combination effect is predicted. The approach to this assessment of in-combination effects and the conclusions are accepted.

Lighting:

The northern boundary of the site is close to residential properties on Normandy Way, however the closest residential property is on the opposite side of the road and over 160 m from the entrance to the Port. There is existing lighting within the

application site as well as street lighting to Cracknore Hard Lane with evidence of skyglow at night.

A lighting impact assessment and lighting strategy for the full planning permission (Phase 1) have been submitted. These documents include technical details for the proposed lighting which would minimise light spill and propose acceptable mitigation any impact. For the outline elements further detail can be secured by condition

A new entrance building, and canopy are proposed on Plot S1. This is the part of the site which is closest to the boundary and residential properties on Normandy Way which are on the opposite side of the road. This area will be lit by lights on 10 m columns. There would be 6 m columns in the car park and pedestrian walkways within the site with the wider crossing east of the security checkpoint would have 10m high columns. There is the potential for light spill from Plot S1 to go beyond the northern boundary of the site with residential properties. However a detailed specification has been provided. The new lighting has been configured to control light spill which together with the separation distance would minimise the impact on residential amenity to an acceptable degree.

Plot A1.1 is the largest area which will be used a high intensity storage. Some of the existing lighting columns on this plot would be removed and new lighting on 30m high masts erected. In addition, 15m tall lighting masts will be used to the northern boundary to provide the higher illumination required for the fuelling and repair yard (150 lux level); and the eastern portion of plot A1.1 will be lit more intensity where it is used for loading/unloading cargo (50 lux level). The impact of this new lighting has been assessed and is considered to be acceptable and in accordance with criteria set out in recognised guidance.

Plot A4.1 is already lit by a number of lighting columns. No new or additional lighting is proposed on this plot and so the amenity impacts would not change.

Plot A1.5 is proposed to be used as a haulier's park. It is already used in a similar way and has lighting in place. Some of the existing lighting columns would be removed and there would be new 10m high lighting columns to provide uniform lighting over the large area and ensure there is clearance for large vehicles to reduce the brightness of luminaires. Each column will be double-headed with lower-output luminaires. In the context of existing levels of lighting on the site and ambient street lighting the impact on new lighting is considered to be acceptable.

Following the above assessment, whilst there will undoubtedly be some impacts, these would not be significant or harmful to adjoining residential amenity and so would be in accordance with Policy ECON3 and ENV3 of the local plan.

Air Quality:

The application documentation considers the potential impact from the proposed development on local air quality both in terms of impacts during construction and operation based on the three assessment scenarios put forward using the 2020 baseline and in 2024 (when the first phases of the proposed development should be completed

The modelled scenarios assess the impact on the local road network beyond Marchwood and on the A326 / A35 / M271 and utilises monitoring undertaken by NFDC and Southampton CC. The model determines that the impact of increases in vehicles on the local road network would have a negligible impact on local air quality in terms of increases in pollutants. The methodology used to undertake the air quality assessment, including the road network area included are accepted.

There will be the potential to generate dust and emissions during construction, particularly during demolition and earth moving activities. Furthermore, construction will lead to additional emissions from construction vehicles using the local road network. This is particularly important as the construction period is likely to continue for a period of approximately 7 years. The air quality assessment considers the potential impact from construction dust and from construction vehicles on the local road network. There is the need for dust control measures during construction. The detailed consideration of the mitigation of these impacts can be included in the Construction Environmental Management Plan (CEMP) that is required by condition which based on the assessments undertaken and the context of existing development on the site would provide mitigation of these impacts.

During the operational phase there are potential local air quality impacts from emissions from transport activities, primarily HGV's - on the local road network as well as from shipping and rail movements in addition to dust from operations taking place on the site. Furthermore, when the proposed development is operational there will be an increase in air and dust emissions from the aggregate's operations which are part of the outline application (Plot A2 and A 3.2). As such, a site specific dust management plan for the operation of the development is required, and this can be secured by condition which based on the assessments undertaken and the context of existing development on the site this would provide mitigation of these impacts.

In terms of cumulative impact, the TA and Environmental Statement allows for the full occupation of the Fawley Waterside development and unadjusted growth rates for 2020 - 2024 within the local area to the site. This accounts for local plan growth including the likely number of occupations at Corks Farm by 2024. Furthermore, the anticipated year for completion of the Fawley development is likely to be after 2024 with suggestions that full occupation could be 2036. As such this is a reasonable assessment of cumulative impacts given the likely trajectory of the delivery of the above sites and Corks Farm.

The vehicle numbers on the local road network, and the assessment of construction travelling through the Redbridge Air Quality Management Area are accepted. Overall the submitted air quality assessment and predicted outcomes are agreed. A Construction Transport Management Plan is the appropriate mechanism to enforce the numbers of vehicle movements through different routes which given other information provided with the application is considered to be sufficiently robust to provide the necessary mitigation of this impact. This can be secured by planning condition and subject to this no objection is raised on these grounds.

In relation to potential impacts on the Southampton Clean Air Zone (CAZ) Southampton City Council made comments on the EIA scoping with respect to air quality which have been incorporated into the EIA scoping determination and the ES submitted with the current planning application. SCC were consulted on the planning application and further air quality information submitted. Initial comments have been made by Southampton CC but no formal consultation response received to date.

SCC have expressed some concerns about the impact of HGV and LGV construction traffic on the Redbridge Air Quality Management Area and the Southampton Clean Air Zone. SCC accept the methodology used to assess these impacts but consider that there remains some potential risk to air quality.

These comments have been considered. SCC accept the methodology that has been adopted. The modelling undertaken provides a predictive tool to assess likely impacts of the proposals and whilst there could be some effect on air quality the proposed conditions – which include a dust management plan, CEMP, a CTMP,

operational traffic management plan and Freight routing strategy - are considered to provide adequate mitigation of any harm.

In conclusion, the air quality impacts of the proposed development are considered to be acceptable given the existing uses on the site and the context of the development subject to planning condition to secure the mitigation measures that have been set out above.

8. Ecology and Biodiversity Net Gain

Development Plan policy, Government advice and the Environment Act (November 2021) requires an enhancement to on site biodiversity wherever possible. The requirement for all major development to deliver 10% biodiversity net gain has been applied by NFDC since the adoption of the Local Plan in July 2020. The requirement for 10% BNG should be demonstrated - via use of the Defra Biodiversity Metric - became a mandatory requirement in England following the passing of the Environment Act in November 2021.

NFDC Interim Advice on Biodiversity Net Gain is underpinned by the National Planning Policy Framework (NPPF). NPPF Chapter 15 relates to conserving and enhancing the natural environment. Paragraph 174(d) requires planning decisions to provide net gains in biodiversity. Paragraph 179 require development to protect and enhance biodiversity and geodiversity. This included promotion of the conservation, restoration and enhancement of priority habitats, ecological network and protection and recovery of protected species as well as pursuing 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.

Policy STR1 (iii) of the Local Plan Part 1 has a requirement for all development to achieve an environmental net gain. 'Environmental Net Gain' encompasses 'Biodiversity Net. Policy ECON3 (ii) requires development of the site to avoid where possible and mitigate where necessary any harmful impacts on the environment.

The site is in a sensitive location close to number of important nature conservation designations. These include the European protected sites of the New Forest SPA, SAC and Ramsar Site Solent, and Dorset SPA, Southampton Water SPA and Solent and Southampton Water Ramsar sites which are located in the River Test. These sites are designated for important bird species, estuarine and coastal habitats, and intertidal flats and saltmarsh habitats.

On the south east boundary of the application site is Dibden Bay SSSI which is protected for its important bird species and invertebrates. To the east of which is the Hythe to Calshot Marshes SSSI with Eling and Bury Marshes SSSI to the north east. There are also a large number of locally protected sites close to the site.

The proposed development which involved intensification of the use of the site and loss of areas of open land within it which could have an impact on designated sites and an effect on protected species unless mitigated. A Habitats Regulations Assessment needs to demonstrate that the proposal that it would not have an adverse effect on the integrity of any International Nature Conservation sites, including on the adjacent Solent and Southampton Water SPA and Ramsar site. These impacts have been considered as part of the Environmental Statement and Habitat Regulations Assessment which has been submitted.

Construction noise impacts would diminish with an increased distance from the SSSI. In some cases noise would be above the existing ambient noise levels but these remain below recommended levels. The same would be the case from the public footpath to the south east of the site at the western boundary of the SSSI with no significant impacts would result from construction or demolition.

New lighting is proposed which is the subject to a lighting strategy and a lighting impact assessment. The new lighting is mostly located in the centre of the site. The ecological sensitive boundaries of the site to the SSSI and National Park have been identified. The Statement to Inform HRA considers lighting impacts on the Solent & Southampton Water SPA and light levels on the SSSI boundary have been designed to minimised impacts (< 0.5 lux) in terms of intensive and light spill with lights tilted away from the boundary of the site with the SSSI. This can be controlled by condition and details of the reserved matters where these plots are located within the ecological sensitive areas

The site entrance and security buildings (plot S1) are a considerable distance away from the SSSI boundary and so the low mounting heights will not have an adverse impact. Plot M2 is located within 80 m of the SSSI boundary to the south. The lighting masts to the southern perimeter and centre of this plot would be tilted upwards and facing away from the boundary of the SSSI which would reduce light spill and so any impact would be acceptable.

A comprehensive statement to inform the Appropriate Assessment has been submitted. In this statement it is considered that the construction of the proposed development will have the potential to disturb soils and potentially groundwater. This may increase the mobility of any contamination present within the site soils and introduce pathways for the migration of contamination. A precautionary approach is proposed with further monitoring and sampling undertaken to inform a further detailed groundwater risk assessment. The results of the assessments and any mitigation measured will be submitted and agreed and this can be secured by planning condition.

Detailed design information on the depth and extent of mudflat re-establishment, along with the potential remediation action for the intertidal outfall, and any proposed monitoring of the apron need to be conditioned. Monitoring and associated annual reporting of the establishment of mudflat habitat around the new setback outfall to south of the Cracknore Hard stream need to be agreed with Natural England . Mitigation of impacts can be secured through the CEMP in order to reduce pollution and disturbance impacts during construction, the retention of important habitats within the site, and the enhancement of retained habitats to establish more diverse and rich biodiversity suitable to support wildlife within the site.

The operational activities of the proposed development would have some noise and visual disturbance impacts upon nearby protected sites. However the proposed development design locates the noisiest activities away from important habitats and protected site boundaries so the impact would be acceptable.

The environmental impacts associated with the increase in ships arriving to Marchwood Port has also been assessed in terms of ship emissions on ecology protected sites and water quality from an increase in ships during construction and operation. The assessment identified that there will be increases in nitrogen dioxide deposits and acidification on the nearby designated habitats at Dibden Bay and Hythe to Calshot Sites of Special Scientific Interest however these increases would not have a significant impact

Natural England raise no objection subject to appropriate mitigation being secured and conditions requiring a CEMP to mitigate potential impact on SAC SPA and SSSI. Consideration should be given to securing biodiversity enhancements for the intertidal zone, by the removal of redundant infrastructure potentially supporting Pacific oysters on designated sites adjacent to the development.

On site ecology and protected species:

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. A number of protected species have been identified on the site though survey work undertaken which confirmed the presence of badger; bats; otter; common reptiles; invasive plant species; barn owl; breeding and wintering birds; various invertebrates and hedgehog. The outline CEMP details the requirement and timing for pre-construction surveys for protected species.

Comprehensive bat surveys have been undertaken of affected buildings and trees on the site. Two buildings to the west of the site were confirmed as bat roosts (Building 148 and Building 151). These roosts were used by low numbers of soprano and common pipistrelle with this species being of local value. The proposed development results in the destruction of these two roosts however they are of fairly low conservation significance so as long as the works are carried out in accordance with the recommendations of the submitted bat survey report this is acceptable. A planning condition can secure this.

Surveys confirm the presence of a maternity roost of Barbastelle bats within a few kilometres of the woodland. Barbastelle bats are assessed to be an Annex II species of County value. The southern woodland edge and the SSSI boundary are identified as a sensitive ecological receptor as they are a key area for bat activity. Lighting is an important consideration as barbastelle bats are as highly light adverse and other less light tolerant species are also present on the site. It is therefore essential that a sensitive lighting strategy is implemented in these areas. Construction and operational lighting levels of 0.5lux should not be exceeded within proximity of the southern boundary which is identified as ecologically sensitive area.

The submitted outline Lighting Strategy identifies that in the ecologically sensitive locations luminance levels will be limited in accordance with recognised guidance. Furthermore, the applicant has offered reassurance that this can be achieved with careful siting of lighting, layout and a robust lighting strategy. An ecological sensitive lighting strategy for biodiversity could be secured by condition on the outline permission.

The submitted surveys indicate that Great crested newts are likely to be absent from the site however other common amphibian species may be present in suitable habitats across the site. Seven small ponds for wildlife are proposed to be included in the west of the site along with reptile hibernaculum which will provide a superior network of aquatic habitats

Active, partially-used and disused badger setts are present on the site and the habitats on site are suitable for badgers. The active small main sett is located within the far western retained ecological areas. A pre-construction survey for badgers should be undertaken to determine if setts have been newly created on site and if a protected species licence is required for the works to proceed. Otters were also recorded at the large pond within the area of scrub in the south of the site.

A mammal underpass is to be provided for use by badger and otter which will link together the habitats to the south of the site to the centre of the site, this will be of value and importance to maintain connectivity across populations and utilise the habitats onsite. Detailed designs can be secured by condition within the appropriate development phase.

In terms of potential impacts on nesting birds measures such as the timing of works and precautionary method of working would be adopted to avoid impacts on nesting birds during vegetation clearance in the construction phase. These details are included in the Outline CEMP with final details to be submitted and agreed by a condition.

A single active Barn Owl roost site was identified within an open shipping container to the south of the site. The approach to mitigation proposed and included within the outline CEMP and LEMP with an appropriate Schedule 1 barn owl licence is acceptable

Both nightingale (potential breeder) and nightjar (non-breeding) were recorded on the site and these habitats would be retained and complimented by the creation of 0.26ha contiguous scrub and wetland habitat. This would be created over winter and before March prior to territory establishment, to avoid disturbance to breeding birds.

There is the need to avoid winter works around the jetty area on the intertidal outfalls and wherever possible around the Dibden Bay Site of SSSI boundary area. More detailed method statements for construction of the intertidal outfalls can be provided in the final CEMP which can be secured by condition. In addition, to ensure the noise levels are not excessive and that there would not be an adverse impact on overwintering birds in the designed sites of the Solent and Southampton Water SPA and Ramsar and SSSI a condition to control noise levels is required. Subject to securing the mitigation measures that have been set out, the effect of the proposed development on protected species on the site is considered to be acceptable.

Proposed Ecological enhancements:

A variety of ecological enhancements have been identified in the submitted documents which include reptile hibernacula, bat, hedgehog and bird boxes including barn owl and kestrel box and a mammal underpass to link together the habitats to the south of the site to the centre of the site. The enhancements can be secured by condition

Invasive Species

Invasive Non-Native Species (Japanese knotweed, Japanese rose and a waterweed Elodea) were recorded on-site. These species will be removed and managed and monitoring after construction is required to ensure INNS are controlled. A Materials Management Plan (MMP) can be required by condition to manage the handling, movement and storage of the construction materials including excavated soils and this should take account of invasive species.

Biodiversity Net Gain (BNG):

The Environment Act became law in England in November 2021. This legislation together with local and national planning policy requires development to deliver 10% biodiversity net gain (BNG). Significant areas of undeveloped land on the site will be lost as a result of the proposed development. However, higher value habitat will be

retained on site where feasible, and opportunities for habitat enhancements maximised.

A combination of on and off-site measures are proposed to achieve an overall biodiversity net-gain (BNG) of 10% with habitat planting, and ecological enhancement. These proposals are described in more detail within the Biodiversity Net Gain Report that has been submitted with the planning application. This report includes a calculation of habitat units lost on site based on Defra Metric 2.0. It is considered appropriate to use this version of the Defra metric for continuity rather than the version 3.0 which was released in July 2021.

Overall, the baseline onsite habitat unit value is 323.76 and the target for 10% BNG 356.14 habitat units after development. The development will result in the loss of 26.88 hectares of habitats from the site which is a loss of 140 Habitat units (43.24%) on site. A contingency has been built into the BNG habitat calculations to accommodate unexpected events occurring during the 30-year period such as the need for utility works or failure of some habitats to achieve their target condition.

	Baseline BNG	+10%
Habitat units	323.76	356.14

The development identifies the delivery of a total of 396.82 Habitat units. A total of 215.09 Habitat units would be provided on the site with 141.05 Habitat Units provided off site on an area of 25.14 hectares of land.

There would be a potential for 181.73 biodiversity units to be provided off site if the whole of the 25.14 ha of land available was used. This would allow for an overprovision of BNG (total of +40.68 units and 22.57% BNG). This land has been retained to allow for flexibility and contingency with the

An off-site provision of 141.05 units would secure 10% BNG and it is not appropriate, necessary or reasonable to require more than 10% BNG through the associated legal agreement

BNG location	BNG Units proposed
On site	215.09
Off site	141.05
TOTAL UNITS PROVIDED	356.14
TOTAL % BNG PROPOSED	10%

Hedgerows on site	Hedgerow Units
Existing	4.4
Proposed	6.79
%BNG	54.22%

On site BNG

A net loss of biodiversity will result on-site due to the proposed development as set out above. However, in relation to hedgerows, there would be a BNG of over 50% on the site through landscape enhancements.

On site 215.09 Habitat Units will be provided through habitat enhancements and the landscape masterplan seeks to maximise biodiversity retention and enhancements. Sensitive and more biodiverse habitats - including semi-improved neutral grassland, broad-leaved woodland, dense scrub and mature oaks - have been identified and retained where possible in the proposed site layout. Areas of existing woodland, trees and grassland are to be retained and enhanced through new planting.

Further enhancement is proposed with ponds, reedbeds and networks of swales along with enhancement of semi-improved grassland and amenity grassland. An existing pond to the south would be enhanced with native scrub planting within existing vegetated areas.

All ecological works onsite will be completed within the first phase of development. In addition, a comprehensive 30-year implementation and monitoring plan for on-site habitats is set out within the Landscape and Ecological Management Plan (LEMP). This can be secured by condition.

Off-site BNG

Habitat retention and enhancements on site cannot provide the required BNG uplift and so off-site BNG mitigation is proposed to meet the target of 10% BNG. An off-site provision of 141.05 units would secure this BNG.

A 25.14 ha site has been identified on part of the Cadland Estate which would be used for habitat enhancements. This site is located about 9 miles from the application site and within the New Forest National Park.

The candidate site is considered to be appropriate for the delivery of BNG mitigation. Various areas of the Cadland Estate are covered by existing land management and maintenance schemes through agreements with Natural England. In addition, parts of the Estate also perform a role in mitigating the impacts of consented developments. However, the Council are satisfied that the biodiversity off-setting delivery on the Cadland Estate it is not on land already covered by extant consents, land management agreements, or the Fawley Waterside proposals and so it can be considered as genuine net gain which would deliver national and local policy objectives

The enhancements of biodiversity are proposed on an area of modified grassland referred to as the Chapel Lane fields which are located to the south of Fawley and to the east of Blackfield on the Fawley peninsula. This off-site provision of BNG has been assessed in accordance with submitted documents and is considered as acceptable to meet policy requirements. The timescales proposed for off-site habitat enhancement is prior to first use or operation of the completed Phase 1 construction of the development. The BNG would be managed, monitored and maintained for a period of 30 years and retained in perpetuity. Annual monitoring of Biodiversity units is proposed for the first five years; reducing to bi-annually for the remaining management period.

However the acceptability of this approach is subject to securing its provision and retention in perpetuity particularly as the BNG is located off site and outside of the NFDC area. Therefore a S106 legal agreement is required that includes all landowners /trustees in order to secure provision of the BNG and its delivery mechanism, along with requirements for the retention, monitoring, maintenance and management for a 30 year period and retention in perpetuity.

Natural England have recommended that there is a Biodiversity Mitigation and Enhancement Plan (BMEP) or similar document for this off site provision to assist in strengthening ecological networks and wildlife corridors. However, information submitted as part of the Biodiversity Net Gain Project addressed this matter. This report includes the BNG survey methodology, baseline habitat assessment, and ecological constraints. An Environmental Appraisal of the area has been undertaken to assess its impact on offsite ecological receptors. A condition to require a further Biodiversity Mitigation and Enhancement Plan (BMEP) is therefore not necessary.

Natural England have also requested that consideration is given to securing biodiversity enhancements for the intertidal zone, by the removal of redundant infrastructure potentially supporting Pacific oysters on designated sites adjacent to the development. However as this is not a marine based scheme impacts should be minimal and so this would not be a reasonable requirement.

Overall, the Construction Environmental Management Plan (CEMP) and Landscape and Environmental Management Plan (LEMP) are fundamental to the delivery of biodiversity net gain and ecological mitigation and enhancement on the site. The LEMP also sets out a detailed programme of monitoring required to ensure delivery of on-site BNG and can be secured by condition. Subject to a legal agreement the proposed off site BNG is acceptable and appropriate provision for the proposed development in accordance with policy.

9. Flood risk and drainage issues:

Part of the application site is located within Environment Agency Flood Zones 2 and 3 and NFSFRA coastal and fluvial flood risk Zones 2, 3a and 3b. The River Test is adjacent to the application site which is designated as a Main River. Flood risk within the site is a combination of tidal, fluvial and groundwater. NPPF paragraphs 159 - 169 relate to Planning and Flood Risk. A sequential test should be applied taking into account all sources of flood risk and future impacts of climate change (para 161); flood risk should not be increased elsewhere (para 167), and major developments should incorporate sustainable drainage systems (para 169)

A Flood Risk Assessment (FRA) has been submitted to assess potential flood sources that could affect the proposed development in context of the existing and proposed development. The risk of groundwater flooding is considered to be high. The risks of fluvial and tidal flooding are considered to be medium and surface water and sewer flooding as well as flooding from artificial sources is considered to be low.

There will be a significant increase in the area of hardstanding across the site as part of the current proposals which will impact on groundwater capacity and stormwater runoff will be increased. It is therefore likely that the existing stormwater sewers would need to be upsized to accommodate this.

The drainage design proposes site wide surface water drainage catchments to replicate the existing catchments, resulting in three key catchments for the site. Surface water from the proposed redevelopment of the site will discharge to the existing watercourses via three outfall locations. Two of these outfall pipes will be new- one to the River Test and the other to Cracknore Hard Stream. This will include a concrete outfall headwall and dissipation structure, along with a riprap apron for erosion protection which will become covered over by mudflat and sediment in future.

Existing drainage ditches will be re-used with some being modified to achieve appropriate gradients for water flow. Drainage serving new hardstanding areas will be connected to the below ground drainage system via gravity and existing sewers would be upsized. Additional attenuation measures will be required to some of the plots due to the areas of hardstanding to limit the flood risk to the downstream network. Attenuation will be provided in the form of ponds, swales and below ground attenuation tanks and a sustainable drainage system (SuDS) is proposed

Each plot will have its own surface water drainage collection system to allow them to function independently and these will connect to a perimeter swale or drainage ditch (existing or proposed). Where there is risk of contamination, petrol interceptors

will also be provided within the plots. Drainage for the smaller plots will be provided at the plot perimeter with collector drains to pass the runoff into the drainage network.

An initial drainage strategy has been developed for the outline application to ensure that development on Plots A2 and A 3.2 are located above the flood levels. A separate detailed drainage strategy will be provided with the Reserved Matters applications for these plots to accord with site wide drainage strategy and can be secured by condition.

The Environment Agency (EA) have been consulted along with the HCC Lead Local Flood Authority and Southern Water. The Environment Agency objected to the application as originally submitted due to concerns of lack of flood storage compensation for the fluvial flood risk towards the north of the site, in plots A1.1 and A1.2.

An updated Flood Risk Assessment has now been submitted where a revised approach to scoping has been adopted and includes a justification for why flood storage compensation is not considered to be necessary. The construction activities in or near a watercourse have now been screened into the scoping phase. The expected mitigation measures and outcomes are now outlined. Specific scoping details will be provided once contractors are appointed as and the WFD assessment will also subsequently be updated as the project develops, and a contractor is appointed.

On the basis of the revised FRA and additional information submitted the Environment Agency no longer object.

A detailed CEMP will be required to secure the necessary mitigation measures and can be conditioned. The mitigation required relates to the risk of sediment mobilisation to minimise the risks of construction works to the water environment, to minimise sediment runoff; that measures are in place deal with any contaminated waters; refuelling takes place away from watercourses, that leaks from all plant and equipment are prevented and biodegradable fluids are used wherever possible. Provided these mitigation measures are implemented, the construction activities pose a minimal risk to the water environment and are considered to be acceptable.

The information submitted considers issues regarding surface water management and local flood risk. This indicates that surface water runoff will be managed through 3 catchments which will discharge surface water into the adjacent River Test. The management of surface water is acceptable in principle HCC as the Lead Local Flood Authority has no objection to the proposals subject to planning conditions relating to details of a surface water drainage scheme along with details of the long term management arrangement for the surface water drainage system.

Southern Water have undertaken a desktop study of the impact that additional foul sewerage flows would have on the existing public sewer network. This study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is necessary to mitigate this will be provided by Southern Water. However, as it will take time to design and deliver this infrastructure the network reinforcement will need to be aligned to the various phases of the proposed development. A condition relating to the phasing of the development is therefore required to ensure that the reinforcement works are provided, and that adequate wastewater network capacity is available. As the SuDs is proposed to be retained within private ownership the long-term maintenance of these facilities need to be secured in perpetuity.

HCC as the Lead Local Flood Authority and Southern water have no objection to the proposals subject to the above matters being secured by planning conditions to include details of the SuDS, details of foul and surface water drainage scheme along with the long term management arrangement.

Flood warning and emergency response needs to be considered in accordance with Paragraph 167 of the NPPF and the Planning Practice Guidance (PPG) which requires determination of whether a development is safe and the ability of users to safely access and exit a building during a flood and evacuate before an extreme flood event. Guidance on when Emergency Plans for flooding are required in Flood risk emergency plans for new development” (September 2019). This guidance includes details of, what emergency plans need to demonstrate and how to consider emergency plans for flooding as part of the planning process.

In all circumstances warning and emergency response is fundamental to managing flood risk. One of the key considerations is whether adequate flood warnings would be available. The EA do not comment on the adequacy of flood emergency response procedures as their remit is limited to flood warnings to occupants covered by their flood warning network. An Emergency Plan should be provided as part of the FRA or as a separate document and should demonstrate that there is safe access and escape routes where evacuation due to a flood event is required and people will not be exposed to hazardous flooding of any source including an extreme flood event.

The submitted FRA considers emergency planning (Section 8.2). This states that three types of warning will be issued if flooding is forecast. It is proposed that the building operator register for the EA flood warning service and follow any identified HCC flood emergency management procedures. The evacuation plans for existing unaltered buildings within Flood Zones 2 and 3 will be updated to ensure that the latest climate change allowances are considered, and plans reviewed and updated as necessary as part of development.

The proposed development is primarily for storage use which are open hard surfaced area with ancillary offices and welfare buildings. There is a new enclosed warehouse building proposed on Plot A3, the security building on Plot S1 and Welfare unit 1. Plot A3.1 is not located within FRZ 2 or 3 and Plot S1 and Welfare unit 1 are in FRZ 2. However, the finished floor levels of the buildings are set to take account of upper levels of climate change flood risk allowances

Buildings on Plots A2 and A3.2 are in FRZ 3 but located above the flood levels and separate detailed drainage strategy will be provided with the Reserved Matters applications for these plots.

The emergency planning and rescue implications of the proposed development have been considered in accordance with the relevant advice. It is therefore not considered to be necessary to consult with HCC Emergency. Due to the nature of the existing and proposed uses the emergency plan put forward for the site as part of the FRA for the site is considered acceptable.

10. Contaminated land

The site is contaminated due to its past uses with heavy metals arsenic, beryllium and lead in Made Ground soils along polyaromatic hydrocarbons (PAH) where a minor excess level was recorded. Whilst the recorded levels exceed those recommended for construction workers, the use of PPE will mitigate this risk. The recorded levels exceed those recommended for water quality environmental quality standards (EQSs) from leachate analysis of soils, and poly-fluorinated alkyl

substances (PFAS) have been found in the groundwater near the fire station, Cracknore Hard Stream and at low levels in the River Test.

Details have been provided of on-going risk assessments and groundwater monitoring which suggest that the on-going works will result in further remedial strategies being developed for the site where necessary. Ongoing groundwater monitoring will provide a framework of further site investigations, remediation and validation for soils and controlled waters. This can be secured by planning condition.

11. Sustainability

The warehouse proposed as part of the outline application on Plot A3.1 would exceed the threshold of Policy IMPL2 part (iii) and so would be required to meet current BREEAM (Building Research Establishment Environmental Assessment Method) excellent standards.

The applicant considers that many of the BREEAM requirements applicable to 'industrial' uses relate to occupied spaces which will not be included within the proposed warehouse. As such they consider that this standard offers limited value to assessment of the proposed development. Therefore the applicant has stated that they propose to implement CEEQUAL (Civil Engineering Environmental Quality Assessment & Award Scheme) accreditation as this standard is more appropriate to the assessment of the sustainability performance of the proposed development as a whole. A CEEQUAL 'design and construction assessment' is proposed to be undertaken when details of the design and construction of the warehouse is available in order to demonstrate environmental and social sustainability performance.

In order to minimise environmental impact of new development and ensure that sustainability standards are met and delivered in accordance with the criteria of Policy IMPL2 (iii) it is appropriate to ensure that any single commercial building on the site that exceeds the 1,000 square metre threshold meets the current BREEAM overall excellent standard, an agreed appropriate alternative sustainability standard, such as CEEQUAL or future building regulations standard. This will also allow consideration of any revisions to current standards and the most relevant sustainability standards to be applied to the proposed development at that time when details are provided as part of the reserved matters submission.

12 Heritage impacts

The Site is not located within or adjacent to a conservation area and does not contain any statutory listed buildings or designated heritage assets. Some non-designated heritage assets have been identified on the proposed site. There are some listed buildings in the wider area including the grade II listed Marchwood House, as well as one conservation area; the Royal Naval Armaments Depot, between Eling and Hythe. It is considered, given the existing use of the site, the location of these heritage assets and the nature of the proposed built form there would not be an adverse impact.

With respect to archaeology, the site constitutes a large area of reclaimed land which was, until the 20th century, open marshland with the potential to preserve archaeological remains. It is considered likely that archaeological remains associated with the use of Marchwood Port during the Second World War and well as the potential that earlier remains could remain in situ. Because of the known geological and likely below-ground environmental conditions these assets are considered highly likely to remain undisturbed, so the archaeological potential of site

is high. Archaeology conditions are therefore required to secure a programme of archaeological work and a Written Scheme of Investigation.

13. Minerals:

The proposed development lies within the mineral and waste consultation area and HCC Minerals have been consulted. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan 2 (2013) (HMWP) This policy indicates where viable, safeguarded mineral resources are likely to be present and its intention is to protect potentially economically viable mineral resource deposits from sterilisation and to encourage the recovery of potential viable mineral resources prior to development.

HCC consider that in the absence of a minerals safeguarding report or assessment on the mineral potential of the area and/or how this mineral potential will be handled the proposal is contrary to Policy 15 of the adopted HMWP. However, this a brownfield site that is allocated by Policy ECON3 for port related uses. Given this allocation and the existing use of the site it is not considered reasonable to require a minerals safeguarding report or assessment to be undertaken.

The site is safeguarded under Policy 34 of the HMWP for potential minerals and waste wharf and rail depot infrastructure. The purpose of this policy is to safeguard sites so that their appropriateness for use as a minerals or waste wharf or rail depot can be considered, should they become available or are released from their current uses. The proposed development, specifically the use of a portion of the port area for an aggregates terminal, is supported by this Policy 34.

The development site also lies adjacent to a number of sites which are safeguarded for mineral and waste infrastructure (Policy 16 and 26 respectively). These sites are protected from pressures to be replaced by other forms of development and from nearby land-uses which could impact their ability to continue operating. In accordance with these policies HCC consider that mitigation measures would need to be undertaken to ensure the safeguarded sites could continue their intended minerals or waste use. If suitable measures cannot be agreed evidence would be needed that the minerals or waste management capacity can be relocated or provided elsewhere and delivered.

The intent of these safeguarding policies is supported, however, given that this is a brownfield site, its unique locational characteristics along with the existing and proposed use of the site, conflict or future pressures on safeguarded site are unlikely to result so mitigation measures are not appropriate or necessary in this instance.

14. Cumulative impact:

Given the scale of the current proposals cumulative impacts need to be considered. This is considered in Chapter 17 of the Environmental Statement. Consideration of cumulative effects should be made with other developments and not be based on the interrelationships between the individual issues on the application site. However, cumulative effects relating to construction and operational activities can be considered.

Other developments considered include McMullen Barracks and Fawley Waterside development. A number of allocated sites in the Local Plan Part 2 along with Strategic site SS1 Land North of Totton; SS2 Land North West of Marchwood and SS3 Land at Corks Farm which are allocated in Local Plan Part 1 are also

considered. It should be noted on SS1 that an outline planning application has a resolution to grant consent subject to a legal agreement and on SS3 a hybrid application has been submitted which is as yet undetermined.

Air quality impacts due to the possible concurrent development at McMullen Barracks have been considered. There is a potential for adverse air quality impacts due to the combined effect of dust generation, however a dust management plan can be secured to mitigate this impact. Cumulative impacts of traffic have been considered as part of the Transport and Air Quality sections

Ecological and wider cumulative impacts on designated site have been considered. During the phases of construction there will be on-site mitigation measures to avoid harmful impacts during wintering bird season. In making this assessment the impact of development at McMullen Barracks and Fawley Waterside have been considered. However, there is unlikely to be significant cumulative effects during both the overlapping phases of construction and operation.

The redevelopment of McMullen Barracks could have an adverse visual impact on Cracknore Hard Lane during construction. This may result in cumulative effects in combination with the construction of the proposed development. However, once operational, cumulative visual effects would not be significant within the context of location. In the event that construction for the redevelopment of McMullen Barracks, and the site allocations at Marchwood Industrial Park and Cracknore Industrial Park occur at the same time these could be mitigated by consideration of appropriate measures such as construction timings.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement (as set out in the recommendation):

- i. Off-site Biodiversity Net Gain: To be provided prior to the first use or occupation of completed Phase 1 of the development hereby approved and retain, management and maintenance for a period of 30 years.
- ii. Highways works linked to a S278 agreement:
 - a. Financial contribution of £400,000 for improvements to A35/A326 Rushington roundabout to be made prior to the first use or occupation of completed Phase 1 of the development hereby approved. and these works as part of a committed scheme are completed by HCC prior to the completed Phase 2 of the development being first used or occupied.
 - b. Off site Highway improvement works to be undertaken and completed prior to the first use or occupation of completed Phase 1 of the development hereby approved as follows:
 - i) A footway link along Normandy Way from its junction with Cracknore Hard linking to Autumn Road.
 - ii) A footway link on Autumn Road linking to Dapple Place and associated uncontrolled pedestrian crossings.
 - iii) Minor cycle improvements.
 - iv) Directional cycle signage on Cracknore Hard, Normandy Way, Main Road and Cork Lane Travel Plan and assessment monitoring fee of £16,500.00
 - c. A Travel Plan bond of £25,500.00.

11 CONCLUSION

This is a large and strategically important site which is part of the proposed Solent Freeport. The site is allocated by Policy ECON3 of the Local Plan for port related use where intensification of its use and optimisation of its rail and sea connections are safeguarded subject to various detailed considerations. The application is supported by an Environmental Statement and other detailed assessments. The assessment of impacts, in particular those relating to traffic generation have been considered against a future baseline of the operations that can already be undertaken on the site within the scope of the current development and use (OUWSCD) without the need for further planning permission.

The impacts of the proposals on the local and strategic road networks have been considered based on the traffic generation models set out in detail in the TA . It has been concluded that impacts on the strategic highways network are acceptable subject to conditions. Impacts on local highway network can be mitigated by conditions along with off site pedestrian and cycleway works improvements and a financial contribution towards highway improvement works on the A35/A326 which can be secured by a level agreement

In addition, air quality, noise and dust, visual and landscape impacts, including the National Park, have been carefully considered. In addition the impact of the proposed development on nature conservation designations and protected species on the site have been assessed. Although the hard surfaced areas would significantly increase on the site, landscape and ecological enhancements are proposed. To meet the required 10% BNG off site provision is to be made at a site on the Cadland Estate. This provision is to be made prior to first occupation or use of the completed Phase 1 of the development and can be secured through a legal agreement. This is an acceptable approach given the need to make the most efficient use of the site and its unique locational attributes. Consultees and third party comments have been considered in the planning assessment set out and it is concluded that the current hybrid planning application should be supported as set out in the recommendation and subject to the proposed conditions as stated.

12 OTHER CONSIDERATIONS

An assessment of the need for a Marine Environmental Impact Assessment under the Marine Works (Environmental Impact Assessment) Regulations 2007 and a Marine Licence from the Marine Management Organisation is required. A scoping has been undertaken by the MMO and this concludes that an EIA is required. This is however a separate process from planning.

13 RECOMMENDATION

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

- i) first referring the planning application to the Secretary of State to consider whether to issue a Direction under Section 77 of the Town and Country Planning Act 1990 as required under Paragraph 7 of the Town and Country Planning (Consultation) Direction 2021.
- ii) the completion of planning obligations entered into by way of Section 106 Agreement to secure
 - i) Off-site Biodiversity Net Gain
 - a. provision prior to the first use or occupation of completed Phase 1 of the development hereby approved.
 - b. retain, management and maintenance for a period of 30 years.

- ii) Highways works linked to a S278 agreement
 - a. Financial contribution of £400,000 for improvements to A35/A326 Rushington roundabout to be made prior to the first use or occupation of completed Phase 1 of the development hereby approved and these works as part of a committed scheme are completed by HCC prior to the completed Phase 2 of the development being first used or occupied.
 - b. Off site Highway improvement works to be undertaken and completed prior to the first use or occupation of completed Phase 1 of the development hereby approved as follows:
 - i. A footway link along Normandy Way from its junction with Cracknore Hard linking to Autumn Road.
 - ii. A footway link on Autumn Road linking to Dapple Place and associated uncontrolled pedestrian crossings.
 - iii. Minor cycle improvements.
 - iv. Directional cycle signage on Cracknore Hard, Normandy Way, Main Road and Cork Lane.
 - c. Travel Plan and assessment monitoring fee of £16,500.00
 - d. A Travel Plan bond of £25,500.00.
- iii) the imposition of the conditions set out below.

Proposed Conditions:

- 1. Conditions 2 to 7 of this planning permission shall apply solely to the full planning permission areas of the development comprising Phase 1 of the development that is hereby granted full planning permission.

Conditions 8 to 14 of this planning permission shall apply solely to the outline planning permission areas of the development comprising the remainder of the site.

Conditions 15 to 43 of the planning permission shall apply to the whole development site area.

Reason: To ensure clarity and to allow for the appropriate timing and phasing of the approved development.

- 2. 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.

- 3. Phase 1 of the development hereby approved shall be implemented in accordance with the Phase 1 Developed Design Lighting Strategy (ref MAR-ARP-000-XX-RP-ZX-00016 P02 dated August 2021). The lighting of Phase 1 of the development hereby approved site shall be carried out in accordance with these approved details and thereafter retained as such unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the impacts of the development are appropriate. In the interests of visual and residential amenity and to safeguard projected sites and species in accordance with Policy ENV3 and ECON3 of the Local Plan Part 1, Planning Strategy, Policy DM2 of the Local Plan Part 1 and NPPF.

4. The vehicular and pedestrian access to the site shown on the approved plans- MAR-ARP-000-XX-DR-CX-0023, MAR-ARP-000-XX-DR-CX 0024 P02 and MAR-ARP-000-XX-DR-CX-0030 shall be provided prior to first use or operation of the completed Phase 1 of the development hereby approved and thereafter retained as such. The existing redundant access to the site shall be stopped up and abandoned and the footway crossing / verge removed and reinstated, in accordance with the approved details once the new access has been provided and prior to first use or operation of the completed Phase 1 of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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. Visibility splays of 2.4 metres by 98 metres at the site access and 1.5 metres by 98 metres at the pedestrian crossing as shown on plan MAR-ARP-000-XX-DR-CX -0024 P02 shall be provided at the junction of the proposed site access and pedestrian access with the public highway before the access is first brought into use and these visibility splays shall thereafter be kept free of any obstacles over 600mm in height at all times unless otherwise first agreed in writing with the Local Planning Authority.

Reason: 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.

6. The development hereby permitted as Phase 1 shall not be first used or occupied until the spaces shown on the following plans 5737-1-1101 5737-4-1100 A; 5737-5-1100 A; MAR-ARP-000-XX-DR-CX-0024 P02 and MAR-ARP-000-XX-DR-CX-0030 for the parking of vehicles and cycles have been provided. These spaces shall be retained and kept available for that purpose for the development hereby approved at all times unless otherwise first agreed in writing with 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.

7. All landscaping shall be carried out in accordance with the approved plans and details prior to the completion or first occupation of each individual plot of the development within Phase 1 of the development that it relates to. Such landscaping shall thereafter be maintained for at least five years 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. Approval of the details of the landscape, layout, scale and appearance ("the reserved matters") shall be made to the Local Planning Authority Application before the expiration of five years from the date of this permission and before each individual plot 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.

9. Any single enclosed commercial building on the site that exceeds 1,000 square metres (GIA) shall meet the current BREEAM overall excellent standard, an agreed appropriate alternative sustainability standard, such as CEEQUAL overall Very Good standard or future building standard unless otherwise first agreed in writing with the Local Planning Authority. Details of the assessment to be submitted to and agreed in writing by the Local Planning Authority prior to first use or occupation of the building.

Reason: To minimise the environmental impact of new development and ensure that appropriate sustainability standards are met and delivered in accordance with Policy IMPL2 (iii) of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park 2020.

10. Before development commences (including site clearance, demolition and any other preparatory works) on any new building on Plot A3.1, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of foundation design, all changes of existing ground levels and the specific methodology to be employed to minimise arboricultural impacts particularly on trees T259, T260 and T261, and other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". The construction methodology shall be implemented in accordance with the agreed details unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that the retained trees are not damaged 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. Prior to commencement of any development on Plots A2 and A3.2 a detailed drainage strategy for these plots shall be submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details and thereafter retained unless otherwise first agreed in writing with the Local Planning Authority.

Reason : In order to reduce the risk of flooding as these plots are located in FRZ 3. To ensure any building on the site are located above the flood levels and an appropriate drainage strategy is implemented in accordance with Planning Practice Guidance (PPG) and NPPF

12. A lighting strategy shall be submitted to and approved in writing with the Local Planning Authority concurrently with each individual plot of the development subject of this outline consent. The lighting approved as part of the lighting strategy shall be implemented in accordance with the approved details and thereafter retained as such in perpetuity unless first agreed in writing with the Local Planning Authority

Reason: To ensure that the impacts of lighting are appropriate in the interests of visual and residential amenity and to safeguard protected sites and species in accordance with Policy ENV3 and ECON 3 of the Local Plan Part 1 Planning Strategy and Policy DM2 of Local Plan Part 2 for the New Forest outside of the National Park and the NPPF.

13. Works shall not take place on each individual plot of the development that includes any areas identified as ecological sensitive (Figure 1 Lighting Strategy for Outline Planning - MAR-ARP-000-XX-RP-ZX-00015 P02 dated 6 August 2021) until a detailed sensitive lighting design strategy for biodiversity in line with BCT / ILP Guidance Note 08/18 "*Bats and artificial lighting in the UK*" and a Construction Lighting Management Plan for temporary construction lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting design strategy shall include:

1. a detailed plan of the ecological sensitive areas
2. identification of those areas/features on site that are particularly sensitive for bats (or other ecological receptors) and that are likely to cause disturbance in or around their breeding sites and resting places or along important commuting routes used to access key areas of their territory, for example, for foraging;
3. details to show how and where external lighting will be installed through the provision of appropriate lighting contour (lux) plans and technical specifications to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained.
4. details of how the lighting strategy for each plot submitted relates to previously approved lighting strategy in order to provide a comprehensive site wide lighting strategy.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved lighting strategy for any given plot of the development site. The lighting shall be maintained thereafter in accordance with the approved strategy unless otherwise first agreed in writing with the Local Planning Authority.

Any temporary construction lighting shall be removed at the end of the construction period of each of the plots. No other permanent external lighting shall be installed which could impact on the ecological sensitive areas without prior written approval by the Local Planning Authority.

Reason: To ensure that lighting does not adversely affect the important bat assemblage on the site which are light adverse in the interests of nature conservation and in accordance with Policy ENV1 of the Local Plan Part 1 Planning Strategy and Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park.

14. No development shall take place to implement the link road between Plots A2 and A3.2 until the detailed design, plans and sections of the mammal underpass to link the south and centre of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation or first use of the development on Plots A2 and A3.2 and thereafter retained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To allow free movement of mammals and safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy and Policies DM1, DM2 and DW-E12 of the Local Plan Part 2 for the New Forest District outside the National Park, the NPPF Chapter 15 and the Wildlife & Countryside Act 1981 (as amended).

15. No storage shall exceed the maximum heights indicated on plan MAR-ARP-000-DR-CX-0028 P03 "Proposed development heights site wide plan" unless otherwise first agreed in writing with the Local Planning Authority

Reason: To control the height and intensity of the approved storage uses on the site and their visual impact in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside of the National Park.

16. The phasing of the development hereby approved shall be in accordance with details of Phase 1 - Phase 6 as shown on Site wide phasing plan Ref MAR-ARP-000-XX-SK-CX-0036 P01.01 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: Given the scale of the development and to give the Local Planning Authority certainty about the timing of the implementation of each the phase of the development hereby approved.

17. No development including intrusive groundwork shall commence on each individual plot of the approved development until a programme of archaeological work, including a Written Scheme of Investigation for that plot, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation

The works shall be carried out in accordance with the Written Scheme of Investigation approved. The first use or occupation of each individual plot of the development where a Written Scheme of Investigation has been submitted and approved shall not take place until the site investigation and post investigation assessment has been completed. This shall be undertaken in accordance with the programme set out in the approved Written Scheme of Investigation for each individual plot. Provision shall be made for analysis, publication and dissemination of results and archive deposition has been secured unless otherwise first agreed in writing with the Local Planning Authority.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to excavation on each individual phases of the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

18. Prior to the commencement of any construction work for each individual plot , an updated badger survey and a Method Statement for Badgers during construction submitted by a suitably qualified and experienced ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved Method Statement unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure up to date survey information is available to inform the method statement for badgers in order to minimise adverse impacts on this species in accordance with Policy ENV1 of the Local Plan Part 1 Planning Strategy and Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park

19. No percussive piling or works with heavy machinery resulting in a noise level in excess of 69dbA max measured at the sensitive receptors (the nearest point of the SPA or any SPA supporting habitat) shall be undertaken during the bird over wintering period (October to March inclusive) unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to limit the impact on designated sites and to avoid disturbance of wintering birds in accordance with Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park and the Habitat Regulations 2017

20. Prior to any works commencing on any individual plot of the approved development that involve excavation or disturbance of soil and groundwater on the site a Groundwater Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. This assessment to include details of ongoing groundwater monitoring and sampling to provide a framework of further site investigations, remediation and validation for soils and controlled waters and designated sites and proposed measures to mitigate any potential migration of contamination on the site. The works shall be undertaken in accordance with these approved details unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that designated sites and groundwater in controlled waters are protected and in accordance with Policy ENV1 of the Local Plan Part 1 Planning Strategy, Policy DM2 of Local Plan Part 2 for the New Forest outside of the National Park and Chp 15 of the NPPF.

21. Prior to any works commencing on the inter tidal outfall and associated mud flats, detailed design information on the following shall be submitted to and approved in writing by the Local Planning Authority:-

- i) the depth and extent of mud flat re-establishment;
- ii) the potential remediation action for the inter tidal outfall; and
- iii) the proposed monitoring of the apron

Work shall be undertaken in accordance with the approved details unless otherwise first agreed with the Local Planning Authority.

Reason: To ensure that designated sites are protected and in accordance with Policy ENV1 of the Local Plan Part 1 Planning Strategy, Policy DM2 of Local Plan Part 2 for the New Forest District outside of the National Park and Chp 15 of the NPPF

22. Prior to works commencing on each individual plot of development, a detailed surface water drainage scheme based on the principles within the approved Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority The submitted details should include:

- i) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- ii) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.

- iii) Detailed hydraulic calculations for all rainfall events that should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the submitted drainage layout.
- iv) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Works shall be undertaken in accordance with the approved details and the surface water drainage shall thereafter be retained as such unless otherwise first agreed in writing with the Local Planning Authority.

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.

23. Prior to the commencement of development on each individual plot of development, details of foul sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority. The foul sewerage drainage scheme hereby approved shall be implemented in accordance with the approved details and thereafter retained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the foul sewerage 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 and the NPPF

24. Prior to the first use or occupation of any individual plots of the development hereby approved details of the long-term maintenance arrangements for the surface water drainage system shall be submitted to approved in writing by the Local Planning Authority. These details shall include:

- i) Maintenance schedules for each drainage feature type and future ownership;
- ii) Details of the measures to be taken to protect the public sewers and water supply apparatus on the site;
- iii) The arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The agreed maintenance arrangements for the drainage shall be put into place and thereafter retained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.

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 and the NPPF.

25. No plot of the development shall be brought into use or occupied until the sewerage network reinforcement work to ensure that adequate wastewater network capacity is available to adequately drain that plot of the development has been implemented unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that there is adequate sewerage network capacity 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 and the NPPF.

26. The ecological works hereby approved shall be undertaken in strict accordance with the Landscape and Ecological Management Plan (LEMP) (ES Appendix A8) and ES Chapter 9 and ES V2 Appendix A and the ecological enhancement measures identified unless otherwise first approved in writing by the Local Planning Authority. For each plot of the development, a plan to show the location and specification of the ecological enhancements identified in Environmental Principles Plan (and Ecology file note update 18.11.21) shall be submitted to and approved in writing by the Local Planning Authority. The site wide enhancements shall include a total of not less than:

1. Twenty five bat boxes
2. Three Reptile hibernacula
3. Five hedgehog boxes.
4. Twenty two bird boxes including two barn owl boxes and one kestrel box.

The provision to be made in accordance with these approved details prior to first operation/occupation of a given plot of the development and thereafter retained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that ecological enhancements are provided and retained on the site 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).

27. No development shall take place on each individual plot of the development until a detailed site specific Construction Environment Management Plan (CEMP) based on the principles set out in the outline CEMP submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The CEMP must provide details of the following:
- a. Development contacts, roles and responsibilities;
 - b. Public communication strategy, including a complaints procedure;
 - c. Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation;
 - d. Use of fences and barriers to protect adjacent land, properties, footpaths and highways;
 - e. Details of parking and traffic management measures;
 - f. Measures to mitigate impacts on residential properties with respect to noise and dust including delivery and construction times:-
 - i. A Dust Management Plan (DMP) in accordance with relevant guidance which considers all aspects of the works;
 - ii. A noise and vibration management plan to ensure that any noise is mitigated.
 - g. Measures to control light spill and glare from any floodlighting and security lighting installed;
 - h. Measures to be undertaken to mitigate risks to groundwater and species due to sediment mobilization, to minimise the risks to the water environment, to minimise sediment runoff and to ensure measures are in place to contain, treat or remove any contaminated waters;
 - i. Measures to mitigate the impact on protected species and designated sites including updated surveys of protected species; and
 - j. Measures to mitigate on and off site impacts due to combined impacts of operation and construction taking place during Phases 2 - 6.

The demolition and construction of each individual plot of the development hereby permitted shall be implemented in strict accordance with the approved CEMP and retained as such throughout the duration of the demolition and construction period for each individual plot of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure suitable measures are in place to mitigate the construction impacts of the development on habitats, species, groundwater and residential properties in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside of the National Park and Paragraph 174 of the National Planning Policy Framework (NPPF).

28. Prior to the occupation or first use of each individual plot of the development hereby approved the following site specific information relating to the operation of the development which includes details of any mitigation measures required and a timescale for the implementation of the measures shall be submitted to and approved in writing with the Local Planning Authority:

- (i) A Dust Management Plan (DMP)
- (ii) A Noise and Vibration management plan

These approved details shall be undertaken in accordance with the approved details and thereafter retained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard residential amenity in perpetuity in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for New Forest District outside of the National Park.

29. The works hereby approved shall be undertaken in accordance with the provisions set out within the Arboricultural implications assessment dated July 2020 ref: CBA11331 v1 (The Complete Arboricultural Consultancy), Topographical Survey, reference: SG10/12/198812 01 Rev A; Planting Plan, reference: MAR-ARP-000-XX-SH-LD-00005 1.3 and Indicative Tree Protection Plan – CBA11331.02 TPP or as may otherwise be first agreed in writing with the Local Planning Authority. Tree protection measures shall be installed, maintained and retained for the full duration of the works to each individual phase of the development or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement of 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.

30. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: MAR-ARP-000-XX-RP-CD-00001, dated 20/10/2021) and the following mitigation measures it details:
1. Finished floor levels of any proposed buildings shall be set no lower than 4.040 metres above Ordnance Datum (AOD) (as specified in Section 6.1.1 of the FRA).
 2. Compensatory storage shall be provided on a 'level for level' basis and within the extent of the outline application boundary if needed (as outlined in Section 6.2 of the FRA)

These mitigation measures shall be fully implemented in accordance with the approved details prior to occupation of each individual plot of the development. The approved measures shall be retained and maintained in perpetuity unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In order to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance the Planning Practice Guidance

(PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

31. No development shall take place to any water bodies (ditches, streams, or ponds) on the site until a plan for the proposed fish translocation has been submitted to, and agreed in writing by the Local Planning Authority. This plan should ensure that the fish translocation is carried out in a sustainable and safe manner, and in accordance with accepted good practices. The development shall be implemented in accordance with the approved plan unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that the fish translocation is undertaken in an appropriate manner that minimises the potential to cause fish injury or mortality in accordance with Policy ENV1 of the Local Plan Part 1 Planning Strategy, the NPPF Chapter 15 and the Eel Regulations 2009.

32. No development shall commence on each individual plot of the development hereby approved until a remediation strategy to deal with the risks associated with contamination of that individual plot of the development has been submitted to and approved in writing by the Local Planning Authority.

This strategy will include the following:

- (i) A preliminary risk assessment which has identified:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site
- (ii) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (iii) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

property for the future users of the land and neighbouring land are minimised, to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in controlled waters, property, ecological systems and the natural and historic environment and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other off site receptors. And to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 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) and paragraph 174 of the NPPF.

33. In the event that contamination is found at any time when carrying out any of the individual plots of the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. No further development shall be carried out on that plot unless otherwise agreed in writing with the Local Planning Authority until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land and unacceptable levels of water pollution from previously unidentified contamination sources are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site 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) and NPPF paragraph 174.

34. Prior to first use or occupation of each individual plot of the development, a verification report demonstrating the completion of works for that plot of the works which sets out the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete 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) and NPPF paragraph 174.

35. No development shall take place on any of the plots where piling occurs until details of the type of piles to be used together with a piling method, and a risk and noise assessment for the specific plot of the approved development where the piling occurs has been submitted to, and agreed in writing by, the Local Planning Authority. Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. Should percussive piling be required, a full piling impact assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

This assessment should include the following details :

1. Proposed piling method and justification for this method
2. Full details of the proposed piles including size and depth, construction methods and access to install the pile
3. Timings of the works
4. Noise generated and impact
5. Mitigation measures
6. Pollution prevention measures

The development shall be implemented in accordance with the details as approved unless otherwise agreed with the Local Planning Authority.

Reason: To assess the potential risk to migratory salmonids from noise generated from piling and to ensure that any proposed piling or deep foundation using penetrative methods, does not harm groundwater resources in accordance with paragraph 174 of the NPPF.

36. Prior to development commencing on each individual plot of the development, a Materials Management Plan (MMP) and full biosecurity plan shall be submitted to and approved in writing with the Local Planning Authority. This plan should set out how the handling, movement and storage of the construction materials including excavated soils are managed and should take account of invasive non-native plant species (INNS) that have been identified on site. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that construction materials and excavated soils are managed effectively and invasive non native plant species are controlled as part of the development in accordance with 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) and NPPF Chp 15

37. Prior to development commencing of each individual plot of the development hereby approved a detailed Construction Traffic Management Plan for the individual plot of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The approved details to shall include provision for

- a. The parking of site operatives and visitors vehicles.
- b. Loading and unloading of plant and materials.

- c. Management of construction traffic and details of construction traffic access routing.
- d. Storage of plant and materials used in constructing the development.
- e. Wheel washing facilities

Construction works to be undertaken in accordance with the approved Construction Traffic Management Plan for the duration of works on each individual plot unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To mitigate any adverse impact from construction traffic on the local highway network and M27. To ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

38. No part of each individual plot of the development hereby permitted shall be first used or occupied until a Framework Operational Management Plan for that plot has been submitted to and approved in writing by Local Planning Authority (in consultation with National Highways). The Operational Management Plan will include, but not be limited to, details of vehicle routing; and measures to manage the demand for vehicle movements during peak periods (Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800)). The development hereby permitted shall then be operated in accordance with the agreed plan for each plot of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To mitigate any adverse impact from the development on the M27 and to ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

39. Prior to the first use or occupation of each individual plot of the development details of the proposals for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the development, including the number of points, their location and a timescale for delivery of the infrastructure and facilities shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details and thereafter retained for that purpose unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

40. No part of each individual plot of the development hereby approved shall be used or occupied unless the measures set out in the Framework Travel Plan SJ.SH.GT.1TB15144-010B R dated 10th December 2021 have been implemented (or implementation of those parts identified in the approved

Travel Plan as capable as being implemented prior to first use or occupation). The approved Framework Travel Plan shall thereafter retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability and to promote the Councils sustainability objectives in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest outside of the National Park.

41. The development shall not commence until a road condition survey of Cracknore Hard from the eastern over-sized vehicle site access to its junction with Normandy Way is submitted to and agreed in writing with the Local Planning Authority. The scope of the survey shall be first agreed with the Local Planning Authority. The findings of the condition survey shall be monitored and reported to the Local Planning Authority at least every 6 months throughout the construction period of the development and any defects or damage attributable to construction activity to be rectified by the developer at their expense within 3 months of the defect being identified unless otherwise agreed by the Local Planning Authority.

Reason: In the interests 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.

42. No part of each individual plot of the development hereby approved shall be used or occupied until a Freight Routing Strategy relating to that plot has been submitted to and approved in writing by the Local Planning Authority. The submitted Freight Routing Strategy shall include detailed information regarding:

- (i) how freight routing would be managed and controlled.
- (ii) when these measures will be introduced
- (iii) how the freight routing would be enforced.
- (iv) a scheme of road freight routing signage

The approved Freight Routing Strategy shall thereafter be retained in perpetuity unless otherwise first agreed in writing by the Local Planning.

Reason: In the interests of highways safety, to minimise HGV trips on the local highway network and in accordance with Policy ENV3 and CCC1 of the Local Plan Part 1 for the New Forest outside of the National Park.

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

MAR-ARP-000-XX-DR-CX-0004 Existing buildings plan

MAR-ARP-000-XX-DR-CX-0003 Site Location Plan

MAR-ARP-000-XX-DR-CX-0025 Planning Application Boundary

MAR-ARP-000-ZZ-DR-CX-0010 Site Clearance and Demolition Drawing

MAR-ARP-000-XX-DR-LD-0001 Landscape Masterplan Site Wide Plan

MAR-ARP-000-XX-DR-CX-0027 Proposed Development Site Wide

MAR-ARP-000-XX-SK-CX-0036 P01.01 Proposed Development Site Wide phasing plan

MAR-ARP-000-XX-DR-CX-0026 Proposed Pavement Layout

MAR-ARP-000-XX-DR-CX-0022 Proposed Fencing Site Wide Plan

MAR-ARP-000_XX-DR-CX-0029 P01.01 Illustrative site Masterplan

MAR-ARP-000-DR-CX-0028 P03 Proposed Development Heights Site Wide Plan Drawing

MAR-ARP-000-XX-DR-CX-0023 Proposed Site Entrance Highway Layout

MAR-ARP-000-XX-DR-CX-0024 P02 Proposed Site Entrance Layout Vehicle Tracking Drawing

MAR-ARP-000-XX-DR-CX-0030 Proposed Highway Layout and New Entrance Drawing

MAR-ARP-000-XX-DR-CX-1003 Proposed Development Site Wide General Arrangement Plan; Sheet 3

MAR-ARP-000-XX-DR-CX-1004 Proposed Development Site Wide General Arrangement Plan; Sheet 4

MAR-ARP-000-XX-DR-CX-1005 Proposed Development Site Wide General Arrangement Plan; Sheet 5

MAR-ARP-000-XX-DR-CX-1006 Proposed Development Site Wide General Arrangement Plan; Sheet 6

MAR-ARP-000-XX-DR-CX-1009 Proposed Development Site Wide General Arrangement Plan; Sheet 9

MAR-ARP-000-XX-DR-CX-1010 Proposed Development Site Wide General Arrangement Plan; Sheet 10

MAR-ARP-000-XX-DR-CX-0002 Cross Section A-A Drawing

MAR-ARP-000-XX-DR-CX-0003 Cross Section B-B Sheet 1 of 3

MAR-ARP-000-XX-DR-CX-0004 Cross Section B-B Sheet 2 of 3

MAR-ARP-000-XX-DR-CX-0005 Cross Section B-B Sheet 3 of 3

MAR-ARP-000-XX-DR-CX-0006 Cross Section C-C Sheet 1 of 2

MAR-ARP-000-XX-DR-CX-0007 Cross Section C-C Sheet 2 of 2

MAR-ARP-000-XX-DR-LD-0002 Landscape Keyplan Sheet 1 of 2

MAR-ARP-000-XX-DR-LD-0003 Landscape Keyplan Sheet 2 of 2

MAR-ARP-000-XX-DR-LD-0101 Planting Plan Sheet 1 of 12

MAR-ARP-000-XX-DR-LD-0102 Planting Plan Sheet 2 of 12

MAR-ARP-000-XX-DR-LD-0103 Planting Plan Sheet 3 of 12

MAR-ARP-000-XX-DR-LD-0104 Planting Plan Sheet 4 of 12

MAR-ARP-000-XX-DR-LD-0105 Planting Plan Sheet 5 of 12

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MAR-ARP-000-XX-DR-LD-0107 Planting Plan Sheet 7 of 12
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 MAR-ARP-000-XX-DR-LD-0110 Planting Plan Sheet 10 of 12
 MAR-ARP-000-XX-DR-LD-0111 Planting Plan Sheet 11 of 12
 MAR-ARP-000-XX-DR-LD-0112 Planting Plan Sheet 12 of 12
 MAR-ARP-000-XX-SH-LD-00005 Planting Schedule
 MAR-ARP-000-XX-DR-LD-0200 Landscape Sections Sheet 1 of 3
 MAR-ARP-000-XX-DR-LD-0201 Landscape Sections Sheet 2 of 3
 MAR-ARP-000-XX-DR-LD-0202 Landscape Sections Sheet 3 of 3
 5737-1-1100 A Security Kiosk Existing Site Plan
 5737-1-1101 Security Kiosk Proposed Site Plan
 5737- 1-1200 Security Kiosk Proposed Plans
 5737-1-1300 A Security Kiosk Proposed Elevations
 5737-4-1100 A Welfare Unit 1 - Site Plans
 5737-4-1200 A Welfare Unit 1 - Plans & Elevations
 5737-5-1100 A Welfare Unit 2 Site Plan
 5737-5-1200 Welfare Unit 2 - Plans & Elevations

Documents:

Design and Access Statement MAR-ARP-000-XX-RP-ZX-00018

Environmental Statement Volume 1

Environmental Statement Volume 2: Appendices

- (i) Archaeological Desk Based Assessment
- (ii) Preliminary Ecological Appraisals 2017 and 2020
- (iii) Ecological Survey Report
- (iv) Statement to inform the Habitat Regulation Assessment
- (v) Geotechnical and geo-Environmental Desk Study
- (vi) Ground Investigation Report (Ref. MAR-ARP-000-XX-RP-CG-00001)
- (vii) Water framework directive Assessment
- (viii) BNG report
- (ix) Lighting Impact Assessment (Ref. MAR-ARP-000-XX-RP-ZX-00014)

Environmental Statement Volume 3: Figures

Environmental Statement Volume 4: Non-technical summary

Lighting Strategy (Detailed Design) Ref MAR-ARP-000-XX-RP-ZX-00015)

Lighting Strategy (Outline Elements) (Ref MAR-ARP-000-XX-RP-ZX-00016)

Transport Assessment SJ.SH.GT.1TB15144-008A Vol 1 – 8 and Additional Transport information submitted on 1TB15144-014 dated 13th December 2021.

Travel Plan SJ.SH.GT.1TB15144-010B R dated 10th December 2021.

Sustainability Statement MAR-ARP-000-XX-RP-ZX-00024

Energy Strategy MAR-ARP-000-XX-RP-ZX-00017

Flood Risk Assessment and Surface Water Drainage Strategy MAR-ARP-000-XX-RP-CD-00001

Foul Drainage and Utilities Assessment MAR-ARP-000-XX-RP-ZX-00023 P01

Arboricultural implications assessment dated July 2020 ref: CBA11331 v1

Topographical Survey SG10/12/198812 01 Rev A;

Planting Plan MAR-ARP-000-XX-SH-LD-00005 1.3

Indicative Tree Protection Plan CBA11331.02 TPP

Navigational Risk Assessment 20-NASH-0116_200_R02-00

Outline Construction Environmental Management Plan (Appendix 7 (1B ES Vol II Appendix A1-A3 Part 3)

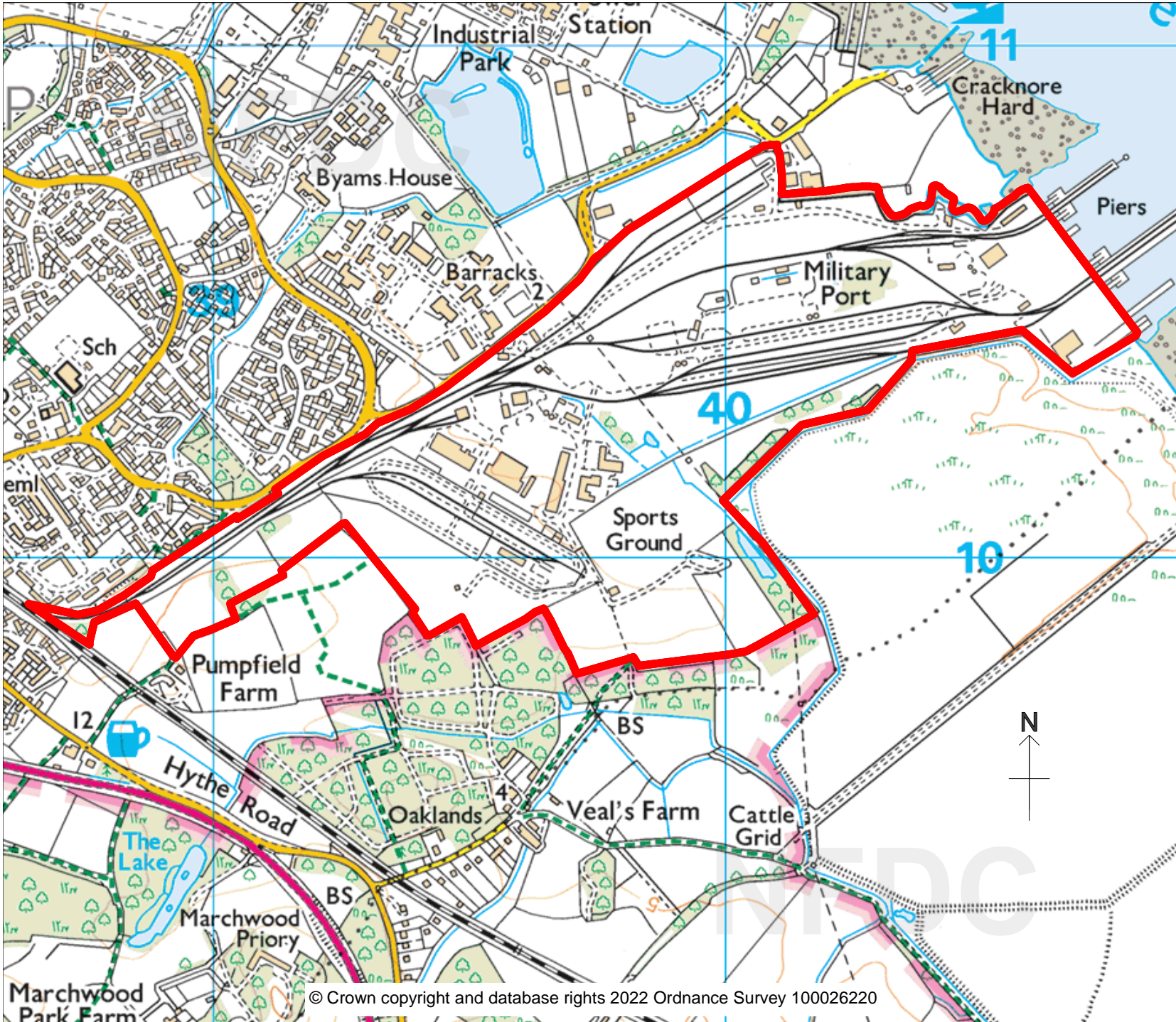
Landscape and Ecological Management Plan Appendix 8 (1B ES Vol II Appendix A1-A3 Part 3)

Reason: To ensure satisfactory provision of the development.

Further Information:

Judith Garrity

Telephone: 023 8028 5434



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New Forest

DISTRICT COUNCIL

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 Regeneration and Economy
 New Forest District Council
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PLANNING COMMITTEE

February 2022

Marchwood Military Port
 Cracknore Hard
 Marchwood
 21/11156

Scale 1:10500

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

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Planning Committee 09 February 2022

Application Number: 21/11711 Variation / Removal of Condition

Site: LAND ADJACENT AUTUMN LODGE, NORTH ROAD,
DIBDEN PURLIEU, HYTHE SO45 4RF

Development: Variation of Condition 2 of Planning Permission 16/11569 to allow amendments to Plot 1, entailing alterations to roof, additional roof lights and increase of glazing on first-floor

Applicant: Broadsword Group

Agent: Obarchitecture

Target Date: 15/02/2022

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Scale, design & materials
- 2) Impact on the existing character of the surrounding area
- 3) Impact on the amenity of neighbours
- 4) Parking
- 5) Additional impacts and effects in respect of Habitats Mitigation

This application is to be considered by Committee because of the PAR 4 objection received from Hythe & Dibden parish council (details at section 6 below).

2 SITE DESCRIPTION

The application relates to Plot 1 of an existing development site known as 'Land adjacent to Autumn Lodge, North Road, Dibden Purlieu' whereby the construction of 2 new detached dwellinghouses was approved on 08.03.2017 under planning reference 16/11569.

Plot 1 is now substantially complete but, it is understood, is not finished or occupied.

Plot 1 has not been built in accordance with the approved plans (16/11569) - following the recent appeal dismissal of planning application 20/11328, the current S73 application seeks to amend the 'as built' development by revisions to the roof form to result in an acceptable form of development in the light of the comments and conclusions of the Planning Inspector.

3 PROPOSED DEVELOPMENT

The application is made under Section 73 of the TCPA and seeks amendments to the roof form of plot 1, including additional roof lights and an increase of glazing to the first floor, as detailed in the submitted application documentation.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/11328 Variation of condition 2 of Planning Permission 16/11569 to allow amendments to Plot 1, entailing development into roof, additional roof lights and increase of glazing to first floor	22/01/2021	Refused	Appeal Decided	Appeal Dismissed
16/11569 Two houses; access; parking; landscaping	08/03/2017	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

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

Plan Area

Tree Preservation Order: 31/01/T1

Plan Policy Designations

Built-up Area

6 PARISH COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. Looking at the request to remove the condition of planning consent, the Council cannot support this. The intention to build higher in to the property, and up to the second floor is a concern to the Committee due to the height and impact on the neighbouring properties in Cleveland Drive and Autumn Lodge. The height of the property and overlooking, perceived or otherwise, are not acceptable and having a three level property is inconsistent with the wider streetscene and surrounding area. This is considered to be overdevelopment and the height and design is not reflective of the neighbouring properties and is fundamentally different from the character and appearance of neighbouring properties. Furthermore, the design will specifically have an impact on the smaller and more historic properties such Rudbeckia which is 100 years old. Also, there remains concerns over parking for plot 1, especially with an additional bedroom being added.

This property is already considered by the Parish Council to be overtly visible from the road and any additional development will not counter this. Also, the Council's concerns over parking remain with limited space for parking and construction vehicles in development. The addition of a bedroom may bring extra concerns over unneighbourly or inappropriate parking on the road.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist

No comments from an ecological perspective

9 REPRESENTATIONS RECEIVED

One third party representation has been received, objecting to the proposal on grounds including overbearing and excessive scale, overlooking from a rear window.

10 PLANNING ASSESSMENT

Background to the current application

The application relates to Plot 1 of an existing development site known as 'Land adjacent to Autumn Lodge, North Road, Dibden Purlieu' whereby the construction of 2 new detached dwellinghouses was approved on 08.03.2017 under planning reference 16/11569.

Plot 1 has not been built in accordance with the approved plans (16/11569) - following the recent appeal dismissal of planning application 20/11328, the current S73 application seeks to amend the 'as built' development by revisions to the roof form to result in an acceptable form of development in the light of the comments and conclusions of the Planning Inspector.

The NFDC reasons for refusal of the current 'as built' form of plot 1 (under planning reference 20/11328) were as follows:

1 The proposed amendment to the dwelling on Plot 1, comprising the infilling and creation of second floor accommodation within the area between the approved transverse roofs, adds significant additional bulk and mass to an already relatively large detached house. The additional scale, mass and bulk at second floor level would result in an excessively dominant and poorly proportioned flat topped roof that would thereby be discordant with the existing character of adjoining properties and that of the surrounding area. In these respects, the proposed development is considered to be a poor and incongruous design, contrary to Policy ENV3 of the New Forest District Local Plan Part One which requires all development to achieve high quality design that contributes positively to local distinctiveness and which enhances the character and identity of the locality.

2 The proposed amendment to the dwelling on Plot 1, comprising the infilling and creation of second floor accommodation within the area between the two transverse roofs, adds significant bulk and mass to this property, and the effect of the infilled area is to present a building of a dominant three-storey scale and mass when viewed from the context of the curtilage of the closest neighbouring properties to the south-east and north-west. Consequently, the proposed development would have undue overbearing and oppressive impacts on the amenities of those neighbouring properties, to the detriment of the amenities of their occupants. In these respects the proposed development is considered harmful and contrary to Policy ENV3 of the New Forest District Local Plan Part One which requires development to avoid unacceptable effects on residential amenity.

3 The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational pressures on these sensitive European nature conservation sites. As such, the proposal would be contrary to Policy ENV1 of the New Forest District Local Plan 2016-2036 Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

The subsequent appeal to the Planning Inspectorate against the refusal of 20/11328 (Appeal Ref: APP/B1740/W/21/3271758) was dismissed, whereby the Planning Inspector found the main issues were the effect of the changes on the character and appearance of the surrounding area and the living conditions of neighbouring residents, with particular regard to outlook.

The Inspector considered the appeal development (as built) had increased the bulk and massing of the roof to a harmful degree, by giving the property an overtly three-storey scale. This, the Inspector considered, results in a development which, by reason of its excessive bulk and massing, as well as its incongruous design, appears out of character and fails to reflect the prevailing pattern of development in the surrounding area. The Inspector considered the addition of slate vertical tile hanging would do little to minimise the harm caused by the flat roof element.

It is of particular significance that the Inspector, in considering the impact on adjoining neighbours, considered the relationship between the dwelling on Plot 1 and the properties situated either side remained largely unchanged, as the footprint of the house in its complete form would not increase. The Inspector opined the changes as then proposed did not affect the outlook from within the neighbouring properties, but are clearly visible to their occupiers, particularly from their private rear

garden. The Inspector concluded the additional bulk and massing was not such that it could be considered overbearing or oppressive, or to the extent that it caused unacceptable harm for neighbouring residents.

It is therefore a material consideration in the determination of the current planning application that the Planning Inspector considered the 20/11328 scheme did not adversely affect the living conditions of the occupiers of neighbouring properties, but did cause considerable harm to the character and appearance of the surrounding area.

Scale, design & materials and Impact on the character of the surrounding area

Plot 1 is sited towards the front (North East) of the site, close to the Eastern side boundary with 'Rudbeckia'. Plot 1 is the larger of the two approved dwellings within the site and was approved as a detached two storey dwelling with twin, gabled transverse pitched roofs over. Within the limited space of the roof void of the rearmost of the twin transverse roofs was a single modest bedroom with en-suite.

Plot 1 has not been built in accordance with the scheme approved under 16/11569 - the differences between the approved scheme and the 'as built' include the infilling of the area between the transverse roof ridges by the creation of tile-hung walls to the north-west and south-east sides of the dwelling at second floor level, thereby enclosing the previous open area between the twin transverse roofs, with the creation of a flat roof over.

It is acknowledged that these changes result in the creation of an additional area of second floor accommodation, served by 5 x rear facing rooflight windows, 4 x front facing rooflight windows and the (as previously approved) second floor casement window in the NW elevation, and that the 'as built' form of the roof has increased the bulk and massing of the roof to a harmful degree, by giving the property an overtly three-storey scale. This results in a development which, by reason of its excessive bulk and massing, as well as its incongruous design, appears out of character and fails to reflect the prevailing pattern of development in the surrounding area.

The current application seeks to amend the 'as built' roof form by introducing hipped elements to the NE and SW sides, whilst retaining the two transverse ridge elements as originally approved under 16/11659.

The overall height of the roof thereby does not exceed the height originally approved, however the 'as built' mass and bulk of the roof would be significantly reduced in volume (and in perception from views within the surrounding area) by the loss of the vertical sides infilling between the transverse ridge elements, thereby reducing the bulk, massing and consequent visual impact of the roof, it is considered, to an appropriate and acceptable degree.

The other 'as built' amendments to fenestration, detailing and the changes in external materials are minor and are considered acceptable (see also the amenity section below).

In these respects, the revised development as now proposed is considered acceptable in terms of impact on the character of the surrounding area and thereby accordant with Policy ENV3 of the NFDC Local Plan Part One which requires all development to achieve high quality design that contributes positively to local distinctiveness, quality of life and to enhance the character and identity of the locality.

Impact on the amenity of neighbours

The sitting and footprint of Plot 1 as built is as originally approved under planning reference 16/11569. In addition to amendment to the roof form, the current application seeks amendments over the originally approved scheme as follows:

- Additional 2 x rooflight windows within the front facing roof plane
- Changes to external materials and finishes
- Addition of 5 x rooflight windows within the rear facing roof plane
- Minor amendments to fenestration

To safeguard the privacy of the adjoining neighbouring properties, condition 12 of the original planning approval 16/11569 requires obscure glazing to specified side windows as follows:

- a) the first floor bathroom and en-suite windows on the north-west side elevation of the approved dwelling on Plot 1.
- b) the second floor en-suite window on the north-west side elevation of the approved dwelling on Plot 1.
- c) the first floor en-suite window on the south-east side elevation of the approved dwelling on Plot 1.

The above requirements remain relevant and will continue to apply (via condition).

In assessing the appeal scheme (20/11328) the Inspector noted *'No concerns have been raised by the Council regarding the changes to the elevational treatment of the dwellings, and there are no reasons for me to reach an alternative view'*.

Additionally, the Inspector commented at paragraph 10 of the Appeal Decision that the development (appeal scheme) does not adversely affect the living conditions of the occupiers of neighbouring properties (the only adverse impact of the scheme being on the character and appearance of the surrounding area).

A third party representation has been received from an adjoining neighbour, objecting to the proposal on grounds including overbearing and excessive scale, and overlooking from a rear window.

Having regard to the windows and openings within the rear facing elevation of plot 1 as previously approved under 16/11569, the amount of first floor fenestration in the current application is reduced over that previously approved. Therefore, taking into consideration the very close similarity (and reduction) in terms of proposed fenestration within the rear facing elevation of the current proposal to that of the originally approved rear elevation under 16/11569, it is considered there would be no undue additional overlooking of adjoining properties such as to warrant the refusal of the application on neighbour amenity grounds.

Parking

The application does not seek to amend the approved parking layout, which is considered to still be an acceptable level of on-site parking for the scale of development proposed.

The parish council have raised parking as an issue on the basis of the additional accommodation provided at second floor level, however the site/plot is relatively spacious in size and has sufficient outdoor space within the frontage to provide for at least three on-plot parking spaces. This accords with the Council's adopted Parking Standards SPD for dwellings with 4 or more bedrooms.

Additional impacts and effects in respect of Habitats Mitigation

It is necessary that this proposal secures habitat mitigation measures in line with policy. The mitigation measures that were secured in connection with the 2017 planning permission should apply equally to this proposal.

However, because this proposal is made under S73 of the Town and Country Planning Act, the effect of granting such an application would be the issuing of a new planning consent to which the 2017 legal agreement would not refer or relate.

Therefore it is important that the habitat mitigation requirements for Plot 1 are repeated (amended to reflect current contribution requirements which have changed since 2017) in a new legal agreement to ensure they can continue to be delivered.

Mitigation of impacts on the New Forest European sites have not materially changed since 2017 (noting that the dwelling will remain as a 4 plus bedroom dwelling). There is, however, now a greater mitigation contribution that applies to the Solent European sites, and due to the materiality of the change and the resulting additional accommodation, it is considered appropriate that the dwelling on Plot 1 secures a mitigation contribution that reflects current policy expectations.

A new S106 legal agreement (or unilateral undertaking) would be required to address and adequately mitigate the impacts described above to include the additional contributions.

Developer Contributions

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

- Infrastructure contribution of £5,786
- Non-infrastructure contribution of £920
- Bird Aware Solent contribution of £940
- Air quality monitoring contribution of £85

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	247.14	247.14	0	0	£80/sqm	£0.00 *
Dwelling houses	168.84	168.84	0	0	£80/sqm	£0.00 *
Dwelling houses	68.16		68.16	68.16	£80/sqm	£6,962.81 *
Subtotal:	£6,962.81					
Relief:	£0.00					
Total Payable:	£6,962.81					

11 CONCLUSION

The development proposed sets out revisions over the previously refused scheme (20/11328) which are considered to overcome the previous reasons for refusal and subsequent dismissal of the previous application at appeal.

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 contributions in respect of habitats mitigation, and
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

160-P-01 - LOCATION AND BLOCK PLAN
160-W-20 - GROUND FLOOR GENERAL ARRANGEMENT PLAN PLOT 1
160-W-21 REV A - FIRST FLOOR GENERAL ARRANGEMENT PLAN PLOT 1
160-W-23 - GROUND FLOOR GENERAL ARRANGEMENT PLAN PLOT 2
160-W-24 - FIRST FLOOR GENERAL ARRANGEMENT PLAN PLOT 2
160-W-27 - ROOF PLAN PLOT 2
160-W-41 REV A - ELEVATIONS PLOT 2
160-W-25 - SECOND FLOOR GENERAL ARRANGEMENT PLAN PLOT 2
160-W-15 REV A - SITE SECTION AND SETTING OUT
160-P-109A-OBA A3 - STAGE 1-3_COMPRESSED PLOT 1
160-P-104A-OBA A3 - STAGE 1-3_PROPOSED SECOND FLOOR PLAN
160-P-107A-OBA A3 S- TAGE 1-3 PLOT 1 PROPOSED ELEVATIONS

Reason: To ensure satisfactory provision of the development.

2. 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.

3. The external facing materials for the amended areas of roofing 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.

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

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

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 CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. The development shall be carried out in accordance with the previously agreed details of biodiversity mitigation and compensation measures (as submitted and agreed for 16/11569). These measures shall include a reptile hibernacula feature and ecological supervision of site clearance, provision of bat roosting opportunities, and measures to assist the permeability of the site to wildlife. The approved measures shall thereafter be implemented and maintained in accordance with agreed details.

Reason: To safeguard biodiversity interests in accordance with saved Policy DM2 of the Local Plan Part 2 for New Forest District outside of the National Park.

7. The development hereby permitted shall not be occupied until the approved spaces/areas for the parking and turning of motor vehicles have been provided. These spaces / areas shall be retained and kept available for the parking and turning of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and amenity.

8. Development shall be carried out in accordance with the previously approved (16/11569) details of the provision that is to be made for the parking of cycles. The approved cycle parking facilities shall be provided before the development is first occupied and shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking provision is provided for the development.

9. The following windows shall at all times be glazed with obscure glass:
- a) the first floor bathroom and en-suite windows on the north-west side elevation of the approved dwelling on Plot 1.
 - b) the second floor en-suite window on the north-west side elevation of the approved dwelling on Plot 1.
 - c) the first floor en-suite window on the south-east side elevation of the approved dwelling on Plot 1.
 - d) the first floor bathroom and stairwell windows on the north-west side elevation of the approved dwelling on Plot 2.
 - e) the second floor stairwell window on the north-west side elevation of the approved dwelling on Plot 2.
 - f) the second floor en-suite window on the south-east side elevation of the approved dwelling on Plot 2.

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

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

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

Further Information:

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New Forest DISTRICT COUNCIL

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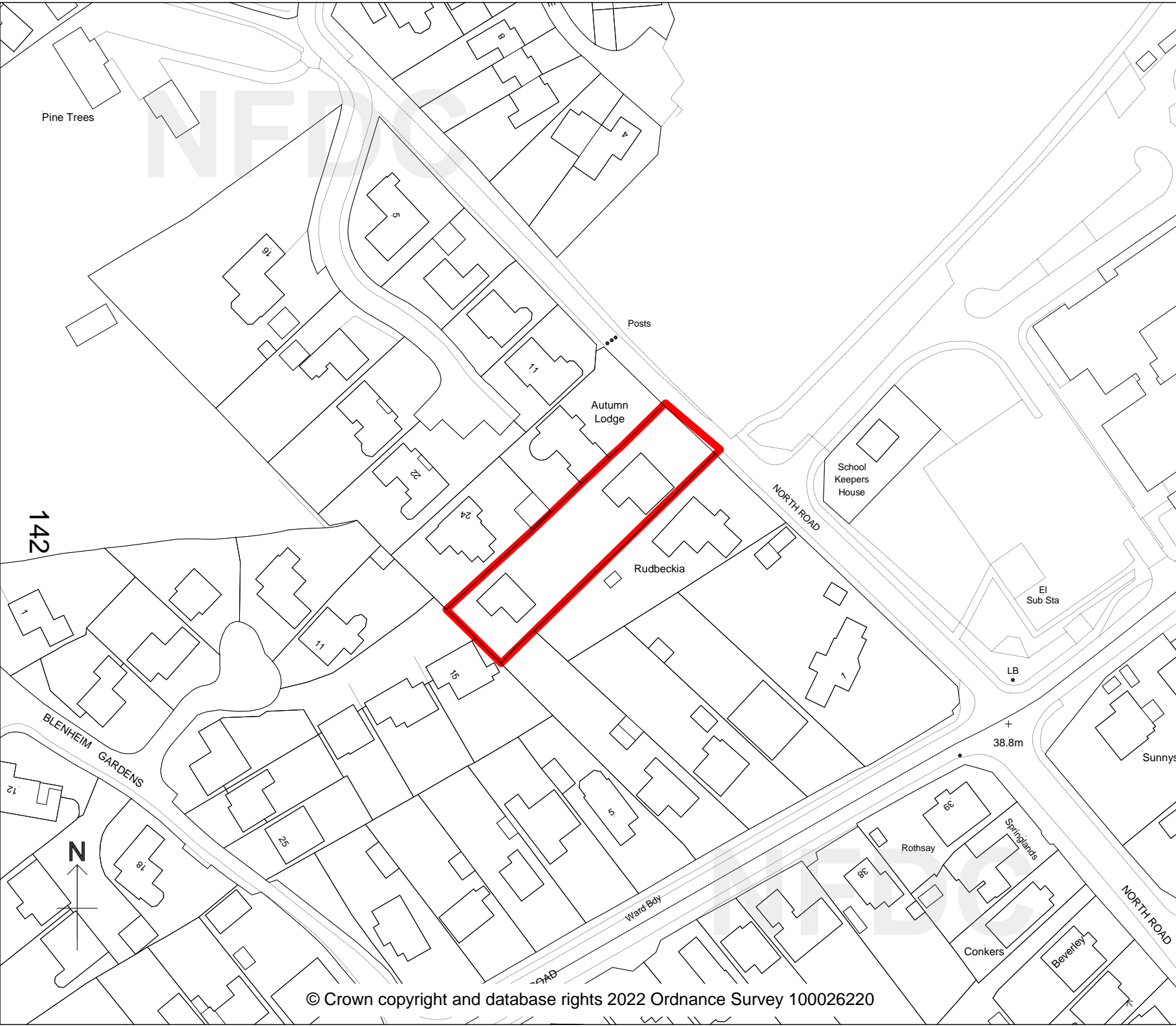
PLANNING COMMITTEE

February 2022

LAND ADJACENT AUTUMN LODGE
NORTH ROAD, DIBDEN PURLIEU
HYTHE SO45 4RF
21/11711

Scale 1:1250

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



Planning Committee 09 February 2022

Application Number: 21/11538 Full Planning Permission

Site: 207-209 LONG LANE, HOLBURY, FAWLEY SO45 2PD

Development: 4 Semi detached houses with parking; demolition of existing buildings

Applicant: CR Aquisitions Ltd

Agent: Anders Roberts & Assoc

Target Date: 10/01/2022

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle
- 2) Design, site layout and impact on local character and appearance of area
- 3) Highway safety, access and parking
- 4) Residential amenity
- 5) Ecological impact and habitat mitigation (including nitrates)

This application is to be considered by Committee because of the objection received from Fawley parish council.

2 SITE DESCRIPTION

The application site is located within the defined built-up area.

The area is characterised by a mix of residential development, with a bungalow at No 211 and a semi-detached 2 storey house at No 205. The wider area includes the Esso sports ground, a school, and a local shopping frontage to the south. To the rear is a residential development that is under construction. There are trees to the rear boundary located outside of the application site.

The site is relatively level, located on the slip road off Long Lane just before the end of the cul-de-sac. The frontage is currently hard surfaced with a central grassed area. The site is occupied by a garage and retail shop with workshops to the rear .

The buildings on the site are now vacant and a workshop, a number of shed and outbuildings on the site are all derelict.

3 PROPOSED DEVELOPMENT

The application proposes the demolition of the existing buildings on the site and construction of two pairs of semi-detached dwellings on the frontage with associated parking and access.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10622 Demolish existing building and erect terrace of 4 No 3 bed houses and pair of semi detached 2 bed chalet bungalows to the rear with parking (Outline application with details only of access, appearance & layout)	04/09/2020	Undetermined	Appeal Decided	Appeal Dismissed
09/93552 Single-storey front & rear extension; store; workshop; demolition of existing out buildings	04/03/2009	Granted Subject to Conditions	Decided	
08/92881 Single-storey front & rear extension; store; workshop; demolition of existing	29/10/2008	Withdrawn by Applicant	Withdrawn	
08/91811 Single-storey rear extension; detached garage/workshop	14/04/2008	Granted Subject to Conditions	Decided	
08/91725 Use as motorcycle retail showrooms with workshop/ MOT repair facility (Lawful Use Certificate for retaining an existing use)	26/03/2008	Was Lawful	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
Policy ECON2: Retention of employment sites and consideration of alternative uses
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 STR1: Achieving Sustainable Development
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

SPD - Parking Standards
Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

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

HSE Consultation Zone
Plan Area

Plan Policy Designations

Built-up Area

6 PARISH COUNCIL COMMENTS

(No 4) We recommend refusal as the parish council considers this to be over development, the proposals are too close to the adjacent properties.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist

I have no objections subject to mitigation and enhancement measures being secured. I would however agree with the representation made by Hampshire Swifts in their letter dated 26/11/2021 that one swift brick per dwelling would be appropriate. This is in line with emerging NFDC policy and I would recommend securing this level of provision by condition.

Hampshire Swifts

Request that each of the four houses has an integrated Swift brick.

HSE

Do not advise against

HCC Highways

No objections, standard comment re possibility of further agreement/consent required with HCC re provision of dropped kerbs.

Environmental Health Contaminated Land, Appletree Court

No objection in principle, subject to a condition

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Representations from three third parties have been received (including multiple representations from the same parties). Objections received refer to too many dwellings proposed on the site, Highway/traffic/parking concerns, overlooking, overshadowing and excessive scale have been raised as concerns, position of existing drains, existing and proposed boundary treatment concerns.

One representation was in support of the redevelopment of the land, but raised concerns with respect to access and parking provision.

For: 0; Against: 3

10 PLANNING ASSESSMENT

Principle of Development

The application site is located within the defined 'built-up' area of the settlement of Fawley, where development and redevelopment are acceptable in principle, subject to accordance with the relevant policies of the Development Plan and other local and national planning policy guidance.

In particular in this case, the principle of the use needs to be considered in the light of local plan policy ECON2 which seeks to retain employment uses. The premises on the site have been vacant for some time, and it was evident on officer site visits that the existing buildings were in generally poor condition, the workshops to the rear were dilapidated and the site to the rear was very overgrown.

Policy ECON2 (ii) provides for the loss of employment uses if it is demonstrated that it is no longer suitable for continued use or viable to refurbish the buildings for an alternative employment use. Proportionate evidence is required to show that the condition of the building makes it unsuitable and/or the site has been actively marketed for employment use on unrestricted terms for a minimum of 12 months. The agent has confirmed that the existing shop has been vacant since 31st December 2018 and that it has been marketing the unit, but there has been no interest for a commercial use on this site. However, this marketing information has not been submitted. As the evidence to demonstrate that the marketing has been done has not been submitted as part of the planning application, it is not possible to say that the application accords with part ii.b of Policy ECON2.

However, it is the officer's assessment that the site has been vacant since 31st December 2018, that the condition of the site and building render it unsuitable for its present or any other realistic or appropriate employment use, and it would not appear to be viable to refurbish or redevelop the site for an alternative employment use. Furthermore, the site is constrained in terms of ongoing commercial uses as it adjoins residential properties to all boundaries, whereby future commercial uses, if not adequately controlled, may have adverse impact(s) on neighbouring amenity.

On the above basis, it would be difficult to sustain an objection on the basis of Policy ECON2. As such, the loss of the employment use and the principle of residential use on the site is considered to be acceptable. The loss of the garage use and redevelopment of the site in an appropriate way could have a positive benefit to the locality.

Consequently, the proposed development is considered acceptable in principle.

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.

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

The current application follows a previous refusal of an outline planning application (only matters of access, appearance, and layout to be determined) for residential redevelopment of the site for *'demolish existing building and erect terrace of 4 No 3 bed houses and pair of semi-detached 2 bed chalet bungalows to the rear with parking'* under planning reference 20/10622. This application was the subject of a non-determination appeal to the Planning Inspectorate (Appeal Ref: APP/B1740/W/20/3258886) and was subsequently dismissed.

The Inspector considered the main issues for consideration were the effects of the proposal on; a) The character and appearance of the area and b) living conditions with particular regard to the occupants of the adjoining properties in respect of overlooking; and, whether satisfactory living conditions would be created for occupants of the proposed dwellings.

The appeal failed and was dismissed on grounds primarily relating to the provision of the proposed pair of semi-detached dwellings to the rear (referred to as Block B) having an unacceptable relationship to surrounding dwellings.

The current application differs significantly to the previously refused scheme under 20/10622 as it is a full application which proposes two pairs of semi-detached dwellings aligned and orientated as a continuation of the existing pattern of development within the street scene running between numbers 205 and 211 Long Lane and preserving the distance to, and relationship with the street at the front (NE) and providing the proposed dwellings with proportionate, linear rear gardens extending to the SW.

The current proposal is also considered appropriate and sympathetic to the two storey scale and mass of existing dwellings to the immediate south and accordant with the character of the surrounding area in terms of the rhythm, pattern and spacing of existing development along Long Lane.

Highway safety, access and parking

The existing access is considered to be appropriate for the development, and the level of traffic generated by the proposed development is not material when considered against the existing use on the site or in isolation.

Eight proposed parking spaces are shown and no cycle parking provided on site. Cycle parking provision could be secured by condition. NFDC parking standards require 2.5 on plot parking spaces per 3 bed dwelling if allocated, or 1.9 per dwelling if unallocated.

Consequently, there would be a shortfall of parking provision on the site if parking spaces are allocated to the adjacent corresponding dwellings (as could be expected) however, notwithstanding this, although the proposed parking could in this way notionally fail to meet the required standards, this under provision is not considered significant enough to substantiate a reason for refusal on these grounds given the level of on street parking available close to the site.

HCC Highways have commented on the proposal and raise no Highway objection, with the following comments:

'Additional plans have been submitted demonstrating that this is an extension to the existing dropped kerbs, therefore the Highway Authority have no objections to this application. It is noted that the extension of this dropped kerb will result in a dropped kerb over 10m in length, which may result in a minor S278 being needed. For more information please see Hampshire County Councils website.'

'Furthermore, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway.'

The proposed development is considered acceptable in terms of access, parking and Highways safety.

Residential amenity

The proposed development would replace the existing, dilapidated former commercial buildings with two pairs of proportionately scaled semi-detached dwellings that would continue the existing pattern of residential development along this part of Long Lane. In common with existing dwellings on either side, the proposed dwellings would front onto Long Lane to the NE and have proportionate, linear rear gardens extending to the SW.

The proposed dwellings would be of two storey form and typical layout for three bedroom dwellinghouses, with living room/kitchen & family rooms on the ground floor and three bedrooms and a bathroom at first floor level.

Side facing windows are limited to single small casement windows - one at ground floor level serving the living room and one at first floor level serving the bathroom. The first floor side facing bathroom windows are to be obscure glazed and non-opening below 1.7m above internal finished floor level in order to preserve the amenity of adjoining properties. It would not be usual to require ground floor side windows to be obscure glazed, as permitted development rights would allow the erection of a boundary fence or wall up to a height of 2 metres along the side boundaries between adjacent dwellings.

The relationship of the site with the side boundary of number 211 Long Lane is such that the side facing elevation of number 211 forms the immediate side boundary of the application site, and this side wall of number 211 contains a number of casement windows at ground floor level opening directly onto the application site.

Currently these side facing windows face into the side gap (approx. 2.3m) between number 211 and the opposing two storey side facing elevation of the main existing building within the application site. The occupiers of number 211 have objected to the proposed development on grounds including loss of light and privacy to these side facing windows. The proposed development would replace the existing two storey building with the proposed two storey side elevation of one of the dwellings, thereby reducing the separation distance to approx. 1.9m. All of the land within the gap between the proposed northernmost new dwelling and the side facing elevation of number 211 is understood to be within the applicant's ownership and control. It is a materials planning consideration that permitted development rights would allow for the erection of a fence or wall directly along this boundary up to a height of 2 metres (although this is not proposed as part of the application).

It is accepted that there is no private "right to a view", that the planning system should protect, but with respect to loss of light, a right to light is generally a civil matter and is separate from daylight and sunlight as considered by Local Planning Authorities and as such is not usually a matter taken into consideration in the determination of planning applications. Rights of light can affect both domestic and non-domestic properties – even non habitable rooms are capable of enjoying a right of light. In England and Wales a right to light is usually acquired under the Prescription Act 1832. Under the Act a right to light usually occurs once light has been enjoyed through defined apertures of a building for an uninterrupted period of 20 years.

Taking into consideration the existing situation whereby a two storey side wall is already in close proximity to the opposing side casement windows within number 211, and taking into consideration the availability of permitted development rights for the erection of a wall or fence up to 2m in height adjacent to these windows, it is considered the effect of the proposed development on privacy and light to these windows would constitute an insufficient basis on which to refuse the application.

The site is located within the Fawley Refinery/high pressure consultation zone. HSE have been consulted but do not advise against planning permission being granted in this instance.

Ecological impact and habitat mitigation (including nitrates)

On Site Biodiversity and protected species

The applicant has submitted an Ecology Survey Report for the site, in which a scheme of ecological mitigation and enhancements to provide a biodiversity net gain (BNG) for the development is set out.

The submitted Ecology Survey and scheme of BNG has been considered by the Council's Ecologist who raises no objection, subject to additional Swift bricks being provided (one for each new dwelling). 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 would be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £20,620
- Non-infrastructure contribution of £2,996
- Bird Aware Solent contribution of £2,724
- Air quality monitoring contribution of £340

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	342	0	342	342	£80/sqm	£34,936.62*
Subtotal:	£34,936.62					
Relief:	£0.00					
Total Payable:	£34,936.62					

11 CONCLUSION

The proposed development would constitute a sustainable form of residential redevelopment of the site that is considered acceptable in principle having regard to local plan policy and local and national planning policy guidance.

The proposal would not adversely affect the character of the surrounding area and would not result in undue detriment with respect to the amenity of adjoining neighbours.

Subject to the developer contributions set out above, the impacts of the proposed development on European sites would be adequately mitigated.

12 RECOMMENDATION

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) to secure appropriate contributions in respect of habitats mitigation, and
- the imposition of the conditions set out below.

Proposed Conditions:

- 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:

203A STREET SCENE AND EXISTING PLANS
201A UNITS 1 AND 2
202A UNITS 3 AND 4
200 REV C AMENDED SITE PLAN
204 REV B AMENDED INDICATIVE DRAINAGE PLAN
ECOLOGY REPORT (Philip Smith Conservation Consultant, Nov 2020)

Reason: To ensure satisfactory provision of the development.

3. No development shall take place until a site investigation of the nature and extent of contamination has been carried out to the standards described in BS10175: 2011 which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If the site is required to be remediated a validation report shall be submitted to and approved in writing by the local planning authority prior to occupation.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures, including validation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors 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). The site has previously been used for the sale and repairs of motorcycles that is likely to have included potential contaminative activities such as fuel spillages and leaks. It is the responsibility of the developer to ensure the site is safe and suitable for the proposed use, which in this case is sensitive with regards to residential properties with gardens.

4. Development shall be carried out in accordance with the mitigation and enhancement measures set out within the submitted Ecology Report (Philip Smith Conservation Consultant, November 2020) and in addition to the mitigation and enhancement measures set out in the report, one swift Eco habitat brick shall be incorporated into each of the new dwellings prior to first occupation.

Reason: In the interests of nature conservation and to provide an appropriate level of biodiversity net gain for the development, in accordance with saved local plan policy DM2 and the NFDC Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021).

5. 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.

6. The first floor side facing bathroom window(s) on each of the approved dwellings shall be:

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and those windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

8. The development shall not be first occupied until

- (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
- (b) these means of enclosure have been implemented in accordance with the details thus 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.

9. 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.

10. The development hereby permitted shall not be occupied until the spaces shown on the approved plan (FB7425/200 rev.C) for the parking of motor vehicles have been provided. The spaces shown on the approved plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

11. Prior to the commencement of development above ground level, details of a scheme for the provision of cycle storage facilities for the development (consisting of 2 cycle storage spaces per dwelling) shall be submitted to and agreed in writing by the local planning authority. The agreed cycle storage scheme shall be provided on site before first occupation of the dwellings hereby approved, and shall thereafter be retained for its intended purpose at all times.

Reason: To ensure adequate cycle parking provision, and in the interests of sustainable development.

12. 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.

Further Information:

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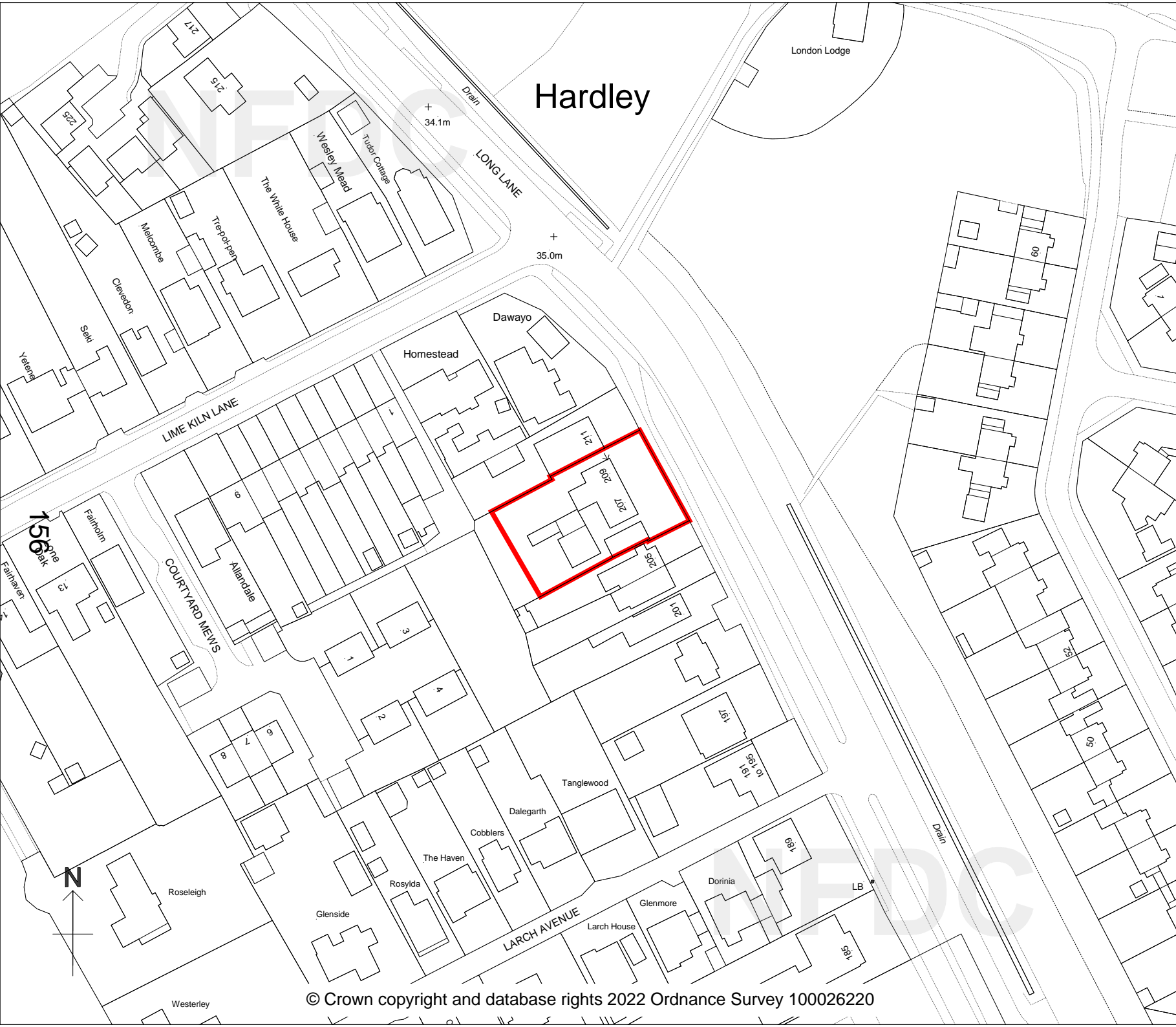
PLANNING COMMITTEE

February 2022

207-209 LONG LANE
HOLBURY
SO45 2PD
21/11538

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scale.



Planning Committee 09 February 2022

Application Number: 21/11667 Full Planning Permission

Site: THE PILGRIM INN, HYTHE ROAD, MARCHWOOD SO40 4WU

Development: Form new timber framed pitched roof structure with timber cladding and Cedar roof shingles; new paving below new structure; heating & lighting within structure

Applicant: Fullers Smith & Turner Plc

Agent: Newman Gauge

Target Date: 07/02/2022

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the proposed development
- 2) Scale, design, materials and impact on the character of the surrounding area
- 3) Amenity considerations
- 4) Access, parking and Highway safety considerations
- 5) Trees

This application is to be considered by Committee because of the objection from Marchwood parish council.

2 SITE DESCRIPTION

The application relates to an open area to the front (north) of the Pilgrim Inn, adjacent to Hythe Road, Marchwood.

The site of the proposed new structure forms part of the existing outdoor seating area at the front of the pub, where a variety of tables, benches and existing structures provide customer seating.

There are a number of trees in the area surrounding the site of the proposed structure. There are TPO protected trees situated adjacent to the site further to the west.

The application site is adjacent to (but outside of) the built-up area to the west, but is not within the designated Green Belt.

The Pilgrim Inn is not a listed building but is considered to constitute a non-designated heritage asset. The application site is not within a designated Conservation area.

3 PROPOSED DEVELOPMENT

The application is in part retrospective and proposes amendments to the existing 'as built' structure which is currently unauthorised.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11092 Form new timber framed pitched roof structure with timber cladding and Cedar roof shingles; new paving below new structure.	20/09/2021	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON1: Employment land and development
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy IMPL2: Development standards
Policy STR1: Achieving Sustainable Development
Policy STR8: Community services, Infrastructure and facilities

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

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

Plan Area
Tree Preservation Order: 1243/T1

Plan Policy Designations

Housing
Built-up Area

6 PARISH COUNCIL COMMENTS

Marchwood Parish Council

Marchwood Parish Council would like to raise a strong objection to this application and lists the following material planning considerations.

This application should be listed as retrospective in nature as there has already been a building constructed at the site.

Planning application 21/11092 received permission in September 2021. This permission required any building that was constructed at the site to follow the design, dimensions, construction method and to use the materials highlighted in the following planning documents accompanying that application.

2884-202 PROPOSED BLOCK PLAN
2884-201 PROPOSED SITE PLAN & ELEVATIONS
2884-100 SITE LOCATION PLAN
Arboricultural Impact Assessment and Tree Protection Methodology (JFA Environmental Planning 27.08.21).

The National Planning Policy Framework says that the creation of high quality, attractive and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The current application fails this test as the Parish Council does not consider it to be of high quality.

It is not attractive and by varying the design of the building from that of the previous application 21/11092 any proposal would not be seen as being sustainable.

The National Planning Policy Framework also says that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

The Parish Council is of the opinion that the current proposal will neither function well nor add to the overall quality of the area.

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

The Parish Council is of the opinion that the current proposal will not be visually attractive and is most certainly not good architecture

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

The Parish Council is of the opinion that the current proposal is not sympathetic to the local character of the area and is not sympathetic to the existing built environment.

d) 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;

The Parish Council is of the opinion that the current proposal does not help to establish or maintain a strong sense of place.

If the building is constructed using the materials proposed it will not create an attractive, welcoming and distinctive place to visit.

The Parish Council raised no objection to the previous planning application 21/11092. We would be happy to see the building built as proposed by that application.

We also comment the there is also an open enforcement case at this site dealing with a potential breach of planning for a building that does not resemble the proposed buildings listed in planning application 21/11092 or of that proposed by this application.

Members would like this application to be dealt with by the Development Control Committee if the delegated officer is minded to grant permission.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation officer

As proposed the scheme has some impact on setting of the non-designated heritage asset which in line with the NPPF can be balanced with any identified public benefits.

Southern Water

Standard letter of advice

HCC Rights of Way

Public Rights of Way are unaffected by the proposals. We therefore have no objection.

HCC Highways

Due to there being no changes to the existing access, the Highway Authority have no objections to this application.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Thirteen representations were received, objecting to the application on grounds including:

- Adverse visual impact
- Detrimental impact on setting of historic pub
- Unauthorised development
- Excessive scale
- Not in keeping

For: 0

Against: 13

10 PLANNING ASSESSMENT

Principle of the proposed development

The principle of erecting a structure to provide ancillary space for the public house was approved in September 2021

The application site is adjacent to (but outside of) the built-up area to the west, but is not within the designated Green Belt.

The application relates to the curtilage of a well established public house and proposes the improvement of existing outdoor seating facilities for customers.

The Pilgrim Inn is not a listed building, but is considered to constitute a non-designated heritage asset (see comments of the Conservation officer below). There are no listed buildings or structures in the near vicinity of the application site and it is not within a designated Conservation area.

The proposed development is considered acceptable in principle, subject to there being no adverse impact(s) on heritage interests, the character of the surrounding area, amenity, Highway safety or the viability of nearby protected trees.

Scale, design, materials and impact on the character of the surrounding area

The extant consent under planning reference 21/11092:

The previously approved structure (21/11092) is of open-sided timber construction, of relatively low eaves and ridge height, with a clay tiled roof. The design, materials and general appearance of the previously approved structure was considered to be appropriate and in keeping with the context of the immediate and wider surrounding area.

Planning consent 21/11092 was granted on 20th September 2021, however the structure that has been built on the site does not fully accord with the approved plans and details.

The 'as built' structure:

The structure 'as built' following the granting of 21/11092 is in approximately the correct position within the site (moved slightly to the South from the adjacent Hythe Road) and is of the correct 12m by 5.5m footprint area and dimensions. However, the 'as built' structure does not accord with the approved plans in the following respects:

- (i) The siting of the structure is set back further from the adjacent Hythe Road by approximately 500mm;
- (ii) The form of the structure is a rectangular shed with simple pitched roof over and is fully enclosed on three sides with horizontal timber cladding on top of the internal timber framed structure rather than between posts;
- (iii) The end elevations are gabled rather than hipped;
- (iv) The ridge height is approx. 245mm higher;
- (v) The materials used for the roof covering are bitumen felt tiles.

The amendments to the structure as now currently proposed:

The current application does not seek to retain the existing structure 'as built', but seeks consent for amendments as follows:

- (i) Retain siting of structure as built;

- (ii) Removal and amendment of external horizontal timber boarding to open up the upper level of the three currently fully enclosed sides as shown on proposed drawings;
- (iii) Change from bitumen felt roof tiles to Cedar shingle as originally consented.

The Council's Conservation officer has assessed the current proposal and provides the following comments:

'The main pub building in question is not listed or in a conservation area. With regard to the visual attractiveness and age this thatched building would be considered as a local non-designated heritage asset.'

General comments as advice

The scheme seeks a large covered oak and cedar structure to the front which has some impact on the setting due to its prominence and size near to the principle elevation. It would appear that this impact could be mitigated with a relocation and the structure would appear less harmful if located to the side of the building alongside the access road or to the rear.

This said the proposed materials are of high quality and it provides flexible outside space for the business. Consideration could be given to increasing the pitch slightly which would create a more traditional looking shelter/outbuilding.

As proposed the scheme has some impact on setting of the non-designated heritage asset which in line with the NPPF can be balanced with any identified public benefits.'

Whilst the comments of the Conservation officer in respect of relocation of the structure are noted, that is not what is currently applied for and due consideration should be given to the extant planning consent for a structure of a similar scale and appearance to that currently proposed in this location at the front of the pub. The provision of the outdoor shelter is sought by the applicant to enhance the existing customer facilities at this well established public house and it is considered in this case the economic benefits of the proposal can be balanced against the limited impact on the pub as a non-designated heritage asset in accordance with the guidance set out within the NPPF.

Taking into consideration the extant consent for an outdoor seating structure as previously approved under planning reference 21/11092, it is considered the revised siting now proposed - being approx. 500mm further south and away from the adjacent Hythe Road is acceptable and in itself has little bearing on the acceptability of the amended proposed structure as currently sought.

The proposed revisions (significant reduction) to the amount of external horizontal timber cladding and enclosure of the structure would result in a significantly increased degree of openness and consequent reduction in the visual impact of the structure and its impact on the character and setting of the adjacent historic pub.

Taken together with the reversion from poor quality felt bitumen roof tiles to higher quality Cedar shingles, it is considered the proposed amendments to the 'as built' structure would result in an acceptable form of development that would not adversely affect the character of the surrounding area.

To ensure the proposed amendments to the structure are undertaken without undue delay, a condition can be imposed requiring the alterations to be carried out within a specified time limited period.

Amenity considerations

The proposed structure is to remain located within the existing outdoor seating area associated with the pub, where a variety of benches, tables and structures already exist for the use of customers. It is considered the proposal would not increase or otherwise intensify the existing use of the site/area such as would result in undue impacts on the amenity of neighbouring residential occupiers.

Access, parking and Highway safety considerations

The siting of the structure is effectively as approved under previous consent ref 21/11092 and is within the existing outdoor customer seating area. No amendments to the existing vehicular access or parking associated with the public house use are proposed.

HCC Highways (as Highway authority) have provided a consultation response of 'no objections'.

The proposal is considered acceptable in terms of access, parking and Highway safety considerations.

Trees

The Council's Tree officer has previously considered the proposal. She has identified there are two groups of trees and an individual tree that are covered by a TPOs within the grounds of the Pilgrim Inn. However, there are no protected trees within the immediate vicinity of the location for the proposed timber structure.

The Tree officer concluded the proposed timber framed building was unlikely to have a significant impact on the protected trees on site and raised no objections.

Developer Contributions

None relevant

11 CONCLUSION

The proposed revisions to the 'as built' structure, including a significant reduction to the amount of external horizontal timber cladding and degree of enclosure of the structure, taken together with the reversion from poor quality felt bitumen roof tiles to higher quality Cedar shingles, would result in a significantly increased degree of openness and consequent reduction in the visual impact of the structure and its impact on the character and setting of the adjacent historic pub.

It is considered the proposed amendments to the 'as built' structure would result in an acceptable form of development that would not adversely affect the character of the surrounding area.

To ensure the proposed amendments to the structure are undertaken without undue delay, a condition can be imposed requiring the alterations to be carried out within a specified time limited period.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out and completed within three calendar months of the date of this planning consent and shall be undertaken in accordance with the following approved plans:

2884-100	SITE LOCATION PLAN
2884-202A	PROPOSED BLOCK PLAN
2884-201C	PROPOSED SITE PLAN & ELEVATIONS

Reason: To ensure satisfactory provision of the development.

2. The external facing materials used for the roof shall consist of cedar shingles.

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:

Warren Simmonds

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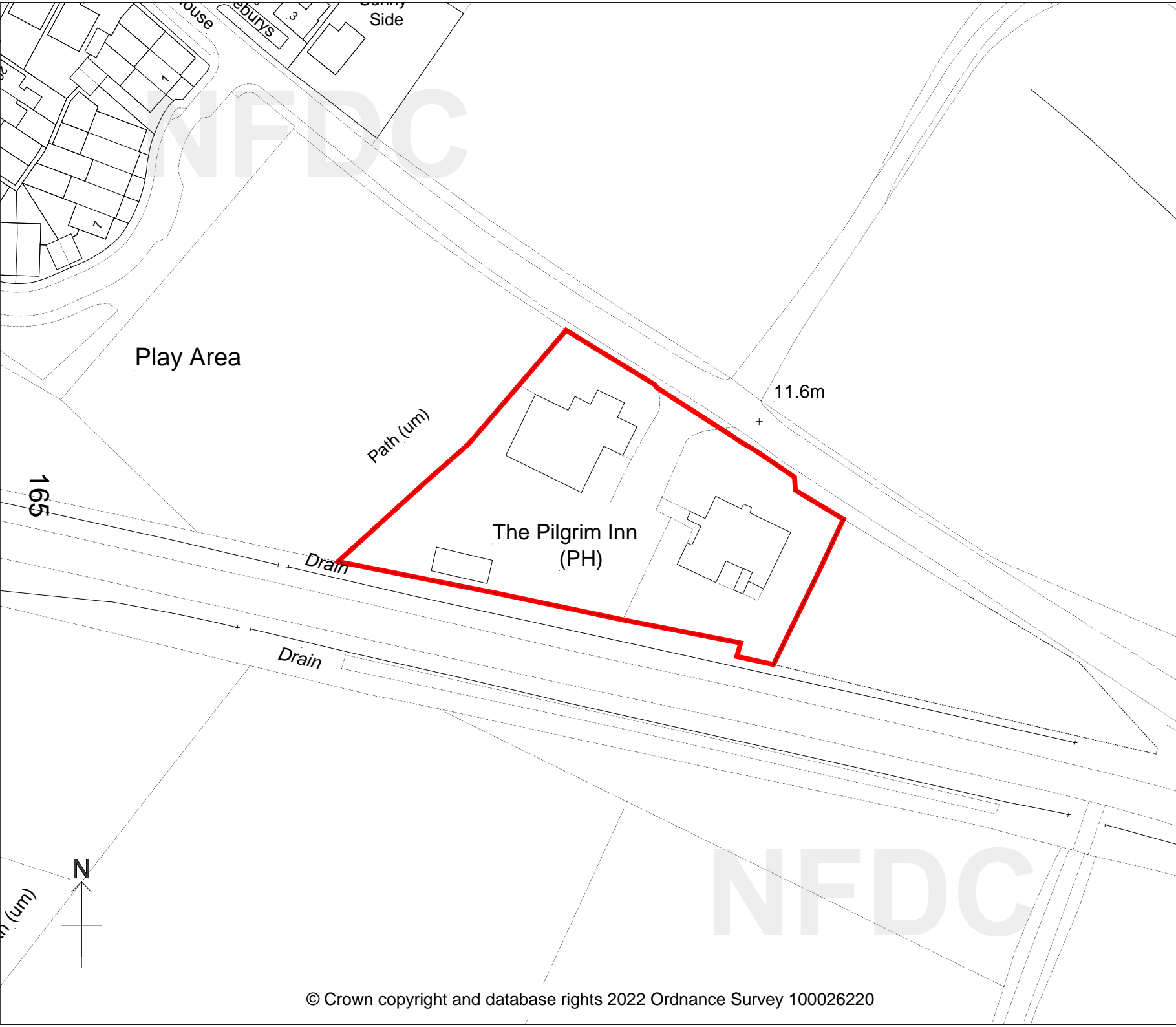
PLANNING COMMITTEE

February 2022

THE PILGRIM INN
HYTHE ROAD
MARCHWOOD SO40 4WU
21/11667

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the internet, it will not be to
scale.



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Planning Committee 09 February 2022

Application Number: 21/11535 Full Planning Permission

Site: Land adjacent to PEARTREE HOUSE, TAVELLS LANE,
MARCHWOOD SO40 4WH

Development: Erection of a detached dwelling

Applicant: Edgewater Homes Ltd

Agent: Anders Roberts & Assoc

Target Date: 07/01/2022

Case Officer: Richard Natt

Extension Date: 23/02/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Design, site layout and impact on local character and appearance of area
3. Impact on highway safety, including matters relevant to car parking
4. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
5. Habitat Mitigation
6. Housing Land Supply

This application is to be considered by Committee because of the objection by Marchwood Parish Council.

2 SITE DESCRIPTION

The application site comprises part of the garden to Peartree House, which is a large detached dwelling lying on the corner of Tavells Lane and Poplar Drive. Peartree House is one of three detached dwellings built around the 1970's, which all front onto Tavells Lane and have rear access, parking and garaging to the rear, accessed from Poplar Drive. It is noted that Peartree House also has vehicular access and two car parking spaces to the front from Tavells Lane.

The site is laid to grass with some ornamental plants and is enclosed by an existing timber fence and hedgerow bounding the boundaries of the site. There is a large tree to the front of the site, and there are several smaller trees along the side boundary.

The application site lies within the built up area of Marchwood. Tavells Lane is a relatively busy residential street with a semi-rural character which consist of a variety of housing types, styles and ages. Directly opposite the site is Marshfield Close, which is a modern residential development of 10 dwellings, which are predominately semi-detached. Poplar Drive lies to the south of the site and comprises mainly detached and semi-detached dwelling set within cul de sacs.

3 PROPOSED DEVELOPMENT

This planning application proposes the subdivision of the site to create a detached 3 bedroom two storey dwelling. The proposed dwelling would front onto Tavells Lane and would have its side elevation facing onto Poplar Drive. The proposed dwelling would be sited broadly in line with Peartree House, with a front and rear garden area. Peartree House would retain its rear garden area, albeit the space would be reduced in size.

Visually the proposed dwelling would be two storeys in height with ridge line running parallel to Tavells Lane, similar to the design and form of Peartree House. Two car parking spaces would be provided to serve the proposed dwelling accessed from Poplar Drive. The existing dwelling would retain its car parking spaces.

The large tree to the front of the site is shown to be retained. In addition, other than the need to provide two on site car parking spaces, the existing hedgerow which wraps around the boundary of the site is shown to be retained.

It should be noted that during the course of the application, the applicant's amended the plans to address Officers concerns. The amendments entailed a reduction in the footprint of the building, four bedrooms reduced to three bedrooms, a narrower building width which increased the gap and space to the side boundary with Poplar Drive, and alterations to the design, appearance and form of the building to reflect the neighbouring buildings in which the main ridge line runs parallel to Tavells Lane.

4 PLANNING HISTORY

None of direct relevance

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 2 Sites and Development Management Development Plan Document (Saved Policies)

DM2: Nature conservation, biodiversity and geodiversity

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The Strategy for locating new development

Policy STR4: The Settlement hierarchy

Policy STR5: Meeting our housing needs

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy CCC2: Safe and Sustainable Travel

Policy IMPL1: Developer contributions

Policy IMPL2: Development standards

Supplementary Planning Guidance and other Documents

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Relevant Advice

NPPF Chapter 5 - Delivering a sufficient supply of homes
NPPF Chapter 12: Achieving well designed places

Plan Policy Designations and Constraints

Built-up Area
Plan Area
Solent Nitrate Area

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: Recommend refusal

Marchwood Parish Council would like to raise an objection to this application and lists the following material planning considerations.

Local Plan 2016-2036 Part 1: Planning Strategy

The proposal would adversely affect the spatial characteristics of the area by virtue of the height, width and depth of the proposed dwelling which would be unsympathetic to its setting.

The proposed separation from the existing curtilage would result in a form of development that would be out of character with the appearance of this area.

Members are also concerned that this development would impact on residential amenity of adjacent neighbouring properties, in respect of visual intrusion and privacy;

Members are concerned that the development would have a significant impact on the character and appearance of the area;

Members are concerned that the development would have a significant impact on highway safety, including matters relevant to car parking.

Members would like this application to be dealt with by the Development Control Committee if the delegated officer is minded to grant permission.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist No objection

The site lies in close proximity to the New Forest SAC, SPA and Ramsar and Solent and Southampton Water SPA, Ramsar and Solent Maritime SAC. The proposals would result in additional residential dwellings. There is a likely cumulative impact on the New Forest European Sites from recreational disturbance. Recreational habitat mitigation should be provided in line with the adopted mitigation strategy.

The site falls within 5.6km of Solent and Southampton Water SPA at the closest point. There is a likely cumulative impact from recreational disturbance as such it would be necessary to contribute towards recreational habitat mitigation in line with the adopted mitigation strategy.

Nitrate impacts on Natura 2000 designated sites. Evidence has shown that residential development contributes to high levels of nutrients in the water environment, specifically nitrates in Solent catchments. Adverse effects on international nature conservation sites in New Forest area cannot be ruled out. Following recent case law, residential and other development providing overnight accommodation will need to mitigate its effects to become nutrient-neutral, to avoid making the current situation worse. Adverse effects arise from increased sewerage treatment, and from surface water runoff from both urban and greenspace areas. I note that the water quality checklist has been completed. An appropriate assessment considering these points is required.

The gardens in the main appear to be formal and well-tended. There are a number of trees and a hedge on the site boundary. I note that the hedge is to be retained which is supported, it should be adequately protected during construction if permission were granted. I cannot see any consideration has been given to retaining the trees. Wherever possible I would seek to retain the trees on-site. The trees, shrubs etc on-site could support nesting birds. I would be minded to recommend including the planning condition below with respect to any vegetation clearance.

No clearance of vegetation (e.g. trees and scrub) that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds.

HCC Highways No objection

Additional plans have been submitted, which demonstrate the length of the drop kerb and visibility splays. The Highway Authority have no objections to this application.

Tree Officer: No objection

There are no protected trees within this plot. There is a group of small garden ornamental/fruit trees growing to the rear that would be lost to this proposal. These trees are not of large enough stature to be considered worthy of protection.

Southern Water No objection

The proposed development will lie over an existing public foul sewer, which will not be acceptable to Southern Water. The proposal to divert the sewer would be acceptable, however, they would require technical details to be submitted and approved.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

1 letter raising no objection to the proposed dwelling, only concern is regarding the trees that are present in the vicinity of the proposed parking area. The applicant has ticked the box stating "no trees or hedges on the proposed development site" on the application for planning permission. These trees provide valuable screening between houses and are in keeping with the local landscape character with many trees.

5 letters of objection concerned with the following:

- The proposed dropped kerb and off-road parking. This will be directly opposite the entrance to the garages and off-street parking for 11 houses, which form part of Poplar Drive. Seven of these houses face on to Tavells Lane, but their garages and road access are behind their homes and via Poplar Drive. This proposal would increase the traffic of this specific area of Poplar Drive, which is very near the junction with Tavells Lane, with more cars coming in and out from the proposed off-road parking spaces. There is already considerable roadside parking at certain times of the day, which makes accessing Poplar Drive from Tavells Lane quite difficult. In my view this proposal will decrease safety.
- Whilst we are not against the development, there are concerns over the period of construction blocking access to our homes and, in the future, the number of vehicles this development could increase leading them to park on the road and restrict access to our driveway.
- Out of character
- Concerns that it will alter the rural nature of Poplar Drive, and give it a definite feeling of crowding.
- Overlooking/loss of privacy from first floor side bathroom windows
- Concerns about the parking arrangements for the proposed 4 bed house above . They are directly opposite our rear lane car access for 11 houses in Tavells Lane and another exit for other houses in Tavells Lane at the side . There will also be problems with cars entering and leaving Poplar Drive .

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within Marchwood's built-up area, where there is a presumption in favour of new housing. However, the benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections.

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

Policy ENV3 stipulate that new development will be required to be well-designed to respect the character, identity and context of the area's towns. Moreover, the policy states that new development will be required to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features.

In assessing the impact on the character and appearance of the area, Peartree House is one of three detached dwellings constructed in the 1970's along Tavells Lane. The plot size is one of several large spacious plots along Tavells Lane. The site occupies a prominent position in the street on the corner of Tavells Lane and Poplar Drive.

Tavells Lane has a sylvan and spatial character in which there are predominately detached dwellings on large plots, set back from the road with mature trees and landscaping defining the front boundaries. Most of the dwellings along Tavells Lane

lie to the south of the road, but the grassed verges and footpath on one side of the road, together with the key features noted above, contribute significantly to the character of the area. It is noted that there are several smaller plots along Tavells Lane and plot widths and depth differ considerably.

Property types and styles vary along Tavells Lane, but the predominate character is detached dwellings. The plot widths of the detached properties within this part of Tavells Lane currently range from around 8 to 21 metres. The proposed subdivision of the site would result in a plot width to the two dwellings (including existing dwelling) of around 10-11 metres, which would be similar to several existing plots in the vicinity of the site. The neighbouring property at No 8 has a plot width of around 11 metres and the property at Sorreacre measures 12.5 metres.

In terms of plot depths, these range from 30 metres to 70 metres, in which most of the plots within the 30 to 40 metres range bracket. The proposed dwelling plot depth would measure around 40 metres. Again, when compared to other plot depths on the immediate vicinity of the site, these are not significantly dissimilar.

The proposed footprint is modest and enables sufficient space and gaps around the building and to its boundaries. Indeed, it is noted that the distance and gap between the proposed dwelling to the side road (Poplar Drive) is greater than the distance of the adjacent property at No 8 to Poplar Drive. Both the existing and proposed dwelling would benefit from a good sized front and rear garden, which would provide sufficient amenity space and reflect the surrounding character in terms of plot sizes. Overall the size of the plot is sufficient to acceptably accommodate two dwellings of this size without appearing cramped or out of character.

The key characteristic features would be retained. The proposed dwelling would be set back from Tavells Lane sited broadly in line with Peatree House, which would maintain the important set back of buildings from the street. This would also help maintain the spatial character of the site and surrounding area. The tree to the front of the site, which is a healthy large tree is shown to be retained.

Moreover, other than the removal of a short section of a hedgerow and some ornamental trees, the existing hedgerow that wraps around the perimeter of the site is shown to be retained. The loss of the ornamental trees is unfortunate, and to mitigate their loss, new trees can be planted and this can be dealt with by a suitably worded landscape condition.

Visually Tavells Lane has a mixture of property types, styles, ages and designs. However, the application site sits within a row of three dwellings which are similar in form and design, in which their ridge lines run parallel to the road and side gables. The proposed dwelling seeks to reflect the design and form of the existing three dwellings, with their ridge lines running parallel to the road. Equally, the proposed dwelling has a ridge height that broadly matches these properties. This is considered to be the correct design approach. Moreover, the side gable facing Poplar Drive has been design with articulation and windows which add visual interest to the street.

In summary, it is considered that the proposed development for one dwelling would be contextually appropriate and would not appear cramped or congested. The design and quality of the dwellings is high and a condition can be imposed to ensure a good quality of materials and a detailed landscaping scheme for both hard and soft landscaping, together with new trees planting throughout the entire site.

Highway safety, access and parking

In relation to the policy context Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 107 of the NPPF specifically addresses car parking. It does not provide suggested standards, but instead sets out that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development, the availability of and opportunities for public transport and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Local Plan Policy CCC2: 'Safe and sustainable travel' requires new development to provide sufficient car and cycle parking, including secure cycle parking.

The proposal seeks to retain the existing access, garage and parking spaces that serves the existing dwelling at Peartree House. The existing property is a four bedroom house and the proposed layout would retain two car parking spaces to the front of the site, there is an integral garage and detached garage to the rear. The proposed dwelling would have three bedrooms and the layout would have 2 car parking spaces with access gained from Poplar Drive.

Based upon the Councils adopted car parking standards, the level of car parking spaces for the existing dwelling would be 3 spaces and this is achieved through the proposed layout. The number of car parking spaces recommended for the proposed three bedroom dwelling would be 2.5. The proposal would be fractionally below, however, the shortfall is relatively small and there would be sufficient space to park safely on the highway.

Concerns have been expressed that the two car parking spaces that would serve the proposed dwelling would be directly opposite the existing access and car parking spaces that serves 11 dwellings along Tavells Lane and Poplar Drive. In response, it is considered the extent of vehicle movements egressing or entering the access to the 11 dwellings would not be significant and vehicles existing the access will have clear direct views onto the car parking spaces that serve the proposed development with no obstruction on visibility. As such, there is no evidence to suggest that this arrangement would prejudice public highway safety.

The submitted plans demonstrate sufficient visibility splays in both directions onto Poplar Drive and the Highway Authority are satisfied that the proposals would not be of severe detriment to the operation and safety of the local highway network and would therefore recommend no objection.

Although no details have been submitted it is considered that the provision and securement of electric charging points is a matter that can be dealt by condition.

Overall it is considered that the proposal would not result in severe harm to public highway safety and sufficient car parking would be provided to serve the development.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 also requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development would be acceptable in respect of loss of privacy, loss of light and overbearing impact; and also whether the proposed development would provide

sufficient private open spaces arrangements for occupiers of the existing and proposed dwellings.

In assessing the impact on the host property Peartree House, this property has a first floor window on the side elevation, which is a secondary window to a bedroom. The proposed dwelling would be sited within 2 metres from the side elevation and would impact on this bedroom window. Whilst it is accepted that the proposal would impact on the light and outlook of this window, given that it is a secondary window and the bedroom would still have sufficient light from the large window to the front elevation, it is not considered to result in demonstrable harm to refuse consent.

With regard to the impact on the neighbouring property to the east at 8 Tavells Lane, this property has a blank side elevation facing Poplar Drive and rear conservatory. The property also has a rear garden area running parallel to Poplar Drive, which is enclosed by a 1.8 metre high brick wall.

The proposed dwelling would be sited on the opposite side to Poplar Drive. In which its side elevation would face No 8. Given the distances involved, the proposed dwelling would not result in any adverse harm to the light or outlook to No 8. In relation to overlooking, the proposed dwelling would have windows on the side elevation facing this property. Because these windows would face the road and the distances involved, the proposal would not result in any unacceptable overlooking to refuse permission.

On Site Biodiversity and protected species

Biodiversity net gain

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2. The elevational drawings show bee bricks and bat tubes to be provided and it is considered that this is a minor development proposal and these would be appropriate ecological enhancements. A planning condition can be imposed for these enhancements to be provided before occupation of the development.

Habitat Mitigation

a) Recreational Impacts

The site lies in close proximity to the New Forest SAC, SPA and Ramsar and Solent and Southampton Water SPA, Ramsar and Solent Maritime SAC. The proposals would result in additional residential dwellings. There is a likely cumulative impact on the New Forest European Sites from recreational disturbance.

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.

b) 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 NO_x, 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 to make a financial contribution to secure the required air quality monitoring contribution directly to the Council before any development commences on the site.

c) 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

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 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. The current proposal is for a very modest level of housing provision and the harm identified above in respect of character, amenity and habitat impacts weighs against the proposal.

Response to representations

In response to the concerns that during the period of construction, this could result in blocking access to several homes and the number of vehicles this development could increase leading them to park on the road and restrict access, this is not a planning matter and given the small scale of the development, it is not considered reasonable or necessary to impose any conditions for a traffic management scheme to be submitted.

Developer Contributions

As part of the development, the following would have been required to be secured via a Section 106 agreement (or unilateral undertaking):

- Infrastructure contribution of £5,155
- Non infrastructure contribution of £749
- Bird Aware Solent contribution of £681
- Air Quality monitoring contribution of £85

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	136	0	136	136	£80/sqm	£13,934.77 *

Subtotal:	£13,934.77
Relief:	£0.00
Total Payable:	£13,934.77

11 CONCLUSION

In summary, the proposed development to create a single dwelling would be contextually appropriate and would not have an adverse impact on the character and appearance of the area. The proposal has been designed not to give rise to any adverse impact on the living conditions of the neighbouring properties, trees or public highway safety. There are no concerns on ecological matters and the proposal would provide considerable opportunities for ecological enhancements. The Council cannot demonstrate a five year land supply, however, whilst the creation of one dwellings will certainly help towards this need, the level of weight attached would be small. Nevertheless the proposal is considered to be acceptable and the concerns previously raised in the appeal decision has been addressed. Permission is therefore recommended.

12 OTHER CONSIDERATIONS

Human Rights

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

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

Equality

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

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

13 RECOMMENDATION

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. 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: 9525/101 Rev C and 9525/100 Rev C

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. 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.

5. The development hereby permitted shall not be occupied until the spaces shown on Drawing No 9525/100 Rev C for the parking of motor vehicles have been provided. The spaces shown on Drawing No for the parking or motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times.

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

6. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

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

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

- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

8. All external works (hard and soft landscape) as set out in Condition 7 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with 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.

9. 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.

10. Prior to the occupation of the dwelling hereby approved, the works hereby approved shall be undertaken in strict accordance with the Ecological enhancements and mitigation measures detailed in drawing No 9525/101 Rev C unless otherwise first agreed in writing with 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).

11. 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.

12. No clearance of vegetation or trees that may be used by breeding birds (e.g. hedgerows, trees and scrub) shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to 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. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of tree and hedegrow to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement 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.

Further Information:

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New Forest DISTRICT COUNCIL

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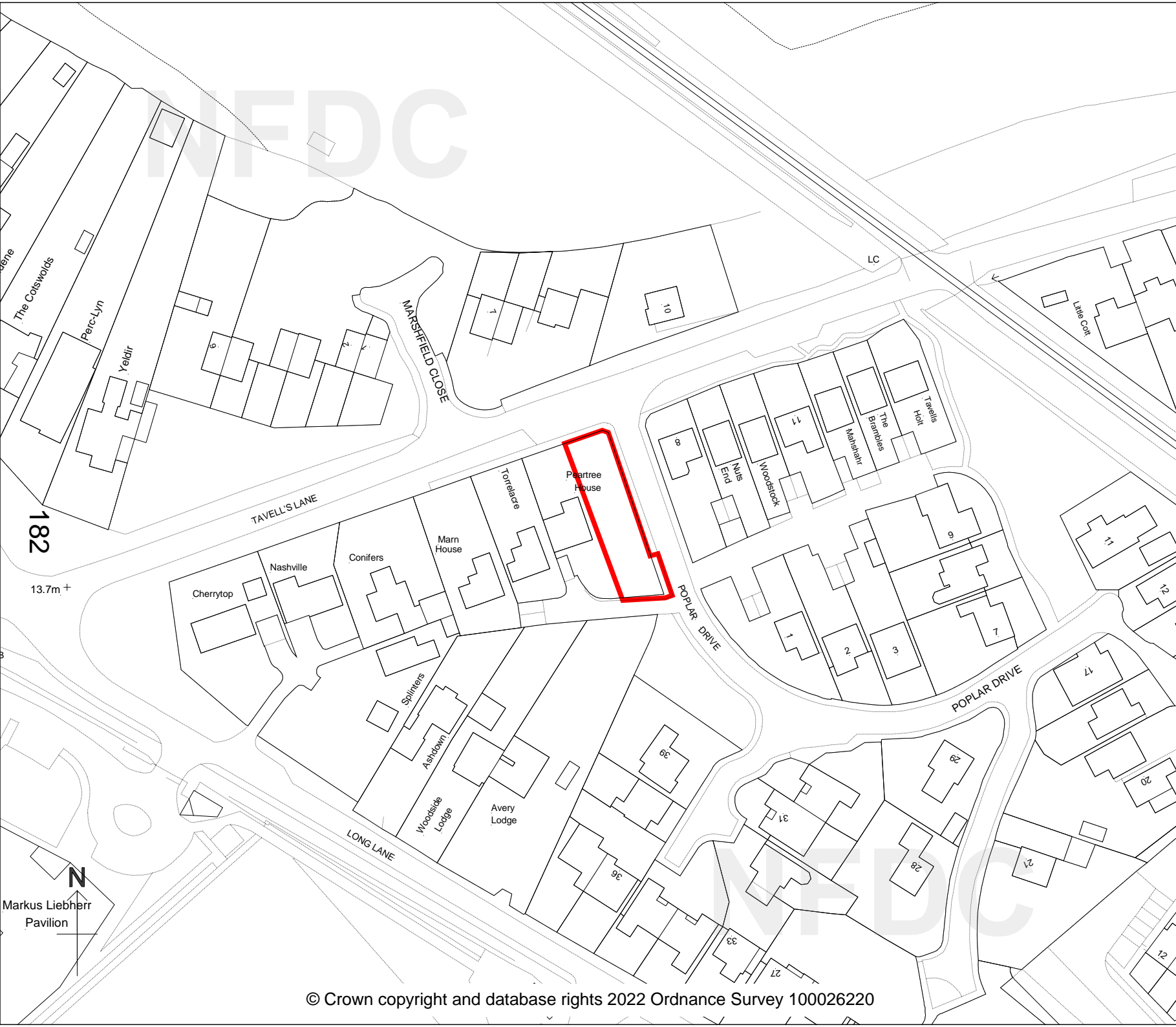
PLANNING COMMITTEE

February 2022

Land adjacent to PEARTREE HOUSE
TAVELLS LANE, MARCHWOOD
SO40 4WH
21/11535

Scale 1:1250

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



Planning Committee 09 February 2022

Application Number: 21/11658 Full Planning Permission

Site: DOCHARTY, 51 HAMPTON LANE, BLACKFIELD, FAWLEY
SO45 1WN

Development: New 1st floor extension with new roof including alterations to existing roof and new rear extension.

Applicant: Mr Lika

Agent: DELTA TECH LTD

Target Date: 04/02/2022

Case Officer: Julie Parry

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on street scene and character of the area
- 2) Impact on neighbour amenity in terms of outlook, loss of light and privacy

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

2 SITE DESCRIPTION

The application site relates to a modest detached bungalow with a hipped roof design which has been extended to the rear at ground floor. Located within the built-up area of Blackfield there are a mixture of styles and sizes of dwellings within the wider street scene. Number 51 is situated within a row of bungalows of similar style and scale which are set back from Hampton Lane and accessed via a service road. Some of these properties have been extended to the rear with single storey extensions and the bungalow at the end of the row, number 57 has been altered and extended to form rooms in the roof and has a raised ridge line with cropped gables to the front and rear.

3 PROPOSED DEVELOPMENT

The application seeks planning permission to extend the property to the rear and to raise the ridge to allow for rooms at first floor. The resulting roof design would include cropped gables to the front and rear. Rooflights would be installed on both roof slopes to provide additional light to the first-floor bedrooms and bathrooms.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
88/NFDC/39833 Extension to form additional study, bedroom, bathroom and hall.	25/11/1988	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

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council

No 4 We recommend refusal as the Parish Council considers this application to be out of keeping with neighbouring properties, and it will also have an impact on the privacy of adjacent neighbouring properties.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 2

Two letters of objection were received from the neighbours to the rear at 1 Holly Road in respect of the following:-

- Out of character as would not be in keeping with the other buildings
- Loss of privacy

10 PLANNING ASSESSMENT

Principle of Development

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

Impact on the street scene and character of the area

The proposed extension to the rear would increase the depth by 5.9 metres, this would infill an area which is currently used as a patio and would join onto the existing single storey elements to the rear. The roof alterations would increase the ridge height by 1.7 metres to 6.6 metres and would introduce cropped gables to the front and rear. Whilst the proposed extensions at both ground and first floor would result in a much larger property it would still retain a low eaves height and have a roof pitched away from the shared boundaries to the sides thus maintaining the spatial character between the dwellings in this row. The resulting property would be similar in terms of scale and design to the dwelling at the end of the row at number 57 which was granted planning permission in 1988. Consequently, given that a nearby property has been similarly altered along with the mix of designs within the wider street scene the resulting property would not appear out of keeping in this location and would have an acceptable impact on the local area.

The materials to be used would be rendered walls and slate roof to match the existing which would be acceptable in terms of the resulting finish. A condition will be applied for the materials to be used to match the existing to ensure an acceptable appearance of the resulting building.

Neighbour amenity

The proposed extensions and roof alterations would be set away from the neighbours to both sides, with a gap of 5.5 metres still maintained at the front between number 53 to the north and number 51. This neighbour does have a ground floor window facing the application site however this is already compromised in terms of light from the existing built form. With the degree of separation between the properties along with the retention of the low eaves the increased built form would not have a significant adverse impact on the neighbours' amenity in terms of loss of light or outlook.

The neighbour at number 49 does have windows along the side wall facing the application site however being to the south there would not be a loss of light. Whilst the proposal would be visible from this neighbour's windows it would remove the patio area which is currently alongside the boundary wire fence and therefore on balance would improve the privacy and living conditions for this neighbour.

The proposed rooflights towards the rear of the property would allow for some views into the neighbouring rear gardens at numbers 49 and 53 Hampton Lane and therefore to protect the neighbours' privacy it would be acceptable to condition any approval for these rooflights to be obscure glazed and fixed shut, unless the part to be opened is more than 1.7 metres above floor level.

The neighbours to the rear at 1 Holly Road have objected to the proposed alterations in that there would be a loss of privacy caused by overlooking from the proposed first floor rear window. The distance between this proposed window and the rear boundary would be 20 metres, with a further 23 metres to the rear of this neighbour's property. Therefore given this distance this would be considered to be a normal back to back relationship within the built up area and the impact on this neighbour's amenity in terms of overlooking would be acceptable.

Parking

The proposed development would increase the number of bedrooms within the property from 3 to 4. The carport to the side of the property is being retained and

there would also be parking available to the front of the carport within the front garden along with on street parking within the access road. Therefore, the proposed alterations would not result in a highway safety concern.

Ecology

There are no ecological enhancements identified to be incorporated in the proposed outbuilding nevertheless, taking into account the scale of the proposed development this would not be grounds to refuse this part of the proposed development.

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	211.5	99.6	111.9	111.9	£80/sqm	£11,431.02 *
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Subtotal:	£11,431.02
Relief:	£0.00
Total Payable:	£11,431.02

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: (insert plan numbers).

Reason: To ensure satisfactory provision of the development.

3. The first floor rooflights serving the bedroom to the rear of the property of the approved building shall be :

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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 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:

Julie Parry

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New Forest DISTRICT COUNCIL

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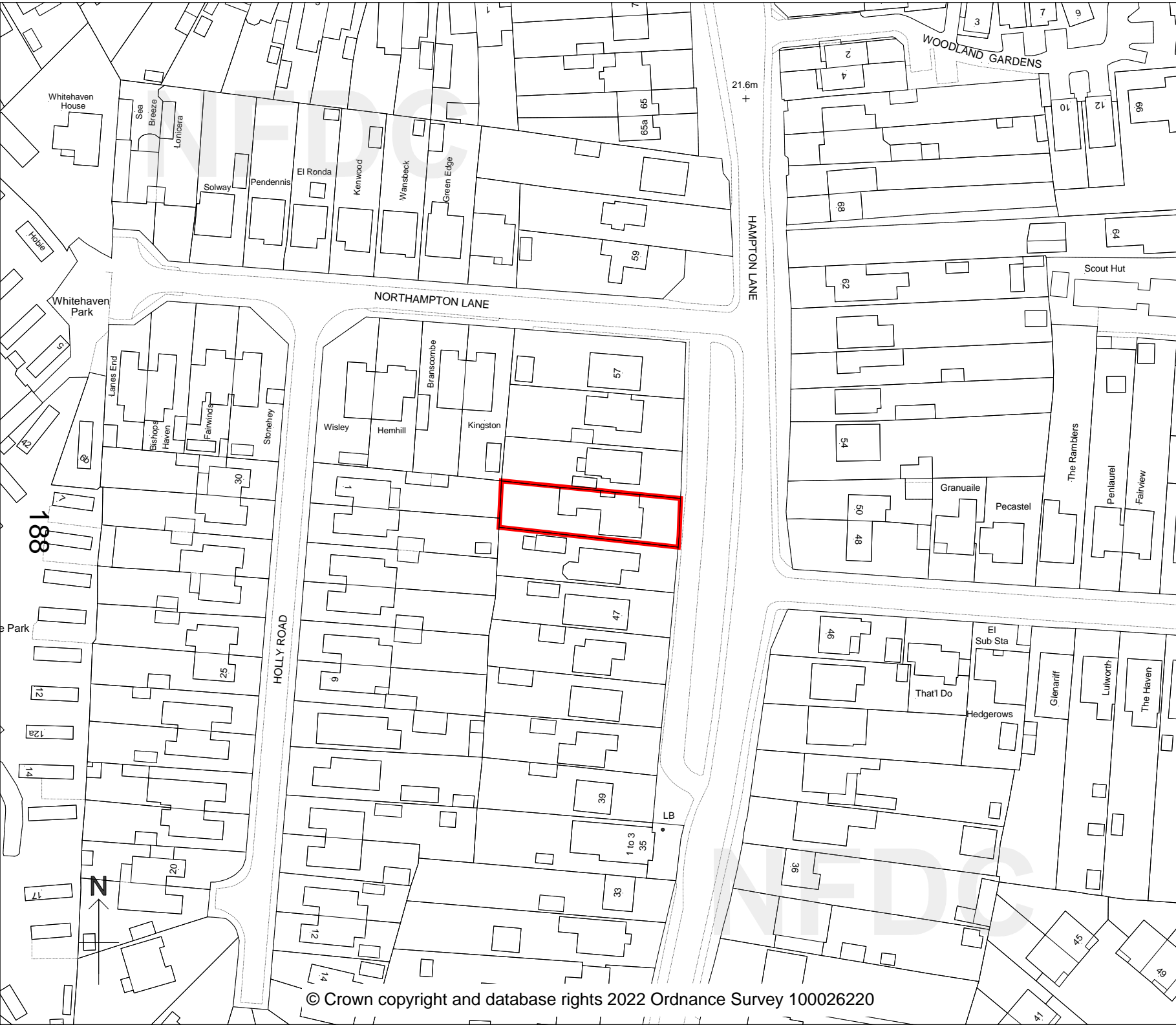
PLANNING COMMITTEE

February 2022

DOCHARTY, 51 HAMPTON LANE
BLACKFIELD, FAWLEY
SO45 1WN
21/11658

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scale.



Planning Committee 09 February 2022

Application Number: 21/11442 Full Planning Permission

Site: 26 MOORLAND AVENUE, BARTON-ON-SEA,
NEW MILTON BH25 7DD

Development: Replacement garage with home office / Gym

Applicant: Mr Grace

Agent: SCP Architectural Designs

Target Date: 10/12/2021

Case Officer: Jacky Dawe

Extension Date: 11/02/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact upon the character and appearance of the area and street scene
- 2) Neighbour amenity

This application is to be considered by Committee because the officer's recommendation is contrary to the view of New Milton Town Council

2 SITE DESCRIPTION

The application property is located within the New Milton defined Built up Area and is also within an area that is covered by the New Milton Local Distinctiveness Statement.

The property is a detached chalet bungalow, within a large garden, a detached garage and other outbuildings.

The outbuilding is accessed from Moat lane, a single track lane which is also a footpath, there are bungalows of a varied style, mainly rendered, many are enclosed to the front with high fencing, the two on the right hand side, (situated before the outbuilding) are open and laid to lawn.

The existing garage is situated along the boundary line adjacent with Moat lane, there is an established hedge to one side boundary, the neighbouring bungalow does not have side facing windows.

3 PROPOSED DEVELOPMENT

Permission is sought for a detached outbuilding

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
02/75281 Ground floor additions, extension to roof and dormers to provide rooms in roof and detached garage	19/08/2002	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

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness

Chap 12: Achieving well designed places

Constraints

SSSI IRZ Wind and Solar Energy
SSSI IRZ Infrastructure
SSSI IRZ Waste
SSSI IRZ Combustion
Aerodrome Safeguarding Zone
Article 4 Direction
Plan Area
Historic Land Use
SSSI IRZ Air Pollution
SSSI IRZ All Consultations

Plan Policy Designations

Built-up Area

Neighbourhood Development Plan

New Milton Neighbourhood Plan
NM4 – DESIGN QUALITY
NM13 – BARTON ON SEA

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - 4 Nov 21

OBJECT (non-delegated)

- 1) Detrimental impact to the Moat Lane street scene
- 2) Detrimental impact to the neighbour at Glenavon
- 3) No vehicular access to the garage via the current driveway.

New Milton Town Council - 7 Jan 22

OBJECT (Non-Delegated)

- 1) The building does not respect the general building line so is contrary to character as highlighted on page 10 of New Milton Local Distinctiveness Study SPD.
- 2) Scale of development
- 3) Impact to neighbour (Glenavon)

If the application is approved, there should be a condition placed regarding the need to remain as ancillary to the host.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land,:

Comment - no concerns

HCC Rights of Way

Comment - add informative

NPA Archaeologist:l

Comment - request further information - additional information received - no objection

9 REPRESENTATIONS RECEIVED

No comments received

10 PLANNING ASSESSMENT

Principle of Development

The creation of outbuildings to serve dwellings within the built-up area is acceptable in principle but needs to be considered against the following 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.

NPPF Chapter 12 - The proposal would meet the objectives of Chapter 12 of the National Planning Policy Framework paragraph 127 in so much that it would optimise the potential of the site.

As well as the standard policies as previously stated The New Milton Neighbourhood Plan is a material consideration when determining this application, including Policy NM4 – DESIGN QUALITY and NM13 – BARTON ON SEA

The Permitted Development regulations would allow for a building of this size or greater albeit with a lower roof.

Neighbour Amenity

The outbuilding is situated to the side of Glenavon the proposal is set off the side boundary and faces a flank wall.

The proposal has been carefully assessed on site. Due to the spatial characteristics of the application site and the adjacent properties, the design of the proposed development, its location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light and outlook available to the adjacent neighbours.

Character of the Area

The property fronts Moorland Avenue and slopes down to Moat Lane. An existing single garage fronts Moat Lane. The proposed outbuilding is partly set back from the boundary which allows for a car to be parked in front of the garage, this alleviates the blocking of the footpath of Moat Lane on entry.

Amended plans have been accepted during the course of the application and as a result the roof is now of a more traditional design in keeping with the surrounding bungalows. Furthermore, the rooflights have been removed.

The proposed outbuilding and has been designed to appear proportionate to the existing dwellings in Moat Lane, also finished in render it will match the adjacent bungalow, the proposal would not appear overly prominent within the street scene or detract from the character of the area.

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 bird boxes should be considered as a proportionate measure to address biodiversity net gain.

New Milton Town Council's suggested condition

The Town Council has recommended that a condition be imposed that will ensure that the new outbuilding will remain as ancillary accommodation to the host property. An appropriately worded condition is recommended as part of the approval.

11 CONCLUSION

Overall the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene.

The proposal would be consistent with the policies and objectives of the Local Plan 2016 - 2036 Part 1: Planning Strategy, Local Plan Part 2: Sites and Development Management Development Plan and National Planning Policy Framework with planning balance in favour of development and as such the application is recommended for permission.

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:

521-21-1 = SITE LOCATION PLAN
521-21-2 = BLOCK PLAN
521-21-3 = EXISTING FLOOR PLAN
521-21-4 = EXISTING ELEVATIONS
521-21-5 = PROPOSED FLOOR PLANS
521-21-6 = PROPOSED ELEVATIONS

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved shall be used for the personal enjoyment of the occupier of the application site and shall not be used as commercial overnight holiday accommodation, short term residential let or other self-contained residential accommodation.

Reason: In the interests of certainty regarding the intended uses, the amenities of the area and neighbours and the protection of protected New Forest and Solent habitats and in accordance with ENV1 & ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

Further Information:

Jacky Dawe

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New Forest

DISTRICT COUNCIL

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New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

February 2022

26 MOORLAND AVENUE
BARTON-ON-SEA
NEW MILTON BH25 7DD
21/11442

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