

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 8 FEBRUARY 2023, AT 9.00 AM\*

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

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

## **PUBLIC PARTICIPATION:**

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

\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

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

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# AGENDA

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

## **Apologies**

### **1. MINUTES**

To confirm the minutes of the meetings held on 14 December 2022 and 11 January 2023 as correct records.

### **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 to the East of Brockhills Lane, New Milton (Application 21/11179) (Pages 5 - 92)**

Phased residential development for 164 dwellings; new vehicular access onto Brockhills Lane and other associated works including landscaping, ANRG and open space

**RECOMMENDED:**

Delegated Authority be given to the Executive Head for Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion by end of the February 2024, of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions as set out in the report, together with any further additions, and amendments to conditions as appropriate.

(b) **Land at Hardley Industrial Estate, Hardley, Hythe (Application 22/11388) (Pages 93 - 112)**

Construction of a new operational services depot with ancillary office, workshop/staff facilities, storage space, outbuildings, and associated car parking

**RECOMMENDED:**

Grant subject to conditions

(c) **7-9 Rumbridge Street, Totton (Application 22/11107) (Pages 113 - 128)**

Conversion of existing frontage and demolition of rear office building to provide 13 residential dwellings for supported living with associated carer office and overnight accommodation with associated landscaping and cycle parking

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement and the imposition of the conditions set out in the report.

(d) **Mylforde, Lymington Road, Milford-on-Sea (Application 22/11372) (Pages 129 - 134)**

Detached Garage

**RECOMMENDED:**

Refuse

- (e) **Copse House, De La Warr Road, Milford-on-Sea (Application 22/11383) (Pages 135 - 140)**

Two storey outbuilding incorporating garage and annexe; with balcony

**RECOMMENDED:**

Refuse

- (f) **Public Conveniences, Barton Beach and Undercliff, Barton-on-Sea (Application 22/11385) (Pages 141 - 146)**

Replacement building to provide 3 no. w.c's, 1 no. disabled w.c/baby change and enhanced disabled w.c/family room; demolition and removal of existing public conveniences buildings

**RECOMMENDED:**

Grant subject to conditions

- (g) **Blue Haze, Alderholt Road, Somerley, Ellingham, Harbridge & Ibsley (Application 22/11396) (Pages 147 - 152)**

Extension and conversion of existing garage to form annexe

**RECOMMENDED:**

Grant subject to conditions

- (h) **Land adjacent to Oakbridge House, Lymore Valley, Milford-on-Sea (Application 22/10936) (Pages 153 - 160)**

Retention of log store (retrospective); retention and cladding of 3no. containers (retrospective); completion of pole barn

**RECOMMENDED:**

Refuse

**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 08 February 2023

**Application Number:** 21/11179 Full Planning Permission

**Site:** LAND TO THE EAST OF BROCKHILLS LANE, NEW MILTON  
(SS10)

**Development:** Phased residential development for 164 dwellings; new vehicular access onto Brockhills Lane and other associated works including landscaping, ANRG and open space

**Applicant:** Pennyfarthing Homes Limited

**Agent:** Turley Associates

**Target Date:** 26/11/2021

**Case Officer:** Richard Natt

**Extension Date:** 23/12/2022

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## 1.0 Update Report

Additional representations

40 letters of objection received from the from the 14<sup>th</sup> December, which include comments that have been received following the submission of the additional Highway Technical Note. Whilst there are no further substantial comments made, the representations made include concerns in relation to the recent Government announcement to protect green spaces and Green Belt – downgrading of the green belt status, density of the development, safety concerns over Brockhills Lane - no footpaths, width, poor surface etc, new access needed from Sway Road, site not close to facilities, ecological, drainage, flooding issues and lack of infrastructure.

### Introduction

1.1 Members will recall that this application was previously considered at the December Committee.

1.2 The original December Committee report, which is set out in full at the end of this Update Report, describes and assesses all of the main planning considerations.

### December 2022 Committee

1.3 There was a lengthy debate of this application at the December 2022 Committee. Members were generally supportive of the proposal but raised concerns in relation to the highway safety, in particular the crossing point along Brockhills Road for pedestrians, recognising that the volume of traffic using this road would increase. Members therefore felt that additional technical information was required in relation to highway safety and the volume of traffic using the road prior to making a decision on the application.

1.4 Members agreed that the application should be deferred to allow for additional technical highway safety information to be provided to demonstrate that the proposed development would have an acceptable impact on the local highway network, the residual cumulative impacts on the roads will not be severe and that the access arrangements would be safe, sustainable and meet the appropriate needs of the highway users.

## Post December 2022 Committee actions and developments

1.5 In order to respond to the issues raised by Members, the applicant has submitted a Highway Technical Note. The Technical Note provides details on the following:

- a) A detailed explanation of highway matters and how this affects the proposed development and the decision making process for the planning application;
- b) Details of the alignment, width and nature of Brockhills Lane;
- c) Further clarification of the proposed access strategy;
- d) Further clarification and understanding in relation to the traffic surveys carried out, methodology used, estimated level of traffic generation and resultant impacts on the highway network and junctions;
- e) Additional highway enhancements measures and improvements proposed;

## Policy Consideration

1.6 The assessment required by the NPPF is, two-fold. First, it requires an assessment as to whether a development would result in an 'unacceptable impact on highway safety, and secondly, whether the 'residual cumulative impacts on the road network would be severe'. It is against these Framework tests the application proposal needs to be considered.

## What is the Local plan policy position in relation to access for the site

1.7 In relation to the position of access into the site, Local plan policy (SS10) states that vehicular access is provided from Brockhills Lane and the position of the access into the site is illustrated on the Concept Masterplan at a location just to the south of Hollands Wood Drive. The policy goes on to state '*Masterplanning objections for the site include 'b. providing vehicular access from Brockhills Lane and assess whether there is a need for improvements to the Brockhills Lane and Sway Road junction, and providing pedestrian crossing points across Sway Road and Brockhills Lane to link to existing footpaths'*'. The supporting text to the policy states 'Access from Brockhills Lane via a three arm priority junction'.

1.8 The application proposes a three arm priority junction into the site from Brockhills Lane. The proposed development therefore fully accords with the local plan policy in respect of the location of the access from Brockhills Lane.

## Potential for second/alternative access onto Sway Road

1.9 The local plan policy does not require the proposed development to create an access into the site from Sway Road, nor does the policy require a second access to be provided into the site from Sway Road. As reflected in the submitted Technical Note and Transport Assessment (TA), there is no justification for an access from Sway Road and this is agreed by the Highway Authority. The Technical Note states that the new site access onto Brockhills Lane will result in an equivalent to an average of 1/2 vehicles each minute at peak times to the north of the site and around one vehicle every 2/3 minutes to the south, which based upon the traffic modelling undertaken will operate well within capacity in the future year. The TA and Technical Note concludes that the level of traffic from the proposed development onto Brockhills Lane is considerably below the threshold that would require a second access point. Additionally Brockhills Lane is subject to a 30 mph speed limit which accords with

recorded traffic speeds whilst Sway Road is subject to a 40mph speed limit. Brockhills Lane has lower traffic speeds. The Highway Authority do not disagree with this view.

1.10 The vehicular access that is proposed onto Sway Road is for emergency purposes only. The applicant has also confirmed that notwithstanding the limitations for delivering a safe permanent site access onto Sway Road (limitations set out below), an access onto Sway Road is only being explored for delivering a temporary construction access for a temporary period, which can be managed by signage and stewardship for such purposes. The details and timing of the construction access will be secured through the imposition of a condition (Proposed condition 28).

1.11 It is also important to note that the application must be assessed and determined on the proposal submitted i.e. whether the proposed access from Brockhills Lane will provide a safe arrangement to serve the proposed development. As set out in this report, the application has demonstrated that the proposed access onto Brockhills Lane will be safe to serve the proposed development and there is no justification for a second access into Sway Road.

1.12 To further assist Members, the Technical Note highlights possible limitations of an access onto Sway Road, in which the access would create a less safe arrangement to serve the development. These include as follows:

- Sway Road has a 40mph speed limit, compared to Brockhills Lane which has a 30mph speed limit;
- The visibility and vertical alignment of Sway Road to the east;
- There are two existing accesses that serve Danestream farmshop, which lie directly opposite application site in Sway Road;
- The creation of an access with visibility splays onto Sway Road will require removal of existing vegetation along the frontage, which will impact on the rural character of the road;
- The creation of a new access or roundabout is likely to have a visual impact on the character of the lane and necessitate the requirement of lighting, which could have wider impacts on ecology (bats) and the setting of the New Forest National Park

#### Accuracy of Traffic surveys and impacts of traffic generation

1.13 As noted in the committee report, and highlighted in the submitted Technical Note, the applicant submitted a Transport Assessment to support the planning application. This sets out a full assessment of the likely traffic implications of the proposed development, using accepted traffic modelling methodology. At the request of HCC (their initial response October 2021), further work was undertaken that was provided in an Addendum to the TA.

1.14 The TA first considered the likely trip generation from the development by using the TRICS database, which is an 'industry standard' method of assessing the likely 2-way peak hour and daily trips from a new development. This comprehensive database contains traffic survey information from a wide range of existing developments and can be interrogated to establish the likely trip rates from the proposed development, based on surveyed trip rates from existing developments which have similar characteristics to the development under consideration.

1.15 The TA initially obtained vehicle trip rate data from the TRICS database which were agreed with HCC at the pre-application stage. Applying these trip rates, the TA predicted that the application proposal would generate 82 vehicle movements during the AM Peak (weekday) and 77 Vehicle movements during the PM peak (weekday).

1.16 In order to provide a more robust trip forecast, and as set out in the TA, the applicant carried out additional surveys at Earlswood Park and Woodland Walk, which are existing residential developments in New Milton. The survey results show (and as presented in the TA Addendum) the proposed development is likely to generate 110 two way vehicle movement during the AM peak (weekday) and 105 two way vehicle movements during the PM peak (weekday). The trip generation surveyed from the existing residential development in New Milton showed higher figures (110 and 105) compared to the trip rates using TRICS. The applicant used these higher figures for the TA.

1.17 The trip generation figure was also based on 170 dwellings, not 164 dwellings as proposed in the application. Accordingly, the trip generation used the highest observed trip generation rate and tested an additional 6 dwellings over the proposal. The Highway Authority accepted the methodology used.

1.18 Having regard to all the above points and the advice from the Highway Authority, it is considered that the peak hour trip generation and distribution figures used in the TA, to be robust and reliable. Indeed, taken into consideration that the highest figures were used, which related to 170 dwellings, not 164 and that well-documented and industry accepted methodology was employed by the applicant, this must be given great weight.

1.19 The TA also considered the current level of traffic flows on the highway network and junctions and this is reflected in the Technical Note. The traffic counts of the local area used in the TA have been carried by an independent traffic survey (not the applicant's Transport Consultant). This included a 'Classified Turning Count' which refers to a video based manual count of all vehicles moving through local junctions at peak hours and identifies turning movements. The 'automatic traffic count' survey was also used and is a different method to retrieve data and involves the placement of counting tubes across local (ATC's) roads installed for 7 days 24 hours a day. ATC's have been used to validate the classified turning counts and this accords with industry standards used to collect traffic data.

1.20 It is important to note that the TA highlighted little change in traffic conditions since the original survey in 2016. In addition, the TA is based on traffic data collected in November 2019, which pre dates any COVID restrictions and is a defined 'Neutral' month for traffic survey as per Department for Transport standards. Comparison of the three sets of classified turning counts from November 2019, September 2016 and May 2021 confirmed this to be robust. In addition, the TA also considered the seasonal use of local roads by comparing the survey set against 2019 annual data on Sway Road collected by HCC permanent traffic counts, demonstrating that use of November data to be appropriate and there is little variances between the months.

1.21 The Highway Authority accept the surveys carried out and acknowledged that the surveys were updated to the current future 'base' year, as they requested (2026). This means that the traffic flows used are based on the surveyed year by adding the future predicted traffic growth to the 2019 surveys to forecast conditions in 2026 It is considered that significant weight should be given to the comments of the Highway Authority, who have accepted the survey data, but also Officers consider the applicants surveys are comprehensive and reliable.

1.22 The traffic surveys undertaken are set out as follows:

#### Classified Turning Count

- September 2016
- November 2019 (Basis of TA)



- May 2021

#### Automatic Traffic Count

- September 2016
- November 2019
- January 2020
- August 2020
- May 2021

#### Permanent Count Site (HCC)

- January - December 2019

1.23 The TA then considered how the additional traffic generated by the proposed development would impact upon the operation of the local highway network including nearby junctions. As set out in the TA and the Technical Note, the operation of these junction was assessed using the industry standard software for roundabouts and junctions. The results were as follows:

1.24 Traffic on Brockhills Lane (vehicles per hour):

#### North of Access

- Additional c87 vehicles in peak hours to the north of the access towards Sway Road, which is equivalent to an average of between one and two additional vehicles each minute. A component of development traffic is anticipated to route west on Hollands Wood Drive. This is equivalent to 15 two way movements in the morning peak hour and 14 in the evening peak hour.

#### South of Access towards Oakwood Avenue

- -Additional c25 vehicles in peak hours to the south of the access towards Oakwood Avenue, which is equivalent to an average of one additional vehicle every 2-3 minutes.

1.25 The results conclude that the site access junction and the nearby junctions modelled will operate well within capacity in peak times in the future year and the traffic impacts on Brockhills Lane and the local highway network are not significant or severe. In essence, the evidence submitted in the TA demonstrates that there is sufficient capacity in the local highway network to accommodate the proposed development. The assessment showed that the additional development traffic would not add material delay or queuing at the proposed or existing junctions modelled.

1.26 In summary, the TA concludes that the residual cumulative impact on the network would not be severe and that this has been accepted by the Highway Authority, whose advice must be given very great weight in the absence of any contradictory technical opinion.

#### Suitability of Brockhills Lane to accommodate additional traffic?

1.27 Notwithstanding the local plan policy, which states that access to serve the development is from Brockhills Lane, the TA has assessed the nature, safety and suitability of Brockhills Lane to accommodate additional traffic and whether any mitigation is required.

1.28 It is acknowledged that there are significant concerns from local residents, the Town Council, and comments raised at the planning committee that Brockhills Lane is a country lane, and due to its narrow points, width and alignment, the road is not suitable to accommodate additional traffic generation.

1.29 In response to these concerns, and to assist Members, the applicant has carried out a review of the road widths along Brockhills Lane, based upon the topographic survey undertaken. The surveys showed that Brockhills Lane has a width in excess of 4.8 metres and generally in excess of 5 metres along its entirety, other than a short 15 metre section to the south of the site where widths are between 4.2 and 4.8.

1.30 Manual for Streets (which provides technical guidance on transport matters) identifies what different widths are required to accommodate different vehicle types. The majority of Brockhills Lane exceeds 4.8 metres, and based on Manual for Streets, this width is sufficient for a lorry to pass a car. There is a short 15 metres section which is between 4.2 metres and 4.8 which is sufficient for the passing of two light vehicles. The TA states that based upon the surveys carried out, during the busiest hours of the day, only a very small proportion were HGV'S at around 0.3 -0.4% of the total movements on Brockhills Lane. This is equivalent to 2-3 movements in a peak hour.

1.31 In summary, Brockhills Lane has a typical width of around 5.5 metres, and although this varies in places, the Highway Authority has not raised any concern over the suitability of Brockhills Lane to accommodate the forecast development traffic and there have been no accidents recorded south of Brockhills Lane to Oakwood Avenue over the last 5 years. The site is allocated in the local plan where vehicle access is shown to be provided, and the policy does not raise any specific requirements to upgrade, widen or alter Brockhills Lane. It should be noted that any increase on the width of Brockhills Lane will alter the character of the road and result in an increase in traffic speeds.

#### Concern raised about the safety of the 'Bend' in Brockhills Lane

1.32 Representations have been raised with regard to the 'bend' along Brockhills Lane and the additional traffic generated by the proposed development will increase the possibility of an accident. The concerns raised also consider that there is poor visibility when entering or leaving the 'bend' and the close proximity to the proposed access.

1.33 As stated above, the applicant has submitted survey plans to show the road width and alignment along Brockhills Lane including the 'bend'. The lowest part of Brockhills Lane, where it crosses the stream, which is the location of the 'bend' is the narrowest point of the road. It is important to note that at this point, the width of the road is of sufficient width for two vehicles to pass. There have been no accidents recorded at this point and the Highway Authority have not advised that the road or 'bend' requires works as being necessary to facilitate the passage of vehicles as a result of the proposed development.

1.34 With regard to the amount of traffic that passes through the 'bend' and the anticipated increase in traffic generation from the proposed development, this is addressed in the Technical Note and has been set out above. Based upon the traffic surveys, at peak times, the traffic movements currently using this section of the road (2019 data) equates to 225 (AM) and 258 (PM). This is forecast to increase to 236 (AM) and 269 (PM) when growth is applied to 2026. The traffic generation from the proposed development that is likely to route south along Brockhills Lane and through

the 'bend' equates to 25 vehicle movements in peak hours, which is equivalent to one additional vehicle every 2-3 minutes. This concludes that the level of traffic generation onto the existing highway network and vehicle movements passing through the 'bend' is not significant.

1.35 In order to understand the safety of the bend, it is important to review the accident records. Personal Injury Accident Data has been obtained from Hampshire Constabulary along Brockhills Lane including the 'bend' and during the 7 year period there have been no reported injury accidents between the proposed site access and the junction of Oakwood venue.

1.36 Highway 'warning signs' are also present on both approaches to the bend to make drivers aware of the 'bend' in the road.

1.37 The Highway Authority acknowledge the concerns raised in relation to the bend and confirm that based upon accident records and the nature of the road in which the road narrows and alignment, drivers take more care, and this reduces the overall traffic speed. The Highway Authority consider that changing the alignment of the road will increase the forward visibility here and this is likely to increase the speeds of traffic, which would not be appropriate in this location. The Highway Authority have offered to cut back some of the vegetation to slightly improve the visibility, but feel that significant improvement in visibility here or road modification is not justified given the accident record and low development impact.

#### Pedestrian access from the application site to Hollands Wood Drive and Brockhills Lane to walk to local facilities

1.38 The safety for pedestrians and cyclist to connect from the proposed development to the existing footpaths in Hollands Wood Drive, to the south of Brockhills Lane (towards Ashley Common Road) and the Public Right of Way in Sway Road has been addressed in the Transport Assessment and further clarity has been provided in the Technical Note. The proposed internal layout of the development incorporates a series of footpaths which align with the adjoining roads and footpaths and the proposed off site highway works (crossing points and footpaths) would form the point of connection.

#### Brockhills Lane footpath connection

1.39 Members recall at the committee meeting that two alternative options for a footpath along Brockhills Lane were shown, one on the west side and the other on the east side. Because of the uncertainty about the deliverability of the approved footpath on the western side of Brockhills Lane, which formed part of the planning permission for the 8 dwelling scheme, the applicant has now confirmed that they will deliver the proposed footpath on the eastern side of Brockhills Lane.

1.40 The proposed footpath along the eastern side of Brockhills Lane lies within Highway Land and can be delivered by the applicant prior to the occupation of the first dwelling. Proposed Condition 35 and a clause within a S106 agreement secures this provision. In addition, the proposed footpath incorporates an uncontrolled crossing point to the existing footpath on Brockhills Lane and the location of the crossing point will be situated a significant distance away from the 'bend' and as such would have adequate visibility.

1.41 To respond to the concerns raised at committee in relation to the safety of the crossing point, the applicant has explored whether the crossing point can be designed as a new signal controlled crossing point or zebra crossing. The applicant assessed this against HCC's 'Guidance on Signal Controlled Crossing' and based upon traffic

flow and crossing demand, the applicant has confirmed that there is no justification for a signal controlled crossing point or zebra crossing. The Highway Authority do not disagree with this.

1.42 Whilst it has been concluded that there is no justification for a more formal crossing point, the applicant has reviewed the design of their uncontrolled crossing point, which showed dropped kerbs and tactile paving, and this may also include bollards to make this more visible. It is also important that the crossing point will provide appropriate visibility splays and the final design of the footpath and crossing point will be subject to a S278 agreement which could result in further enhancements. Overall, the Highway Authority have confirmed that the proposed uncontrolled crossing will provide a safe and appropriate crossing provision for the future users of the site and any existing residents.

#### Hollands Wood Drive Footpath

1.43 With regard to the footpath connection to Hollands Wood Drive, a pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate a crossing facility and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane. The Highway Authority consider that the proposed crossing facility will provide a safe and appropriate crossing for future and existing residents.

#### Residents of the proposed scheme walking onto Brockhills Lane where there are no footpaths

1.44 Safety concerns were expressed at Committee in relation to pedestrians walking from the proposed development onto and along the Brockhills Lane, where there are no footpaths. In response, it is important to clarify that the section of Brockhills Lane that bounds the application site has no footpaths.

1.45 However, as stated above, the proposed development has been designed in which the internal layout will incorporate footpaths directly to new footpaths and crossing points along Brockhills Lane to connect to the existing footpath network further south along Brockhills Lane and Hollands Wood Drive. The proposed development has been designed to ensure safe passage to the existing footpath network and will provide a safe connection from the site to the desired routes onto the existing footpath network.

#### Proposed Off site highway improvement and enhancements

1.46 The list below sets out the proposed off site highway works that will mitigate against the development and will be delivered by the applicant, secured in S106 obligations with NFDC and HCC and through S278 Agreement with HCC. It is important to note that there are no additional enhancements or further mitigation that followed the December Committee on account of HCC, as Highway Authority, not requiring any further measures as being justified or necessary in order to make the development acceptable in planning and highway safety terms.

- Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue;
- Provision of an uncontrolled crossing with tactile paving and dropped kerbs at the junction of Ashley Common Road and Miller Close;

- Provision of an uncontrolled crossing with tactile paving at the junction of Molyneux Road/ Ashley Road;
- Provision of an uncontrolled crossing with tactile paving at the junction of Highridge Crescent/ Ashley Road;
- Widening of footway to 2.0m for 50 metres along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).
- There will be a requirement to pay the Travel Plan approval and monitoring fees, and a need to provide a surety mechanism to ensure implementation of the travel plan.
- The provision of a 2 to 3 metre wide footpath along the eastern side of Brockhills Lane to connect the footpath proposed in the ANRG of the development to the existing footpath on the western side of Brockhills Lane. The proposal would need to provide crossing facilities across Brockhills Lane
- The provision of a pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
- There will be a requirement to secure a contribution of £27,000 mitigating against parking and school travel planning
- The provision to secure and implement Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road
- The provision to secure and implement the emergency vehicle and pedestrian access and crossing point to Sway Road
- Travel Plan for the development itself to promote sustainable modes of travel by future residents. Proposed Condition 31

### Summary

1.47 In summary, Officers appreciate that there is a significant amount of objection raised against this proposal on highways and traffic grounds, and there is no dispute that the proposed development will result in an increase in traffic generation on the local network, although very little, quantifiable evidence was put forward to support these objections in comparison to the comprehensive industry standard data used by the applicant and endorsed by the Highway Authority. The fact remains, however, that HCC, as the responsible Local Highway Authority, carefully assessed and considered this proposal and, having done so, raised no objections to it, stating that it agreed there would be no unacceptable impact on highway safety and no residual cumulative highway impacts that can be considered to be severe.

### Conclusion

1.48 Officers have carefully considered the concerns raised by Members at the December Committee. Whilst these concerns are fully understood, ultimately the Committee's decision is one based on a technical matter relating to highway safety as set out above. The access strategy for the development of the site accords with Policy SS10 of the Local Plan. The Committee must therefore give significant weight

to the professional advice received from the Highway Authority, as a Statutory Body for Highway safety matters. Officers continue to maintain that the proposed development would not have an unacceptable impact on highway safety or a severe impact on the local highway network and can therefore see no good reason to amend the original recommendation, which is to grant planning permission subject to conditions, as set out in the previous December Committee report. As such, the original recommendation still stands, without amendment, other than the extension to complete the Section 106 Agreement by the end of February 2024.

## **ORIGINAL REPORT DECEMBER 2022**

### **1 SUMMARY OF THE MAIN ISSUES**

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

The key issues are:

- 1) Principle of development -whether the principle of development would be acceptable having regard to Local and National Planning Policy
- 2) Housing – specifically, whether the proposed development would deliver an appropriate mix of housing types, size and tenure to deliver a mixed and balanced development, whether the development would make an appropriate provision of Affordable housing
- 3) Character - the landscape impact of the development and whether the layout, appearance, scale and design of the dwellings would result in a quality development and relate sympathetically to the surrounding area
- 4) The quantum and quality of green infrastructure (including ANRG land, Public Open Space and play areas)
- 5) Heritage – whether the development would have an appropriate -impact on designated heritage assets near the site
- 6) Transport – whether the development would have an acceptable impact on the local highway network, whether the access arrangements would be safe, sustainable and meet the appropriate needs of the highway users, whether the proposed development would have an acceptable impact on existing rights of way close to the vicinity of the site.
- 7) Ecology
  - a) Specifically, whether the development as a whole would have an acceptable impact on internationally, nationally and locally designated nature conservation sites, and biodiversity generally, having regard to the mitigation and enhancement measures that are proposed; and
  - b) Whether the development would achieve required levels of on-site biodiversity protection and biodiversity net gain (BNG)
- 8) Impact of Development on the National Park - whether the development proposals would have an acceptable impact on the character and special qualities of the New Forest National Park, having regard to the development's design quality and its landscape and visual impact.

- 9) Flooding and Drainage – whether the development would provide a sustainable surface and foul water drainage solution and whether the proposed development would be safe in terms of flood risk
- 10) Air Quality, Noise and Amenity – whether the proposed development would have an acceptable impact on the environment and local human and natural receptors in terms of noise, air quality and contamination effects. Whether the proposed development would have an acceptable relationship with neighbouring residential properties.
- 11) Infrastructure provision, including education requirements.
- 12) Whether the proposals constitute a sustainable and safe development.

## **2 SITE DESCRIPTION**

### The application site

2.1 The application site is situated on the north-eastern outskirts of New Milton. The application site extends to approximately 9.96 hectares of undeveloped grassland comprising irregular shaped pasture fields lined by established hedgerows and some mature trees. The site is used for grazing and paddocks. The site gently slopes from north to south, with a steeper gradient in the far south and east of the site. A copse of trees is located within the far eastern part of the site, surrounding a depression.

2.2 The site falls within Local Plan allocation SS10. The Local Plan allocation has removed the SS10 site from its Green Belt designation (now classified as being within the built up area).

2.3 The site does not contain any listed buildings, the site does not lie within or adjacent to the Conservation Area. There are no Public Rights of Way on the site. The application site is located in flood zones 1, 2 and 3.

### The areas surrounding the application site

2.2 The site is situated on the north-eastern outskirts of New Milton in an area surrounded by residential development, holiday parks, campsites, and a farm shop. Sway Road bounds the northern boundary of the site and the western boundary is defined by hedgerows along Brockhills Lane. The south boundary comprises an area of broadleaved woodland known as 'Stanley Copse' and along the south eastern boundary is shared with Stanley's Caravan Park. To the east of the site boundary is formed by a combination of hedgerow, trees and small wooded copses which are adjacent to Danes Stream. The area of woodland to the south of the site is designated as Ancient and semi natural woodland. The New Forest National Park lies to the north (opposite Sway Road ) and east (not abutting) of the site. The Green Belt boundary abuts the south, east and north east of the site.

## **3 PROPOSED DEVELOPMENT**

### The application

3.1 This is a full planning application for a residential development of a site on the east side of Brockhills Lane, to the north east of New Milton.

The application comprises the following:

*'Phased residential development for 164 dwellings; new vehicular access onto Brockhills Lane and other associated works including landscaping, ANRG and open space'.*

3.2 The application is supported by detailed access and layout plans, full elevations and house tenures and types, a detailed landscape, tree and ANRG Framework Plans and strategy and children's play design. A detailed drainage strategy is included in the application.

3.3 The application is also supported by a comprehensive suite of reports that aim to show how the development satisfies particular needs and policy requirements. These reports include all of the following:

- A Design and Access Statement - Updated March 2022
- Planning Statement
- Information for a Habitats Regulations Assessment - Aug 2021
- An Ecological Impact Assessment - Updated March 2022
- ANRG Habitat Creation and Management Plan March 2022
- Biodiversity Metric Assessment - Updated March 2022
- Lighting Assessment - July 2021
- A Noise Assessment - Updated July 2022
- An Air Quality Assessment - Updated June 2022
- A Transport Assessment and a Framework Travel Plan- Updated March 2022
- An Arboricultural Assessment and Tree Protection Report - Updated March 2022
- A Landscape and Visual Assessment
- Geo-physical survey
- A Statement of Consultation
- Minerals Assessment
- Sustainability and energy statement
- A Flood Risk Assessment and Drainage Strategy - Updated September 2022

3.4 The submitted scheme proposes 164 dwellings situated immediately off Brockhills Lane, in which the built development will be concentrated along the central, northern and eastern parts of the site. An emergency access is shown on the submitted plans to the north of the site from Sway Road. For the avoidance of doubt, all development is proposed within the strategic policy allocation (SS10).

3.5 It is proposed to retain the majority of the existing hedgerows and trees within the site and around the boundaries, with a small loss to facilitate access points and connections. Two large areas of Green Infrastructure along the southern and eastern boundaries are proposed, forming the Alternative Natural Green Space (ANRG) and Public Open Space (POS) with a hierarchy of connecting footpaths, new tree/ shrub planting, meadows and surface water retention features. A central north-south greenspace corridor, connecting to Sway Road is proposed with the main area of natural greenspace on the southern and eastern boundaries.

3.6 A new 2 to 3 metre wide footway is proposed within the south part of the development and along part of Brockhills Lane, which will provide a connecting link between the main residential area and the existing footpath network in Brockhills Lane. A single children's play area (LEAP) is proposed with smaller play areas provided around the site.



3.7 The proposal is for 2 storey homes across the site with the occasional 2.5 storey buildings and bungalows. The scheme shows a range of homes, detached, semi-detached, terraced, bungalows and apartments. The mix is as follows:

#### Dwellings

1 bedroom dwellings = 12  
2 bedroom dwellings = 56  
3 bedroom dwellings = 65  
4 + bedroom dwellings = 31

Total no. of dwellings = 164

#### Amendments to application

3.8 Following detailed discussions, the applicant has amended their proposal to address the concerns set out by the Case Officer. The scheme has been revised and reduced from 169 dwellings to 164. Amendments have been made with improvements to the design of several buildings and layout changes, together with an increase in the level of ANRG space and officers are now content that the proposed site layout and design is appropriate and fulfils the requirement and high design standards and acceptable quantum of ANRG space as set by the Local Plan policies referred to above. The applicant has also increased the level of affordable rent from 23 to 26 and the level of social rent from 0 to 13 (following reduction in the level of shared ownership housing).

3.9 Furthermore, a series of amended plans, Framework Strategy and technical reports have been updated and received March 2022. These amended details have been the subject of a further round of consultations both with the consultees listed in this report and local residents. The amended application was also advertised in the Local Press.

#### Pre application

The applicant has engaged in an extensive pre application advice service with the Council, which included the involvement of key internal and external consultees. In addition, the application has been accompanied by a Statement of Community Involvement and engagement that has been undertaken by the applicant, to inform the application for development at Brockhills Lane.

## **4 PLANNING HISTORY**

Screening Opinion (20/10320) Not EIA development dated May 2020.

There is no relevant planning history for the site, although the applicant did engage with the Local Planning Authority's pre-application advice service from January 2020, with a scheme for 175 dwellings.

## **5 PLANNING POLICY AND GUIDANCE**

### **The Core Strategy (Saved policy)**

CS7: Open spaces, sport and recreation

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

DM2: Nature conservation, biodiversity and geodiversity  
DM4: Renewable and low carbon energy generation  
DM9: Green Infrastructure linkages

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

Policy Strategic Site SS 10: Land to east of Brockhills Lane  
Policy STR1: Achieving Sustainable Development  
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
Policy STR3: The Strategy for locating new development  
Policy STR4: The Settlement hierarchy  
Policy STR5: Meeting our housing needs  
Policy STR7: Strategic Transport Priorities  
Policy STR8: Community services, infrastructure and facilities  
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 HOU1: Housing type, size and choice  
Policy HOU2: Affordable Housing  
Policy CCC1: Safe and Healthy Communities  
Policy CCC2: Safe and Sustainable Travel  
Policy IMPL1: Developer contributions  
Policy IMPL2: Development standards

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

New Milton Neighbourhood Plan  
SPD - New Milton Local Distinctiveness Document  
SPG - Landscape Character Assessment  
SPD Mitigation Strategy for European Sites 2021  
SPD Parking standards 2022  
SPD Housing design, density and character 2006  
Air Quality SPD 2022  
Developer contributions towards air quality  
Cabinet Report on Monitoring Contributions 2022  
Draft SPD guidance on play provision within development sites  
Draft SPD Strategic sites masterplanning  
Ecology and Biodiversity Net Gain Interim Advice Note

### **Constraints**

Adjacent to New Forest National Park  
Adjacent to SINC  
Part of the site is located within Flood Zone 2/3  
Tree Preservation Order: 23/93/T12

### **Plan Policy Designations**

Adjacent to Green Belt  
Built-up Area  
Strategic Allocated Site

## **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

### Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit
- 

## **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
- Section 16 Conserving and enhancing the historic environment

### National Design Guide 2021

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

### **New Milton Town Council**

#### Initial comment

Strongly Object (non-delegated) for the following reasons:

- a) Overdevelopment, with a 30% uplift on the SS10 guidance of 'at least 130 homes
- b) Various traffic concerns general traffic generation and a need to survey in neutral months, use of tandem parking, poor visibility at junctions, lack of crossing points.

c) New Forest District Council Local Plan policy HOU2 states 50% affordable housing requirement. This is reduced to 34% provision due to introduction of discounted market units and is therefore contrary to policy.

d) Lack of drainage detail and potential inclusion of the ponds in the area calculations for Alternative Natural Green Space

e) Lack of information regarding the phasing of development

f) Lack of primary healthcare capacity/provision), lack of future proofing by way of solar panel, biomass use or individual EV points for each parking space

h) Ecology assessments require updates

i) The bungalow provision and lack of service plots for self-build are contrary to New Milton Neighbourhood Plan policy NM2.

#### Comments on revised application

#### **New Milton Town Council, Town Hall**

**STRONGLY OBJECT** (non-delegated)

a) The development is too high in density, and there are no self-build plots contrary to Neighbourhood Plan policy NM2.

b) The affordable housing offer is contrary to the District Councils policy HOU2

c) Inadequate climate mitigation measures, contrary to Neighbourhood Plan policy NM4 (Design Quality) as opportunities for solar panels nor ground source heat pumps have been taken

d) Highway safety issues

i) Swept path analysis plans are misleading as inevitable on-road parking would block passing of larger vehicles

ii) Walking/cycling guidance is out of date as there are no footpaths for use to local schools

iii) Sway Road access to the forest requires improvement to mitigate this development

iv) Use of cobbles/paviours in semi-private roads will cause disability access issues

e) Insufficient ecology mitigation measures taken as highlighted by New Forest District Councils Ecologist, plus lack of woodland management information as per Natural England response.

#### **7 COUNCILLOR COMMENTS**

No comments received

#### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

## **Internal Consultees**

### 8.1 Council Ecologist: No objection subject to condition

#### Lifespan of ecological reports

The Ecological information has been gathered and baseline between 2016 and 2021 is adequately captured. Updated surveys have been carried out.

#### Stanley Copse SINC

Significant impacts on the woodland (from recreation and fly tipping etc) unlikely given the buffers provided (space and planting of trees and scrub) and the fact that woodlands are fenced off. The nearest component of the New Forest SSSI is located approximately 500 metres north of the site. It is considered that the mitigation in place for the internationally designated sites would be equally as effective for nationally designated sites.

#### BNG

The BNG assessment has been updated to reflect the scheme design changes. The principle of additionality has been adequately and transparently addressed. The scheme results in a biodiversity net gain of 10.11 habitat units.

#### Species

Surveys identified a low population of grass snake and slow worm. No evidence of badger or dormouse recorded during the survey. The level of bat surveys are acceptable and lighting strategy required for mitigation. I agree with the assessment that there is a low probability of GCN reaching the site given the relatively small amount of suitable terrestrial habitat on-site and the presence of Dane Stream acting as a barrier to a degree

The breeding bird assemblage is assessed to be of Local Importance, with most activity concentrated in hedgerows on the boundary of the site. Impacts are considered to be relatively minor and the small areas of hedgerow loss and disturbance are unlikely to affect the conservation status of breeding bird assemblage. The wintering bird assemblage was also assessed to be of local importance with predominately common and widespread species recorded.

### 8.2 Environmental Design (Conservation): No objection

### 8.3 Environmental Design (Urban Design Officer and Landscape): Comment

#### Layout/ design

Considerable effort has been made to improve elements of the design including some of the architecture selection and spacing of some of the buildings. There are also improvements within the masterplan in terms of ANRG and streetscapes. I raise no objections to the buildings design. The final details of the boundary treatment will need to be resolved, this can be dealt with by condition. Equally, details of hard and soft landscaping, is a matter that needs to be resolved, but this can be dealt with by condition.

#### Play

As previously noted, the locations and principles set out in the D&AS are fully supported, representing a good distribution of a variety of play spaces, and aimed at

the appropriate range of abilities, while utilising best practice in promoting play as part of the wider playful landscape, using appropriate design techniques to reduce risk of harm from obvious hazards, such as roads.

The proposed play space equipment is well covered, although additional style of swings and seats would be welcomed or a more dynamic piece of kit aimed at older juniors, perhaps in lieu of springing animals. The full details can be conditioned.

#### ANRG

It is unfortunate that the pumping stations are proposed within the recreational space, and whilst it is noted that they are excluded from the ANRG space calculation, it is important that their design, landscaping and boundary enclosure to the pumping station are very carefully dealt with by condition. It is noted that the amendments to the application which entail an increase in the ANRG space are welcomed. The SUDS designs and detailed information demonstrate that they will be positive features as part of the landscaping.

#### Comments to be added

8.4 Open Space Maintenance Officer: General comments if POS, play and ANRG is transferred to NFDC to manage and maintain these areas.

8.5 Environmental Design (Tree Officer): No objection subject to condition

8.6 Environmental Health (Pollution/ Noise): No objection subject to condition

8.7 Environmental Health (Air quality): No objection subject conditions

8.8 Environmental Health (Historic land use and Contamination): No objection subject to conditions

8.0 Strategic Housing Officer: Comment

As a strategic allocation in the New Milton establishes a requirement for a target of new homes to be affordable.

Policy seeks a 70/30 tenure split between affordable housing for rent, evenly split between Social and Affordable Rent and intermediate, or affordable home ownership. Where a developer wishes to provide First Homes as affordable housing as defined by the NPPF, the remainder of the affordable housing tenure mix for scheme need to be delivered in the same percentage as set out in the local plan.

#### External Consultees

8.11 Natural England:No objection subject to appropriate mitigation being secured.

#### Nutrient neutrality

The application site is within the catchment of the Solent Maritime Special Area of Conservation (SAC) and the Solent & Southampton Water Special Protection Area (SPA). Natural England advises that there is a likely significant effect on the Solent's European Sites due to the increase in waste water from the new housing within the Solent catchment.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposals nutrient impacts in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as

amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

#### Recreational Impacts

This application is in close proximity to the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar and Solent European Sites. Natural England is aware that the New Forest District Council has recently adopted a Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the European site(s). Provided that the applicant is complying with the SPD.

Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Appropriate financial contribution to the New Forest and Solent recreational mitigation schemes and the strategic air quality monitoring strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

8.12 Highway Authority: No objection subject to conditions

8.13 HCC Minerals and Waste Planning: No objection subject to condition

The proposed development lies within the mineral and waste consultation area (MWCA). 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 (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.

Having reviewed the applicants submitted Mineral report, the MWPA considers given that the application of a 50 m buffer from sensitive receptors reduces the potential extraction area to 3.78 ha, which is only 0.78 ha over the MWPA's consultation threshold; and, the extraction of the mineral resource would potentially cause up to a 3-year delay to the residential development, as well as increase the costs of building foundations and drainage design and construction, the MWPA is satisfied with the evidence provided that the development of Land east of Brockhills Lane does not constitute a viable prior extraction opportunity.

8.14: Archeologist: No objection subject to condition

8.15 Hampshire County Council Lead Local Flood Authority: No objection subject to condition

8.16 Environment Agency: No objection subject to condition

8.17 Southern Water: No objection subject to condition

8.18 Education Authority: Comment

The development site is served by Ashley Infant and Junior Schools and Arnewood School. The primary age phase schools are full and forecast to remain full for the foreseeable future. To accommodate the additional infant and junior age pupils a contribution will be sought. No contribution is sought for Arnewood School.

In summary, the contributions towards the expansion of Ashley Infant and Junior Schools or New Milton Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development.

8.19 Hampshire Fire & Rescue Service: Comment

Standard advice

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

### Original submission

2 letters of support - There is a shortage of affordable properties available in the area for first time buyers. I see that it is proposed that 50% of the development is to be affordable which is in accordance with Policy HOU2 of the Local Plan

Petition raising objection with 114 signatures

344 letters of objections

### Principle of Development

- Loss of Green Belt land/ countryside
- Site should have not been allocated for development – it is not a suitable site
- The proposal is not a sustainable development – not close to shops, schools and other facilities
- Impact on climate change

### Community Services, Infrastructure and Facilities

- The development would give rise to unacceptable pressures on other local infrastructure (health facilities, schools, emergency services etc.). What funding is going to be made to schools

### Layout, Character, Design/ landscape

- Out of character - poor layout and design
- Lack of tree lined streets
- Overdevelopment, density - intensive - well in excess of the policy allocation
- The main spine road within the estate has an unprecedented number of terraced houses that would be more in keeping with an inner city area. Not in keeping with the New Forest area.
- The lack of trees planned is incongruous with similar roads in the area and falls short of the sylvan setting requested by the NFDC.
- Concern over the scale of development including building heights
- The land proposed for the footpath appears to be within the root protection area of a protected tree. The land proposed for the footpath currently has an Oak tree growing on it, while this is just outside of our boundary, and so not covered by the TPO, we believe from discussions with the council on a planning application last year that it is protected



## Housing

- How would the developers guarantee that the 50% affordable homes would help mitigate the shortage of homes for.

## Ecology

- Impact on wildlife including the impact on Deer, Fox, Bats, Dormice, Reptiles, Birds and Buzzards. It also provides habitat for endangered species including nightingales, slow worms and stag beetles.
- Impact on dark skies
- Loss of habitat
- It has been confirmed that there is bat activity in the proposed site and the supporting documents do not clearly state how the impact of the development will be mitigated. It lists a number of mitigation measures but is not specific on how the impact of the proposed development on this protected species will be realised. It is clear we have Soprano Pipistrelle bats in this area and those are a Species of Principal Importance for Nature Conservation in England under Section
- It will cause major noise pollution, light pollution and harm the wildlife that access this area from the adjacent SSSI

## Transport

- Concerns in relation to increase in traffic generation
- Brockhills Lane is too narrow with narrower pinch points and no footpaths
- The access onto Sway Road is unsuitable
- Lack of car parking
- Access close to blind bend
- Lack of public transport
- Lack of provision/ impact on cycling
- The access is not suitable for all vehicles
- No adequate off street parking to accommodate the charging of electric vehicle types
- The developers have included tandem parking throughout the estate, which is not ideal for the charging of EVs and will inevitably lead to on street parking.
- The roads in the estate will not meet guidelines from the NFDC Local Plan nor do they meet Government recommended widths of 5.5 metres. Roads will be too narrow to accommodate residents' second vehicles, which will have to park in the roads, and therefore it will make it very difficult for emergency vehicles, like fire engines, to reach most parts of the estate.
- A second exit from the development onto Sway Road should be authorized to mitigate the effects of traffic on Brockhills Lane and the connecting roads. .
- There have been many accidents along Sway Road and Brockhills Lane. This was not picked up in the Traffic surveys

## Flooding, Surface Water and Foul Drainage

- The north east side of the site is vulnerable to flooding and this include the existing gardens bordering the site.
- Other parts of the site are also vulnerable to flooding
- The land has high groundwater, plus significant surface run off flooding.
- There are concerns about surface water drainage run off from the development
- Who will be responsible for the upkeep/maintenance of the watercourses
- Existing foul sewer network needs upgrading
- High water table

### Impact on amenity

- Increase in traffic – additional impact on noise and disturbance
- Impact on Cattery and Vets practice
- Impact from privacy, outlook, and overshadowing - three storey building next to boundary
- Impact on health from dust and poor air quality

### General

- Hedges and trees on the boundaries, would appear not to be within the boundary of adjoining properties but in a no-mans land with no easy access without entering private gardens. if this is the case how is their wellbeing or even survival ensured and by who?
- Impact on cattery - additional noise and disturbance
- Affordable housing - we would like to see NFDC adopt a similar strategy to many other councils and place covenants on the new homes, restricting their sale to local people only i.e. those who have paid community charge within the area for 3 or more years. This would free up less expensive properties within the town for younger people.
- Archaeological - while possible archaeological activity has been detected through the survey, the features are said to be of uncertain date and function., The Society would like to see some limited archaeological excavation on the site, to be reported to the Town Council when completed. It is suggested that a condition be attached to the housing application decision to achieve this

### **Amended Plans**

105 further letters of objection received which reiterate some of the concerns raised above, but also state that the revised plans do nothing to address previous concerns.

### **Final amendment to reduce number of houses from 166 to 164**

85 further letters of objection received which reiterate some of the concerns raised above, but also state that the revised plans do nothing to address previous concerns.

## **10 PLANNING ASSESSMENT**

### **10.1 The principle of the development**

10.1.1 Land at Brockhills Lane is one of the Strategic Development sites that have been allocated for development in the recently adopted New Forest Local Plan 2016-2036. Policy Strategic Site 10 applies. This policy states:

Strategic Site 10: Land to the east of Brockhills Lane, New Milton

- i. Land to the east of Brockhills Lane, New Milton as shown on the Policies Map is allocated for residential development of at least 130 new homes and public open space dependent on the form, size and mix of housing provided.
- ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to provide a new rural edge neighbourhood to New Milton by:
  - a. Creating a compact pattern of well-designed buildings and streets with enough garden space internally and along frontages to create a sylvan setting comparable to the characteristics of the low density development in the area

- b. Providing vehicular access from Brockhills Lane and assess whether there is a need for improvements to the Brockhills Lane and Sway Road junction, and providing pedestrian crossing points across Sway Road and Brockhills Lane to link to existing footpaths.
  - c. Providing a central north-south greenspace corridor connecting to Sway Road as an internal focal point for the development, with the main area of natural recreational greenspace on the southern and eastern boundaries, buffering adjoining woodlands and the Danes Stream.
- iii. Site-specific Considerations to be addressed include:
- a) Ensuring the form and character of development layout relates appropriately to the New Forest National Park to the east and north
  - b) Respecting the ecological sensitivity of the ancient woodland and other woodland habitat to the south and west of the site.
  - c) Managing flood risks from Danes Stream and its tributary in an ecologically sensitive manner, integrating sustainable drainage measures around existing water courses and the greenspace framework for the site.

10.1.2 Policy Strategic Site 10 is accompanied by a concept masterplan that illustrates how the allocation might be developed. It identifies, in broad terms, the areas where residential development could be provided, as well as areas where Alternative Natural Recreational Greenspace (ANRG) and Public Open Space could be delivered. The concept masterplan was drawn up to show how development within the allocated area could fit its landscape context, identifies the Vegetation of Landscape Value and indicates the approximate position of pedestrian links. Whilst the concept masterplan is designed to be illustrative rather than prescriptive, it does provide a framework for shaping development of the allocated area.

10.1.3 The Concept Masterplan illustrates the requirement for there to be a green buffer along all boundaries of the site (particularly the south), in which the residential development would be largely concentrated in the central part of the site. It also identifies existing vegetation of landscape value to be retained, and the north-south green link running through the site.

10.1.4 The applicants proposal shows that residential development is to be provided within the central part of the site and the Green Infrastructure shown to the west, south, central and eastern boundaries, which reflects the Concept Masterplan accompanying Policy Strategic Site 10. Equally the plans show the majority of the 'Vegetation of Value' to be retained with key pedestrian links shown to be provided throughout the development. Vehicular access is also shown to be provided as envisaged in principle under this policy.

10.1.5 In summary, as this site is identified within the adopted Local Plan as a suitable location for residential development, the principle of development on this site is clearly acceptable.

10.1.6 There are several key criteria set out in the policy and other legislative requirements that must be met and these are considered within the assessment.

## **10.2 New Milton Neighbourhood Plan**

10.2.1 The site lies within the boundary of the adopted New Milton Neighbourhood Plan 2016-2036 and therefore forms as a statutory development plan for the area. There are several policies in the New Milton Neighbourhood Plan, which are relevant to this application.

10.2.2 Policies NM2 (Diversifying Housing) is applicable for all new residential development should seek to include in their housing mix a type and tenure suitable for first time buyers or those looking to rent their first home. In the case of Strategic Site allocation, the policy states that proposals must include a diversity of housing types as follows:

- Homes suitable for first time buyers or those looking to rent their first home including approx 5% of market provision in the form of affordable homes for sale;
- Undeveloped, serviced plots made available individually for purchase by self builders; and
- Homes specifically developed for private rent

10.2.3 An assessment of the proposals against this policy has been assessed in detail under the heading 'Housing' paragraph 10.12.

10.2.4 Policy NM12 (Promoting Walking and Cycling) is relevant, and seeks to promote sustainable transport through the creation of new walking and cycling routes to connect the existing and new residential areas of the town with the town centre. In relation to this site, the proposals map to support Policy NM12 illustrates a walking and cycling route through the proposed development site at Brockhills Lane. In addition, page 79 states that the Council will seek to secure improvements to Sway Junction and pedestrian access from the Land to the East of Brockhills Lane into the New Forest National Park

10.2.5 An assessment of the proposals against this policy has been assessed in detail under the heading 'Transport' paragraph 10.8

10.2.6 Policy NM4 Design Quality states that all development and surrounding spaces, will be well designed to reflect the distinctive character of the town. The policy goes onto state that all applicants will be required to demonstrate that development is of high quality design and layout and includes appropriate landscaping and well-connected greenspace integrated with existing landscape features; creates a sense of place while addressing the character and scale of the surrounding buildings and landscape; incorporates well integrated parking that does not dominate the street environment, consideration should be given to availability of electric vehicle charging points in communal parking areas; positively addresses climate change through early consideration of layout and building design, and through passive design, energy and water efficiency, and renewable energy measures.

10.2.5 In assessing the application against these policies, and as set out in detail within the report, the proposed development has had regard to these policies and the proposal provides a new walking and cycling route through the site to connect to existing residential areas in the town and to the north of the site to connect with the existing public right of way. In relation to climate change building design/ renewable energy, this is addressed under the heading 'Sustainability' paragraph 10.21.

### **10.3 Housing Land Supply and the Tilted Balance**

10.3.1 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 years delivery of new homes along with the latest information about sites coming forward. The updated housing land supply position remains significantly below the required 5 years.

10.3.2 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 housing development of 164 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:

- a. approving development proposals that accord with an up-to-date development plan without delay; or
- b. 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.

10.3.4 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.

### **10.4 Design and Character matters including the Location, Layout and Landscape Impact of the Development**

#### **10.4.1 The location of built-form and Green Infrastructure**

10.4.2 The site's location is defined by its part rural edge, its proximity to the Green Belt to the south and north east of the site and New Forest National Park to the north and east of the site. In addition, the character of the area is defined by the trees and hedgerows that are present within and adjacent to the site and the trees that line Brockhills Lane. The rural route of Brockhills Lane and Sway Road is also an important character and the proximity to the woodland features on the south and east boundary of the site.

10.4.3 The application is a full application therefore, the location of the built form an Green Infrastructure is fixed (i.e not illustrative). The submitted layout plan shows the majority of the built development on the central part of the site to the south of Sway Road and east of Brockhills Lane, in line with the Local Plan Concept Masterplan. Large areas of open green space are shown to be provided to the south and east of

the site, adjacent to the edge of the site and providing a buffer to the woodland areas, with narrow swathes of open space along all boundaries to retain the existing hedgerows and trees along Brockhills Lane and Sway Road.

10.4.4 The layout includes a central north-south greenspace corridor through the development connecting to Sway Road with the main green space on the southern and eastern boundaries, together with buffering the adjoining woodlands and Danes Stream. Again, this fully accords with both policy and the concept masterplan.

10.4.4 Overall, it is considered that the proposed location of built form and Green Infrastructure is appropriate and justified. The most critical matter is to ensure that the scale, design, form, layout, detailing and use of materials of the development delivers a high standard and is contextually appropriate. This is assessed in greater detail below.

#### The layout and appearance of the built development

10.4.5 Brockhills Lane has a rural character in which hedgerows and trees bound the road, although there is a noticeable change in its context between the south of Brockhills Lane to the north heading towards the application site. The southern part of Brockhills Lane (on the western side of the road) has a developed character comprising a mixture of dwellings fronting onto the road with a footpath on one side and is street lit.

10.4.6 Heading north along Brockhills Lane, travelling to the application site to the north east of Brockhills Lane, the character becomes rural with no footpaths or street lights and dwellings are more scattered and isolated. On the west side of Brockhills Lane and to the west side of the application site, lies Hollands Wood Drive, which is a primary road with a network of residential cul de sac served off the road. The cul de sacs are modern developments at a low density character with large detached dwellings set in spacious plots with greenery and trees creating a pleasant context.

10.4.7 In considering the character of the area, the application site lies on the north eastern part of Brockhills Lane, on the rural edge. Because of the site's location to the north of New Milton, there are very few existing housing developments of this scale, which lie immediately adjacent to the site, although the development along Hollands Wood Drive is the nearest residential area, which comprises modern detached houses and bungalows. The scattered dwellings along Brockhills Lane and Sway Road tend to be more traditional cottage style dwellings.

10.4.8 The applicant's proposed design approach for the site seeks to create a high quality and sympathetic rural edge development that reflects key local distinctiveness principles and characteristics of the local area. The submitted layout is broken down into three character areas; 'Village High Street', 'Village Lanes' and 'Parkland Cottages'.

10.4.8 The 'Village High Street' is the main entrance into the development off Brockhills Lane and the design seeks to respond to the local context of New Milton in terms of existing building massing, scale, materials and architectural detailing of the proposed dwellings. Building forms are predominantly traditional with linked dwellings to create a continuous frontage which encloses an intimate street with generous verges and street landscaping.

10.4.9 Situated off the main primary road known as the 'Village High Street' is the character area defined as the 'Village Lanes', which make up the large amount of the development area and permeating towards the periphery of the scheme, where most dwellings are proposed. Within this area, the lanes are enclosed by various forms,

with detached, semi-detached and terraced homes providing enclosure to these routes and spaces and materials and forms draw inspiration from traditional New Milton dwellings, with traditional window proportions and details.

10.4.10 The 'Parkland Cottage' character area is positioned on the periphery of the development and this area is characterised by the quality of architectural approach for the buildings to ensure they have an appropriate appearance to their edge of settlement location. Dwellings vary in scales, with 2 storey dwellings interspersed with 1.5 storey homes and forms are traditional with traditional detailing with materials to reflect the rural buildings in the local area.

10.4.11 In assessing the effect on the character and appearance of the area, the application layout takes the form of a main spine road running through the site from west to east, with a number of subordinate, secondary roads coming off that main route. The layout would have a strong perimeter block character, with houses actively addressing the road(s) that they would front onto. Front and rear gardens would be large in size, with generous garden groups created with enough depth to allow for larger trees and mature vegetation to develop over time. While in places the new streets would have quite a tight and intensive form, this would be mitigated by the generous open spaces running through the development and the rural edges would be more spacious and less dense.

10.4.12 It is considered that the proposed layout would offer a hierarchy of connected routes and pedestrian friendly streets, including streets with open space and relatively green frontages where there would be scope to plant trees for shade and to break down the dominance of hard surfacing. When viewed in combination with the areas of open space that would be created, it is felt that the proposal would provide a high quality and contextually appropriate layout. Streets are lined with green spaces and verges, and the majority of the dwellings have good sized front gardens with hedgerows and trees which contribute to creating a sylvan setting as required by local plan policy SS10.

10.4.13 The Councils Urban Design Officers supports the design concept to create different character areas and considers that the layout has been designed that would be appropriate to the rural edge, local distinctiveness and create a really strong sense of place. Whilst parts of this site is necessarily intense in its design, a combination of well located greenspaces will act as a setting for development that allows an innovative collection of buildings to work well on this site and reflect the rural character of the area. Moreover, there are many aspects to the design which are positive, and it has been recognised that the buildings are undeniably rich in detail and traditional qualities that create a pleasant atmosphere of yesteryear.

10.4.14 Decorative detailing is shown to be used throughout the development including string course, tile hanging, verge detailing, traditional porches, chimneys, and bay windows which will add to the overall design quality of the development. It is clear from the plans submitted that the dwellings and buildings are designed and detailed to a high quality and are rich in detail and attractive. As highlighted above, the Councils Urban Design Officer notes the high quality shown in the design of the dwellings.

10.4.15 In relation to building heights, the development would be of traditional 2-storey scale, with some homes ( 2 detached and one pair of houses ) would rise to two and a half storeys buildings along the central primary road. Dwellings on the northern, eastern and southern edges are at a lower scale. It is considered that this would be a reasonable approach to building heights across the site and to the rural edges.

10.4.16 Overall, it is considered the proposed development would be well designed and sympathetic to local distinctiveness and the site's rural edge context. The development would therefore have an acceptable impact on the character and appearance of the area. The proposal picks up on the key criteria set out in Local Plan Policy SS10 in that the proposed development would create a compact pattern of well designed buildings and streets with enough garden space internally and along frontages to create a sylvan setting comparable to the characteristics of the low density development in the area. It is considered that the dwellings would be of an appearance that would adequately respect the site's rural edge context, and with a reasonable consistency running through the design this would help to create a strong sense of place. The scheme is considered to be compliant with both local and national design guidance and policy subject to detailed conditions on materials etc. A condition requiring working drawings to be submitted to and agreed in writing prior to construction will be applied to ensure that the quality of the scheme as now shown on the planning drawings is followed through into the final design drawings.

#### Density/ uplift in housing compared to local plan allocation

10.4.17 Policy Strategic Site 10 suggests that the allocation can accommodate at least 130 homes based on the masterplanning work that was undertaken through the Local Plan process. In proposing 164 dwellings, the application is evidently seeking to develop the application site with a greater number of dwellings than the minimum policy expectation. However, an uplift in dwelling numbers is not unacceptable in principle; because as the supporting text to the Local Plan notes (at Paragraph 9.33) *"Where added capacity can be delivered in a manner that is well-designed and contextually appropriate, provides an acceptable housing mix, fully mitigates its habitat impacts and achieves a net environmental gain, additional capacity will be supported."*

10.4.18 Importantly, the policy allows for a higher number of dwellings, the key issue is that any submitted planning application will need to demonstrate that a high quality sustainable development can be acceptably achieved, together with meeting all the relevant policy objectives and legislative requirements. As such, to be able to come to a view on whether 164 dwellings is an appropriate quantum of development, it is necessary to consider whether this level of development could be provided in a manner that is contextually appropriate and well-designed, as well as being deliverable with the necessary infrastructure and mitigation land, noting that the provision of a greater number of dwellings leads to a greater green infrastructure requirement to mitigate the increased numbers of dwellings. Only once all of these points have been considered can a conclusion be reached on dwelling numbers and the site's capacity. This is considered in more detail below.

10.4.19 With regard to the intensity and density of the development, Local Plan Policy does not prescribe particular densities for any of the strategic sites. When considering density, what is important is that the proposed density of development (which stems from the number of dwellings proposed) is contextually appropriate and capable of being delivered in a way that is sympathetic to the landscape context. As set out above, it is considered that the proposed development has been designed to a high standard and is contextually appropriate.

10.4.20 The proposal shows a density of around 28 dph, which will differ from the some of the local context, and as such would result in development of a different form and scale to the lower density of development within some of locality of the site. Across the whole site (including the Green Infrastructure), the density equate to 16 dwellings per hectare, which is low. The density of 28 dwellings per hectare would not be evenly spread across the site. As noted above, a lower density is proposed (and indeed necessary) along the site's northern, southern and eastern edges, meaning



that some of the areas within the site would therefore be of a higher density. Higher density is provided within the central part of the site in the area known as 'The Village High Street'. This variation in density is considered to be quite appropriate and a way of ensuring that the development is not only contextual but creates a strong sense of place.

10.4.21 Consideration has to be given to the amount of green infrastructure to be provided on the site and the character of development proposed. Given the need to provide both public open space, play and ANRG, the total green infrastructure provided equates to 4.7 hectares, which is just below 50% of the total site. This will help create an attractive development and enables a significant amount of the developments housing to have their main views or aspects facing onto green open space, which gives the 'feeling of being within the countryside'.

10.4.22 There will also be smaller scale green infrastructure, private gardens and incidental play spaces within the notated residential area which will further increase the proportion of green space within the overall development.

10.4.23 Overall, the broad character principles in the supporting documents provide comfort that a quality development at this density could be appropriately delivered on this site. It further demonstrates that the applicant has sought to make efficient use of the site, as required under paragraph 122 of the NPPF, in a manner that would integrate well with its surroundings.

#### The Landscape Impact of the Development

10.4.24 The application is supported by a Landscape and Visual Appraisal (LVA) which assesses the landscape and visual effects of the development, both in the immediate vicinity of the site and from more distant viewpoints. The Landscape and Visual Appraisal concludes that the visibility of the site is limited to the immediate surroundings and most of the site is well contained visually by the density of both boundary and intervening vegetation.

10.4.25 The site does not lie within a nationally designated landscape, however, it does lie adjacent to the southern boundary of the New Forest National Park boundary, which extends to the north and east of the site. The site also does not lie within a locally designated landscape. The appraisal concludes that the landscape value of the site and its immediate context ranges between 'low -medium'. There is no reason to disagree with this assessment.

10.4.26 The applicant has submitted a series of detailed 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.

10.4.27 The submitted Landscape Strategy employs a sensitive approach within the eastern parcel that abuts the New Forest National Park through the introduction of an expansive landscape area and setting back of development, that limits the impact of the development upon the nationally recognised landscape, which is sympathetic to the local surroundings. Other than the need to create vehicular or pedestrian access, the existing trees and hedgerows would be retained and this accounts to a significant proportion across the site.

10.4.28 This is highlighted in the development being set back from Brockhills Lane and Sway Road and the proposal to maintain and enhance key landscape features such as hedgerows and trees along the boundaries, which seek to preserve the rural

character along these roads. In addition, a series of dense planting buffers along the southern and eastern boundaries to Stanley Caravan Park to reserve a dark corridor and enable filter views from adjacent Caravan Park.

10.4.29 Large areas of green spaces will be provided to the eastern and southern boundaries of the site, which will provide a landscape buffer to the ancient woodland, in which the open space and additional planting will reinforce the existing landscape features and provides a screen to this sensitive woodland edge and prohibits users of the footpath and open space from entering this area. Significant tree and hedgerow planting is proposed throughout the site, including within the Green Infrastructure, streets and gardens planted with trees and vegetation which will add to the attractiveness of the streets and this accords with government guidance to provide street trees.

10.4.30 The proposed landscape strategy seeks to respond positively to key characteristics by retaining boundary vegetation and any the loss will be mitigated by a considerable increase in tree and hedgerow planting. This is also highlighted through the creation of substantial buffers to the key characteristic landscape features and proposing a green infrastructure that perpetuates those key features and enhances the existing, whilst introducing new landscape forms that form visual interest.

10.4.31 In summary, it is considered that the overall landscape strategy has carefully considered how the development might impact on the open rural landscape within and beyond the site. This has resulted in a detailed landscape framework which demonstrates an attractive and pleasant landscape and green infrastructure for the site, together with a soft rural edge to all boundaries of the site, which is appropriate and acceptable to the sites context. As recognised by the Council's Urban Design Officer and Landscape Officer, there are elements of this Plan that need to be refined, but these largely relate to matters of detail that can be reasonably resolved by condition.

## **10.5 Visual Impact of Development on the National Park**

10.5.1 The proposed development is sited adjacent to the nationally designated New Forest National Park, which lies to the north east along Sway Road.

10.5.2 There is a statutory duty for the Local Planning Authority to have regard to the purposes of the adjacent National Park, and it is therefore important that what is proposed has an acceptable landscape impact on the setting including views into and out of the New Forest National Park. Both Local and National Planning policies make it clear that very significant weight must be given to ensuring that the character, quality and scenic beauty of the landscape and coastline of the National Park is protected and enhanced.

10.5.3 The applicants LVAIS highlights the extent of trees and vegetation situated between the site and National Park boundary, which limits inter visibility or physical connectivity. The report states that the proposed development would be barely perceptible from publicly accessible locations beyond 1km from the site within the National Park. Where views are possible, from the edge of the National Park boundary, the proposed development. The proposed green open space on the east side of the site is adjacent to the National Park boundary and has been designed well to retain existing trees and under storey, with additional planting and a wetland area.

10.5.4 The site forms a discrete parcel on the north east edge of New Milton, framed by mature trees, vegetation and built form to the north and east. For these reasons, the site does not perform a significant role in the setting to the National Park.

Accordingly, the submitted LVAIS concludes that the proposals do not adversely affect the designation and there would be no change to the setting of the National Park. This assessment is accepted.

10.5.5 In summary, given the distances involved and the significant quantity of Green Infrastructure, the proposal would not diminish the visual appreciation of the New Forest National Park from key viewpoints, nor would it be to the detriment of the special qualities of the National Park.

## **10.6 Arboricultural Impacts**

10.6.1 There is currently no trees within the site that are protected by a Tree Preservation Order, but there are several trees within the vicinity of the site that are protected. The site benefits from tree and hedgerow coverage primarily concentrated along the boundaries of the site, Brockhills Lane and Sway Road. There are also existing mature trees within the central part of the site situated along field boundaries. There is an ancient woodland to the south of the site and woodland to the east.

10.6.2 The submitted Tree Survey confirms several of these trees are of a high to low quality (Category A, B and C). The Councils Tree Officer confirms that there is no reason to disagree with the categorisation assigned to the individual and groups of trees.

10.6.3 The Local Plan Concept Master plan highlights the boundaries of the site, and the belt of trees running north-south as a Vegetation of Landscape Value. The proposal seeks to retain most of the existing trees on the site, and all Category A and B trees will be retained and incorporated as part of the proposed development. A small number of trees will be lost to facilitate the internal road and footpaths. Importantly, most of the trees to be lost are low-quality trees with very little potential to contribute to local character because of their poor condition and small size.

10.6.4 The only other tree clearance will be a small number of low quality trees deemed unsuitable for retention (Category C), including the Ash trees which have to be removed due to dieback. All root protection areas (RPA) of retained trees will be protected, and where there will be minor encroachment special precautions will be taken to minimise impact and provide for the future retention of the trees.

10.6.6 In relation to the proposed footpath and crossing facility to be provided on the corner of Brockhills Lane and Hollands Wood Drive, this would be located close to an existing Oak tree. In response to the concerns raised by local residents that the footpath to be extended on the corner of Hollands Wood Drive and Brockhills Lane could potentially impact on the Oak tree, it should be noted that the proposal does not show that this tree (which is on highway land) is required to be removed. The tree is not covered by a Tree Preservation Order and the Councils Tree Officer does not raise any objection to the relationship between these works and the Oak tree.

10.6.7 In relation to the footpath connection along Brockhills Lane, this will be close to several mature trees on the eastern side of the road. The Tree Officer has assessed the potential impact on these trees and has confirmed that given the ditch, location of trees, some of which are in poor condition, subject to careful design and construction, the footpath will not impact on these trees.

10.6.8 Accordingly, it is considered that, in the context of the proposed development tree losses have been minimised to those required to facilitate the new development. Tree planting as part of the supporting Green Infrastructure will be a positive gain for arboriculture over and above that which currently exists on the site. Significant new native tree and hedgerow planting will be incorporated into the

proposed landscape response to strengthen the site character, particularly along the internal streets and within the Green Infrastructure. Residential plots are also designed with sufficient depth to encourage tree planting within the rear garden. More than 100 additional trees will be provided throughout the entire site.

## **10.7 Impact on Heritage Assets**

### **Listed Buildings and Conservation Areas Act 1990**

10.7.1 Section 66(1) of the Listed Buildings and Conservation Areas Act requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.7.2 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2021.

- Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 203 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.7.3 The application is accompanied by a Heritage Assessment which identifies that there are no designated heritage assets within or adjacent to the site. There are no designated heritage assets within 200 metres of the application site boundary. The application is accompanied by a detailed Heritage Assessment which identifies that there is one listed buildings situated to the south of the site, Foxglove Cottage. It is noted that there is a further listed building to the south at Holly Cottage and three listed buildings to the east along Sway Road, but there is no intervisibility between these and the application site due to the presence of dense tree cover in the intervening landscape.

- Grade 2 listed Foxglove Cottage, 114 Ashley Common Road, New Milton

10.7.4 Foxglove Cottage is a rendered hipped thatched roof building that lies to the east side of Ashley Common Road. Its sits within later, early to mid-20th century urban extensions to New Milton and along Ashley Common Road. The property lies at the southern part of Brockhills Lane, more than 160 metres from the corner of the application site. The cottage sits side-on to the road with a small, enclosed garden to its north and gardens to the south which include a large painted render double garage. To the south of the garage there is a single storey two-room cob structure with corrugated metal roof. This structure forms part of the southern boundary to Woodside Lane.

### **Significance and impact of proposed development**

10.7.5\_Based on the cartographic evidence, it would appear to have been constructed some time between 1840 and 1868. The significance of Foxglove Cottage lies in its modest form and scale, of a former New Forest commoners' cottage or similar and its use of vernacular materials cob and thatch. The survival of the mid-

19th century front door and first floor windows is of aesthetic and evidential significance as is the survival of the inglenook fireplace with oven although the upper section of the chimney at roof level has been rebuilt.

10.7.6 The Conservation Officer concurs with the conclusion in the applicant's Heritage Assessment that the application site is not visible from the cottage or from its immediate or intermediate setting. There will be no change to the value derived from the fabric of the listed buildings and from the physical layout and visual qualities of the setting of the gardens, the drive and the spaces between the buildings. In summary, it is considered that there will be no harm or loss to the significance of the heritage assets.

#### Policy Balance

10.7.7 Paragraph 199 of the NPPF makes it clear that when considering any harm to a heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 200 of the NPPF makes it clear that any harm to a heritage asset requires clear and convincing justification, whilst Paragraph 202 of the NPPF advises that in the case of less than substantial harm, the harm should be weighed against the public benefits of the proposal. No harm is identified and therefore these policies are not engaged.

10.7.8 The applicant considers that their proposals would deliver significant public benefit comprising: delivering the Local Plan the creation of an exceptional quality of built and natural environment; the creation of a sustainable community that delivers new homes. The applicant's position is noted, and the overall balance is considered at the end of this report after all relevant matters have been assessed.

### **10.8 Transportation matters**

10.8.1 Transport matters are addressed in detail in the applicants Transport Assessment. The key test is whether the development would have an unacceptable impact on highway safety or a severe impact on the local highway network. It is also necessary to assess whether the proposed highway works and access arrangements within the scheme would be safe, sustainable, and meet the appropriate needs of all highway users; and whether the proposed development would have an acceptable impact on existing public rights of way in the vicinity of the site.

10.8.2 The application site is bordered to the west by Brockhills Lane, which is a single carriageway road with a 30mph speed restriction and the B3055 Sway Road to the north, which is a 40mph speed restriction. There are existing field accesses into the site from both Brockhills Lane and Sway Road. Brockhills Lane is a single carriageway lane, and the lane is provided with some street lighting, particularly at junctions. Sway Road is unlit single carriageway. There are currently no footways existing along the site frontage on either side of Brockhills Lane or on Sway Road. Brockhills Lane forms a priority junction to Sway Road.

10.8.3 Local Plan Policy SS10 sets out the need for the creation of the primary vehicular access to the site from Brockhills Lane at a point just north of a residential property known as 'Danescresc'. The policy also states that there is a need to assess whether there is a need for improvements to the Brockhills Lane and Sway Road junction and providing crossing points across Sway Road and Brockhills Lane to link to existing footpaths. The proposed access to serve the development is onto Brockhills Lane and this fully accords with this policy requirement. An assessment of the other policy requirements are set out below.

10.8.4 The submitted application is accompanied by a detailed Transport Assessment (TA), which, among other things, considers the trip generation rates that would be expected for the development, the likely growth in traffic, and the likely increase in traffic on specific routes and using specific junctions.

10.8.5 In terms of traffic generation and distribution, the TA estimates that the proposed development would be expected to generate 110 vehicle movements, during the morning peak period, of which 49 onto Sway Road (west) 23 onto Sway Road (east), 14 onto Hollands Wood Drive, 24 onto Brockhills Lane. The proposed development is expected to generate 105 vehicle movements during the evening peak period, of which 47 onto Sway Road (west), 22 onto Sway Road (east), 13 onto Hollands Wood Drive, 23 onto Brockhills Lane. The Highway Authority considers the above estimation of trips is acceptable.

10.8.6 In terms of traffic generation, the applicant's TA has considered the distribution of trips associated with the proposed development and the impact this will have on key junctions at the site and near to the site. The TA assessed the capacity of the following junctions:

- Proposed site access junction to Brockhills Lane;
- Brockhills Lane / Sway Road priority junction;
- Bashley Common Road / Sway Road / B3058 Station Road / B3055 roundabout;

10.8.7 The traffic impact assessments demonstrates that the proposed junctions are expected to operate well within theoretical capacity with the development traffic in the future year 2026, which includes traffic growth.

10.8.8 In summary, it is concluded that the existing highway network would satisfactorily accommodate the additional traffic arising from the proposed residential development without resulting in any severe impacts, and therefore the traffic impact of the scheme is considered to be acceptable in light of the requirements of the NPPF. The Highway Authority agree with this assessment.

#### Personal Injury Accident

10.8.9 Personal Injury Accident information (PIA) has been reviewed as part of the Transport Assessment process. The data indicates that there has been a total of 13 recorded accidents within the search area during the 5 year period, which includes Brockhills Lane, B3055 Sway Road between Bashley Cross Road roundabout of and the junction with Vaggs Lane/ Wootton Road. Twelve of these were classified as 'slight' accidents and one accident was classified as 'serious'.

10.8.10 The majority of accidents recorded were attributed to factors such as loss of control, rear shunt and poor driver judgement/error rather than any identified deficiency in the road layout itself. Indeed, the PIA records, in the most recent five year period indicate that all the recorded incidents occurred at different locations, were not in similar time periods and had different contributing factors. The records do not, therefore, contain any patterns that might suggest any areas of highway concern within the search area. The Highway Authority has confirmed this position.

10.8.11 In response to concerns raised from local residents in relation to the visibility around the bend on Brockhills Lane, the Highway Authority reviewed the injury accident record and did not find any accidents recorded during the last 5 years on Brockhills Lane.

### Bus stops/ services

10.8.12 The nearest bus stops to the application site are located on Oakwood Avenue, located circa 400m south of the site, via Brockhills Lane. The bus stop on the eastern side of the carriageway provides timetable information and a bus shelter, whilst the bus stop on the western side provides a bus flag and timetable information. The proposed development is located within the mean walking distance to a bus stop.

10.8.13 The current bus services (X2) available from the Oakwood Avenue bus stops provide regular access to New Milton, Bournemouth, Lymington, and the surrounding rural area. From New Milton town centre there are further bus services available. The local service provides hourly service from 6:30-19:40 Monday to Friday and between 8:00 and 19:40 on Saturdays. The site is therefore well located to regular bus services that provide direct connections to New Milton town centre, Bournemouth and Lymington to accommodate a range of journey purposes, including travel to/from work and leisure trips.

10.8.14 Given the scale of the proposed development, the existing level of service and location to existing bus facilities, it is not proposed to alter or provide changes to existing services. This is reasonable and such a requirement has not been requested by the Highway Authority who have confirmed that the current level of bus services is adequate to serve the demand arising from the proposed development.

### The Primary Access onto Brockhills Lane

10.8.15 Vehicular access is proposed to be taken from one priority junction to Brockhills Lane, approximately 50 metres to the south of Hollands Wood Drive. The application also proposes an emergency access to the north of the site from Sway Road. The proposed works would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane. The proposed access alterations have been subject to a Road Safety Audit.

10.8.16 The proposed vehicular access is located along Brockhills Lane as envisaged by local plan policy. It should be noted that the proposed site access strategy to provide a new access onto Brockhills Lane (not Sway Road) followed an assessment by the applicant of the physical constraints including trees and existing traffic conditions on local roads. Careful consideration has been given to the representations received that suggest there should be an access or second access onto Sway Road to serve the proposed development. In response, the transport assessment concluded that both traffic volumes and speeds are lower on Brockhills Lane compared to Sway Road and based upon the traffic generation from the proposed development and traffic speeds and flows, there is no justification for an additional access or second access onto Sway Road. The Highway Authority and Officers have no reason to disagree with this view and consider that Brockhills Lane is most appropriate location for vehicular access to the development site. Again it is noted that the local plan policy clearly states that access should be from Brockhills Lane and there is no policy requirement or technical reasons why a second access onto Sway Road is required.

10.8.17 Based upon the speed surveys carried out, for the access onto Brockhills Lane, for the south approach visibility splays of 2.4m x 45m would be provided and for the north approach and 2.4m x 55m. The Highway Authority raise no objection to the methodology used for the visibility splays and that the width, alignment and radii of the access onto Brockhills Lane is acceptable. Planning conditions can be imposed to ensure that any vegetation/ trees are removed to ensure that all visibility splays are provided prior to use and maintained at all times.

10.8.18 Swept path analysis plans have been submitted showing large vehicles using the proposed junction along Brockhills Lane. The Highway Authority's advice is that there are no fundamental concerns with the access arrangements for all vehicle types entering and leaving the site from a highway safety perspective. In summary, having regard to survey data and the design details that have been put forward, the Highway Authority are satisfied that the proposed access point onto Brockhills Lane would have acceptable visibility splays, and would enable all vehicles (and other users) to enter and leave the site in a safe and acceptable manner.

#### Internal access

10.8.19 It is the applicant's intention for the majority of the internal roads to be offered to Hampshire County Council for adoption. The primary and secondary roads will be offered for Highway Authority adoption and the mews/lanes will be private.

10.8.20 The internal road layout has been subject to a Stage 1 Road Safety Audit, which concluded that there are no significant concerns with the public safety. Indeed, the detailed layout of the roads have been designed in a way to reduce traffic speeds and to reflect the guidance set out in Manual for Streets.

10.8.21 Representations have been raised from the Town Council and local residents that because of the design and narrow width of the roads within the proposed development, this would result in difficulties for large vehicles, refuse collection vehicles and emergency vehicles to use the roads, especially at times when cars are parked on the street. In response, swept path analysis plans have been submitted showing how a refuse truck, delivery van and fire tender would satisfactorily use the proposed junction and internal roads within the proposed development and the Highway Authority's advice is that there are no fundamental concerns with the internal layout from a highway safety perspective. Parking on the street has been provided in accordance with parking standards and therefore parking on-street is likely to be restricted to visitors which is provided within the development. Within the internal road network, there are margins on the roads which allow additional space for larger vehicles to pass parked cars if required. If considered necessary, measures to deter parking within the turning heads will be considered during the detailed S278 stage.

#### Car parking

10.8.22 Paragraph 107 of the NPPF specifically addresses car parking. It does not prescribe standards, but provides guidance for councils that are setting out local standards for residential and non-residential development. It states that any local standards 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.

10.8.23 The Council uses its 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.

10.8.24 The amount of parking provision proposed responds to the Council's adopted car parking standards supplementary planning document. The development proposes an average parking ratio of 2.4 spaces per dwelling, together with 24 visitor spaces. In accordance with the Council's Parking Standards, the proposed parking provision complies with the parking standards. Cycle parking would also be provided in garages,



sheds or cycle stores. These would be secured via planning conditions.

10.8.25 Parking provision for residents in the scheme includes a predominance of driveway/on-plot based parking and car ports, with some courtyard parking. Where garages are used, they are designed to 3m x 6m internal size, which in accordance with Manual for Streets and Council's Parking Standards Supplementary Planning Document (SPD) advice makes them more likely to be used for parking. Tandem parking (one vehicle behind another) is provided within the development together with parking side by side. In response to the concerns that the tandem car parking would lead to more on road parking, the Council's Car Parking SPD states that tandem parking will be acceptable for individual properties, but does highlight that to accommodate side-by-side parking on a driveway, additional width (3 metres wide space) will be required where it is also used for pedestrian access to the rear of a property. The submitted layout shows car parking spaces will be 3 metres wide which accords with the SPD.

10.8.26 In relation to visitor car parking, NFDC standards states that 'layouts based on-plot parking may include lay-bys and/or other visitor parking space providing that highway safety is not prejudiced and up to a maximum of 20% of the total amount of parking is on site. The layout would provide 24 visitor spaces with over 400 allocated parking bays, well within the maximum 20% visitor allocation. In response to the concerns raised in relation to lack of car parking throughout the development and within the courtyards serving the apartments, it should be noted that each one bedroom flat will have one parking space and each two bedroom flat will have two car parking spaces, which will accord with the car parking standards.

10.8.27 Provision for electric vehicle charging has been incorporated to serve every plot within the development and is covered by condition to required provision to be made prior to occupation. There is also sufficient space within the parking for electric charging points, whether from the garages, car parking courtyards or to the side of the dwellings.

10.8.28 To ensure that all garages and car ports remain available for car parking spaces, it is considered reasonable that PD rights withdrawn to ensure those garages and car ports are not altered and converted into additional ancillary living accommodation without the need for a further planning permission. Planning conditions are recommended to control these matters.

10.8.29 As such, the level of parking being provided in association with the development would be acceptable from a highway safety perspective. The application also makes appropriate provision for cycle parking within garages (that would be large enough to accommodate cycles) and within sheds and communal stores.

#### Access for Cyclists and Pedestrians

10.8.30 The provision of safe cycling and walking opportunities within and outside the new development is critical to ensuring a sustainable new community. This can be achieved by securing good connections to the existing footpath network and public right of ways.

10.8.31 New Milton Town centre (via Hollands Wood Drive, Ferndale Rd / Oakwood Ave, Manor Road and B3058 Station Road) is located around 2.3km, which is within the 3.2 km 'maximum walking distance'. Ferndale store and Ashley centre which has shops and pharmacy's are located within 2km from the application site.

10.8.32 Ashley Infant and Junior School (via Brockhills Lane, Ashley Common Rd and Lower Ashley Road) are located approximately 1.5km and 1.75km, which is within the 'reasonable walking distance'. Ballard school is within 1.8km and Arnewood school is located 3km, which is slightly further away, but within the 'maximum walking distance'.

10.8.33 There are currently no footways and pedestrian crossing points along the site frontage on either side of Brockhills Lane linking to the existing footpath network in the surrounding streets, which lead to the town centre, shops, schools, bus stops and other facilities. The applicant has recognised the current situation and consequently proposes the following measures to ensure that the footpath/ cycle connections are provided:

- A 2 to 3 metre wide pedestrian route is proposed within part of the southern part of the ANRG to link the whole development to the existing footpath network in Brockhills Lane (via the new footpath to be provided in Brockhills Lane), which would then connect to schools and local shops in New Milton and the bus stops Oakwood Avenue.
- A pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
- It is proposed that the existing field track into the site from Sway Road (to the north) be widened to 3.7m and that access is restricted, so that it can be used as an emergency vehicle access only, as well as a route to the north for pedestrians to connect with the public right of way adjacent to the farm shop.
- Within the development site, footways/ footpaths would be provided along the proposed streets and link with the proposed 2 - 3. metre wide shared-use footway/cycleway which loops around the site.

10.8.34 In relation to the need to create a footpath connection between the development and the existing footpath in Brockhills Lane, there is a requirement to implement a new footpath along Brockhills Lane which formed part of separate planning permission for a residential development of 7 dwellings directly opposite the application site. The approved scheme for 7 houses included the provision of a footway from outside No 4 Brockhills Lane (where it currently terminates), to the vehicular access of the development. The end of the approved footpath would be directly opposite the application site and it is the applicants proposal to create a crossing point to connect and link to that approved footpath. The development of 7 dwellings has been completed and the vehicular access put in place, although the footpath has not yet been provided.

10.8.35 It is fundamental that there is a footpath connection provided between the development site and the existing footpath network in Brockhills Lane prior to the occupation of the development. In recognising the potential issues that may arise over the delivery or timing of the approved footpath, the applicant has proposed an alternative footpath on the other side of Brockhills Lane which will connect their development to the existing footpath in Brockhills Lane. The proposed alternative footpath is deliverable within highway land and is considered acceptable by the Highway Authority, noting that the final design details will be subject to a 278 Agreement. Accordingly, the applicant has submitted an acceptable alternative footpath connection in the event that the approved footpath that formed the approved development for 7 houses has not delivered before first occupation.

### Off-Site Highways Works

10.8.36 A Non-Motorised User (NMU) Audit / WCHAR assessment was carried out by the applicant at the request of the Highway Authority to review any existing issues with pedestrian and cyclist routes to key destinations from the application site. The following improvement works have been sought by the Highway Authority as a result:

- Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue;
- Provision of an uncontrolled crossing with tactile paving and dropped kerbs at the junction of Ashley Common Road and Miller Close;
- Provision of an uncontrolled crossing with tactile paving at the junction of Molyneux Road/ Ashley Road;
- Provision of an uncontrolled crossing with tactile paving at the junction of Highridge Crescent/ Ashley Road;
- Widening of footway to 2.0m for 50 metres along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).

10.8.37 All of these off-site works would need to be secured through a Section 278 Agreement with the Highway Authority. Provided these various works are secured in this way, then it is considered that the development's impacts would be appropriately mitigated in respect of pedestrian and cycle infrastructure.

### School Travel Plan

10.8.38 The Highway Authority have advised that the School travel surveys have shown that there are high levels of parents travelling to both infant and junior schools by car, this consequently cause issues around inconsiderate parking and pupil safety on highways. Given the distance (1.5 -1.7km) between the site and two schools, Officers agree with the comments of the Highway Authority and consider that the problems would be exacerbated by the proposed development. Accordingly in order to mitigate against the impact to parking and school travel planning, together with a reduction in traffic speed on Lower Ashley Road, it is considered that a financial contribution of £27,000 is made towards the following measures:

- Introducing extending parking restrictions alongside the church car park
- Improve signage warning school crossing
- Improve road markings, and renew red surface crossing
- Provision of school advisory 20mph with flashing amber lights this would need to remove existing signage and place new signs.

10.8.39 It is considered that the financial contribution is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and would meet the CIL test. The financial contribution is a matter that can be secured through a s106.

### Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road

10.8.40 In accordance with SS10 policy requirements, which identifies whether there is a need for improvements to the Brockhills Lane and Sway Road junction, both the

applicant and the Highway Authority has identified that there is a desire to improve the junction in particular, the potential for the central area of the junction being overrun by right turners into Brockhills Lane from Sway Road. This would also be in line with the Neighbourhood Plan which states that the Council will seek to secure improvements to Brockhills Lane and Sway Road junction.

10.8.41 The applicant proposes an overrun central island feature at this junction. In addition, the applicant proposes improvements to this junction in the form of a gateway feature on Sway Road east of the site, together with a series of visual narrowing features on Sway Road east and west of Brockhills Lane; and enhancements to the existing speed limit terminal west of Brockhills Lane.

10.8.42 It is considered that the proposed minor alterations at the Brockhills Lane/ Sway Road junction and along Sway Road are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and would meet the CIL test. These are matters that can be secured through a s106 and s278 works.

#### Impacts on Public Rights of Way

10.8.43 There are several Public Rights of Way (PROWs) in the vicinity of the site, including New Milton 730 which starts on the northern side of Sway Road, directly opposite the site, which traverses north towards Bashley and Wootton. Footpath 729 lies to the south of the site along Ashley Common Road. There are no PROW'S that cross the application site. Maximising the use of the existing Public Rights of Way is important to gain access to the countryside and any footpath links within the development need to align/ link with other off site PROWs.

10.8.44 The internal layout of the development provides connections through the site to include an uncontrolled crossing facility on Sway Road to connect to Footpath 730. This has been set out above in detail and it is considered that there is provision within the layout for informal linkages to the wider PROW network.

#### Travel Plan

10.8.45 One of the key ways in which a modal shift away from single occupancy car journeys can be achieved, and journeys by foot, cycle, and public transport can be encouraged, is through the implementation of a Travel Plan.

10.8.46 A Framework Travel Plan, as required by policy, has been provided with the application, in order to encourage future occupants of the development to travel by modes other than single occupancy car use. Having regard to the advice of Hampshire County Council, the principles set out in the Framework Travel Plan are considered to be acceptable, but for the application to be fully in accordance with policy, there will be a need to agree a Full Travel Plan, together with appropriate monitoring requirements. This will be secured through planning conditions and / or a Section 106 legal agreement.

### **10.9 Nature Conservation**

10.9.1 The site is not located in a sensitive area and there are no International, National, or local designations on the site that need specific consideration. There are however several designations within the vicinity of the site.

10.9.2 In relation to Internationally designated sites, the New Forest SPA, SAC and Ramsar, is located approximately 1.6km to the north, with component parts of the SAC also located approximately 4.5 km to both the east and west of the site. The

Solent and Dorset Coast SPA lies approximately 3.8 km south of the site. The Solent Maritime SAC lies approximately 7.2 km south-east of the Site. The Solent & Southampton Water SPA and Ramsar lies approximately 6.2 km south-east of the Site.

10.9.3 In relation to National designated sites, the New Forest SSSI, is located approximately 500m to the north of the site. With regard to locally designated sites, Stanley's Copse SINC, borders the site to the south, and is designated for supporting ancient semi-natural woodland. Another woodland SINC known as Danewood SINC is also located just to the west of the site, on the opposite side of Brockhills Lane. Danewood SINC is designated for supporting ancient semi-natural woodland. A 15 metre protective buffer is proposed within the layout to protect Stanley Copse SINC to the south of the site and woodland to the east.

#### Ecology: Mitigation of Recreational Impacts

10.9.4 In accordance with the Habitat Regulations, the Council's Local Plan policies require that the recreational impact of new residential development on European designated nature conservation sites within the New Forest be mitigated. For larger Strategic Sites, the most significant element of such mitigation is expected to be the provision of Alternative Natural Recreation Greenspace (ANRG).

#### Alternative Natural Recreational Green Space (ANRG) provision

10.9.5 Policy ENV1 of the Local Plan specifically requires that at least 8 hectares of natural recreational greenspace per 1000 population be provided on Strategic Development sites in order to mitigate the recreational impacts of development on designated New Forest European sites.

10.9.6 As this is a full' application, permission is being sought for a precise number of dwellings. The precise quantum of ANRG land needed to be provided can be calculated using the Council's ANRG calculator, 164 dwellings would generate an ANRG requirement of 3.57 hectares, which is based on an estimated population of 446 people.

10.9.7 The application proposes on-site Alternative Natural Recreational Greenspace (ANRG) and habitat mitigation areas within the development. These ANRG areas are necessary particularly in relation to dog walkers (but also the general new resident population created) to reduce the number of trips into the sensitive sites. ANRG provided on site is therefore a mechanism to deflect additional visits which might affect European protected areas within the Park areas and those listed above.

10.9.8 This application provides 3.65 ha of ANRG which meets the minimum requirement. The ANRG land is shown to be located across the south, central and eastern parts of the site and the to areas are connected by secondary green spaces. The ANRG and landscaping strategy is to provide multi-functional areas of Alternative Natural Recreational Greenspace and Green Infrastructure, to comprise the following:

- A large area of open space in a parkland setting,
- Green space corridors with footpath planted with swathes of wild flower grassland,
- Suds features, scrub habitat and new trees/ hedgerows.
- A small area of woodland

10.9.9 The alternative natural recreational greenspace takes on an informal, naturalistic landscape in a parkland setting with a focus on the creation of a diverse mix of habitats, amenity and wildflower meadows maximising biodiversity, whilst

providing a network of attractive key amenity spaces. Clusters of trees frame and enclose key spaces such as pockets of play and the attenuation basins. Trees are also positioned for wayfinding along key routes and shade. Loose informal setting dominant in species-rich long grassland with open glade of amenity grassland for informal recreation.

10.9.10 The ANRG land is shown to be located across the south west of the site and to the east of the site, with these two areas being connected by a Green Link. The ANRG land is shown to be located and connected to the development and public open space that is proposed, and within easy walking distance of the main residential dwellings. The landscape and ANRG framework plan helps to demonstrate how the ANRG will be designed and function.

10.9.11 It is important to note that the 120m radius area cannot be achieved for the mitigation land, as set out in the Mitigation for Recreational Impacts SPD. This is because of the siting of the existing dwelling at Danescroft and pumping station encroaches into the space. Whilst this radius cannot be achieved, the layout has been designed to maximise this space to ensure the remainder of the space provides a 120m radius area and it is considered that the quality of the ANRG however is acceptable as it contains a large open area to enable dogs to be left off their leads.

10.9.12 In addition to the ANRG, the site itself also contains another 0.9 ha of POS which is also available to those wishing to exercise their dogs. Taken as a quantum whole, the amount of ANRG, added to POS which is available and the Council are in this respect the competent authority in which to carry out this judgement as to whether or not the ANRG area provided is acceptable. In this case the judgement made for the reasons set out above is that the ANRG provided is acceptable and in line with Policy ENV1.

10.9.13 Normally, surface water attenuation features would be discounted from counting towards the ANRG land, however, these will be predominately dry basins, gently contouring and appearing as positive natural landscape features contributing to a variety of meadow grass mixes. Importantly they will be accessible to the public. As such, these features are not discounted towards the overall quantum of ANRG Land.

10.9.14 A critical aspect of providing ANRG is their future maintenance and management. There is a need for a detailed management and maintenance plan to be submitted with ongoing monitoring to ensure that the space is managed to achieve the planning outcomes needed to deliver sustainable development and that there is no significant impact on the European sites resulting from this development. These are all matters that will be secured through the Section 106 legal agreement.

10.9.15 Overall, through the provision of the ANRG on the development, it is considered that the scheme will not have an adverse impact upon protected environments. Therefore, the proposal meets the requirements of the Habitats Regulations. As such, the broad design principles for the ANRG is considered appropriate and reasonable, although detailed landscape designs for these areas will need to be secured through planning conditions and a Section 106 Agreement to include a future management and maintenance plan.

#### Other measures required to mitigate impacts in New Forest sites

10.9.16 Policy requires that all development involving additional dwellings contributes towards New Forest Access Management Costs per dwelling (the New Forest People and Wildlife Ranger service) and monitoring contributions. This contribution will be secured within a Section 106 Agreement.

10.9.17 A further contribution that is now required through the newly adopted Local Plan is a contribution towards monitoring and mitigating air quality impacts on the New Forest European sites. This contribution is sought at a rate of £91 per dwelling, and again would generate a total contribution of £14,924 in respect of the District Council's area of jurisdiction. This contribution will be secured within a Section 106 legal agreement.

### **Nitrates and Achieving Nutrient Neutrality**

10.9.18 Natural England have provided guidance to the Council that increased development is resulting in higher levels of nitrogen input into the water environment of the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites, thereby potentially adversely affecting the integrity of these sites. Natural England's guidance is reflected in the policies of the Council's Local Plan, which stipulates that where new residential development involving additional dwellings would drain or discharge wastewater into the Solent and Southampton Water, then such development must achieve nutrient neutrality in respect of nitrogen / nitrates.

10.9.19 The site lies within the catchment of the Lymington and Beaulieu Rivers which drains into the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC. Recent studies have identified that an increase in nitrogen discharge as a result of new wastewater generated from new residential development has an in-combination effect upon the SPA, Ramsar and SAC.

10.9.20 The applicant has submitted a nitrogen budget which concludes that the proposed development would result in an increase in nitrogen load. This is based on the existing land use which comprises a significant part of the site being used as lowland grazing, together with the number of dwellings proposed, area of site including's open space and ANRG.

10.9.21 Clearly there is uncertainty associated with predicting occupancy levels and water use for each household in perpetuity and identifying current land / farm types and the associated nutrient inputs is based on best-available evidence, research and professional judgement. Natural England's advice note states that the practical methodology to calculating how nutrient neutrality can be achieved is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. Advice given to local planning authorities is to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets.

10.9.22 Natural England have since issued updated guidance in March 2022. This includes a number of changes to the calculation of nutrient budgets, including additional layers of precaution, for example an assumption of higher water consumption. The applicant has provided an updated assessment using the latest calculator, based on the previous assumptions of land use, occupancy etc. This shows that following best available evidence, the development continues to achieve a net increase in total nitrogen. The applicants nitrogen budget has been robustly assessed and it can be confirmed that the proposed development is not nitrate neutral based upon the latest guidance.

10.9.23 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.

10.9.24 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.

### On Site Biodiversity

#### Flora

10.9.25 The applicants submitted ecological report assesses the ecological interest of the whole development site area. The site is not subject to any ecological designation. Most of the site is arable with boundary hedgerows, scattered trees, scrub, broadleaved woodland and ditches and an area of semi-improved grassland at the eastern end. Due to the limited species diversity, limited ground cover and extent of the habitat, the grassland on the site is considered to be of low value. It is noted that the along the eastern boundary alongside the Danes Stream is higher quality grassland/marshland and the southernmost triangular area of land is semi-improved.

#### Fauna

10.9.26 Detailed protected species surveys have been completed for the following species: badgers, bats, Breeding and wintering birds, great crested newts, hazel dormice, and reptiles. Records of birds on site during the breeding season have also been made. The Councils Ecologist considers that the methodology used, and the survey work carried out is acceptable. Further survey work has been carried out by the applicant in relation bats and reptiles.

#### Great Crested Newts, Hazel Dormice, Otter, Water Vole and Badgers

10.9.27 No evidence of Dormice, GCN and Badgers has been recorded on the site.

10.9.28 The applicants targeted Hazel Dormouse surveys undertaken on site did not record any evidence of Hazel Dormice using the site. It is concluded that Hazel Dormice are absent from the site and no further action is required.

10.9.29 With regard to GCN surveys of the existing pond in within the eastern boundary woodland (outside the site) and no evidence of great crested newt using the pond was recorded. It is concluded that great crested newt is absent from the site and no further actions are required. The Councils Ecologist considers that the assessment that there is a low probability of GCN reaching the site given the relatively small amount of suitable terrestrial habitat on-site and the presence of Danes Stream acting as a barrier.

10.9.30 No badger setts were recorded within the site. The applicants Ecological Consultant considers that the site is not considered a valuable foraging or commuting resource for local badger.



### Common Reptiles

10.9.31 The reptile survey recorded a low population of slow worm and a low population of grass snake present within the site. Both grass snake and slow worm are widespread and common species, in which the slow worms were recorded on the sites eastern boundary and the grass snake recorded near the boundary with Stanley Copse SINC.

### Bats

10.9.32 The application site has been assessed as being of County importance for bat assemblage, in which the bat assemblage comprised predominately the more common and widespread species. The applicants ecological report concludes that Bat activity across the site was generally low, with small numbers of bats recorded.

The existing building on the site which will be demolished, did not contain any evidence of bat activity. Bat activity was recorded along most boundary features with the greatest level of activity recorded within the south of the site.

10.9.33 The applicants survey work carried out concluded that no roosting bats have been confirmed on-site. A total of 18 trees were recorded as supporting features suitable for roosting bats most of which will be retained. Three trees have been identified as offering potential to support roosting bats and following further surveys carried out did not record any roosts.

10.9.34 A lighting assessment has been carried which concludes that the development would not be predicted to result in any significant adverse impact with respect to local sensitive ecological receptors including bats. The Councils Ecologist confirms that the assessment is acceptable and recommends a condition is imposed requiring a fully detailed lighting scheme to be submitted via a suitably worded planning condition.

### Birds

10.9.35 In relation to Bird surveys, the applicants Ecological Report states that the breeding bird activity was found to be heavily concentrated within hedgerows and woodland, in which the majority of the species recorded were common and widespread species. Impacts are minor given the small areas of hedgerow loss and disturbance unlikely to affect the conservation status of the breeding bird assemblage. With regard to the wintering bird surveys, the results recorded low number of common and widespread species.

10.9.36 In relation to impact on bird assemblage, the retention of existing hedgerows within the site along with the provision of new areas of native planting areas of wildflower meadow and hedgerow margins managed to provide areas of species-rich grassland will ensure foraging opportunities for several of the species.

### Achieving Net Biodiversity Gain

10.9.37 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.

10.9.38 The submitted application is supported by a "Statement of Biodiversity Net Gain". This sets out the various proposed measures that will help to deliver Biodiversity Net Gain, along with other enhancement measures including extensive areas of new planting. The combined uplift in biodiversity value would exceed the 10% Biodiversity Net Gain that is expected as a minimum.

10.9.39 The Council's ecologist has confirmed that the applicant's Biodiversity Net Gain Statement is clear with a full rationale. However, achieving Net Biodiversity Gain will be dependent on the deliverability of some key proposals, notably the provision of new species rich wildflower meadow habitat, hedgerows and SUDS. The Council's ecologist has highlighted the need to secure successful establishment of these areas, which is considered achievable with the right methodology and management. This detail will be secured through condition.

#### Assessment of impacts

10.9.40 Without mitigation, compensation and enhancement, the Ecological Impact Assessment recognises that the development would have a negative ecological impact. As such, several key mitigation and compensation proposals are put forward. These include protection measures during construction (CEMP for the construction stage) and the creation of species rich wild flower meadow habitat, scrub within parts of the ANRG land / public open space; significant new tree and hedgerow planting, SUDs.

10.9.41 Approximately 243 metres of new native hedgerow will be planted within the site and existing hedgerows will be restored and enhanced. A significant amount of grassland would be lost, and whilst noting that the majority being low ecological value, the proposal seeks the creation of species rich grassland and wildflower and wetland habitat. The extensive areas of tree, scrub and hedgerow to be created will provide foraging resource for the local bat, bird, invertebrate and reptile assemblage.

10.9.42 In addition, the applicants propose ten bird boxes (or similar) will be erected on retained mature trees within the retained green spaces on site, ten bat boxes will be located on mature trees retained within the planning application boundary. Within areas of newly planted scrub, the applicants propose three artificial hedgehog houses to be provided, which offer potential hibernation sites for hedgehogs. Three log/brush pile located within the green space of the ANRG for the benefit of reptiles and invertebrates.

10.9.43 The Council's ecologist considers that bat boxes/bricks, bird boxes and bee bricks opportunities and enhancements need to be specified in full and this is capable of being addressed through planning condition, in which the final details are submitted in accordance with the enhancement measures outlined in the applicant Ecological appraisal.

10.9.44 Overall, with the mitigation and compensation measures that are proposed, it is considered that the ecological interests of the site would be adequately safeguarded and negative impacts would be adequately mitigated. This said, future management will be critical to securing long-term benefits and this can be secured through conditions.

#### **10.10 Flooding and Drainage**

10.10.1 The key issue to consider is whether the proposed development would be safe in terms of flood risk, having regard to the mitigation measures and drainage strategy that is proposed, and whether those mitigation measures would be appropriate and sustainable.

10.10.2 Based upon the Environment Agency Flooding Maps, most of the site is located in Flood Zone 1, which is land outside the 1 in 1000 year probability of fluvial flooding and also outside the 1 in 100-year probability (FZ3) and therefore at low risk. Danes Stream, which is a main river, runs along the far eastern boundary. Two watercourses (tributaries of the Danes Stream) flow across the south western corner of the site in a west-east direction. A small area of land at the lower lying southern and eastern extents of the site, immediately adjacent to the Danes Stream and its tributary are all susceptible to fluvial flooding, categorised as Flood Zones 2 and 3.

10.10.3 The site topography falls along the two planes and essentially forms two catchment's, the north-east part of the site falls in an easterly direction towards Danes Stream and the south west part of the site falls in a southerly direction toward the tributary of the Danes Stream.

10.10.4 In terms of historical flooding, based upon the historical records/ information, there has not been any past flooding events recorded within the site, nor that the site has been affected by any such events recorded in the vicinity of the site.

10.10.5 The application is accompanied by a detailed Flood Risk Assessment (FRA), which considers in detail the flood risk to the development and key protective measures are proposed to ensure that the development does not flood (during a relevant flood event. As part of the development design process for the planning application, the risk of flooding has been recognised and accounted for within the proposals. This is to ensure that no built development would be located within the floodplain of the watercourse flowing along the south and east of the application site that could increase river flood risk elsewhere now and in the future through the effects of climate change. This is in order to comply with the requirements of local and national flood risk planning policy but also to provide an appropriate design for future occupants of the proposed properties.

10.10.6 The FRA sets out several mitigation measures that will be adopted to ensure the risk of flooding on the site and potential risk of flooding elsewhere will not increase and that surface water drainage from the development will accord with Sustainable Drainage Systems (SuDS) principles in compliance with current national and local standards.

10.10.7 The proposed mitigation measures set out in the FRA would sequentially develop the site, which means that the developable area (roads and houses) and surface water attenuation areas (SuDS) will be located to Flood Zone 1 and therefore outside the areas at risk of fluvial and surface water flooding, in line with the NPPF' guidance and sequential test.

10.10.8 In essence, this means that no built development or surface water attenuation features are proposed within the areas at risk from flooding (Flood Zones 2 and 3). The proposed vehicular access junction will be located within Flood Zone 1 and will provide safe access and egress for motorised and non-motorised vehicles to Brockhills Lane. Similarly, existing levels within areas susceptible to fluvial flooding will remain unchanged so that flood water is not displaced.

10.10.9 In terms of the relationship between the flood levels and development floor levels, the lowest finished floor level of the dwellings is 37.35m, whereas the maximum tidal flood level under 1000 years storm event is with the flood extent is about 33.70 metres, and this results in over 3.5 metres of freeboard above the nearest area of flooding. In addition, it is evident that the lowest finished floor levels of the dwellings is well above the maximum water surface water level and the flood extent is about 20/30/50 metres downhill of the lowest proposed plot.

10.10.10 The applicant's FRA which has been endorsed by Hampshire County Council as Lead Local Flood Authority, and the Environment Agency, confirms that this risk would be satisfactorily attenuated by the on-site drainage and flood attenuation features that are to be provided as part of the development. The applicant's Surface Water Drainage Strategy is set out in detail in the below heading 'Surface Water Drainage Strategy', which comprises a comprehensive drainage system which embraces the SuDS philosophy and its key principles and aims to manage and reduce the flood risk posed by the surface water runoff from the site. This would be achieved through the provision of a network of gullies, pipes, swales and sustainable attenuation features which would collect the surface water runoff from impermeable areas such as roads, roofs and driveways.

10.10.11 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the FRA demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance. It should be noted that as the application site is allocated in the Local Plan and because the Sequential Test in respect of flood risk was applied through the Local Plan process, there is no requirement to carry out a further Sequential Test as part of this planning application, as is made clear in Paragraph 166 of the NPPF.

## **10.11 Drainage Strategy**

### **Surface Water Drainage Strategy**

10.11.1 The provision of a sustainable surface water drainage strategy, incorporating SuDS features such as attenuation basins and swales is an essential requirement of new development.

10.11.2 The applicant's drainage strategy sets out how surface water drainage for the site will be dealt with and this includes technical information with the necessary drainage calculations, drainage layout, sections and detailed designs to demonstrate the effectiveness of the SUDs and the exact area of land required to accommodate the drainage system. The provision of a sustainable surface water drainage strategy, incorporating SuDS features such as attenuation basins and swales is an essential requirement of new development.

10.11.3 The ground investigations carried out during the winter months confirm high levels of ground water (groundwater and infiltration tests) are present throughout the site which therefore precludes the use of soakaways as a form of surface water discharge. As a result, the proposed surface water drainage strategy is to attenuate discharge for the development with the adjacent Danes Stream to be utilised as the final outfall for surface discharge. There are two catchments proposed based on the site existing and proposed slope. The north-east catchment will discharge runoff to the tributary.

10.11.4 The proposed drainage strategy proposes the surface water runoff from the developable areas (such as from the houses and hardstanding) would be intercepted through adoptable drainage pipes running north south within the streets of the development and directed to two large basins. One of the systems will drain into a detention basin and a treatment swale which will discharge into the watercourse on the southern site boundary. The other system will drain into a detention basin and a treatment swale which will drain into the watercourse on the eastern site boundary. The controlled outflow will be managed by a series of hydraulic controls, limiting peak rates of discharge to the site's existing greenfield runoff rates (i.e those prior to

development).

10.11.5 The submitted plans show that the main basins are designed to be predominately dry features, other than in an extreme event or during very heavy rainfall. Due to the site slope, both basins will incorporate tier Gabion walls to one side. The other sides of the basin to be aligned parallel to the contour levels as to mitigate excessive earthwork's requirements, given the natural steep slopes across the site. Detailed cross sections and landscaping plans of the basins have been submitted, which demonstrate that they will be seen as positive features in the landscape.

10.11.6 It is important to note that the attenuation features will be sized to accommodate runoff in up to the 100 year return period with 40% allowance for climate change and 10% allowance for urban creep to the domestic catchment.

10.11.7 The strategy has been produced to comply with local and national planning policy and industry best practice concerning the inclusion of sustainable drainage storage techniques. This will prevent an increase in the runoff rate of surface water to the watercourse by restricting the runoff rate to the annual average, reflective of the application site greenfield conditions. By doing so it will provide a betterment to the receiving watercourse catchment area, adjacent and downstream land by holding back flows of runoff from a variety of magnitude storm events, which would ordinarily be able to discharge runoff uncontrolled to the watercourse.

10.11.8 The key consultees (the Lead Local Flood Authority at Hampshire County Council and the Environment Agency) are satisfied that the applicants surface water drainage strategy is acceptable and consistent with policy. The final details of the surface water drainage proposals including the headwalls and pipe sizes etc and arrangements for long term maintenance will need to be agreed and this is a matter that will be controlled through appropriate planning conditions and/ or a Section 106 Agreement in accordance with standard practice.

10.11.9 Overall, the Flood Risk Assessment demonstrates that the proposed development would be operated within minimal risk from flooding and would not increase flood risk elsewhere and through the implementation of mitigation measures and a surface water drainage strategy, it can be concluded that the flood risk associated with the new development would be acceptable. Indeed, the proposed measures to offset the implications of future climate change which would otherwise increase flows from the site will provide betterment in perpetuity compared with the site remaining undeveloped.

#### Foul drainage

10.11.10 The application states that the developments waste water will be discharged to the public sewerage network owned and operated by Southern Water (the Sewerage Undertaker). The applicant propose a new foul drainage system will be constructed to serve the development, which will be offered for adoption by Southern Water (SW). It is proposed that the new system will connect to the existing public foul water sewer in either Badgers Corpse or Hollands Wood Drive. Moreover, Southern Water has not raised any concerns that the capacity of the existing network or waste water treatment plant at Pennington cannot accommodate the additional foul water from the proposed development.

10.11.11 The applicants have confirmed that an on site pumping stations will be required to discharge foul water into the existing public sewer network. The pumping stations will lift the foul drainage from the south and east of the site to discharge it to the existing public foul sewer located west of Brockhills Lane which falls by gravity to the east. Stand-off distances between the pumping station and proposed units will be

between 5m-15m and will be dependent on the overall size of the pumping station. The exact details of the pumping stations and enclosures can be dealt with by condition.

## **10.12 Public open space**

10.12.1 The Council's policies require that new residential development makes provision towards public open space, with the expectation for larger developments being that this public open space should be on site. Public Open Space provision is additional to the requirement for ANRG provision and should be provided at a rate of 3.5 hectares of public open space per 1000 population, including all of the following elements:

- 2 hectares on Informal Public Open Space per 1000 population
- 0.2 hectares on Children's play space per 1000 population
- 1.25 hectares of formal Public Open Space per 1000 population

### Informal Public Open Space

10.12.2 The local plan policy objectives for the site, as illustrated in the Concept Masterplan seek to create a broad area of green recreational space along the west, north and north east part of the site with footpaths connecting at strategic points to the existing public rights of way, together with an north-south green space running through the central part of the site.

10.12.3 This is a full application, the precise dwelling mix is agreed, and it is possible to specify precisely what quantum of informal public open space needs to be provided on site. Using the Council's calculator, the proposal for 164 dwellings would generate an informal open space requirement of around 0.89 hectares.

10.12.4 The actual area of proposed informal public open space as defined by the applicant's plan is 0.9 hectares, which accords with the policy requirement and broadly reflects the area of green space as envisaged on the Concept Masterplan. Within the streets of the development there are areas of incidental open space which includes grass verges with trees, and greenery along streets, which add to the overall open space provision.

10.12.5 The main area of proposed open space for the site entails the north south green corridor running through the site which includes a footpath, green space, trees and hedgerows creating a pleasant experience through the site and helps create a sense of space within the development. Other pockets of green space are provided through the site including space along streets, pockets of green space along the boundaries of the site to provide buffers for the trees and hedgerows.

10.12.6 In summary, the proposed informal open space, in conjunction with the ANRG land, forms an extensive network of green infrastructure that would be well distributed across the site and offer an attractive amenity for the future residents of the proposed development and the wider local community. Future management and maintenance of these areas will be secured through a Section 106 legal agreement.

### Children's play

10.12.7 The Children's play space includes a single Locally Area of Play (LEAP), together with small Local Areas of Play (LAP). Based on the proposed residential mix, the proposed development as a whole should secure at least 0.11 hectares of children's play space.

10.12.8 The application is accompanied by a detailed scheme and the single play area within the site (LEAP) will be located at the central part of the site. The proposed LEAP provides a range of play experiences (swinging, climbing, sliding etc.) for all abilities and set within an area of approximately 0.049 hectares.

10.12.9 The proposed LEAP will be supplemented with smaller play areas (LAPs), and they would be positioned within the ANRG to the south and one to the ANRG to the east and a further one within the north-south green space. The LAPs will not include formal play equipment but would include landscape features such as planting earth mounds and sculptural features. In total, both play areas equate to 0.11 hectares in size which would meet the minimum requirement.

10.12.10 The Council's Urban Design Officer has advised that the applicant's Play Strategy provides all the equipment and features to cater for all ages and abilities. Whilst the applicants proposed play area is fully detailed, the layout and design, together with the circulation of the equipment within this space is not satisfactorily resolved, but these are minor matters. On the basis that this will require minor changes to its design and layout, it is considered that this is a matter that can be dealt with by condition.

10.12.11 It is necessary that the proposed children's play space provision be secured within a Section 106 legal agreement, together with its future maintenance.

#### Formal open space

10.12.12 Formal open space is defined usually as playing fields designed to be used for organised sport. It can also include however informal large kick about or playing areas providing an opportunity for local residents to play games as well as to support a playing pitch provision in the town. Were formal public open space to be provided on site, the minimum requirement would be 0.56 hectares.

10.12.13 However, there is no suggestion that the public open space being promoted on-site through the development would meet a particular need for formal public open space. Indeed, given the limitations on the site which include changes to land levels, it is much more logical for the development to contribute to formal public open space elsewhere, so that formal public open space provision can be delivered in a coherent manner. As such, it is considered appropriate that the development secures an appropriate contribution to formal public open space off the site, officers will need to ensure that there is an identified, deliverable project secured through a Section 106 Agreement and Community Use Agreement. Depending on the land owner it maybe necessary to have a separate Section 106 to secure delivery within an agree timeframe.

### **10.13 Housing**

10.13.1 The policies of the Local Plan seek to ensure that new residential development provides a mix and choice of homes by type, size, tenure and cost. Current evidence suggests that there is a need for a greater proportion of new stock to be smaller-to-medium-sized homes (particularly so in the affordable housing tenures). A table within the Local Plan (Figure 6.1) sets out the indicative need for different house types within the District.

10.13.2 Because the application is in full, the exact details of housing types, sizes and tenures is provided and is a matter to be agreed at this stage.

The proposed housing mix is as follows

- 12 x 1 bedroom apartments
- 20 x 2 bedroom apartments
- 36 x 2 bedroom houses
- 65 x 3 bedroom houses
- 31 x 4 bedroom houses

Total: 164

10.13.3 As set out in the above mix, the proposed development would provide 32 apartments and 132 houses ranging from 1 to four bedrooms. Out of the 164 dwellings proposed, 68 units are one and two bedroom properties, which accounts to just over 40% of the site providing for smaller homes and contributing to meeting the needs of newly forming households and local people entering the housing market. The provision of 65 units as three bedroom houses will meet the needs of younger families as well as downsizers. Three bungalows are proposed which will help provide homes attractive to active older households and smaller homes with higher accessibility.

10.13.4 Overall it is considered important that the mix of development reasonably reflects the identified housing need across the district, but taking into account the context of the site on the outer edge of the allocation, where a slightly greater proportion of family homes might be more contextual than in some other parts of the allocation.

#### **10.14 Affordable Housing and viability matters**

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

10.14.2 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. (Shared ownership falls into this latter category).

10.14.3 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.

10.14.4 The introduction of First Homes postdates the adoption of the Local Plan but they are now officially recognised as an affordable housing product by Government who have recently published new guidance on First Homes. The Council have followed this with their own guidance adopted in June 2022.

*(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. An NFDC First Homes Guidance Note has now been published setting out national requirements and local requirements relating to eligibility criterion etc. Government Guidance goes on to state that where First Homes are provided, they should be at a proportion of 25% of the affordable housing offer with the other 75% of affordable units being based on the Local Plan policy requirements of the LPA).*



10.14.5 Policy HOU2 therefore requires that the development should provide

- 82 units as affordable with
- 57 dwellings being split equally between social and affordable rent, and
- 25 units provided on a shared equity basis as intermediate.

10.14.6 Policy HOU1 further sets out a suggested mix for affordable rental and shared ownership based on further study carried out as part of the exercise to identify objectively assessed need.

10.14.7 To ensure that affordable homes address the requirements of the Local Plan local connection mechanisms will be sought for all tenures. Legal undertakings will also be required to ensure the homes for affordable rent and social rent, and where appropriate shared ownership is secured in perpetuity, and will be delivered by New Forest District Council (as a Registered Provider of Social Housing), or an approved Registered Provider partner.

#### Applicant's viability assessment and first offer

10.14.8 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.

10.14.9 The applicant's in their submitted viability assessment confirm that the proposed development is not policy compliant principally due to the significant abnormal costs of bringing the site forward e.g. cost of roads and drainage infrastructure, nitrate mitigation and education and other S106 contributions. These and other costs according to their appraisal account for around 8 million and consequently the Residual Land Value falls below the Benchmark Land Value. Not all these costs were accounted for in the Local Plan viability assessment.

10.14.10 The applicant's viability assessment (see web site dated March 2022) concludes that the Policy Compliant Development (50% affordable housing, 70% split equally between affordable and social rent and 30% intermediate or affordable home ownership tenures including shared ownership) cannot be delivered and is not viable. However, the applicants proposed Development (First Offer as part of Viability Assessment) will provide 50% affordable housing but with 25% First Homes, 28% Affordable Rent and 47% Shared Ownership. This means that whilst the applicants would provide 50% affordable housing, the tenure mix is not policy compliant.

#### The applicant' s First Offer

The optimum they say that can be achieved provides for the following mix which includes First Homes:

- 21 First Homes
- 23 Affordable Rent
- 39 Shared ownership

10.14.11 The proposal fails policy requirements in two ways

- Does not comply with housing mix/ sizes
- Does not comply with housing tenures

10.14.12 The Council has appointed its own independent viability advisor to consider the detailed appraisal which also analyses construction costs, suggested profit levels, suggested revenues from sales along with other variables. Their initial advice considers that there is room to negotiate on land values, profit levels, build costs and sales values and the ultimate number of affordable units, and that costs are not yet fixed and agreed.

#### 10.14.13 Second Revised Offer

Following an initial assessment of this original offer the applicants have met with officers and the viability consultant and following negotiations have provided a revised offer. This was in response to Officer's advice asking the applicant's to look at the Local Plan policy advice and adjust the mix so that there is a higher proportion of social and affordable rent. As set out in the table below, the revised affordable housing offer includes 13 units for Social Rent, and 2 additional units for Affordable Rent. The applicant's revised offer:

**First Homes** - 21 units -25% (same compared to first offer)

**Social Rent** - 13 units -16% (increase of 13 social rent units compared to first offer)

**Affordable Rent** 25 units 30% (increase of 2 affordable rent units compared to first offer)

**Shared ownership** 24 units 28% (decrease of 15 units compared to first offer)

10.14.14 The Council's viability consultant has provided further detailed comments in his appraisal of the applicant's position.

10.14.15 NFDCs assessor has responded on the applicant's second offer advising that whilst there are still differences of opinion between them and the applicant's viability advisors, there does need to be an element of pragmatism in reaching a suitable outcome where it is agreed that the policy target of 50% can be achieved, but not the policy compliant tenure mix. Moreover, the assessors state that there is always an element of uncertainty with viability and there are assumptions that could make the viability situation worse (increased cost/lower sales values). Given the position now reached, the Councils assessor concludes that 50% affordable housing with the proposed housing tenure and mix represents a reasonable offer in the circumstances.

#### Officer comments

10.14.16 Officers have taken into consideration the second offer alongside the advice of the appointed viability assessor. The revised improved offer is still not policy compliant in the tenure mix, but will provide 50% affordable units. Clearly in cases where the applicant can prove, and this is supported by an independent assessment, that the tenure split target cannot be achieved alongside a viable scheme, the LPA can set aside this policy target and accept a non policy compliant mix.

10.14.17 Following a robust assessment of the applicants viability report, the applicant has improved the housing tenure mix which now includes a higher proportion of social and affordable rent, which is the type of housing the local plan policy and housing needs recognise as a high priority.

10.14.18 The developer profit is broadly in line with industry norms (15-20%). In this case the development is considered small scale with 164 units (with less economies of scale), is subject to design and sustainability standards which require sensitive placing of development near to flood zones and protected trees and hedgerows.

Complex drainage plans are required to ensure a comprehensive approach to surface water drainage including land raising which entails substantial abnormal costs. The applicant is also required to meet the requirements of Part L (2021) of the Building Regulations (solar PV and fabric enhancements), which attract a significant additional cost not currently accounted for in standard build costs. CIL payments around 1 million contribute to increasing costs, over half a million for education contributions and just over £500k for nitrates mitigation, reducing overall viability.

10.14.19 The Council's Strategic Housing Manager subsequently advised that the proposed initial offer was too heavily weighted towards provision of larger 3 bedroom houses for shared ownership and would benefit from more social and affordable rent. In response to this, the applicant agreed to amend the affordable mix which has gone a considerable way to address their concerns. An increase of 13 social rent is considered to be a significant benefit.

10.14.20 All affordable dwellings will be subject to restrictions imposed by a Section 106 agreement which provides for long term retention of these units as affordable homes and not just for first occupiers.

10.14.21 Overall, whilst it is recognised that the proposal would not provide a policy compliant in relation to the affordable housing mix/ tenure, the proposed development will provide 50% affordable housing, which is policy compliant and this is considered to be a significant benefit. This results in 82 dwellings (50%) to be available for affordable housing. On this basis, it is considered that the affordable housing offer should be accepted and secured through the necessary S106 agreement.

## **10.15 Archaeology**

10.15.1 The archaeological potential of the site is considered within the submitted Geophysical Survey Report and Heritage Desk Based Assessment. The report concludes that there was no evidence of any architectural remains of interest within the site or the immediate vicinity. Much of the site is currently under pasture and has been subject to ploughing and therefore any remains which may be present are likely to have been eroded. It is therefore unlikely that the site will contain buried archaeological remains which are of such significance as to preclude development, however, the potential for remains of some interest to be present from the prehistoric and Roman periods cannot be completely discounted. The geophysical survey also detected possible archaeological activity, a curvilinear ditch-like features of uncertain origin.

10.15.2 To satisfactorily mitigate the development's impact on potential archaeological remains, and in accordance with the advice of the Council's archaeologist, it is considered reasonable to impose conditions requiring the submission, agreement and implementation of a Written Scheme of Investigation for the areas identified as of potential archaeological interest. Provided such conditions are imposed, it is considered that the proposed development could be implemented without adversely affecting archaeology. This will entail archaeological trenched evaluation to be undertaken.

## **10.16 Residential amenity**

10.16.1 In terms of impact on residents, such a large development as that proposed would inevitably have some impact on the amenities of neighbouring properties. The most likely impact would be as a result of additional noise and disturbance resulting from both construction of the proposed development and operational. However, the site is allocated in the local plan for a development of at least 130 dwellings, in which there is an expectation that such a large scale development will result in some form of impact on amenity and this has to be balanced against the benefits the proposal

would create.

10.16.2 Disturbance from construction is a matter that will be short term and it is considered that noise from construction activities can reasonably be controlled and mitigated through a Construction Environmental Management Plan (CEMP) that will be secured by condition.

10.16.3 In relation to operational impact, given that this is a residential led development, it is not considered that such a use would give rise to high levels of noise and disturbance. Equally, the main development area is relatively separated from the nearest existing housing areas (i.e rear garden areas backing onto neighbouring residential properties) and given that the new access would be onto Brockhills Lane, movement of traffic will not materially worsen the situation in relation to noise impacts.

10.16.4 The proposed access onto Brockhills Lane will face 'Norwood House' and 'Ashmore House', that may cause some limited harm on their living conditions caused by additional noise and disturbance, and light spillage from vehicles utilising these accesses albeit during the hours of darkness curtains would normally be closed. Along their front boundary is a high fence situated on a raised bank and the properties are situated back from Brockhills Lane. Whilst there will be some harm to that neighbour caused by additional noise and disturbance, and light spillage from vehicles, it will not be so severe or adverse to refuse permission.

10.16.5 In relation to 'Danescrest', Plots 155 and 166 are orientated in such a way that they do not directly face this property and together with the distances involved, it is not considered that this neighbouring property would be materially adversely affected. A first floor window is proposed on the side elevation (south) of Plot 164 which would unacceptably overlook 'Danescrest', but given that this window serves a bathroom, it would not be unreasonable to impose a planning condition for the window to be obscurely glazed to mitigate against overlooking. The proposed pumping station is shown to be sited more than 15 metre away from the boundary of 'Danescrest', which is considered to be an acceptable distance in relation to noise.

10.16.6. With regard to 'Gayfield', this property lies on the east side of Brockhills Lane and will be impacted by the proposed development. 'Gayfield' is a detached dwelling which sits on a spacious plot with a large garden area. The proposed layout of the development has been arranged in which there are several proposed dwellings have their rear gardens backing onto the common boundary with 'Gayfield'. The distance between the rear elevations of Plots 25-27 to the boundary would approximately 14 metres and more than 35 metres to the existing house. The distance from the rear elevation of Plot 44 to the side boundary would be some 12 metres to the boundary and 30 metres to the existing property.

10.16.7 Plot 23 would have its side elevation facing 'Gayfield' and a first floor window is proposed on the side elevation facing this property. In order to mitigate against unacceptable overlooking and given that the window is a secondary bedroom window, a condition can be imposed for the window to be glazed with obscure glass. Plot 43 would be sited on the rear boundary of 'Gayfield' and is a detached bungalow and has been designed to ensure that there will be no unacceptable impact on their privacy or outlook.

10.16.8 In relation to 'Rose Cottage', Plots 45 and 46 would have their rear gardens backing onto the boundary of this existing property. The distance from the proposed rear elevations to the boundary measures more than 20 metres and over 30 metres to the rear elevation of 'Rose Cottage'. Given the relationship and distances involved, the proposed development would not result in any material adverse impact on this

property.

10.16.9 Concerning 'Brockhills Cattery', the dwelling on plot 46 would back onto this neighbouring property and the distance from the proposed rear elevation to the boundary measures over 10 metres. In addition, the proposed dwelling on plot 46 would be orientated at an angle to 'Brockhills Cattery' so that its rear elevation does not directly face this property. It is considered that the proposed development would not result in any demonstrable harm to this neighbouring property.

10.16.10 In relation to 'West Lodge', Plots 53 and 58 would be sited adjacent to this property. However, the proposed dwellings are orientated to face away from the garden area of that existing properties and given the distances involved, the proposed development would not result in an unacceptable level of demonstrable harm to residential amenity sufficient to justify refusal of permission.

10.16.11 Concerning the properties north side of Sway Road, the proposed development has been designed in which new dwellings would be set back from the south of Sway Road and given the distances involved and that these properties face a public road, it is not considered that there would be a demonstrable harm by way of overlooking, loss of light or outlook.

10.16.12 With regard to the impact on the occupiers of Stanley Holiday Park, this is a static caravan park which lies on the south and east boundary of the application. It is accepted that the proposed development would have a greater impact on the occupiers of the caravan park given that they currently lie adjacent to open fields and paddocks. However, the site is allocated in the local plan for a residential development of at least 130 homes and therefore there is an expectation that such development will result in greater harm than the current situation. The proposed development has been designed in which green open space would be provided around the boundaries of the caravan park which will provide a good buffer away from dwellings and roads. Given the substantial amount of green space which will comprise trees, shrub planting and hedgerow, it is considered that the proposed development would not result in demonstrable harm to the enjoyment of the occupiers of the caravan park.

10.16.12 Overall, it is not considered that the proposed development would result in any demonstrable harm to the living conditions of the neighbouring properties. Moreover, having regard to the advice of the Council's Environmental Health Officer, it is considered that the noise impacts of the proposed development on existing and future residents would be acceptable and justified subject to appropriate mitigation measures that could be secured through condition.

### Noise

10.16.13 The application is accompanied by an environmental noise assessment which measures the existing noise climate of the proposed development site and the potential impact the existing noise climate may have on the end users of the site. The submitted report focuses on noise from the road traffic using Brockhills Lane and Sway Road and also established the existing background sound climate in order for noise limits to be set for the proposed pumping stations.

10.16.14 The noise report considers that standard thermal double glazing will be adequate in controlling average noise levels from the road traffic for all proposed dwellings however with a partially open bedroom and living room window for certain plots, noise levels within habitable rooms will exceed the adopted noise criteria and alternative ventilation will be required for these rooms. With regards to noise levels in garden areas, this assessment has shown that certain gardens close to the main

roads will experience an exceedance of the adopted noise criteria level and so acoustic fences have been specified at varying heights in order to reduce noise levels appropriately.

10.16.15 With these measures in place, it is considered that noise levels inside and out of the proposed dwellings will fall within the acceptable noise limits and accord with the 'No Observed Effect Level' as detailed in the PPG. The Council's Environmental Health Officer has considered this noise assessment and agrees with its conclusions, namely that the noise impacts associated with the development would be acceptable subject to adherence to a number of detailed mitigation measures, all of which can reasonably be secured through planning conditions.

## **10.17 Education**

10.17.1 Hampshire County Council, as the Local Education Authority, has advised that the development site is served by Ashley Infant and Junior Schools and Arnewood School. The primary age phase schools are full and forecast to remain full for the foreseeable future. Hampshire Education Authority have confirmed that they do not seek any contributions towards Arnewood School on the grounds that this does not require further capacity.

10.17.2 Hampshire County Council has advised the contributions towards the expansion of Ashley Infant and Junior Schools or New Milton Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development.

10.17.3 The County Council has estimated the contribution of £659,778. The level of contribution being sought is based on the number of additional classrooms required to accommodate these children at the schools and therefore is fairly and reasonably related in scale and kind to the development. This information is supported by the County Council's '*Planning for School Places Guidance Document*' which sets out the methodology for assessing the impact of development on education infrastructure.

10.17.4 Overall, it is considered that the outline application make appropriate provision towards education for infant and junior, but with more precise delivery needing to be determined and secured through a Section 106 legal agreement and subsequent reserved matters applications.

## **10.18 Minerals**

10.18.1 The site lies within Minerals Safeguarding Area and therefore, any development that could potentially sterilise this reserve is therefore a material consideration. A Mineral Assessment has been submitted to support this application, which states that the site is underlain by significant mineral reserves (sand and gravel) which is safeguarded by planning policy. The report states that whilst the applicants would be able to re-use minerals for the construction of the development, full extraction on the site is not feasible given that the site has a significant detrimental effects to the on site surface water features and Danes Stream and potential effects on the nearby sensitive habitats including the adjacent woodland habitat, this would reduce the potential extraction area which does not constitute a viable prior extraction opportunity.

10.18.2 In assessing the policy position, Local Plan Policy STR9 states that for development on and within a Minerals Safeguarding Area or Minerals Consultation Area, viable mineral resources should not needlessly be sterilised by development and should be phased around the appropriate prior extraction of minerals. The policy states that appropriate extraction will depend on a) The scale and quality of mineral

resource; b) Ground water levels if they would adversely impact on future re-use of the land; c) Amenity, environmental and other relevant considerations; and d) The need to ensure the timely provision of new homes and other development. Where there is a viable resource, minerals re-use on site for construction is encouraged.

10.18.3 In addition to Local Plan Policy STR9, Hampshire County Council, has also adopted a strategy of requiring the mineral to be extracted prior to the development. Policy 15 of Hampshire Minerals & Waste Plan states: Development without prior extraction can be permitted in exceptional circumstances if extraction is inappropriate.

10.18.4 In assessing the case put forward, Hampshire County Council Minerals Officer fully accepts the case put forward by the applicant that because of the ground water levels on the site and the site constraints which limit the extent of area to constitute a viable prior extraction opportunity, this would be an exceptional circumstance that overrides the need for prior extraction. Officers do not disagree with this view, or the results from the technical reports. Hampshire County Council Officers has requested that as a minimum, that minerals on site are re-used for the construction of the development. This would be reasonable and can be dealt with by way of an informative note.

## **10.19 Air Quality Impacts**

10.19.1 The proposed developments impact on air quality is an important environmental consideration that has been considered in detail in the applicants Air Quality Report. Evidently, the proposals will generate emissions during both the construction and operational phases of the development.

10.19.2 The Council's Environmental Health Officer agrees with the conclusions of the assessment and the methodology that has been used. As such, with respect to construction related activities, it is considered that the dust impact of the development would not be significant provided appropriate dust mitigation measures are implemented throughout the construction of the development, and this is something that can reasonably be secured through a planning condition requiring the submission and approval of a Dust Management Plan (DMP) as part of a wider Construction Environment Management Plan (CEMP).

10.19.3 The Council's Environmental Health Officer also agrees with the conclusions of the applicant's air quality assessment insofar as there should be a negligible impact on air quality as a result of vehicle movements associated with the development. Overall, therefore, it can be reasonably concluded that the development is capable of being provided without harming air quality, or without there being adverse air quality impacts on future residents.

## **10.20 Contamination**

10.20.1 Ground conditions and contamination have been assessed in detail in the submitted Geotechnical and Contamination Assessment Report. The previous use of the site is agricultural, and the report concludes no significant sources of contamination are present. The report concluded that no active pollution pathways were identified and therefore no remediation was required on the site for the proposed residential development. No herbicides and pesticides were analysed for in the soil samples even though the current and historic use of the site was agricultural farmland.

10.20.2 Further stockpiles of soil/hardstanding materials near the northern entrance to the site were noted, it is unknown if this material contains contamination and this is a matter that can be appropriately dealt with by a planning condition through a Materials Management Plan.

## **10.21 Appropriate Assessment**

10.21.1 As required by the Habitats Regulations, the Local Planning Authority (as the Competent Authority) has carried out an Appropriate Assessment.

10.21.2 The Appropriate Assessment concludes that subject to relevant mitigation measures, the development would have no adverse impact on the integrity of the affected European sites.

## **10.22 Sustainable Design**

10.22.1 The application is accompanied by a Sustainability Statement which sets out how the development will achieve sustainability objectives in a number of key areas, including measures to reduce emissions and promote sustainability. The incorporation of detailed design features into the development will need to be considered through the use of planning condition which secure the delivery and implementation of these features. The applicants have noted the specific requirements of Local Plan Policy IMPL2 and have confirmed that their proposals will provide:

- Improved energy efficiency by way of a fabric first approach;
- A higher water use efficiency standard of 110 litres per day;
- The provision (where practicable) of a high speed fibre broadband connection to the property threshold;
- Provision to enable the convenient installation of charging points for electric vehicles.

10.22.2 It is important to note that in December 2021 the Government confirmed that new Building Regulations will come into effect in June 2022 in the form of amendments to Approved Document L 'Conservation of Fuel & Power' that will require new homes to produce around 30% less CO2 than the current standards. These requirements are enforced through the Building Regulations which the applicant will be required to adhere to.

10.22.3 In essence, all new dwellings will be constructed to secure a reduction in carbon emissions, reduce energy usage and minimise energy loss (e.g. through enhanced building fabric). A range of technologies and products will be drawn on to achieve this, for instance solar photovoltaics (PV), air source heat pumps, better storage and waste water heat recovery. Under the new regulations, CO2 emissions from new build homes must be around 30% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by 27%.

10.22.4 Heating and powering buildings currently makes up 40% of the UK's total energy use. Installing low carbon technology, such as solar panels and heat pumps, and using materials in a more energy efficient way to keep in heat will help cut emissions – lowering the cost of energy bills for families and helping deliver the UK's climate change ambitions.

## **10.23 Town Council and representee Objections and Rebuttal**

Whilst the views of the Town Council and representees are noted and respected the comments below should be taken into consideration for each of their numbered points and weighed against the objections set out. Officer's comments in italics below each sub heading.



### In accuracy of Traffic surveys and disagreement with the Highway Authority

10.23.1 Traffic surveys have been carried out by representees which concluded a significant increase in the level of traffic compared to the data collected by the applicant as part of the Transport Assessment. Whilst there appears to be a significant difference between the representees and applicant's traffic surveys, it should be noted that the traffic data collected by the applicant to inform the transport assessment was assessed and verified against traffic data that was collected over several years and different times of the year (both seasonal and non-seasonal). This included manual and automated traffic counts and permanent monitoring sites, which has been accepted by the Highway Authority.

10.23.2 In particular, the applicant has undertaken extensive automatic traffic counts of the local area between November 2016 and May 2021 (total of 5 sets of surveys equivalent to 25 weekdays) which demonstrate that there has been little change in traffic conditions since the original survey in 2016. The TA was prepared using November 2019 traffic surveys undertaken outside of school holiday periods and during 'typical' network conditions. A further set of surveys was undertaken in 2021 in response to comments received through public consultation which confirm that the earlier 2019 data represented a realistic and appropriate basis for assessment in the TA. This has further been reinforced by HCC who confirm in the application response that the 2019 survey data represents a worst case assessment and accept these as a basis for the TA.

10.23.3 Moreover, the traffic surveys have been updated to consider the 'base year' and future year assessment, together with sensitivity testing at Earlswood Park trip rate and this included seasonable factors and the potential impacts of the summer tourism industry. It is important to note that the Earlswood Park trip rate was the highest recorded trip rate locally and therefore the applicant's transport assessment and traffic surveys provides a very robust assessment.

### Brockhills lane is rural lane and not a suitable road for additional traffic

10.23.4 Concerns raised that Brockhills Lane is a narrow country lane that is in poor condition and not suitable for additional traffic generation. In response, Brockhills Lane has a width of around 5.5 metres, and although the width varies in places, the Highway Authority has not raised any concern over the suitability of Brockhills Lane. The site is allocated in the local plan where vehicle access is shown to be provided, and the policy does not raise any specific requirements to upgrade, widen or alter Brockhills Lane. It should also be noted that the traffic surveys indicated a very small number of HGV's using Brockhills Lane and the vast majority being light vehicles.

### Concern that the proposed access is close (60 metres away) to a blind bend to the south of Brockhills Lane

10.23.5 Concerns that the proposed access is close to a 'blind bend' and this would result in poor visibility and potential accidents. In response, the Highway Authority have reviewed the injury accident record and have not found any accidents been recorded during the last 5 years on Brockhills Lane. Although there has been no accident, the Highway Authority state that the visibility at this location could be improved by trimming the vegetation back by HCC's highway maintenance team. Moreover, the proposed development would likely generate 24 vehicle movements onto Brockhills Lane during peak hour, i.e. about one car in every 2.5 minutes, this is not considered to be causing significant impact on the highway at this location. Manual for Streets also concludes that increased forward visibility is likely to increase the speeds of traffic, which would not be appropriate in this location.

### Insufficient ecology mitigation measures

10.23.6 Concerns have been expressed that the proposal provides insufficient ecology mitigation. In response, the proposed development achieves at least 10% biodiversity net gain and the information provided has been assessed by the Council's Ecology who confirms that the proposal will provide ecological benefits. This is mainly due to the improved grassland proposed and new hedgerows.

10.23.7 It should be noted that in calculating the 10% uplift, this does not include other ecological enhancement measures that is proposed within the development such as swift bricks, bat boxes, bee bricks, all of which will be integrated into buildings, together with bat/ bird boxes. The Council's ecologist supports the applicant's proposed mitigation, but does recognise that further opportunities and enhancements could be provided and this can will need to be specified in full and this is capable of being addressed through planning condition, in which the final details are submitted in accordance with the enhancement measures outlined in the applicant's Ecological appraisal.

### Lack of Woodland Management

10.23.8 Concerns have been raised in relation to the lack of woodland management information. This concern follows a comment from Natural England which states a woodland management and monitoring plan must be provided and this details the implementation of the woodland and appropriate management and monitoring over a 20 year establishment phase and the long term management for the development lifetime.

10.23.9 In response to this concern, this is not a matter that relates to providing any woodland management on the application site, nor does it relate to any woodland management to the adjoining woodland bordering the site.

10.23.10 This relates to the need for the development to achieve nitrate neutrality, in which on-site mitigation will not be enough and additional off-site offsetting measures will also be required. One of the off-site measures includes the purchase of nutrient offset 'credits' from an appropriate body (Heaton Farm) and credits are made available in return for a financial contribution paid by the developer to implement the approved mitigation scheme. Essentially, the woodland management relates to the nitrate mitigation at Heaton's Farm in Isle of Wight, which is achieved by taking land out of intensive agricultural use and to replace it with a new planted woodland. The need to provide a woodland management and monitoring plan will be achieved by a separate legal obligation.

### Use of cobbles/paviours in semi-private roads will cause disability access issues

10.23.11 In response to the above concern, the exact details of surfacing is a matter that can be dealt at a later stage through the submission of conditions and technical details. It should also be noted that these areas will be lightly trafficked by both pedestrian / cycle and vehicular movements and there are examples of cobbles or block paving being used in high traffic areas where they are used to enhance the street scene and have been considered acceptable for all users in these examples.

10.23.12 In summary, the details of materials to be used for the road and pavement surfacing have not been agreed at this stage and careful consideration would need to be given to the materials used, together with the types of shared surface streets which may require physical demarcated pedestrian routes or protected zones for pedestrians or a level surface to meet the needs of all road users to ensure due regard is given to the Equality Act 2010. These are matters of details that will be resolved through condition together with the S278 and S38 Agreement with the Highway

Authority. It should also be noted that access to and use of buildings to ensure that people are able to access and use buildings and their facilities including accessible and adaptable dwelling is also dealt with under Building Regulations.

#### Health and education infrastructure

10.23.13 New Forest District Council do not seek contributions towards healthcare facilities and these are matters for central government funding. The full education contribution required by the Local Education Authority would be included. It is a matter for the LEA to bring forward proposals and use the money contributed by this site and other strategic sites.

#### The development is too high in density, and there are no self-build plots contrary to Neighbourhood Plan policy NM2.

10.23.14 In response to the concerns in relation that the density is too high, this has been assessed in detail in Paragraph 10.4.17 It is accepted that the number of dwellings proposed is 34 higher than the 'at least' figure of 130 homes, however, this amounts to an uplift of around 26% which is not a significant uplift.

10.23.15 As set out in detail above, the broad character principles in the supporting documents provide comfort that a quality development at this density could be appropriately delivered on this site. It further demonstrates that the applicant has sought to make efficient use of the site, as required under paragraph 122 of the NPPF, in a manner that would integrate well with its surroundings.

10.23.16 In relation to self builds, it is recognised that the proposed development does not provide any of these housing types. The supporting text for Policy HOU1 seeks the provision of a greater range and quantity of the housing types and tenures in appropriate locations and this includes Entry level and other lower cost forms of market housing, including flats and smaller houses, to buy or for private rent, accommodation suitable for households requiring enhanced accessibility standards, Homes which provide specialised care on-site including sheltered and extra care housing and homes attractive to active older households and down-sizers, including bungalows and smaller homes with higher accessibility and space standards.

10.23.17 There is an element of demand for self and custom-build housing opportunities in the Plan Area. This is a form of housing provision national policy seeks to encourage to help diversify housing supply. However, the challenges in meeting the general housing needs of the local population are such that the Local Plan cannot respond to all self-build aspirations and the development industry already offers home buyers some scope for home customisation or custom build. The particular aim of this part of the policy is therefore to address the lack of supply of moderately priced, serviced land parcels sufficient for local people wishing to build an average family home, either by self-build or by contracting their own independent builder.

10.23.18 In summary, whilst the proposed development does not provide self builds, this is not a reason to refuse the application, and it is important to look at the local plan and government policy as a whole. Indeed, the proposal does provide for other types of housing needs including bungalows, flats, Entry level housing etc, and it is not for this development to meet every housing need.

#### Inadequate climate mitigation measures, contrary to Neighbourhood Plan policy NM4 (Design Quality) as opportunities for solar panels nor ground source heat pumps have been taken

10.23.19 Paragraph 10.21 sets out measures to address climate change and sustainability. The proposed development will provide several sustainable mitigation measures, which include improved energy efficiency by way of a fabric first approach, a higher water use efficiency standard of 110 litres per day; the provision to enable the convenient installation of charging points for electric vehicles.

10.23.20 Although not detailed on the plans, the provision of solar panels and ground source heat pumps will need to be incorporated into the design because all new dwellings will need to be constructed to secure a reduction in carbon emissions, reduce energy usage and minimise energy loss. These requirements are enforced through the Building Regulations which the applicant will be required to adhere to and a range of technologies and products will be drawn on to achieve this, for instance solar photovoltaics (PV), air source heat pumps, better storage and waste water heat recovery.

#### Are there any plans for the long term maintenance of ditches

10.23.21 The long term maintenance of the river, watercourses or ditches are the responsibility of the riparian landowner. As such, should the function of these watercourses be affected by silt or vegetation, the responsibility falls within the landowner. Action can be taken by the Environment Agency in the case of a main river to remedy or by the management of ditches within the public highway along Brockhills Lane will remain the responsibility of Hampshire County Council.

10.23.22 In this case, the watercourse that runs west to east through the site falls within the control of the applicant and as such, will be responsible for the management and maintenance of the stream. As part of the wider landscape enhancements for the site, the stream form an integral part of the Green Infrastructure with new planting and a detailed long term management plan will be required and this will be secured by condition and Section 106 Agreement as part of the planning permission.

#### Impact on Brockhills Cattery

10.23.23 In response to the concerns from noise and disturbance to the existing cattery it is accepted that there will some impact during construction, however, disturbance from construction is a matter that will be short term and it is considered that noise from construction activities can reasonably be controlled and mitigated through a Construction Environmental Management Plan (CEMP) that will be secured by condition.

10.23.24 In terms of operational impact, the proposed layout has been designed in which the boundary of the cattery will back onto the rear gardens of the proposed dwellings, and this will ensure noise and disturbance from roads or other activity is minimised.

## **11 Conclusion**

11.1 The site is allocated for development under policy SS10 of the Local Plan which establishes the principle of development on this Greenfield site. The above assessment has highlighted how the proposed development would deliver a range of significant, economic, social and environmental benefits. The proposed development would significantly change a greenfield site on the edge of New Milton into a housing development including much needed additional housing, as well as significant new areas of open space, childrens play area and habitat would be created, resulting in a more connected landscape that would benefit both people and biodiversity.

11.2 In particular, the proposed development would provide 164 houses which would make a significant contribution to and form of the Council's 5 year land supply. The proposed development would also provide 50% affordable dwellings, which would make a significant contribution of affordable housing for the District where there is a deficit. The provision of 164 houses, of which 82 are affordable should be given substantial weight.

11.3 The development will evidently impact on the character of the area, but through its carefully considered and high quality design and its successful integration of landscape and built form, it is considered that the development would not cause harm to the site's existing context.

11.4 What considerably assists the setting of this development is the significant and generally well-considered green infrastructure that would be provided. This green infrastructure would not only mitigate the development's impact on protected nature conservation sites, but it would also provide important health and well-being benefits for the occupants of the development and beyond. Indeed, over 4.5 hectares of Green Infrastructure is proposed which will be publicly accessible with a network of walking routes connecting to the village centre and existing public rights of way. This is considered to be a significant positive which weighs in favour of the development.

11.5 Importantly, the proposed Green Space and the built development would significantly enhance biodiversity, with an overall biodiversity net gain of over 10%. Over 100 new trees will be planted throughout the site, which provides ecological benefits but also contributes towards mitigating the effects of climate change. Again, this is a significant benefit that weighs in favour of the development.

11.6 Understandably, there are local concerns with the proposed access, impact on the existing traffic in the area, there should be two access points, poor pedestrian connections and the internal layout has several design flaws. However, in response, the technical information to support the application has been accepted by the Highway Authority and it is considered to be robust, the proposed development will provide several off site mitigation measures including improvements to crossing and links to existing footpaths.

11.7 Overall, the proposed development is considered to be one that meets the three key objectives of sustainable development, it would meet social objectives, by creating a safe, vibrant and healthy new community; and it would meet environmental objectives by securing a high quality built environment and by protecting and enhancing the natural environment. It is considered that the proposed development would satisfy all of the relevant requirements of Policy Strategic Site 10, as well as meeting other relevant local and national planning policy requirements.

11.8 As such, it is considered appropriate to grant full planning permission subject to a detailed Section 106 legal agreement, subject to an extensive list of conditions as described below,

### **Conditions and Section 106 Agreement**

Those matters that need to be secured through the Section 106 legal agreement and/or conditions include all of the following:

#### **Affordable Housing**

- There will be a requirement to secure 50% of the proposed dwellings as Affordable Housing, comprising units for 21 First Homes, 13 units for Social Rent, 25 units for affordable rent and 23 units for intermediate/shared ownership.

## Public Open Space

- There will be a requirement to secure the on-site public open space within the development to an approved design.
- There is a requirement to secure the long term management and maintenance of the POS.
- There will be a requirement to secure the children's playspace within the development to an approved design, together with its long term management and maintenance.
- There will be a requirement to secure appropriate contributions to the provision of formal public open space off the site together with any further agreement needed to secure delivery and on going community use.

## ANRG Mitigation Land

- There will be a requirement to secure the on-site ANRG land to an approved design, and to secure permanent public access to these areas in an appropriate phased manner.
- There is a requirement to secure the long term management and maintenance of the ANRG.
- There will be a requirement for a detailed management plan and contribution to future monitoring of the ANRG. The ANRG must be laid out as agreed together with a Habitat Mitigation Scheme

## Other Mitigation Contributions and Measures

- There will be a requirement to secure a financial contribution towards the New Forest Access and Visitor Management, and the New Forest Air Quality Monitoring Contributions in full.

## Biodiversity net gain (BNG)

- There is a requirement to secure the long term management/maintenance plan to achieve Bio-diversity net gain. The way the BNG will be managed and monitored will be secure through the S106 together with monitoring charges. There will be a requirement for a minimum of 30 years for BNG on site.

## Transport

- There will be a requirement to secure the provision of the new access, junction and associated highway works at Brockhills Lane (subject to 278 Agreement).
- Not to Occupy any residential units until the crossing point and footpath link is provided along Brockhills Lane between the proposed footpath in the south west corner of the ANRG/ Green space within the approved layout and the existing footpath in Brockhills Lane as shown in principle on drawing ITB12027-GA-204 Rev A and ITB12027 Rev H has been constructed and made available for public use at all times in accordance with the approved design that has been submitted to and approved by the Local Planning Authority. The footway link must remain available for use at all times.
- Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue;
- Provision of an uncontrolled crossing with tactile paving and dropped kerbs at the junction of Ashley Common Road and Miller Close;

- Provision of an uncontrolled crossing with tactile paving at the junction of Molyneux Road/ Ashley Road;
- Provision of an uncontrolled crossing with tactile paving at the junction of Highridge Crescent/ Ashley Road;
- Widening of footway to 2.0m for 50 metres along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).
- There will be a requirement to pay the Travel Plan approval and monitoring fees, and a need to provide a surety mechanism to ensure implementation of the travel plan.
- The provision of a 2 to 3 metre wide footpath along the eastern side of Brockhills Lane to connect the footpath proposed in the ANRG of the development to the existing footpath on the western side of Brockhills Lane. The proposal would need to provide crossing facilities across Brockhills Lane
- The provision of a pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
- There will be a requirement to secure a contribution of £27,000 mitigating against parking and school travel planning towards the following:

#### Parent parking campaigns

- Park and Stride
- Provision of ailing bubble maps
- Introducing extending parking restrictions alongside the church car park
- Improve signage warning school crossing
- Improve road markings, and renew red surface crossing
- Provision of school advisory 20mph with flashing amber lights this would need to remove existing signage and place new signs.
- The provision to secure and implement Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road
- The provision to secure and implement the emergency vehicle and pedestrian access and crossing point to Sway Road

#### Education

- There will be a requirement for developer to pay a contribution of £659,778. to infant and junior education provision.

#### Drainage

- There is a requirement for the developer to provide and complete the surface water drainage scheme on site and secure its long term management.

Other matters to be secured through conditions are set out in the detailed schedule of conditions below.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	11615.86	0	11615.86	11615.86	£80/sqm	£1,268,800.38 *
Social Housing	7081.15	0	7081.15	7081.15	No charge	£0.00 *

Subtotal:	£1,268,800.38
Relief:	£0.00
Total Payable:	£1,268,800.38

## 12 OTHER CONSIDERATIONS

### Community Infrastructure Levy (CIL)

12.1 The 164 dwellings that are proposed within the District Council's area of jurisdiction are CIL liable. The money will be used to support development by funding infrastructure that the Council, the local community and neighbourhoods need; for example, habitat mitigation measures or community facilities. The Levy is charged in pounds (£) per square metre on new floorspace, measured as Gross Internal Area (GIA) at a rate of £102.15 per square metre, plus indexation, for all new residential development. Given that this application is full, the CIL contribution equates to £965,546.81

### Crime and Disorder

12.2 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

12.3 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

12.4 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:



- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 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 for Planning, Regeneration and Economy to **GRANT PERMISSION subject to the completion of the Section 106 Agreement and any associated Agreement to secure the delivery of off site formal open space provision and the following conditions**

- i) the completion by end of the 30th December 2023, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
  - **Affordable Housing (AH)** –82 units with a tenure split of 21 First Homes, 13 Social Rent, 25 Affordable rent and 23 shared ownership. Phasing delivery of units to be agreed, and long-term retention as AH.
  - **Biodiversity net gain (BNG).**
  - **Education Contribution** - There will be a requirement for developer to pay a contribution of £659,778. to primary and junior education provision.
  - **ANRG provision and maintenance** and monitoring
  - **Habitat mitigation for recreational impact** – non infrastructure access and management contributions per dwelling as per standard formula
  - **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 POS** - there will be a requirement to secure appropriate contributions to the provision of formal public open space off the site.
  - **Provision and management of on-site drainage**
  - **Air quality assessment** monitoring contribution in line with Local Plan policy.
  - **Off-site highway works** -There will be a requirement to secure the provision of the new access, junction and associated highway works at Brockhills Lane (subject to 278 Agreement).
  - Not to Occupy any residential units until the crossing point and footpath link is provided along Brockhills Lane between the proposed footpath in the south west corner of the ANRG/ Green space within the approved layout and the existing footpath in Brockhills Lane as shown in principle on drawing ITB12027-GA-204 Rev A and ITB12027 Rev H has been constructed and made available for public use at all times in accordance with the approved design that has been submitted to and approved by the Local Planning Authority. The footway link must remain available for use at all times. Provision of an uncontrolled crossing with tactile paving at the junction of Brockhills Lane and Oakwood Avenue; Ashley Common Road and Miller Close; Molyneux Road/ Ashley Road; Highridge Crescent/ Ashley Road; Widening of footway to 2.0m for 50 metres

along Ashley Common Road between No.79 and No.85; and provision of an uncontrolled crossing with tactile paving at its junction with Ashley Common Road (cul-de-sac).

- There will be a requirement to pay the Travel Plan approval and monitoring fees, and a need to provide a surety mechanism to ensure implementation of the travel plan.
  - The provision of a 2 to 3 metre wide footpath along the eastern side of Brockhills Lane to connect the footpath proposed in the ANRG of the development to the existing footpath on the western side of Brockhills Lane. The proposal would need to provide crossing facilities across Brockhills Lane
  - The provision of a pedestrian footpath is proposed within the site directly opposite the southern side of the Hollands Wood Drive junction. The proposed footpath would incorporate crossing facilities and a footway extension to Hollands Wood drive for pedestrians and provide a cycle transition to Brockhills Lane.
  - There will be a requirement to secure a contribution of £27,000 mitigating against parking and school travel planning
  - The provision to secure and implement Brockhills Lane/Sway Road Improvement Scheme and Traffic Management on Sway Road
  - The provision to secure and implement the emergency vehicle and pedestrian access and crossing point to Sway Road
  - **Provision of a full Travel Plan** with bond, monitoring fees and approval fees.
  - **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. Condition 1 – Time Limit for Commencement of development**

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. Condition 2 - Plan Numbers**

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

##### Site Plans

LP01 Rev A  
PENN190125 SL.01 L2  
SL.01 Rev M

## Highway plans

Site access arrangements Drawing No ITB12027-GA-001 Rev H

## Tree Protection Plan

Barrell Plan Ref:17050-6

## House Units

Plots 1, 51, 56, 59, 61 and 154 Drawing Ref number HT.RUSH.e2 and HT.RUSH.p Rev B

Plots 2-5 Drawing No/Ref P2-5.e Rev B and P2-5.p Rev B

Plots 6 and 7 Drawing No/Ref P6-7.e Rev B and P6-7.p Rev B

Plots 8-11 Drawing No FB P8-11 pe Rev B

Plots 12 and 13 Drawing No/Ref P12-13.e Rev B and P12-13.p Rev B

Plots 14-17 Drawing No FB14-17 pe Rev B

Plots 18-20 and 83-85 Drawing No HT SET -3 Block e Rev B and HT-SET 3 Block p Rev B

Plots 21, 22, 67, 82, 92, 103, 153 and 159 HT.BOLD V2.e3 Rev B and HT.BOLD V2.p Rev B

Plots 23 and 24 Drawing No/ Ref P23-24.e Rev A and P23-24.f Rev A

Plot 25 Drawing No HT-AND.e4 Rev B AND HT-AND.p4 Rev B

Plots 26, 27, 44, 46, 89, 104, 105 and 132 Drawing Nos HT -AND e1. Rev B and HT -AND e1. Rev p

Plots 28-29, 80-81, 137-138 and 157-158 Drawing No HT A2S Semi.e1 Rev B and HT AS2 Semi.P1 Rev B

Plots 30-33 Drawing No/Ref P30-33.e Rev B and P30-33.f Rev B

Plots 34-36 Drawing No ht-a2s-3 bLOCK e1 Rev B and

Plot 37 Drawing No HTASHV2 e3 Rev B and HT/ASHV2.p1. Rev B

Plots 38 - 39 Drawing No/Ref HT.FERN.e Rev B and HT.FERN.p Rev A

Plots 40, 90, 101, 106, 126 and 127 HT BOLD V2e1 Rev B and HT.BOLD V2.p Rev B

Plot 43 Drawing No HT.SOMER.e Rev A and HT.SOMER.P Rev A

Plots 45, 57, 91, 102, 125, 128 and 165 Drawing No HT.RUSH.e1 Rev B and HT.RUSH.p Rev B

Plots 41-41 Drawing No/Ref P41-41, 69-70,151-152.e1 Rev A and P41-42, 69-70, 151-152.p Rev A

Plots 47-48 Drawing No P47-48e Rev Rev A and P47-48p Rev Rev A

Plots 49-50 Drawing No HT SET Semi.e Rev B and HT SET Semi p Rev B

Plots 52, 53, 55, 95, 100, 129 and 130 Drawing No HT.WHIT.V2.e Rev B and HT.WHIT V2.p Rev B

Plot 53 Drawing No/Ref: HT.ALDB.e2 Rev A2 and HT/ALDB.p Rev A1

Plots 54 and 131 Drawing No HT.ASH V2.e2 and HT.ASH V2 p2 Rev B

Plots 58, 93, 155, 156 and 166 Drawing No/Ref:HT.ASH.VT e1 Rev B and HT.ASH.VT p1 Rev B

Plot 60 Drawing No HT-AND.e4 Rev B and HT-AND.p4 Rev B

Plots 62 and 94 HT.ASH V4 +BAY e3 Rev A and HT.ASH V4 +BAY P Rev B

Plots 64-65 Drawing No HT-Har Semi e Rev B and HT-HAR sEMI.P Rev B

Plot 66 Drawing HT.ASH V4 +BAY e2 Rev B and HT.ASH V4 +BAY p Rev B

Plot 68 Drawing No HT.ALDB.e1 Rev B and HT.ALD.p1 Rev B

Plots 69-70 P41-42, 69-70, 151-152e2 Rev A and P41-42, 69-70, 151-152p2 Rev A

Plots 71-74 Drawing No P71-74e Rev A and P71-74p Rev A

Plots 75-79 Drawing No FB P75-79 pe Rev B

Plots 80-82 P80-82e Rev A and p80-82 p Rev A  
Plots 107-108 Drawing Nos HT.BOLD.V2.e3 Rev D and HTBOLD.V2.p Rev D  
Plots 86-88 Drawing No P86-88e Rev B and P86-88p Rev B  
Plots 96 and 99 HT.ASH V4 +BAY.e1 Rev B AND HT.ASH V4 +BAY p Rev B  
Plots 97 and 98 HT.BUNG (L) e2 Rev B and HT.BUNG (L) p Rev B  
Plots 111-120 Drawing No FB P111-120 pe Rev B and FB P111-120 pe Rev B  
Plot 124 HT BOLD V2 e4 Rev B and HT.BOLD V2 e4 Rev B  
Plots 121 -123 P121-123e Rev A and P121-123.p Rev A  
Plots 133-136 FB P133-136 pe Rev B  
Plots 139-142.pe Rev B  
Plots 143-146 Drawing No/Ref: P143-146.e Rev B and P143-146.p Rev B  
Plots 147-150 Drawing No/Ref: P147-150.e Rev B and P147-150.p Rev B  
Plots 160-164 Drawing No/Ref: P160-164 Rev B (Floor plans and elevations)

FOG - HT-28 FOG p Rev B

#### Home Office

GAR - 3 .pe Rev A

#### Garages/Car port

GAR - 4- pe Rev E

GAR - 5 -pe Rev A

GAR -1pe Rev E

GAR -2 pe Rev A

### 3. **Condition 3 - Details of Materials and detailing**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials to be used on all dwellings i.e. facing bricks, tile hanging, wall renders including finish and colours, roofing materials, eaves boards, rainwater goods, ridge tiles, details of all new windows and doors and any other joinery details for porches and support pillars shall be submitted to and agreed in writing with the LPA. Only such materials so agreed are to be used on the development unless a written variation has been agreed beforehand by the LPA.

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

### 4. **Condition 4 - Phasing**

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. **Condition 5 - Details of levels**

Notwithstanding the finished floor levels plans Drawing No's P02 Sheets 1 and 2 and before development commences, the proposed slab levels of the all buildings, roads, footpaths and Green Infrastructure 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.

6. **Condition 6 - Details of boundary Treatment**

Notwithstanding the boundary treatment shown on Drawing BDML.01 Rev G and before development commences, the full details for the treatment of the boundaries of the site, to include typical elevation sections supplied for both including any coping details, decorative brickwork and piers, shall be submitted to and approved in writing by the Local Planning Authority.

The means of enclosure and boundary treatment shall only be 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 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. **Condition 7 - Car parking and Garaging**

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 shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted in the interests of highway safety.

8. **Condition 8 -Visitor Car parking**

The 24 unallocated car parking spaces within the site that are designed to provide visitor car parking spaces shall be kept permanently available for the parking of vehicles, and at no point shall any of these spaces be allocated for the specific use of any dwelling on the development hereby approved.

Reason: To ensure that the development provides adequate visitors car parking in the interests of highway safety.

9. **Condition 9 - Cycle Parking**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted detail design of the cycle parking facility to be provided for each dwelling 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 relative to that dwelling 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.

10. **Condition 10- Obscure glazed windows**

The first floor window on the side elevation (south) of the approved dwelling identified as Plot 164 and the first floor window on the side (north) of the approved dwelling identified as Plot 23 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.

11. **Condition 11 – Net Biodiversity Gain: Implementation, Monitoring and Management**

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.

12. **Condition 12 - Archaeology: A Programme of Archaeological Work**

Prior to the commencement of development within each residential phase of development, a programme of archaeological work in respect of that phase, including a Written Scheme of Investigation, shall have been submitted to and approved by the local planning authority in writing. 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.

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure the archaeological interest of the site is investigated and assessed.

13. **Condition 13 - Archaeology: Implementation of Written Scheme of Investigation**

No development (other than demolition) shall take place other than in accordance with the Written Scheme of Investigation approved under condition 12.

Reason: To ensure the archaeological interest of the site is adequately investigated.

14. **Condition 14 - Archaeology: Completion and Archive Deposition**

No dwelling within a phase of residential development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the archaeological interest of the site is adequately investigated and recorded.

15. **Condition 15 - Protection of Trees: Adherence to Approved Arboricultural Statement**

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Protection Plan reference 17050/6 and Tree Survey Report and Arboricultural Impact Assessment dated March 2022 - Ref:17050-AA4-DC, or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority

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

16. **Condition 16 - Protection of Trees: Submission of additional details**

No development shall take place within each phase of development until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A plan showing the location of service routes, including the position of soakaways;
- A plan showing the location of site compound and mixing areas;
- A plan showing the location and details of all footpaths and roads within the root protection areas of retained trees;

Development shall thereafter be carried out in accordance with these approved details.

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

17. **Condition 17 - Protection of Trees: Footpaths and walkways**

No development shall take place within each phase of development until a method statement and engineering drawings for footpaths and walkways within that phase, where within the root protection areas of retained trees of the approved development, have been submitted to and approved in writing by the Local Planning Authority.

Development shall thereafter be carried out in accordance with the approved details.

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

18. **Condition 18 - Protection of Trees: Pre-commencement Site Meeting**

Prior to the commencement of works within each phase of development, 3 working days' notice shall be given to the Local Planning Authority Tree Officer to inspect the tree protection measures as specified within the submitted Tree Survey Report and Arboricultural Impact Assessment ( March 2022), unless otherwise agreed in writing by the Local Planning Authority.

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

19. **Condition 19 - Nitrates**

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.

**20. Condition 20 - High Speed Fibre Broadband**

Prior to the occupation of each dwelling, a high speed fibre broadband connection shall be provided to the property threshold, by way of the necessary infrastructure, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with local and national planning policy.

**21. Condition 21 - Contaminated Land**

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a

remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled 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.

## 22. **Condition 22 Incidental extraction**

Incidental mineral extraction Prior to commencement of any part of the development hereby approved the following details shall be submitted to and agreed in writing with the LPA, which may be included within a construction management plan or similar.

- a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA.

The development shall be carried out in accordance with the details so agreed.

Reason: In the interests of utilising any mineral deposits which could be used on the site as part of the construction works and in accordance with Local Plan Policies STR1 and STR9

## 23. **Condition 23 - Surface Water Drainage Details**

Prior to the commencement of development, a detailed surface water drainage scheme, based on the principles within the Flood Risk Assessment & Drainage Strategy by ref: BRK-WSP-XX-ZZ-DR-D-0001/0002-P04 Sheets 1 and 2 dated June 2022 and Technical Note by WSP dated August 2022 shall be submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.

- 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.
- Detailed hydraulic calculations for all rainfall events, which should take into account the connectivity of the entire drainage features including the discharge locations. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and a summary of critical results 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.
- Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
- Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Development shall only proceed in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

#### 24. **Condition 24 - Surface Water Drainage: Maintenance**

Prior to occupation of the development within a development phase, a scheme relating to the management and maintenance of the Surface Water Drainage System (including all SuDS features) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the following:

- a detailed maintenance schedule in respect of the repair and maintenance of each drainage feature type (the Maintenance Scheme);
- details of intended ownership, and a management regime which shall set out the responsibility for the maintenance of the SuDS in accordance with the approved Maintenance Scheme, following their provision;
- details of protection measures;
- details of a monitoring and review scheme.

The approved drainage features shall thereafter be maintained in accordance with the approved scheme.

Reason: To ensure the satisfactory maintenance of the drainage system in accordance with national and local planning policies.

#### 25. **Condition 25 - Lighting**

Prior to the installation of any street or highway lighting or lighting to be placed on any dwellings on the site full 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 in consultation where necessary with the Highway Authority. 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

**26. Condition 26 - Flooding and finished floor levels**

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment -5758654 dated 3rd May 2017 and the technical note (ref TN-Drainage and Levels Strategy-13092022 dated 05 August 2022) and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 37.35 metres above Ordance Datum (AOD) for the lowest proposed plot.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change

**27. Condition 27 - Construction Environmental Management Plan**

Prior to the commencement of development, 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:

- 1) Development contacts, roles and responsibilities.
- 2) A public communication strategy, including a complaints procedure.
- 3) A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- 4) A Noise Management Plan with noise reduction measures, including the type of equipment to be used and their hours of operation.
- 5) Any use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- 6) Details of parking and traffic management measures.
- 7) Measures to control light spill and glare from any floodlighting and security lighting installed to both nearby premises, protected species
- 8) Details of storage and disposal of waste on site.
- 9) A construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site.
- 10) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The construction of the development in each respective phase shall thereafter be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of existing and proposed (post occupation) residential properties and to ensure that the environmental impacts of construction and satisfactorily minimised and mitigated.

**28. Condition 28 - Construction Traffic Management Plan**

Before the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority. The Construction Traffic Management Plan shall include the following details: construction traffic routes; the provision to be made on site for the parking and turning of contractors' / construction related vehicles; measures to prevent mud from being deposited on the highway; and a programme for construction. The agreed measures and details shall be put into place (as appropriate) before the development is commenced and shall thereafter be adhered to / retained throughout the duration of construction.

Reason: In the interests of highway safety.

**29. Condition 29 - Construction: Hours of Operation**

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1830 hours on Mondays to Fridays and between 0800 hours and 1230 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard residential amenities.

**30. Condition 30 - Electric Charging Points**

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 and the development shall be implemented in full accordance with the approved details before the dwellings are first occupied. Thereafter, the approved infrastructure and facilities shall be retained for the benefit of the approved replacement dwelling.

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).

31. **Condition 31 - Travel Plan**

Before any part of the development is first occupied, a Full Travel Plan based on the principles set out in the Framework Travel Plan by -Transport dated 07th March 2022 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, Development shall only be implemented and occupied in accordance with the approved Full Travel Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that sustainable modes of travel are duly promoted.

32. **Condition 32 - Visibility Splays**

Prior to the first occupation of the dwelling hereby approved, the access onto Brockhills Lane and associated visibility splays shall be provided in accordance with submitted drawing ITB12027-GA-0. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. The vehicular visibility splays shall be retained free from any obstruction at all times thereafter.

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

33. **Condition 33 - Details of the Landscaping**

Notwithstanding details already submitted and prior to the commencement of any part of the development, a detailed landscape framework and final landscaping plan, to include a long term landscape management and maintenance plan, shall be submitted to and agreed in writing with the LPA. Such plan shall include the following:

- a) the existing trees and shrubs which have been agreed to be retained;
- b) all new planting of shrubs, hedgerows and trees (species, size, spacing and location) including any necessary tree pits or other root barrier systems where in proximity to highway and drainage works. The plan shall show all pipe ways and other underground drainage details in proximity to tree planting;
- c) areas for hard surfacing and the materials to be used;
- d) a detailed specification for all soft and hard landscape works and features to be carried out / provided within the ANRG land and Public Open Space;
- e) the details of the childrens play area including fencing
- f) the hardsurfacing details to include the details of the roads and footpaths;
- g) the detailed specification design and details of the existing and proposed ponds and attenuation features to include gabion walls, headwalls and outflow details

- h) the details of the pumping stations, including the materials and surfaces to be used, any enclosures and landscaping
- a) a method and programme for its implementation and the means to provide for its future maintenance.

The details as agreed shall be fully implemented in accordance with the plan and phasing of those works in the first available planting season (October-March). If any trees or shrubs die, 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 maintenance period all landscaping, shall then be maintained in accordance with the long term landscaping 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 character and appearance of the development hereby permitted and in accordance with Local Plan policies STR1 and ENV3.

**34. Condition 34 Landscape & Ecological Enhancement, Mitigation and Management Plan**

Prior to the commencement of development within each phase of development, a detailed Landscape and Ecological Enhancement, Mitigation and Management Plan for that phase shall be submitted to and agreed in writing by the local planning authority. The Plan for that phase shall be broadly in accordance with the outline ecological mitigation and enhancement measures detailed within the Ecological Impact Assessment and outline Biodiversity Mitigation and Enhancement Plan or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority. The Plan shall include (but not be limited to):

- details of all habitat and species-related avoidance and mitigation measures (e.g. timings, methods, responsibilities);
- plans of, and details describing, all habitat impacts and measures to compensate impacts (e.g. location, methods of establishment, responsibilities, care and maintenance);
- plans and details of all habitat and species-related enhancement measures (e.g. location, methods, responsibilities, care and maintenance);
- a programme of ongoing ecological monitoring and management.
- The development shall be implemented and thereafter maintained and managed in accordance with the approved details.

Reason: To ensure that the landscape and ecological interest of the development site is maintained, enhanced, and managed in a way that will secure long-term landscape and ecological benefits in accordance with Local Plan Part Two policy DM2 and Local Plan policy STR1.

35. **Condition 35 Footpath/Cycle Link implementation**

There shall be no Occupation of any of the dwellings hereby approved, until such time as the pedestrian / cycle connection approved pursuant to condition 36 has been made available for use. This pedestrian / cycle connection must remain available for use at all times, unless otherwise agreed in writing.

Reason: In order to achieve sustainable connections and in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

36. **Condition 36 - Footpath Link Detail**

No development shall commence above slab level, until such time as a design for a pedestrian / cycle connection within the ANRG of the site between the main residential area to the south of Plot 159 to Brockhills Lane as shown on Site Layout Plan Extract 3 150\_DI\_24.12 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority

Reason: In order to achieve sustainable connections and in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

37. **Condition 37 - Ecological Measures (Opportunities for Birds / Bats / Invertebrates)**

All dwellings / development plots hereby approved shall incorporate a mixture of bird nesting box (including nesting opportunities for swifts and house sparrows), bat box or bat roosting provision, and enhancements for invertebrates such as bee bricks, the precise details of which shall be submitted to and approved by the Local Planning Authority. The submitted details shall comprise a mix of these measures and shall be provided in accordance with the approved details before the house / plot where the measures are to be incorporated is first occupied. As a minimum all dwellings shall include at least one built in enhancement feature is provided per dwelling.

Reason: To ensure that the landscape and ecological interest of the development site is maintained, enhanced, and managed in a way that will secure long-term landscape and ecological benefits in accordance with Local Plan Part Two policy DM2 and Local Plan policy STR1.

38. **Condition 38 - Bats & Lighting:**

No development shall take place until a "site wide sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall: • identify those areas/features on site that are particularly sensitive for bats 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; and • show how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated 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. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed including on or within the curtilage of any dwelling without prior consent from the local planning authority, the details of which shall be submitted as part of any reserved matters application(s).

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to ecological interests and the site's rural edge context in accordance with Local Plan Part Two policy DM2 and Local Plan Policy STR1

**39. Condition 39 - POS, ANRG and Play**

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 shall be submitted to and agreed in writing 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 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

**40. Condition 40 - Foul drainage**

No development shall take place on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer has been submitted to an approved in writing by the local planning authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

Reason: To ensure the foul drainage arrangements for the development are dealt with in an acceptable manner.

41. **Condition 41 - Noise Levels**

Prior to the first occupation of the dwellings hereby approved, the noise mitigation measures shall be fully implemented in accordance with the details set out in the submitted Noise Impact Assessment undertaken by Omnia reference C10566 dated July 2022, and thereafter adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority. The internal noise levels within each dwelling shall not exceed the minimum standards stated in BS 82233:2014 (paragraph 2.2 [Table 2.2]). The development shall be carried out in accordance with the approved details, before the dwelling is first occupied and thereafter maintained as such.

Reason: To safeguard residential amenities and to ensure that future residents have an acceptable noise environment.

**Further Information:**

Richard Natt

Telephone: 023 8028 5448



# New Forest

DISTRICT COUNCIL

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

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

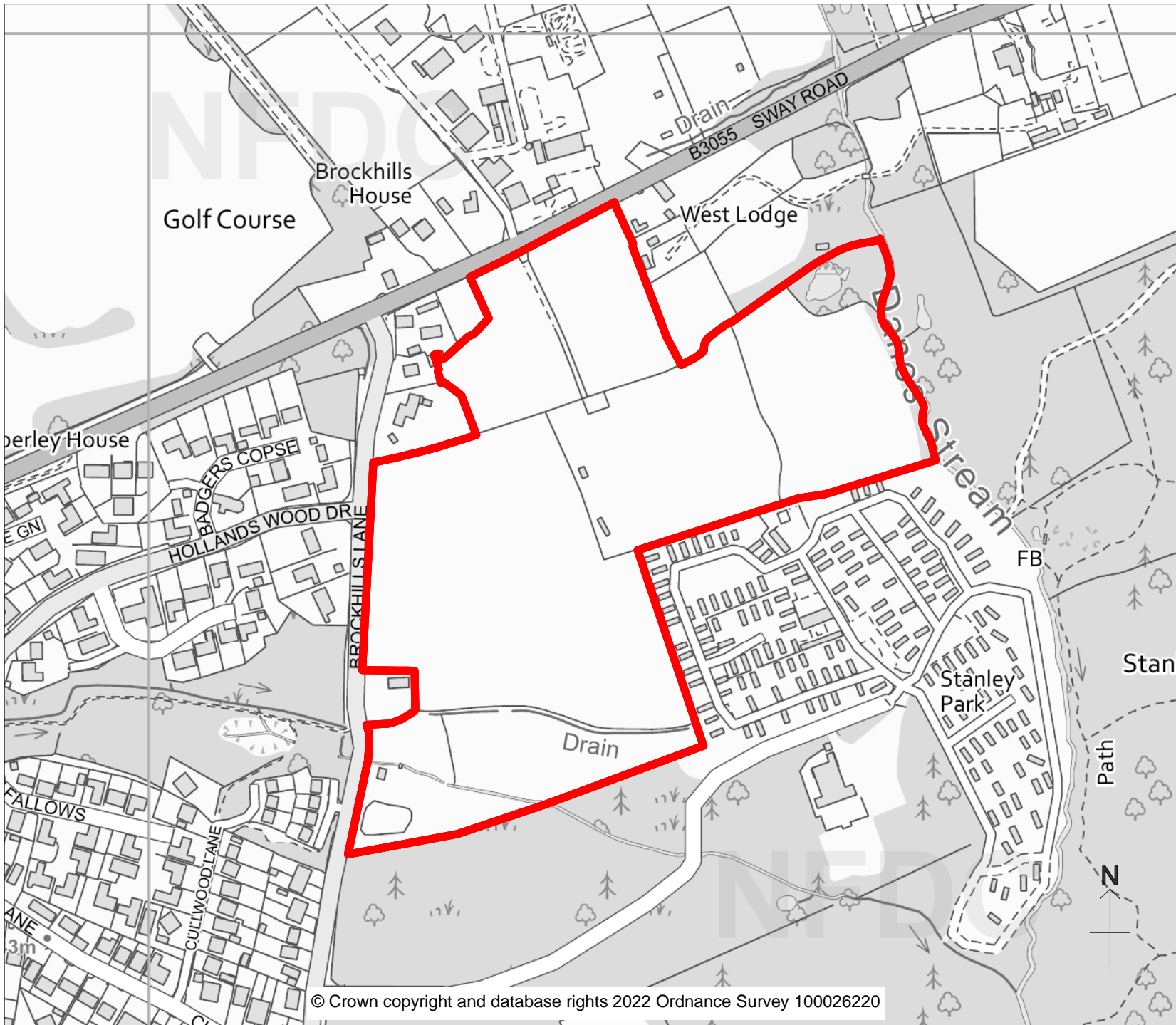
## PLANNING COMMITTEE

February 2023

Land to East of  
Brockhills Lane  
New Milton  
21/11179

Scale 1:3825

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the internet, it will not be to  
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Planning Committee 08 February 2023

**Application Number:** 22/11388 Full Planning Permission

**Site:** LAND AT HARDLEY INDUSTRIAL ESTATE, HARDLEY, HYTHE

**Development:** Construction of a new operational services depot with ancillary office, workshop/staff facilities, storage space, outbuildings, and associated car parking

**Applicant:** New Forest District Council

**Agent:** Lambert Smith Hampton

**Target Date:** 13/03/2023

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on highway safety
- 3) Impact on amenity
- 4) Impact on the character and appearance of the area, including New Forest National Park
- 5) Impact on Ecology:-
  - a) Ecology on site
  - b) Impact on sites designated for nature conservation
- 6) Impact on flood risk
- 7) Health and safe communities

This application is to be considered by Committee as the applicant is NFDC.

## 2 SITE DESCRIPTION

The application site is located within the northernmost parts of the Hardley Industrial Estate in Furzedown and Hardley Ward, and is accessed from Hardley Roundabout on A326.

The site itself is currently vacant, but was previously used for open storage (use class B8). The site benefits from two vehicular access points, one on the south-western boundary of the site and one on the western boundary.

The site is free from buildings or other structures and is covered by extensive areas of hardstanding and scattered vegetation. The site is surrounded by lines of mature trees to the north, north-east and west.

Directly opposite the site, to the west, are located two-storey office buildings and industrial workshop units. To the south-east are modern industrial/business units accommodating an office stationery supplier and a micro-brewery. The remaining parts of the Estate are predominantly in B1, B2 and B8 uses.

In policy terms, the application site is located within the built-up area and within an established industrial estate. Although the site is not designated as 'employment land', it is an existing employment site. In terms of other designations, there are single trees and groups of trees covered by tree preservation orders near the site boundary, as well as various sites designated for nature conservation to the north of the site.

The New Forest National Park is to the north, north-west and west. There are small areas at risk of surface water flooding located on the north-western and south-eastern boundaries. Finally, the site lies within the HSE consultation zone, as well as Southern Gas Network high and medium pressure gas consultation zones.

### **3 PROPOSED DEVELOPMENT**

The application is a revised submission following planning approval under reference 20/10456 for 'Construction of a new operational services depot with ancillary office, workshop and storage space and associated car parking.'

The proposal seeks to provide a much-needed operational services depot for NFDC on a brownfield site within an existing Industrial Estate, as part of the Council's recently adopted Waste Strategy.

This revised proposal is of a similar scale and nature to the previously approved scheme, with a marginal increase in site area (the previously approved site area was approx. 0.97ha - the currently proposed site area is approx. 1.2ha) and revisions to access arrangements.

In essence, the revised application seeks planning permission for the construction of an operational service depot with ancillary office, workshop and storage space and associated car parking. The services based on site will include waste and transport services, open spaces and street scene. The new depot will include appropriate office, staff, monitoring and welfare facilities and the use of the site will constitute a *Sui Generis* use, comprising a mix of B2 (General industrial) and B8 (Storage or distribution) uses, across waste and transport services, open spaces services and street scene services.

The proposed development will utilise the existing access from established road infrastructure through the Industrial Estate and serve NFDC vehicles.

As with the previously approved scheme, the proposed development consists of a series of new buildings (with minor amendments to layout and scale) comprising:

- a) An adjoining group of buildings consisting of a store/workshop, a workshop and an office located towards the south of the site;
- b) External stores located near the north-western boundary of the site. These
- c) pre-fabricated buildings would be set out as a single storey consisting of 14 separate storage units of differing sizes, each with a separate external access.
- d) A fuel store located approximately centrally within the site;
- e) An open air materials storage compound located approximately centrally within the site (to the north of the main proposed buildings); and
- f) Refuse and smoking shelters, and a bike store located to the east of the proposed office building.

Minor changes to the previously approved access arrangements are proposed, whereby an additional access and a one-way system is proposed so that one

access is used for depot vehicles arriving at the site and one used for depot vehicles leaving the site. Both accesses will have a sliding gate and vehicle access barrier.

Additionally, (as with the previous scheme) the car parking area will be accessed through an access to the south of the site. This access is in the form of a bellmouth junction measuring 5m in width, supported by kerb radii of 4.5m. This allows for two-way movement of smaller vehicles.

The development proposes a total of 75 car parking spaces for office and operative staff, together with appropriate cycle parking provision on-site.

The proposed development includes a lighting scheme, consisting of building mounted lights and lighting columns.

The proposed hours of operation are 05.00-17.00 Monday to Friday, 05.00-15.30 Saturday, Sunday and Bank Holidays.

The site would accommodate 93 employees.

Whilst the proposal involves the storing of fuels and oils etc., the application form confirms that the site would not involve storing of hazardous substances.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11006 Erection of new 2 metre high gates to create a new access to facilitate continued open storage use	16/12/2020	Granted Subject to Conditions	Decided
20/10456 Construction of a new operational services depot with ancillary office, workshop and storage space and associated car parking	16/03/2021	Granted Subject to Conditions	Decided
15/11519 Use of land for open storage for 2 years	28/01/2016	Grant Temporary Permission	Decided
14/11256 Demolition of industrial building (Demolition Prior Notification Application)	06/10/2014	Details not required to be approved	Decided

#### 5 PLANNING POLICY AND GUIDANCE

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

- Policy STR1: Achieving sustainable development
- Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
- Policy STR3: The strategy for locating new development
- Policy STR6: Sustainable economic growth
- Policy STR9: Development on land within a Minerals Safeguarding Area or Minerals Consultation Area
- 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 ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses  
Policy CCC1: Safe and healthy communities  
Policy IMPL1: Developer contributions  
Policy IMPL2: Development standards

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

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

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

SPD - Parking Standards  
SPD - Air Quality in New Development. Adopted June 2022  
Ecology and BNG Interim Advice Note

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

NFSFRA Surface Water  
Small Sewage Discharge Risk Zone - RED  
Plan Area  
HSE Pipeline Cons Zones  
Historic Land Use

### **Plan Policy Designations**

Built-up Area

## **6 FAWLEY PARISH COUNCIL COMMENTS**

PAR 3 We recommend permission however the parish council would like confirmation that there is proper security provision for the fuel storage facility.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Health and Safety Executive**

Do not advise against the development

### **Environment Agency**

No objection subject to conditions.

### **Natural England**

No objection, subject to condition and informatives.

### **HCC Highways Authority**

The Highway Authority therefore, have no objection in principle to this application, however require further information regarding the new access (requested).



**HCC Minerals and Waste**

No comments received.

**Scotia Gas Networks Limited (SGN)**

Previously an initial holding objection was overcome through the submission of additional information. Informatives suggested.

**HCC Surface Water Drainage**

No objection subject to a condition (previous response).

**National Grid Electricity Transmission**

National Grid Electricity Transmission have no objection to this proposal.

**New Forest National Park LPA**

No objection subject to potential impacts on the National Park being fully considered by the NFDC LPA (previous response).

**NFDC Tree Team**

Overall, no trees will be removed to facilitate this development. There will be some encroachment of Root Protection Areas (RPAs) of 6 trees which are situated around the boundary of this site. 5 trees have been identified for minor pruning works – crown lifting for access. This work is not considered significant and should have no long term adverse impact on the health or amenity of the trees. No objection, subject to conditions.

**NFDC Environmental health (Contaminated land)**

No objection subject to conditions.

**NFDC Environmental health (Protection)**

Having reviewed the information available, it is apparent that the proposed scheme is very similar in nature to that of extant permission ref: 20/10456, although now includes an extension to the car parking area and minor changes to the workshop (to allow vehicles to be driven through).

Given the similarities between applications, our comments in relation to the previous application remain appropriate.

**NFDC Conservation**

No comment

**NFDC Ecologist**

No objection subject to condition for CEMP and securing biodiversity enhancement.

**Southern Water**

No objection subject to a condition and informative; a formal application to Southern Water for a connection to the public foul and surface water sewer would be required; further information also required in respect of proposed SUDS (previous response).

**9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received:

One representation was received from the operator of an adjoining business premises, commenting/querying with respect to potential for vermin and odour issues and making reference to the existing access to another commercial premises.

For: 0

Against: 0

Neutral: 1

## 10 PLANNING ASSESSMENT

### 10.1 Principle of proposed development

The application site is located within the District's built-up area boundary where built development is supported in principle, subject to compliance with relevant policies. The adopted Local Plan Review 2016-2036 Part One: Planning Strategy promotes the effective use and re-use of existing employment sites that maintain a sufficient supply of employment land and premises to meet the future needs in suitable locations (Policy STR6: Suitable economic growth). This aim is reinforced through Policy ECON:1 Employment land and development, which supports proposals for development on employment sites, subject to provision of safe and suitable access, acceptable impact on the environment, including residential amenity and operation of other businesses in the locality, and the proposed use being proportionate in scale for the location, in terms of settlement hierarchy.

Whilst the currently proposed scheme covers a larger site area, it is considered the previous consent (under planning reference 20/10456) establishes the appropriateness of the proposed use of the site as an operational service depot with ancillary office, workshop and storage space and associated car parking on this site, subject to compliance with other relevant local policies as listed above.

### 10.2 Impact on Highway safety

Hampshire County Council as the Local Highway Authority have been consulted on the application and raise no objection, subject to the agreement of additional details showing satisfactory details of visibility slays for the proposed additional egress. The local Highway Authority remains satisfied that the proposed level of car parking for the office and operative staff would be suitable, given the nature and intensity of proposed uses.

The application proposes the retention of the existing access, with a new additional vehicle egress proposed immediately adjacent to the west. The proposed new egress point is proposed to facilitate a safer and more efficient 'one way' system of access/egress for commercial vehicles using the site.

As with the previously approved scheme, a separate access for the staff and operatives' parking is provided at the south east.

As to the number of operational trips to and from the site, there would be an ongoing movement throughout a 12-hour period and minimal trips would take place during the network peak hours. It is noted that the submitted PIA indicates that there are no existing accident trends within the vicinity of the site that this proposal would likely exacerbate. Therefore, it is considered that the proposed development does not raise concerns in terms of highway safety.

### 10.3 Impact on amenity

In terms of environmental impacts on the amenity of nearby residents, the nearest residential property is located approximately 120m away from the application site, to the south east (in Forest Lane). There are existing large commercial buildings between the application site and this closest dwelling, which would act to visually and acoustically screen the site from these closest dwellings.

Therefore it is considered unacceptable adverse amenity impacts are not likely. It is noted that the submitted Noise Assessment indicates that the level of noise within the site would increase over existing levels as a result of the proposed development,

however, this increase would not be to an extent which would adversely affect the amenity of the nearest residents.

In terms of impacts on the operation of other businesses in the locality, the nearest building to the application site located on the south-eastern boundary (the Purlieu Centre) does not contain any openings facing the application site. Given the nature of the uses within this building and the proposed uses on the application site, it is not considered that the proposal would have an adverse impact on the operation of the businesses located within this building.

To the south-west is located another building used as an office. Based on the findings in the submitted Noise Assessment, no undue adverse noise impacts are anticipated. The New Forest District Council Environmental Health (Pollution) Officer was consulted on this proposal and commented that the recommended noise control measures set out in the Noise Assessment would be suitable to ensure that no adverse environmental impacts are caused to local amenity.

In respect of noise and dust impacts arising as a result of construction activity, this can be adequately controlled through a requirement for a Construction Environmental Management Plan (CEMP). The submission of CEMP prior to commencement of works on site can be secured via a condition.

In terms of light pollution, the application is accompanied by a revised External Lighting Scheme which proposes that light levels will be compliant with the requirements for Environmental lighting zone E2 (Rural, low district brightness areas) as determined by guidance issued by the Institute of Lighting Professionals 'Guidance notes for the reduction of obtrusive light ref: 01/20'. Subject to an appropriately worded planning condition controlling the proposed illuminance levels, no adverse light impacts are anticipated.

#### 10.4 Impact on the character and appearance of the area, including the New Forest National Park

The application site is located within an established industrial site, with two storey buildings being present nearby. Therefore, the principle of the design of the proposed development is considered contextually acceptable. Additionally, the scale and design of the buildings proposed is very similar to that previously approved under ref. 20/10456, with minor changes to layout and an increase in the site area (which remains entirely within the established perimeter of the industrial estate).

#### **Tree impacts**

The site is bordered by mature trees, mainly consisting of oaks, providing a green backdrop and a good level of screening. They are an important landscape feature that soften the boundary with New Forest National Park which borders this site, and their retention or replacement is important to ensure no adverse visual impacts on the wider setting, including the setting of the National Park and its special qualities.

From the submitted Tree Survey by Arbtech Consulting Ltd (19 October 2022), it is evident that most of the trees affected by the proposed development are located off site and growing on adjacent land. The NFDC Tree officer has noted there are no trees internal to this site, but there is a belt of trees and vegetation on and around the site boundary of varying quality. The Tree officer opines these boundary trees to create a valuable screen and consequently are considered a constraint to development. The northern boundary of this site is also the boundary of New Forest National Park Authority (whereby the trees on this side would be under the jurisdiction of the NFNPA).

Overall, no trees will be removed to facilitate this development. There will be some encroachment of Root Protection Areas (RPAs) of 6 trees which are situated around the boundary of this site and 5 trees have been identified for minor pruning works – principally crown lifting for access. This work is not considered significant and should have no long term adverse impact on the health or amenity of the trees.

The Tree officer concludes that the tree protection measures and construction methodology specified in the submitted documents are sufficient to reduce any adverse impacts this proposal will have on the trees on and adjacent to the site.

The submitted plans indicate that new trees will be planted within the parking areas which is considered a welcome addition that will also act to soften/mitigate the proposed hardstanding and built form within the development. The Tree officer has no objections to the proposal on tree grounds subject to conditions in respect of tree protection during construction, and to secure a scheme of landscaping (to include a specification for new planting - species, size, spacing and location).

### **National Park impacts**

Having regard to the previous, extant planning consent granted under ref. 20/10456 for a materially similar development, given the industrial context of the application site and taking into consideration the existing substantial tree boundary, screening and the detailed design of the proposed buildings, the proposed development is considered to be acceptable in terms of impact on the character and appearance of the site and the surrounding area. As described above, a detailed landscaping scheme is recommended to be secured by a planning condition in order to maintain an adequate boundary screening of the site.

The application site is located immediately adjacent to the nationally protected landscape of the National Park. Section 62(2) of the Environment Act 1995 places a statutory duty on all relevant authorities – including neighbouring planning authorities - requiring them to have regard to the two statutory National Park purposes.

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park states:

*'Development should not have an unacceptable impact on the special qualities and purposes of the Cranborne Chase Area of Outstanding Natural Beauty, or on the adjoining New Forest National Park and their settings. In the determination and implementation of development proposals including planned growth, great weight will be given to ensuring that the character, quality and scenic beauty of the Cranborne Chase Area of Outstanding Natural Beauty and adjoining New Forest National Park are protected and enhanced.'*

As described above, the site is surrounded on the northern, eastern and western boundaries by dense lines of trees. The ongoing effectiveness of the boundary tree screening can be ensured by a landscaping condition. As such, the natural boundary screen would sufficiently minimise the prominence of the site from within the National Park viewing points. Furthermore, it is considered that the proposed buildings would be seen in the context of other existing buildings located within the Hardley Industrial Estate, which would further mitigate the proposals visual impact on the landscape of the National Park. It is also considered materially relevant that the proposed buildings would effectively replace a much larger building which previously existed on the site and was demolished under 14/11256 (demolition of industrial building, demolition prior approval notification).

With regard to the proposed lighting, it is noted that this would be an essential element of the depot use and the remainder of the Hardley Industrial Estate already

benefits from a variety of different forms of lighting. The application is supported by a revised Lighting Assessment produced by Delta Green, which indicates levels of illumination associated with each zone.

From that assessment, it is noted that generally, the proposed illuminance level would be consistent with the application site. However, there would also be some upward light spilling over the sky and onto the National Park. The level of illuminance on the north-western boundary of the application site which borders the National Park is indicated to be between 10 and 15 lux, a few meters away from the boundary and into the Park it decreases to approximately 5 lux, and then within a short further distance it dissipates. Whilst the level of illuminance in a National Park setting would normally be expected to be 0, the proposed light exceedance on the boundary in this case is considered to be minimal and the impact on the night sky would also be minimal.

Furthermore, taking into consideration the quality of the landscape of the potentially affected area, the existing light pollution from the vehicles using the Hythe Bypass located to the north, the hours of operation of the proposed depot, as well as the existing lighting in the Estate, it is concluded that the proposed lighting scheme would not cause undue harm and would not detract from either the landscape or scenic beauty of the National Park.

Taking into account the statutory purposes of the National Park designation and advice in paragraph 172 of the National Planning Policy Framework to give great weight to the conservation and enhancement of landscape and scenic beauty within National Parks, it is considered that the proposed development would not have unacceptable impacts on the landscape character and its setting. In terms of other impacts, such as visual impacts and other environmental pollution arising from the operation of the facility, it is considered the proposed development would not have unacceptable impacts on the special qualities of the National Park and its setting to an extent that would justify refusal.

### 10.5 Impacts on Ecology

#### **Ecology on site**

The site is vacant commercial/industrial land and it is noted that the current ecological value is low, with the site being heavily hard-surfaced. Consequently, the introduction of any features of value to wildlife would enhance the local biodiversity of the site.

From 7th July 2020 New Forest District Council has sought a minimum of 10% biodiversity net gain as a requirement of planning permission for 'Major' new build development. A BNG assessment for this application has been completed by Arbtech - this demonstrates a 91.95% biodiversity net loss as a result of the proposed development. It will necessary to offset any net loss of biodiversity recorded on-site and bring the proposed development in line with NFDC policy and deliver the required 10% net gain. Given the nature of the site and the operational needs, the Council's Ecologist has suggested that this is best achieved off-site through a suitable third party provider e.g. habitat bank. This requirement can be secured via condition.

The submitted PEA makes recommendations for inclusion of ecological enhancements such as bird and bat boxes. Given the nature of the development (and the associated lighting requirements) the Council's Ecologist suggests that bird boxes are more appropriate. These should be included within the fabric of the building(s) or on suitably mature retained trees on the site boundary. A biodiversity enhancement plan can be secured via a condition.

Natural England have previously provided the following comments:

*The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.*

*Recreational impacts on the New Forest SSSI, SAC, SPA and Ramsar*

*We note the information provided by the applicant in regards to mitigating potential recreational impacts from the proposed development, in particular that the service depot will be surrounded by a high fence, use of a sliding gate that limits and controls access to the car park and that only a small limited number of workers will be at the site during the day. We would recommend that the control of the parking area is conditioned as part of any planning permission given and would also recommend that a condition is included to prohibit dogs at the site.*

*To encourage workers to use the application site rather than the adjacent designated site during their lunch or scheduled break we recommend that an area within the landscaping for the proposed development is identified for employees to use. We recommend that thought is given to making the area attractive for use and that provisions of furniture such as picnic tables are also included.*

### **Appropriate Assessment**

New Forest District Council, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England has been consulted on the appropriate assessment (as a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process).

The appropriate assessment concludes that NFDC as competent authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England have previously advised that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

### **10.6 Impact on flood risk**

The application site is located in an area at low risk of surface water flooding. In particular, the Council's Strategic Flood Risk Assessment shows that there are small pockets of land identified as areas at risk of 1 in 100 years of surface water flooding event.

In accordance with the Environment Agency Flood Maps, the site is located within Flood Zone 1 and buildings used for offices and workshops are considered to be a less vulnerable development. The application is supported by a Flood Risk Assessment which concludes that, subject to appropriate mitigation, the proposed development can operate safely in flood risk terms, without increasing flood risk elsewhere.

The Environment Agency has commented on this application and raised no objection in terms of flood risk.

In terms of a detailed surface water drainage scheme, it is proposed to manage surface water runoff through permeable paving and two attenuation tanks. In addition, surface water would be discharged to a nearby surface water sewer. The Lead Local Flood Authority has previously confirmed that the existing groundwater

levels would make infiltration unfeasible and so the proposal to connect to a public sewer is acceptable in principle.

Following their formal response to the previous planning application (20/10456), HCC were provided with the requested detailed hydraulic calculations for the proposed soakaways and an updated drainage layout. The additional information satisfactorily addressed HCC's initial concerns regarding surface water management and local flood risk.

Therefore, the County Council as the Lead Local Flood Authority subsequently has no objection to the proposals subject to a planning condition that the drainage system shall be constructed in accordance with the approved documents.

#### 10.7 Health and safe communities

The application site is located within the Southern Gas Network High Pressure and Medium Pressure Consultation Zone and the Health and Safety Executive Gas Consultation zones. Accordingly, the Health and Safety Executive was consulted using the HSE's PADI WebApp for providing statutory advice.

The result of the consultation was that HSE do not advise against the proposal.

#### **Security of fuel storage**

In their consultation response, Fawley Parish Council have provided support for the application, with a request for confirmation that there will be proper security provision for the fuel storage facility. Officer's note the site will be a secure site bounded by a 2.44m post and mesh perimeter security fence and gated entrances. The applicant has confirmed that the fuel storage facility within the site will be operated in strict accordance with all of the relevant regulations and licensing requirements for the storage of fuels, including a petroleum storage certificate and a licence from the Petroleum Enforcement Authority, as required.

#### **Land contamination**

In terms of land contamination, the application is supported by Phase 1 and Phase 2 Contaminated Land Assessment reports dated 2020, undertaken by Terrafirma.

Previous contaminative activities on and off site means there could be plausible pollutant linkages - these have been identified and the preliminary risk assessment resulted in a moderate risk of potential contamination affecting human health, groundwater and the environment.

The Phase 2 Contaminated Land Assessment report concludes that the human health risks are negligible and no mitigation measures will be required for the development, but recommends that a watching brief, for the evidence of any unexpected contamination, is maintained during construction works.

The Council's Contaminated Land officer has assessed the proposals and the submitted reports and is content to raise no objection, subject to conditions.

Previously, Scotia Gas Networks Limited (SGN) in their initial consultation response provided a holding objection. However, this was subsequently overcome through the submission of additional information. SGN subsequently removed their objection and suggest a number of Informatives.

#### Developer Contributions

None relevant

## 11 CONCLUSION

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, responses received from consultees and the view(s) of interested 3rd parties.

The proposed development is considered accordant with local plan policies and national policies and guidance. The planning balance is for approval.

## 12 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

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

18-190_HS_002 P16	PROPOSED SITE PLAN
18-190_HS_008 P9	PROPOSED ELEVATIONS
18-190_HS_009 P1	PROPOSED ELEVATIONS OFFICE
18-190_HS_010 P1	PROPOSED ELEVATIONS WORKSHOP
18-190_HS_011 P1	PROPOSED ELEVATIONS STORE
18-190_HS_000 P4	SITE LOCATION PLAN
18-190_HS_001P9	BLOCK PLAN
005	GROUND FLOOR PLAN
006	FIRST FLOOR PLAN
007	ROOF PLAN
012 REV P2	OUTBUILDING PROPOSED ELEVATIONS
013 REV P2	FUEL STORAGE PROPOSED ELEVATIONS
015 REV P9	PROPOSED SECTIONS
229.5001.601	PROPOSED LEVELS STRATEGY
229.5001.503	OVERLAND & EXCEEDANCE FLOW PLAN
229.5001.502	DRAINAGE CATCHMENT PLAN
ARBTECH TCP 01	TREE CONSTRAINTS PLAN
ARBTECH TPP 01	TREE PROTECTION PLAN
ARBTECH AIA 01	ARBORICULTURAL IMPACT ASSESSMENT
19023-DGE-XX-00-DE-E-6310-D2-P01	EXTERNAL LIGHTING SCHEME

Reason: To ensure satisfactory provision of the development.



3. Before any works commence on site, a Biodiversity Enhancement Plan providing details of ecological enhancements to be carried out on the development site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details which shall be implemented as part of the development and retained/maintained in place to provide biodiversity and protection thereafter.

Reason: To enhance existing features of nature conservation value within the site in accordance with Policy DM2 of the Local Plan Part2: Sites and Development Management and in accordance with the Council's Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021).

4. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site (as identified for protection in the approved plans) during building operations, have been submitted to and approved in writing by the Local Planning Authority. The agreed arrangements shall be carried out in full prior to any activity taking place and shall remain in-situ for the duration of the construction of the development.

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

5. No development shall take place until a scheme of landscaping of the site has been submitted to and approved 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) the provision of an outdoor recreation area within the site for workers (for outdoor seating, picnic benches etc);
- (e) the treatment of the boundaries of the site and other means of enclosure;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to safeguard trees and natural features which are important to the visual amenities of the area.

6. The development hereby approved (including any fixed plant) shall operate in accordance with the specification and control measures outlined in the Noise Impact Assessment carried out by Nova Acoustics (ref: 4143NF).

Reason: In order to protect the amenities of occupiers of nearby properties.

7. The development hereby approved shall operate in accordance with the approved external lighting scheme (ref: 19023-DGE-XX-00-DE-E-6310-D2-P01). All lighting shall be implemented and maintained in accordance with the approved scheme and no other form of lighting shall be implemented on the application site without the prior written approval of the local planning authority.

Reason: In order to protect the amenities of occupiers of nearby properties.

8. Prior to construction (including demolition) commencing on the site, a Construction Environmental Management Plan (CEMP) to detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds and nearby occupiers shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Storage of construction materials/chemicals and equipment
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Noise/visual/vibrational impacts, to include Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Visual screening (for SPA birds)
- Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site
- Timing of works outside of bird breeding season 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.
- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- 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 as thereby approved.

Reason: In the interests of nature conservation, to avoid adverse effect(s) on the integrity of the SPA, and to protect the amenities of occupiers of nearby occupiers.

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 10 to 12 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 13 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. Further to the submitted Phase 1 Contaminated Land Desk Study Report (Terraforma South, February 2020) and the submitted Phase 2 Contaminated Land Risk Assessment Report (Terraforma South, April 2020), a written report must be provided to the local planning authority prior to the commencement of development, and agreed in writing by the local planning authority, to include an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Development shall be carried out in accordance with the details thereby agreed.

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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. Where a remediation scheme has been approved in accordance with condition 11, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled 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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

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 Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. The drainage system for the development hereby permitted shall be constructed in accordance with the submitted/approved documents. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary, highlighting any changes, with updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure the development can be adequately drained.

15. Prior to first occupation, provision shall be made on the site for convenient charging points for electric vehicles in accordance with a detailed proposal that has been first submitted to and agreed in writing by the Local Planning Authority. The installed charging points shall thereafter be retained for their intended purpose.

Reason: To ensure suitable provision is made and in accordance with Policy IMPL2 of the Local Plan Part 1 2016-2036 Planning Strategy

16. Before development commences above ground level, details of a scheme for the provision of cycle parking facilities within the site, including the location, design and specification of the cycle parking facilities 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 in accordance with the details approved and thereafter retained, maintained and kept available for the users of the development at all times.

Reason: To promote sustainable modes of travel.

17. Before the main office/store, workshop or office buildings are first occupied (or within an alternative timeframe that has been agreed in writing by the Local Planning Authority), written documentary evidence demonstrating that these buildings achieve a Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard overall shall be submitted to the Local Planning Authority for its written approval. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason: In the interests of resource use and energy consumption in accordance with policy IMPL2 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453



# New Forest DISTRICT COUNCIL

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

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

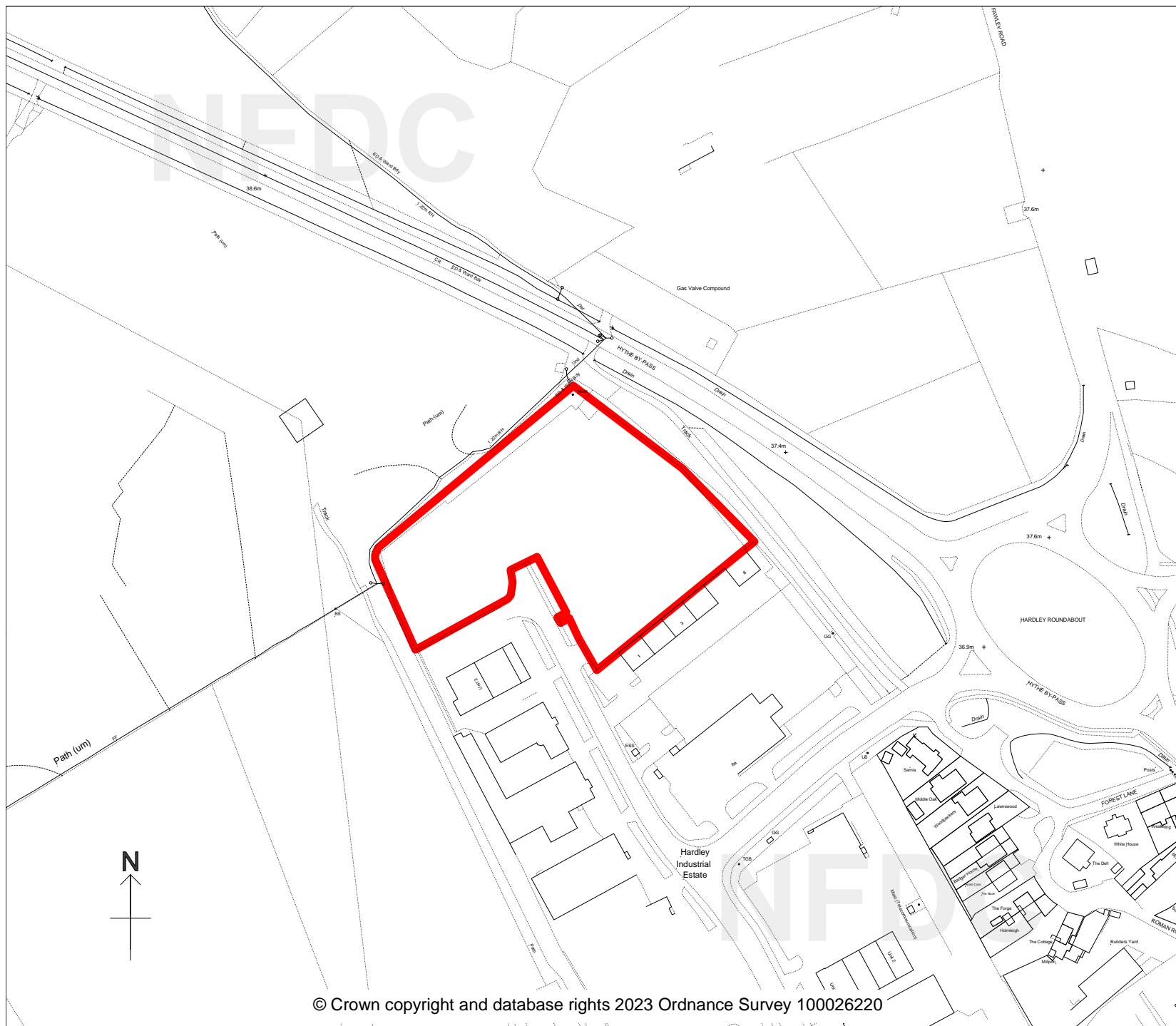
## PLANNING COMMITTEE

February 2023

Land at Hardley Industrial Estate  
Hardley  
Hythe  
22/11388

Scale 1:2500

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



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Planning Committee 08 February 2023

**Application Number:** 22/11107 Full Planning Permission

**Site:** 7-9 RUMBRIDGE STREET, TOTTON SO40 9DQ  
(PROPOSED LEGAL AGREEMENT)

**Development:** Conversion of existing frontage and demolition of rear office building to provide 13 residential dwellings for supported living with associated carer office and overnight accommodation with associated landscaping and cycle parking

**Applicant:** Purpose Social Property Limited

**Agent:** Vail Williams LLP

**Target Date:** 27/12/2022

**Case Officer:** Warren Simmonds

**Extension Date:** 27/01/2023

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Affordable housing provision
- 3) Design, site layout and impact on local character and appearance of area
- 4) Highway safety, access and parking
- 5) Residential amenity
- 6) Flood risk
- 7) Air quality
- 8) Ecology and biodiversity

This application is to be considered by Committee because of the PAR4 recommendation of refusal received from Totton and Eling Town Council.

## 2 SITE DESCRIPTION

The application site is located within Totton town centre, fronting onto Rumbridge Street at the north and backing onto the Windsor Road car park at the rear.

The site was last used for office purposes in support of DPP Ltd plumbing operations, but is now vacant as the business has moved to different premises within the town (commercial premises at 14 Bartram Road, Totton).

The site frontage onto Rumbridge Street is a two storey pitched roof building which is to be retained. The remainder of the long and narrow site is covered by a single storey flat roof building that was used for office purposes, and a small service yard to the rear (with access from Winsor Road car park).

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

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

### 3 PROPOSED DEVELOPMENT

The application seeks full planning permission for the conversion of the existing frontage building and demolition of the rear office building to provide 13 residential dwellings for supported living with associated carer office and overnight accommodation.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11281 Construction of 6x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1x dwelling; part demolition of existing building (Outline application with details only of access, layout and scale)	15/09/2022	Granted Subject to Conditions	Decided
05/83883 Retention of first-floor extension for additional office and a flat; detached two-storey terrace of 4 houses	06/09/2005	Granted Subject to Conditions	Decided
03/79535 First floor extension for additional offices and a flat; detached two-storey terrace of four houses	16/02/2004	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

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

Policy ECON2: Retention of employment sites and consideration of alternative uses  
 Policy ECON6: Primary, secondary and local shopping frontages  
 Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
 Policy ENV3: Design quality and local distinctiveness  
 Policy IMPL1: Developer Contributions  
 Policy IMPL2: Development standards  
 Policy STR4: The settlement hierarchy

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

DM2: Nature conservation, biodiversity and geodiversity  
 TOT18: Rumbridge Street Secondary Shopping Frontage

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

Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021)  
 SPD - Air Quality in New Development. Adopted June 2022  
 SPD - Parking Standards

## **Relevant Advice**

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

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

## **Constraints**

NFSFRA Fluvial  
Flood Zone  
Plan Area

## **Plan Policy Designations**

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

## **6 TOWN COUNCIL COMMENTS**

### **Totton & Eling Town Council**

Whilst it was recognised permission had been previously granted on the site for residential dwellings (ref: 21/11281), Councillors felt this planning application, although for residential occupation had an aspect of business use. With that in mind no provision of parking had been made for staff, would carers be expected to pay for parking in Winsor Road?

A reduction in the number of units would enable parking provision for staff to the rear.

The other concern was potential noise and disturbance from the site which could have a detrimental effect on nearby residents.

RECOMMENDATION - PAR4: We recommend REFUSAL, for the reasons listed.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **HCC Surface Water**

No objection to this application

### **NFDC Landscape Team**

No comments required

**NFDC Strategic Housing officer**

Support, subject to meeting affordable housing provision requirements.

**Ecologist**

I have no objections to the proposals subject to securing the mitigation (sensitive lighting & nesting birds) and enhancement measures (native tree and shrub planting and bird and bat boxes) detailed within the EcoSupport Preliminary Ecological Appraisal dated 13/09/2022.

**Environmental Health Contaminated Land**

No objection, subject to a standard condition.

**Environmental Health (Pollution)**

No objection, subject to condition with respect to noise level protection (for future occupiers of the proposed development) and CEMP.

**Environment Agency**

No response received, however no objection to previous proposal under planning reference 21/11281.

**9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Four representations were received from third parties. Each was objecting to the proposed development. Grounds for objection include:

- Overlooking and loss of privacy to adjacent properties
- Concerns regarding noise and security
- Insufficient side boundary treatment
- Excessive amount of development
- Not enough outdoor space

For: 0

Against: 4

**10 PLANNING ASSESSMENT**Principle of Development

The proposed development is considered acceptable in principle:

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

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

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

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

The site lies in a highly sustainable location, being situated centrally within the town centre of a 'tier one' town as defined within the Council's Settlement Hierarchy (Policy STR4 refers). Within Totton there are a very good range of services and facilities within easy walking distance of the site including a range of public transport options.

Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements.

The principle of the residential redevelopment of the site has been established via the recent granting of outline planning consent for '*Construction of 6x dwellings; conversion of the existing office building to provide ground floor commercial use and cycle parking for dwellings; conversion of the upper floor to 1x dwelling; part demolition of existing building*' under planning reference 21/11281.

### **The proposed use**

The current application differs from the previous proposal as it proposes 12 x one bedroom and 1 x two bedroom self-contained units of accommodation for occupiers with learning and physical disabilities as part of an assisted living scheme which includes associated on-site carers' office and carers' overnight accommodation.

The proposed residential accommodation is intended to provide a living environment suitable for adult occupiers with learning and physical disabilities. The application is made by Purpose Social Homes and the Registered Provider (RP) of Social Housing (instructed by Hampshire County Council) will be Westmoreland Supported Housing Limited - the tenure of the units is intended to be open-dated Assured Short-hold Tenancies.

On-site support for the occupiers is to be provided by Dimensions UK (a not-for-profit organisation supporting people with learning disabilities, autism, behaviours of distress and those with complex health needs) in conjunction with Hampshire County Council.

The proposed use is for supported/assisted living as planning use C3 (dwelling houses) and, for clarity, is not a C2 (residential institution) use.

### **Loss of employment use**

Previous planning consent 21/11281 has granted consent for the residential conversion and redevelopment of the site for 7 x two bed dwellings but retained an area of the ground floor Rumbridge Street frontage as a Class E commercial/retail unit.

The current application retains a similar amount of the ground floor front element as offices and ancillary accommodation. These offices would fall within Use Class E which also includes retail shops - in this respect it is considered the proposal remains accordant with provisions and requirements of saved local plan policy TOT18.

### **Applicant's fall back position for change of use to dwelling**

It is a material consideration that, notwithstanding the provisions of saved policy TOT18, permitted development rights remain available under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3 (Changes of use), Class MA (commercial, business and service uses to dwellinghouses) which could allow the change of use and conversion of the existing ground floor front office area to a dwellinghouse without the need for planning

consent from the local planning authority under the Prior Notification/Prior Approval procedure.

### **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. However, it is anticipated that the updated housing land supply position will remain below the required 5 years.

In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

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

In summary, the NPPF tilted balance is engaged and officers consider in this case adds limited but material weight in the overall planning balance to the provision of new housing (and affordable housing).

### Affordable housing provision

The application is for 13 dwellings and therefore a requirement to provide affordable housing is triggered under the provisions of local plan policy HOU2 and the NPPF.

Under policy HOU2 there is a requirement for all new developments of 11 or more dwellings, or of more than 1,000 sqm gross internal area (GIA) of residential floorspace, to provide affordable housing. In Totton and the Waterside area, the target is for 35% of new homes to be affordable housing.

For a 13 dwelling scheme in Totton this would equate to 4.55 affordable units, however because the site as it currently exists includes vacant building(s), the NPPF directs that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

In this case, the proportionate reduction, taking into account the GIA of existing vacant floorspace, results in an affordable housing requirement of 1.3 dwelling(s) for the proposed development. The applicant has agreed to provide the single two bed dwelling unit on the site (i.e. the two bed flat at first floor level within the retained Rumbridge Street fronting building) as affordable housing and this has been accepted in principle as meeting the affordable housing requirement by the Council's Housing Officer. The affordable housing provision can be secured by S106 legal agreement.

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

The layout (footprint) and scale of the proposed development is very similar to that proposed under the outline planning application 21/11281 (outline consent with matters of Appearance and Landscaping to constitute Reserved Matters). The height of the rear element now proposed is significantly less than that indicatively shown for the outline consent and there is no roof terrace element being proposed for the current application.

The existing two storey building fronting onto Rumbridge Street is to be retained with no significant amendments to its external design or appearance. The new two storey element attached to the rear will be subservient in height to the retained Rumbridge Street element and so will not be prominent in views from the perspective of Rumbridge Street.

The proposed rear two storey element is of simple, relatively utilitarian design and would consist of buff facing brickwork and dark coloured aluminium door and window frames. The design and appearance of the development is considered to be acceptable and appropriate within the context of the urban character and immediate surroundings of the application site.

#### Highway safety, access and parking

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

As part of the Local Development Framework for its area, New Forest District Council adopted a revised Parking Standards Supplementary Planning Document (SPD) on 6th April 2022. The adopted SPD forms part of the Local Development Framework for New Forest District (outside the National Park) and outlines the recommended provision of cycle and vehicle parking for all new developments.

For each new one bed dwelling the adopted Parking Standards SPD recommends 1.4 shared or communal parking spaces, or 2 on-plot parking spaces, together with 1 cycle parking space per unit. However, within the revised Parking Standards SPD, Principle PS1 states that provides the following exception:

*'In the main town Main Town Centre locations of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel, and confirmation that factors influencing parking pressure set out in Annex 2 will not be exacerbated.*

*Proposals in these Main Town Centre locations will be assessed on a site by site basis with account taken of the layout and design of the development and where relevant can also take into account future public and active travel projects, where there is sufficient certainty in their delivery.'*

A reduced (zero parking) scheme has already been accepted for the redevelopment of this site for 7 x two bedroom dwellings under planning reference 21/11281. The current scheme is likely to present a reduced demand for car parking as it is unlikely any of the intended assisted living residents will be car drivers.

In these respects, taking into consideration the highly sustainable town centre location of the proposed development, with good access to a wide range of local services, facilities and access to public transport, a zero car parking provision is considered acceptable in this case. A large public car park is available immediately to the rear of the site for staff to use if necessary.

In respect of cycle parking, the proposal includes provision for 4 x cycle parking spaces to within the ground floor area of the retained building.

## Residential amenity

The application site is within an existing mixed commercial residential use area of the town centre. The proposed development would introduce additional mass and bulk/height at first floor level and would introduce residential units.

Policy ENV3 of the adopted local plan has regard to design quality and local distinctiveness and includes a requirement that new development will be required to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise, light pollution and other adverse impacts on local character or residential amenity.

The application proposes residential redevelopment in a town centre location which in itself constitutes an appropriate and acceptable use. As with any development, care should be taken in ensuring the proposal does not result in the undue overlooking or overshadowing of adjacent residential uses from proposed windows or any outside amenity space areas etc.

The proposed two storey rear element is substantially less tall than that indicatively shown in the approved outline planning consent (21/11281) and the current proposal has no roof terrace element. It is considered these two factors represent a significant improvement in amenity terms in respect of the potential for overlooking of existing adjacent properties.

Concerns from third parties have been raised in respect of potential overlooking effects of the existing first floor rear terraces relating to dwellings at 5 Rumbridge Street. Whilst a degree of mutual overlooking may arise from the proposed east facing first floor windows of the closest units of the development, such relationships are common within close knit urban areas. It is noted in this case the floor level of the external terrace area(s) is set significantly higher than the first floor floor level of the proposed units, meaning that the floor level of the terrace would be approximately 1.5m above the internal floor level of the proposed first floor units. As such, it is considered that the proximity and relationship between the proposed new dwellings and the existing rear outdoor amenity space of the adjacent dwellings would not amount to an undue level of overlooking by which the application could reasonably be refused.

## Flood risk

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

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

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

In considering potential or proposed locations for development it is therefore important that, as far as reasonably possible, development is located where the risk



of flooding (from all sources) is and will remain lowest, taking account of climate change and the vulnerability of future uses to flood risk.

The Flood Risk Vulnerability Classification in National Planning Policy Guidance identifies 'Highly vulnerable' and 'more vulnerable' uses that are least appropriate to locate in flood risk areas. These include emergency service stations, mobile home parks, caravans, hospitals, residential institutions and housing.

The application is accompanied and supported by an appropriate Flood Risk Assessment (FRA) specific to the proposed development, in accordance with local and national planning policy guidance.

#### Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In this case, the Council's Environmental Protection officer has confirmed that an Air Quality Statement (AQS) in respect of the proposed development should be required. The applicant has duly submitted an AQS which sets out appropriate mitigation measures in accordance with Appendix 1 of the SPD.

#### Ecology and biodiversity

##### **On Site Biodiversity and protected species**

The applicant has submitted a Phase 2 Bat Survey Report and Updated Preliminary Ecological Appraisal (EcoSupport, dated 13th September 2022) for the site, in which a scheme of ecological enhancements to provide a biodiversity net gain (BNG) for the development is set out.

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

##### **Habitats Mitigation**

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement (or unilateral undertaking) to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy.

In this case, the applicant would be required (prior to determination of this planning application) to enter into a Section 106 legal agreement or submit a unilateral

undertaking, which secures the required habitat mitigation contributions as detailed in the 'Developer Contributions' section below.

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

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England has now raised this with the Council and other Councils bordering the Solent catchment area and has raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation.

An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC considers that there needs to be a mitigation project to provide this development with a nitrate budget.

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

### **Managing air quality**

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

A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

A financial contribution is required (to be secured via a Section 106 legal agreement or unilateral undertaking) towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

### **Developer Contributions**

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

- Infrastructure contribution of £38,042
- Non-infrastructure contribution of £5,569
- Bird Aware Solent contribution of £5,243
- Air quality monitoring contribution of £1,183

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	691	105	586	243.22	£80/sqm	£26,567.39 *
Businesses - Offices (non-Financial /Prof	45	45	0	-22.32	No charge	£0.00 *

Subtotal:	£26,567.39
Relief:	£0.00
Total Payable:	£26,567.39

## 11 CONCLUSION

The proposed development would provide an appropriate residential redevelopment of the vacant site by providing new dwellings in a sustainable town centre location.

The proposal would make appropriate on-site provision towards affordable housing and would not result in undue impacts in respect of the amenity of neighbouring uses or in terms of the character of the surrounding area.

The proposal would make appropriate on site provision of affordable housing and would provide appropriate habitats mitigation via contributions to be secured by S106.

## 12 RECOMMENDATION

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

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure:
  - appropriate on-site affordable housing; and
  - appropriate contributions in respect of habitats mitigation; 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:

1741P.102B	PROPOSED ELEVATIONS & SECTION PLANS
1741P.103	EXISTING PLANS & ELEVATIONS
1741P.101B	PROPOSED FLOOR PLANS
1741P.100D	SITE LOCATION & BLOCK PLAN

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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.

4. 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.

5. Before development commences above ground level, samples or exact details of the facing 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. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 7 to 9 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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 of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

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 of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

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).

9. Where a remediation scheme has been approved in accordance with condition 8, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled 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).

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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).

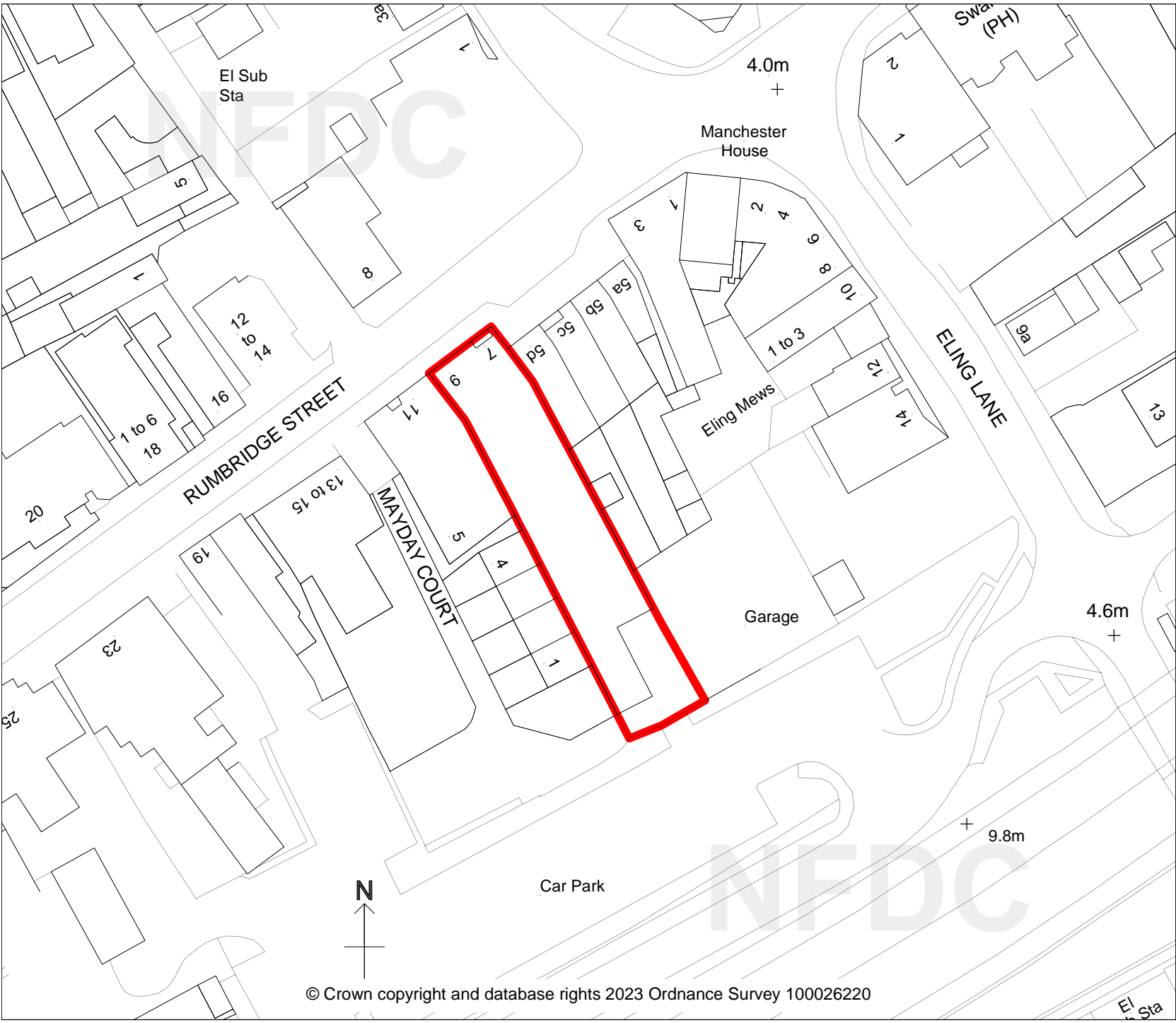
11. Development shall be carried out in accordance with the enhancement measures (Mitigation and Enhancements) for biodiversity as set out in Section 6 of the submitted EcoSupport Preliminary Ecological Appraisal (PEA) dated 13th September 2022.

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

**Further Information:**

Warren Simmonds

Telephone: 023 8028 5453



# New Forest

DISTRICT COUNCIL

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

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

## PLANNING COMMITTEE

February 2023

7 - 9 Rumbridge Street  
 Totton  
 SO40 9DQ

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Planning Committee 08 February 2023

**Application Number:** 22/11372 Full Planning Permission

**Site:** MYLFORDE, LYMINGTON ROAD, MILFORD-ON-SEA SO41 0QL

**Development:** Detached garage

**Applicant:** Ms Halle

**Agent:** 71 Design

**Target Date:** 23/01/2023

**Case Officer:** Kate Cattermole

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Impact on the setting of the barn and listed and curtilage listed buildings, and Milford Conservation Area

This application is to be considered by Committee because there is a contrary view to Milford on Sea Parish Council

## 2 SITE DESCRIPTION

The application site is a residential property, situated down an unmade access which serves the site and the neighbouring property Old House Cottage. The site falls within the Milford Conservation Area and is adjacent to a Listed Building, the Old House which fronts onto Lyminster Road but has a large plot which abuts the site.

There is an existing bungalow on the site, which dates from the 1990s, and is currently being extended. The extended bungalow virtually spans the width of the plot, with amenity space to the front and rear. The front boundary is screened by trees.

The neighbouring property, The Old Cottage, to the east of the application site is a detached dwelling set away from the boundary with a large timber barn on the boundary with the application site. This barn and the Old Cottage forms part of Historic England's listing of the Old House: *The Old House, its garden wall and gate piers, the barn at the rear and the Old Cottages, form a group.*

## 3 PROPOSED DEVELOPMENT

Detached garage sited to the front of the dwelling. The proposed building would be a 4.5m single storey building with cropped gables on the side elevations. It would be constructed of timber walls and the roofing would be composite slate.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
16/10938 Single-storey front and side extensions (AMENDED PLANS)	30/09/2016	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**

DM1: Heritage and Conservation

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

SPG - Milford-on-Sea Village Design Statement

SPG - Milford-on-Sea - A Conservation Area Appraisal

### **Constraints**

Archaeological Site

Conservation Area: Milford-on-Sea Conservation Area

### **Plan Policy Designations**

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Milford On Sea Parish Council, The Old Clock House**

The Milford-on-Sea Parish Council Planning Committee wish to submit a PAR 3: We recommend PERMISSION provided that the three conditions outlined in the archaeology report (dated 16th December 2022) are met. The three recommended conditions are as follows:

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 in writing. The scheme shall include an assessment of significance and 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
6. investigation
7. 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 condition (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 condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

PAR 3: We recommend PERMISSION

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**NPA Archaeologist:** no objection subject to conditions

**NFDC Tree Team:** no objection

**NFDC Conservation:** objection

## 9 REPRESENTATIONS RECEIVED

None received

## 10 PLANNING ASSESSMENT

### Impact on the setting of the barn and listed and curtilage listed buildings, and Milford Conservation Area

There is a duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) also requires special regard to be paid to preserving or enhancing the character or appearance of a Conservation Area.

The Milford on Sea Conservation Appraisal states that: *'the churchyard of All Saints' Church forms, with the gardens and paddock of The Old House an important open area close to the centre of the village. Despite a recent low-level bungalow to the rear of the Old House, the ensemble of The Old House, the Church and the walls along Church Hill is a valuable composition of historic and protected buildings and structures'*

The proposed garage is to be sited to the front of the application site adjacent to the barn that is located on the boundary, which as referred to above forms part of the curtilage listed buildings of the Old House. The proposed garage would be 4.5m in height and the materials would be timber with composite slate roof.

The proposed garage is of a standard design which has little regard to its context, the setting of the listed building or the quality of the historic barn itself. By reason of its site position, scale and mass, the proposed garage would be harmful to the setting of the historic barn and wider collection of curtilage listed buildings included in the listing description. The proposed garage position and massing would directly affect views to and from the barn and due to its close proximity would unacceptably impinge on its character and significance.

By virtue of its adverse impact on the setting of the Listed Building and associated curtilage Listed Buildings, the proposed garage would also be harmful to the character of the Milford on Sea Conservation Area. As such this proposal would lead to less than substantial harm to the setting of the barn and listed and curtilage listed grouping. As the proposed garage would only be required to serve the existing dwelling there would no public benefits arising from the proposal that outweigh the identified harm.

### Neighbour amenity

By reason of its relationship with the neighbouring property, The Old Cottage, there would be no adverse impact on the amenities of this neighbour by reason of loss of light, overshadowing or loss of privacy. Furthermore, it would not result in an overbearing form of development.

### Impact on trees

The site is within the Milford-on-Sea Conservation Area. Therefore, all trees with a stem diameter greater than 75mm at 1.5m above ground level are protected by conservation area status. The proposed detached garage would be located in the northeast corner of the plot which is adjacent to a line of trees which individually are of low quality but do collectively provide a verdant feature to the area and a good level screening. The applicant has not indicated the location of these trees on the submitted drawings. However, there is a retaining wall constructed with sleepers situated between the trees and the site which will act as a root barrier to some degree and on this basis the overall adverse impact of this proposal to the adjacent trees should be limited. As such there is no objection on tree grounds.

## **11 CONCLUSION**

The proposals have been considered within the relevant local and national policy context. The proposed development would result in the harm to the setting of the adjacent Listed Building and associated curtilage buildings, which would consequently detract from the character and appearance of the Milford on Sea Conservation Area.

Notwithstanding there is no impact upon neighbour amenity, the identified harm to the adjacent Listed Building and associated curtilage buildings, and Milford-on-Sea Conservation Area, would justify refusal of planning permission in this case.

## **12 RECOMMENDATION**

### **Refuse**

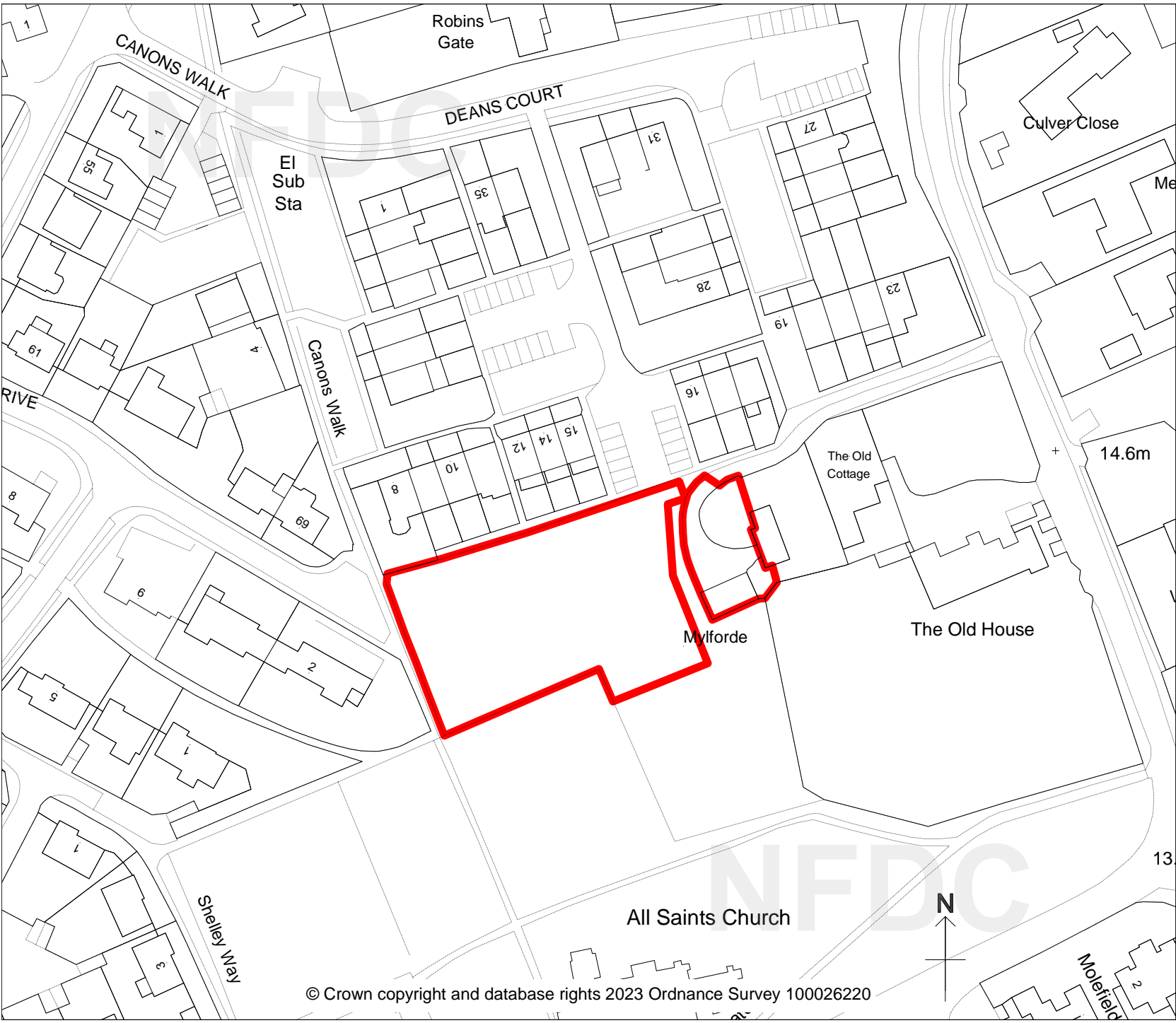
#### **Reason(s) for Refusal:**

1. By reason of its site position, scale and mass, the proposed garage would be harmful to the setting of the historic barn, which forms part of a group of curtilage listed buildings in associated with the Grade II Listed The Old House, directly affecting views of and eroding its character and significance. As such, the proposal would result in less than substantial harm to these heritage assets, including the Milford on Sea Conservation Area, and as there are no public benefits to outweigh the harm, the proposal would be contrary to Policy ENV3 of the Local Plan Part 1: Planning Strategy and Policies DM1 of the Local Plan Part 2: Sites & Development Management Plan, and National Planning Policy Framework, 2021.

#### **Further Information:**

Kate Cattermole

Telephone: 023 8028 5446



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# New Forest

DISTRICT COUNCIL

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

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

## PLANNING COMMITTEE

February 2023

14.6m

Mylforde  
 Lymington Road  
 Milford on Sea  
 22/11372

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Planning Committee 08 February 2023

**Application Number:** 22/11383 Full Planning Permission

**Site:** COPSE HOUSE, DE LA WARR ROAD, MILFORD-ON-SEA SO41 0PS

**Development:** Two storey outbuilding incorporating garage and annexe; with balcony

**Applicant:** Mr & Mrs Larder

**Agent:** Planning Base Ltd

**Target Date:** 13/02/2023

**Case Officer:** Kate Cattermole

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

This application is to be considered by Committee because there is a contrary view with Milford-on-Sea Parish Council.

## 2 SITE DESCRIPTION

The application site is situated within the built up area of Milford on Sea, in an established residential area. The property address is De La Warr Road, but the site is on the junction with Rookcliffe Way, and the house faces this road. There are a variety of styles of properties within the immediate area.

The application site consists of a detached 4 bedroom house dating from the 1930s, but the design of a half timbered and brick building with thatched roof gives the impression of an older property. A single storey detached concrete garage with shallow apex roof is sited adjacent to the western boundary with De La Warr Road. The dwelling has a reasonable sized rear garden and there are modern houses to the east and south which were developed on land which originally was part of the application site.

## 3 PROPOSED DEVELOPMENT

Two storey detached outbuilding comprising a garage and annexe, incorporating a balcony, flue, solar panels and air source heat pump.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
07/90773 House	10/10/2007	Refused	Appeal Decided	Appeal Allowed with Conditions
07/90622 Pitched roof; rebuild walls to extensions to match house; replacement windows	10/10/2007	Granted Subject to Conditions	Decided	

07/89701 House (details of all matters of development granted by Outline Application 78145)	05/06/2007	Granted Subject to Conditions	Decided
03/78145 House (All matters reserved)	23/07/2003	Granted Subject to Conditions	Decided
XX/LYB/09101 Alterations and additions.	13/12/1963	Granted Subject to Conditions	Decided
XX/LYB/08864 Garage.	19/09/1963	Granted	Decided
XX/LYB/08819 Alterations and additions.	16/08/1963	Granted	Decided
XX/LYB/01575 Porch and bay window.	21/08/1953	Granted	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

SPG - Milford-on-Sea Village Design Statement

### Plan Policy Designations

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council:** PAR 3: We recommend PERMISSION

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

No consultee comments received:

## 9 REPRESENTATIONS RECEIVED

None received

## 10 PLANNING ASSESSMENT

### Principle of Development

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

The use of the outbuilding is for extended family and potentially future accommodation for elderly relatives and/or adult children. The principle of the proposed use of the building as an annexe to the main house for this use would be acceptable and could be conditioned to ensure that it would not be used independently from the main dwelling.



### Impact on street scene and local character and appearance of area

The proposed outbuilding would be in the same location as the existing garage, although it would have a slightly larger footprint when compared to the existing garage. This in itself would not be an issue as the property has a large plot that could accommodate this.

Even though views of the existing garage are achievable from public vantage points, by virtue of its single storey form it is not intrusive. The proposed two storey outbuilding would be 5.9m in height, and the proposed materials would be vertical timber cladding to the walls, but the roofing materials are to be agreed with the Local Planning Authority. When this new building of a 2 storey height is seen in the context of the existing dwelling it would be serving - which is 7.4m high - it would not be a subservient feature but rather it would be dominate and intrusive within the street scene, with this impact accentuated by its prominent location close to the boundary of the site with the road. An annexe could be provided in a single storey building, and this does not justify a building of the height proposed, which has unacceptable visual impacts as set out above.

It is acknowledged that the Zinc House to the south of the application site, is an individual contemporary design and that there are also flatted developments within the immediate vicinity of the site. However, the proposal is for an outbuilding serving Copse House, and therefore cannot be justified by the form and height of other buildings which serve as the host properties, furthermore the Zinc House is set away from its boundary with the road.

By reason of its prominent location, 2 storey height, and design the proposed outbuilding would be a highly prominent feature within the street scene, and by virtue of its height would not be seen as subservient to the existing host dwelling on the site. As such it would result in an intrusive and incongruous form of development that would be harmful to and out of keeping with the street scene, undermining its character to a unacceptable degree.

### Residential amenity

Rooflights are proposed on the east elevation looking across the garden of the application site, and beyond that to Samphire House. Taking into account the distance between the proposed outbuilding and this neighbouring property (approximately 38m), there would not be an issue of overlooking or loss of privacy to this neighbour from the rooflights.

A balcony is proposed on the south elevation of the proposed building, which would be adjacent to the boundary with Zinc House. The balcony would overlook the front driveway of this neighbouring property, but due to the overhang of the roof any views to the side would be screened, as such not allowing views over the neighbouring private rear amenity space. There is a high boundary wall to the front of Zinc House which does protect the privacy to the front of the dwelling too. However as no objections have been received from the owners/occupiers of this property on balance it is not considered that there would be an unacceptable loss of privacy or overlooking to this neighbour.

### Renewable energy

Renewable energy sources are proposed to be incorporated into the building, with solar panels and an air source heat pump. Renewable energy sources are to be encouraged, however these could be installed on a lower building, and these do not justify the proposal as submitted.

## Developer Contributions

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	102	44	58	58	£80/sqm	£6,335.38 *

Subtotal:	£6,335.38
Relief:	£0.00
Total Payable:	£6,335.38

## 11 CONCLUSION

The proposals have been considered within the relevant local and national policy context. The proposed development would be an intrusive and incongruous form of development that would be out of keeping with the street scene and harmful to the character and appearance of the area. Notwithstanding there is no impact upon neighbour amenity, the identified harm to the street scene and character of the area would justify a refusal in this case.

## 12 RECOMMENDATION

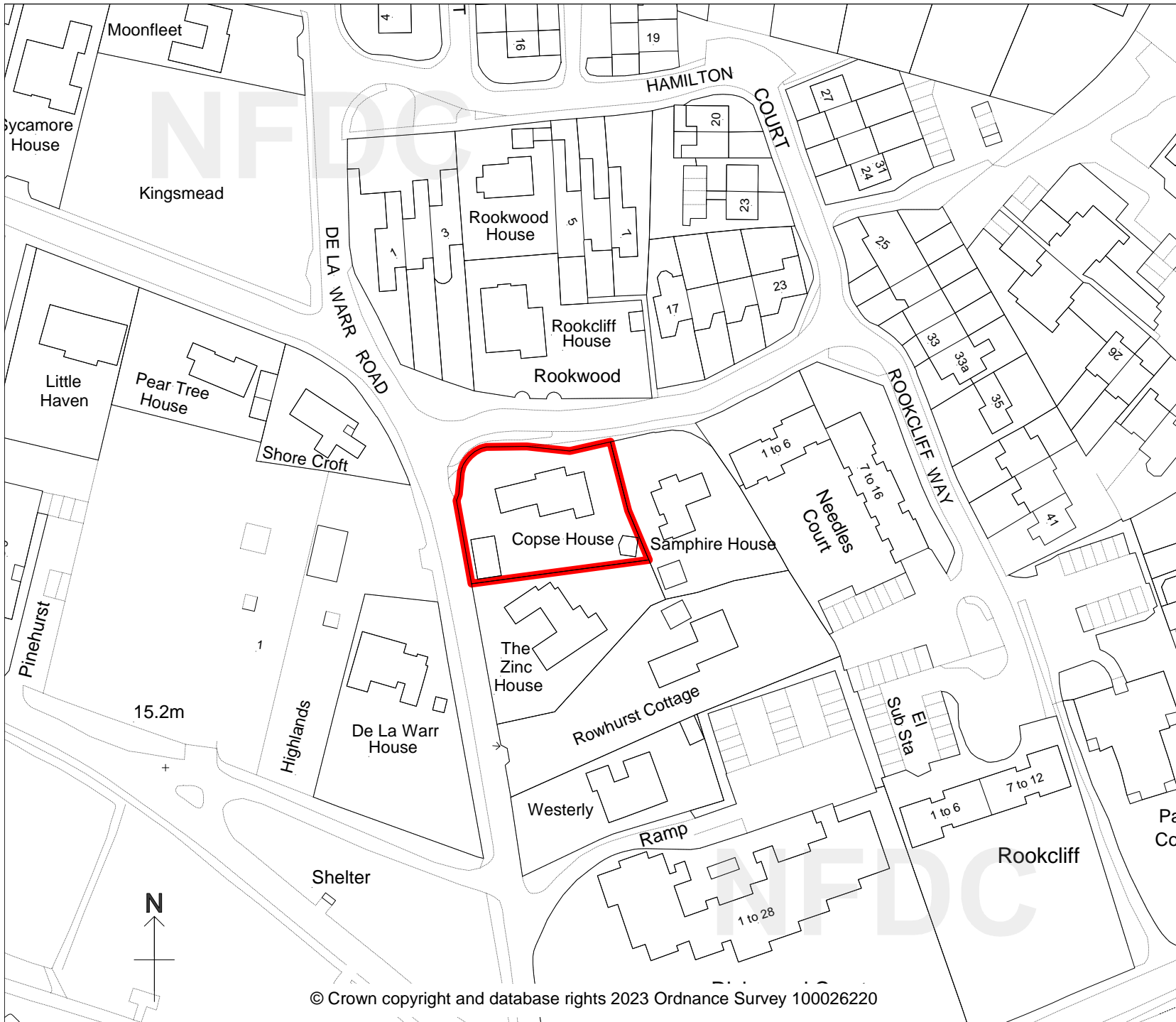
### Refuse

#### Reason(s) for Refusal:

1. By reason of its prominent location, 2 storey height, and design the proposed outbuilding would be a highly prominent feature within the street scene and by virtue of its height and siting would not be seen as subservient to the existing host dwelling on the site. As such it would result in an intrusive and incongruous form of development that would be harmful to and out of keeping with the street scene undermining the character of the area. As such it would be contrary to Policy ENV3 of the Local Plan Part 1: Planning Strategy.

#### Further Information:

Kate Cattermole  
Telephone: 023 8028 5446



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# New Forest

DISTRICT COUNCIL

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

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

## PLANNING COMMITTEE

February 2023

Copse House  
 De La Warr Road  
 Milford-on-Sea  
 22/11372

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Planning Committee 08 February 2023

**Application Number:** 22/11385 Full Planning Permission

**Site:** PUBLIC CONVENIENCES, BARTON BEACH AND  
UNDERCLIFF, BARTON-ON-SEA BH25 7DX

**Development:** Replacement building to provide 3 no. w.c's, 1 no. disabled  
w.c/baby change and enhanced disabled w.c/family room;  
demolition and removal of existing public conveniences buildings

**Applicant:** New Forest District Council

**Agent:** Boyle & Summers Ltd

**Target Date:** 01/02/2023

**Case Officer:** Kate Cattermole

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the SSSI, Green Belt and countryside

This application is to be considered by Planning Committee at the discretion of the Service Manager as the applicant is NFDC.

## 2 SITE DESCRIPTION

The application site consists of a flat roofed portacabin providing three toilets for public use, situated on the beach at Barton on Sea, which is in an area designated as Green Belt and also falls within the Highcliffe to Milford Cliffs Site of Special Scientific Interest (SSSI).

The current toilet block is currently deteriorating. This building was only meant to be temporary and was expected to be replaced with a better designed building.

## 3 PROPOSED DEVELOPMENT

Replacement public toilet block. The proposals would be an increase in the number of toilets from three to five, including two disabled toilets, as well as incorporating an external shower and water bottle filling station.

The proposed design would incorporate a multi gable design, with four balanced gables. The replacement building would be higher than the existing being 3.7m to the ridge. The building would be constructed of durable materials consisting of timber affect weatherboard cladding and plastic coated metal tile effect.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
07/91417 Public convenience; demolition of existing	02/05/2008	Grant Temporary Permission Expired on 30 April 2009	Decided

## 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy ENV2: The South West Hampshire Green Belt

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

DM2: Nature conservation, biodiversity and geodiversity

### **New Milton Neighbourhood Plan**

Policy NM13 - Barton-on-Sea

Policy NM4 - Design Quality

### **Constraints**

Site of Special Scientific Interest

### **Plan Policy Designations**

Green Belt

No Soakaway

Countryside

## 6 PARISH / TOWN COUNCIL COMMENTS

### **New Milton Town Council**

ACCEPTABLE (Delegated) subject to adherence to Neighbourhood Plan Policy NM4 (Design Quality) on the need to mitigate the impacts of climate change and create biodiversity net gain.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Natural England:** no objection subject to condition

**NFDC Coastal:** comment only relating to drainage as the site is located within a no soakaway zone and the suitability of the access to the site for construction.

*Comments in full available on website*

## 9 REPRESENTATIONS RECEIVED

None

## 10 PLANNING ASSESSMENT

### **Principle of Development**

The site is located within the Green Belt. Policy ENV2 requires that all new development within the Green Belt will preserve the openness and permanence of the South West Hampshire Green Belt and be in accordance with national policy within the National Planning Policy Framework (NPPF)

The NPPF states in para 149 that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include as (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The replacement building proposed would meet the exceptions test of the NPPF, as it would be in the same use and would not be materially larger. Furthermore, by reason of its siting, with further huts to the west, it would not adversely impact the openness of the Green Belt.

The principle of the development is therefore considered to be acceptable and enhancement of the facilities in the locality is welcomed. This is subject to compliance with the relevant criteria in Policy ENV3 which 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.

#### Design and Appearance

The proposed toilets would offer a more attractively designed building, compared to the existing structure. The design of the building reflects the form of gable fronted beach huts which are the main features within this context, making it visually appropriate. The building would be constructed of durable materials that would be in keeping with the surrounding huts. Overall the development would have an acceptable impact on the character and appearance of the area and is seen as a visual enhancement.

#### Impact on the SSSI

The Highcliffe to Milford Cliffs SSSI is important for its fossilized plants and reptiles, and a rich assemblage of beetles. Even though there would be a modest increase to the footprint of the building of 8.1 sq m, this is necessary to incorporate adequate modern and up to date facilities to serve all users, and will be an improvement over the existing deteriorating building.

Furthermore, the building would not be projecting any further back onto the cliff and the small overall increase to the building in part sitting on the beach. Taking into account the modest increase in the footprint of the building compared to the existing, it is not considered that this would cause an unacceptable level of harm to the SSSI when balanced against the public benefits of retaining and improving the public facilities.

Natural England have not raised an objection but have requested a Construction Environmental Management Plan (CEMP) relating to the proposed build. A CEMP has been submitted during the course of the application, but this only relates to the removal of the existing toilets so a condition would still be required to be applied if planning permission is granted.

#### Impact on the countryside

This area is a recreational area, predominately characterised by beach huts. By reason of its siting and improved appearance, the proposed public toilets would be an appropriate addition in this location.

#### Climate Change

New Forest District Council declared a Climate and Nature Emergency at its meeting on 6 February 2021 and is committed to reducing carbon emissions. The Climate Action Plan is committed to at least one Energy efficient solution in each of the 23 Public Conveniences when building new public toilets.

This proposal incorporates solar panels on the inward slopes of the multi gabled roof, in accordance with the declared policies of New Forest District Council and the New Milton Neighbourhood Plan. Even though more slimline solar panels are a feature of modern huts within the beach scene, these more domestic style panels are appropriate in this instance due to the more robust scale of the building and the fact that they are located within the roof slope which results in a more visually discreet addition.

#### Biodiversity Net Gain

By virtue of the single storey form of the building and level of activity that could be associated with the building, it does not lend itself to the incorporation of bio diversity enhancements. Furthermore, the replacement building should not interfere with the existing ecological systems present in this area and so is considered to be acceptable.

#### Drainage and stability of access

The replacement building would replicate the drainage arrangements of the existing toilets, by discharging onto the existing cliff and would not involve the creation of a soakaway.

The agent has confirmed that a geotechnical survey has been undertaken and the access to the site should not be compromised by these works.

## **11 CONCLUSION**

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

## **12 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:
  - 1001 Rev A Existing Site, Floor Plan and Elevations as deposited with the Local Planning Authority on 2 December 2022
  - 2001 -PL-A Location Plan & Block Plan as deposited with the Local Planning Authority on 2 December 2022
  - 3001 -PL-A Proposed Floor Plan as deposited with the Local Planning Authority on 2 December 2022



- 4001 -PL-A Proposed Elevations as deposited with the Local Planning Authority on 7 December 2022
- Design & Access Statement as deposited with the Local Planning Authority on 7 December 2022
- Construction Environmental Management Plan as deposited with the Local Planning Authority on 13 January 2023

Reason: To ensure satisfactory provision of the development.

3. No development shall take place (including demolition, and ground works) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should identify the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats, and should include the following:

- Storage of construction materials/chemicals and equipment
- Dust suppression
- Chemical and/or fuel run-off from construction into the water environment
- Waste disposal
- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site

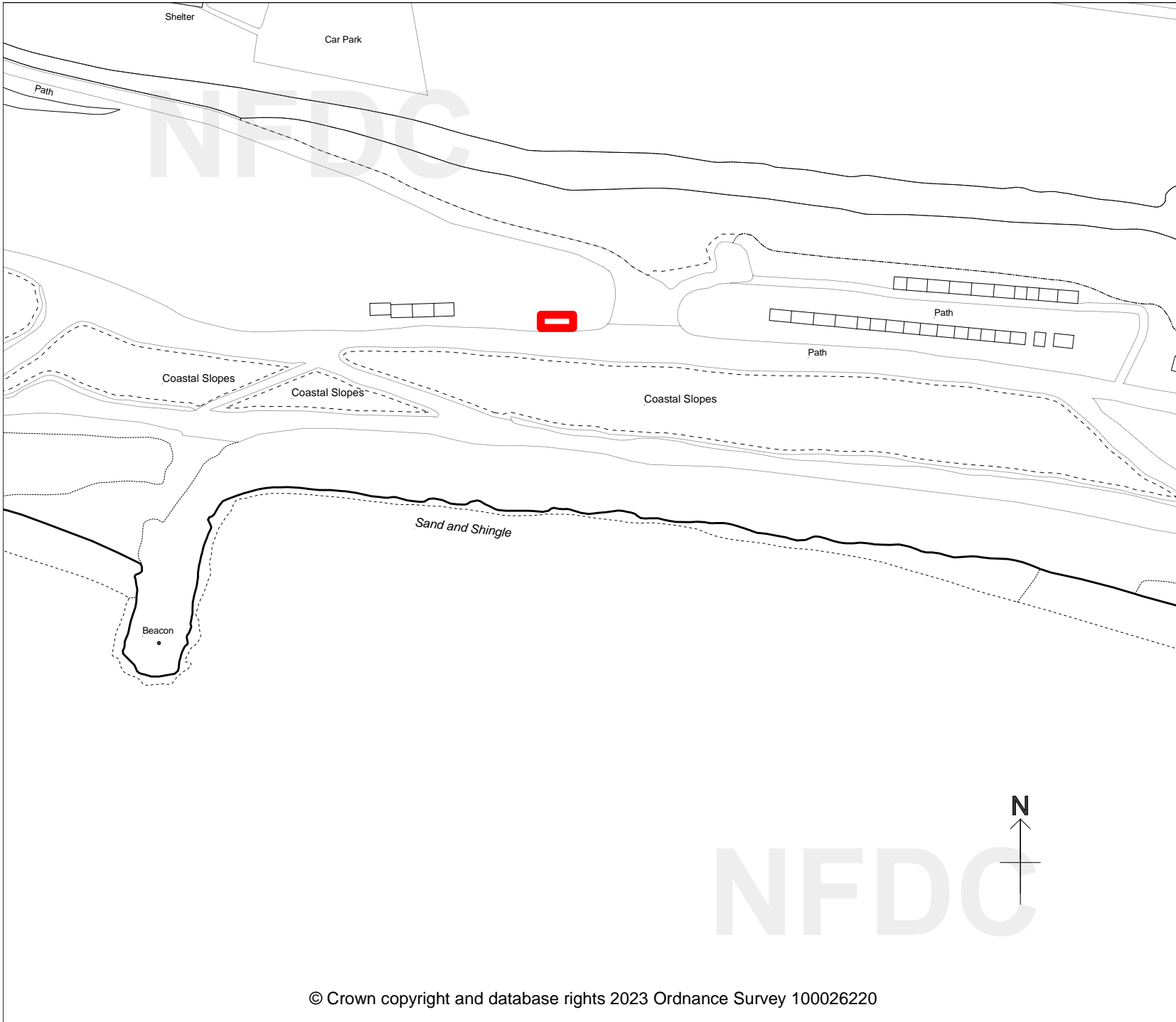
The development shall only be implemented in accordance with the approved details, unless otherwise agreed in writing.

Reason: Due to the proximity of the development site to Highcliffe to Milford Cliffs SSSI, and Solent and Dorset Coast SPA and to ensure the proposed development does not adversely impact upon these sensitive locations, in accordance with Policy ENV1 of the Local Plan Part One: Planning Strategy for the New Forest District outside of the National Park. and Policy DM2 of the Local Plan Part 2: Sites and Management Development Plan

**Further Information:**

Kate Cattermole

Telephone: 023 8028 5446



# New Forest

DISTRICT COUNCIL

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

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

## PLANNING COMMITTEE

February 2023

Public Conveniences  
 Barton Beach and Undercliffe  
 Barton-on-Sea  
 22/11385

Scale 1:1250

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 the internet, it will not be to  
 scale.

Planning Committee 08 February 2023

**Application Number:** 22/11396 Full Planning Permission

**Site:** BLUE HAZE, ALDERHOLT ROAD, SOMERLEY, ELLINGHAM,  
HARBRIDGE & IBSLEY BH24 3FN

**Development:** Extension and conversion of existing garage to form annexe

**Applicant:** Ms Francis

**Agent:** Brian Turner

**Target Date:** 02/02/2023

**Case Officer:** Jacky Dawe

**Extension Date:** 10/02/2023

---

## 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 due to a contrary view of Ellingham, Harbridge and Ibsley Parish Council.

## 2 SITE DESCRIPTION

The application site consists of a two-storey dwelling, set back from the road, to one side is a long tarmac driveway with a detached double garage of timber construction towards its rear boundary.

The site lies within the countryside, Belt Cottage to one side and the cattery to the other, this cluster of development is bounded by Ringwood Forest.

## 3 PROPOSED DEVELOPMENT

Permission is sought to extend the existing garage and use it as ancillary living accommodation. The applicant has stated that the accommodation will be occupied by their elderly parents.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11513 Single-storey rear extension; roof alterations to extend first floor; porch (Lawful development certificate that permission is not required for proposal)	25/11/2021	Was Lawful	Decided
21/10967 Removal of condition 1 of Planning Permission NFDC/93/51493 to allow permitted development rights	19/08/2021	Granted Subject to Conditions	Decided
NFDC/93/51493 Erect replacement dwelling	25/02/1994	Granted Subject to Conditions	Decided

NFDC/88/38049 Erection of a replacement dwelling.	26/01/1989	Granted Subject to Conditions	Decided
83/NFDC/23539 Alterations and addition of kitchen and bedroom.	28/03/1983	Granted Subject to Conditions	Decided
81/NFDC/18814 Erection of a store and car port and the addition of a reception area in connection with a boarding cattery establishment.	01/05/1981	Granted	Decided
79/NFDC/12598 Alterations and extension to kitchen and erection of an attached double garage (with steel up-and-over doors) and store.	02/04/1979	Granted	Decided
79/NFDC/12213 Alterations and extension to kitchen and erection of an attached double garage and store.	16/02/1979	Granted	Decided
XX/RFR/12786 Addition to chalet.	21/02/1969	Granted Subject to Conditions	Decided
XX/RFR/09696 Kennels, catteries, chalet and garages.	04/09/1964	Granted Subject to Conditions	Decided
XX/RFR/09696/4 Garage access.	29/07/1964	Granted	Decided
XX/RFR/09696/3 Staff cottage.	24/06/1964	Granted	Decided

## 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV4: Landscape character and quality

Policy ENV3: Design quality and local distinctiveness

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

DM20: Residential development in the countryside

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

SPG - Residential Design Guide for Rural Areas

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

SSSI IRZ Rural Residential

SSSI IRZ Waste

SSSI IRZ Minerals Oil and Gas

SSSI IRZ Residential

SSSI IRZ Rural Non Residential

SSSI IRZ Water Supply

SSSI IRZ Wind and Solar Energy

SINC

Avon Catchment Area

Aerodrome Safeguarding Zone

Planning Agreement

SSSI IRZ Compost

SSSI IRZ Discharges  
SSSI IRZ Infrastructure  
SSSI IRZ Air Pollution  
SSSI IRZ All Consultations  
SSSI IRZ Combustion

### **Plan Policy Designations**

Countryside

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

**Ellingham, Harbridge & Ibsley Parish Council:** Comment - REFUSAL, PAR4

- The garage conversion and extension would be a stand-alone ancillary dwelling unit, not an annexe to the main house.
- The proposed habitable floor area would nearly double that of the existing garage and was considered to be excessive for the proposed use. It would be an overdevelopment of the site.
- The proposed materials and overall design would be acceptable and in keeping with the existing garage and site (except for the size of the extension). Due to the position of the garage at the rear of the site, redevelopment would not have any significant impact on the neighbouring property or street view.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

No comments received

## **9 REPRESENTATIONS RECEIVED**

No comments received

## **10 PLANNING ASSESSMENT**

### **Principle of Development**

The principle of the development is acceptable subject to relevant material considerations relating to residential amenity, character and appearance of the area.

The site is located within the countryside, however restrictions on floorspace within Policy DM20 do not relate to outbuildings. However development in the countryside should be of an appropriate design, scale and appearance in keeping with the rural character of the area.

The Parish Council has objected on the basis that the accommodation would be tantamount to a new dwelling.

The applicant has stated that the outbuilding would be occupied by members of their household and that the annexe would be used as ancillary accommodation. It is considered that the creation of additional accommodation that will meet the needs of an extended family is acceptable. The provision of additional accommodation would not constitute the creation of a new dwelling.

It is recommended that a condition be imposed that would restrict the annexe from being used independently of the host property (Blue Haze).

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

The existing garage sits well within the plot and the natural materials are consistent with the rural surroundings. Whilst the extended outbuilding is relatively large it is located in a generous plot and the building is a relatively low height. Furthermore, the outbuilding is set off of all boundaries and it is set back within the site against a backdrop of trees. The proposal to use natural materials fits well within the garden and will assist in blending into its setting. A Condition has been added to secure the details of materials.

As such the outbuilding has been designed to appear proportionate to the plot and would not detract from the rural character of the area or the countryside.

### **Neighbour Amenity**

The neighbouring property has a large plot with generous amenity space. To the south side is a cattery business. The outbuilding is towards the rear of the plot and the main of the windows and doors face the front towards the host dwelling.

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.

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	67	40	27	27	£80/sqm	£2,949.23 *

Subtotal:	£2,949.23
Relief:	£0.00
Total Payable:	£2,949.23

## **11 CONCLUSION**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of consultees and interested third parties.

It is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene and it is recommended that permission be granted.

## **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:

SITE LOCATION PLAN  
1339-17 REV A = BLOCK PLAN  
1339-15 REV C = PROPOSED ELEVATIONS AND FLOOR PLAN  
1339-14 REV B = EXISTING ELEVATIONS AND FLOOR PLAN

Reason: To ensure satisfactory provision of the development.

3. The outbuilding hereby approved shall only be used for ancillary purposes as an annexe to the host dwelling. It shall at no time be used or let separately from it, including any use for holiday accommodation or as separate dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).

Reason: To ensure the building is not used as a permanent dwelling which would be inappropriate contrary to Policy ENV3 of the Local Plan Part 1 ( Planning Strategy) and Policy DM20 Part 2: (Sites and Development Management) of the Local Plan for the New Forest District outside of the National Park.

4. No development above slab level until, 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.

#### Further Information:

Jacky Dawe

Telephone: 023 8028 5447

NFDC

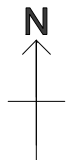
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Belt  
Cottage

Blue Haze

Cattery

Track



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**New Forest**  
DISTRICT COUNCIL

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

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

**PLANNING COMMITTEE**

**February 2023**

Blue Haze  
Alderholt Road  
Somerley  
22/11396

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the internet, it will not be to  
scale.

NFDC

152



Planning Committee 08 February 2023

**Application Number:** 22/10936 Full Planning Permission

**Site:** Land adj. to OAKBRIDGE HOUSE, LYMORE VALLEY,  
MILFORD-ON-SEA SO41 0TW

**Development:** Retention of log store (retrospective); retention and cladding of  
3no. containers (retrospective); completion of pole barn.

**Applicant:** Mr Chamberlain

**Agent:** Draycott Chartered Surveyors

**Target Date:** 03/10/2022

**Case Officer:** Jessica Cooke

**Extension Date:** 03/11/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside the defined built-up area
- 2) South West Hampshire Green Belt
- 3) Design, layout and impact upon the character and appearance of the area

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

## 2 SITE DESCRIPTION

The application site comprises a piece of land adjacent to and associated with the dwelling, Oakbridge House. It is located within the open countryside and the South West Hampshire Green Belt.

The application site is accessed via Oakbridge House which abuts Lymore Valley and lies adjacent to Lymore Lane. Lymore Valley has a rural character although this character has been impacted upon by a number of recent works.

The application site is not part of the residential curtilage of Oakbridge House, although there are various items of residential paraphernalia sited on the land including a significant number of plant pots, ornamental boats and domestic storage. The site has a somewhat wooded character although a significant amount of tree clearance has recently been undertaken on the site.

## 3 PROPOSED DEVELOPMENT

This is a retrospective application for the use of the structures which are subject to ongoing enforcement investigation relating to a material change of use of the land, siting of 3no. storage containers, pole barn and log store, operational development to lay concrete hardstanding and engineering works and installation of access bridges without planning permission. This planning application was submitted to regularise the structures.

The proposal comprises 3no elements:

- A log store which is filled with chopped timber;
- A pole barn with existing concrete hardstanding and an existing timber frame to be completed with the addition of a roof.
- 3no. existing storage containers for land-management purposes and agricultural / forestry land management storage proposed to be clad in natural timber.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/11798 Two-storey rear extension; conservatory	20/02/2018	Granted Subject to Conditions	Decided
17/11206 Two-storey rear extension; Conservatory	08/11/2017	Refused	Decided
17/10316 Two-storey side extension	09/05/2017	Withdrawn by Applicant	Withdrawn
94/NFDC/54523 Two-storey addition (demolish existing conservatory)	28/06/1994	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV2: The South West Hampshire Green Belt  
 Policy ENV3: Design quality and local distinctiveness  
 Policy ENV4: Landscape character and quality  
 Policy STR1: Achieving sustainable development

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

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development  
 Policy DM22: Employment development in the countryside

##### **Core Strategy**

Saved Policy CS21 Rural Economy

##### **Relevant Advice**

NPPF Chapter 12: Achieving well designed places  
 NPPF Chapter 13: Protecting Green Belt Land

##### **Constraints**

NFSFRA Fluvial  
 NFSFRA Surface Water  
 SSSI IRZ Wind and Solar Energy  
 SSSI IRZ Rural Residential  
 SSSI IRZ Waste  
 SSSI IRZ Water Supply  
 SSSI IRZ Rural Non Residential  
 Aerodrome Safeguarding Zone  
 SSSI IRZ Air Pollution  
 Small Sewage Discharge Risk Zone - RED  
 Plan Area

SSSI IRZ All Consultations  
SSSI IRZ Infrastructure  
SSSI IRZ Minerals Oil and Gas  
SSSI IRZ Residential  
SSSI IRZ Combustion  
SSSI IRZ Compost  
SSSI IRZ Discharges

**Plan Policy Designations**

Green Belt  
Countryside

Group TPO TPO/0026/22

**6 PARISH / TOWN COUNCIL COMMENTS**

**Milford On Sea Parish Council:** PAR 3: We recommend PERMISSION

**7 COUNCILLOR COMMENTS**

No comments received

**8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Tree Officer**

The site is fairly rural in character and has a mix of trees and shrubs within and around the periphery of the site. The nature of the proposal itself is fairly low impact in terms of trees. The pole ban is sited on a concrete pad which is not close to any important trees, equally the log store. The containers are close to a group of trees but will be of low impact being sited above ground level and not likely to cause adverse impact.

I am satisfied this proposal will not adversely impact on trees within the site I therefore have no objections on tree grounds.

**9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- No objection to the proposal, support for previous improvements made to the application site.

For: 1

Against: 0

**10 PLANNING ASSESSMENT**

**Principle of Development**

The site lies outside any established settlement boundary and within the open countryside which is also designated as part of the South West Hampshire Green Belt. Policy STR1 points to such area being protected from any harmful development.

Guidance in relation to development within the Green Belt is contained within Chapter 13 of the NPPF, the advice of which is broadly echoed within Policy ENV2 of the Local Plan Part 1. These policies attach great importance to protecting the Green Belt. NPPF Paragraph 137 advises that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristic of the Green Belt being of openness and permanence. National policy further requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

Within the Green Belt, NPPF Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except if it can be demonstrated that very special circumstances exist.

NPPF Paragraph 149, subparagraph (a)-(g) sets out very specific, limited criteria where exceptions to inappropriate development in the Green Belt can be accepted. Whilst these very special circumstances do include agriculture and forestry, there must be a clear agricultural and forestry need to justify such development in this sensitive location.

Throughout this application and prior Enforcement investigation, the site appears to the case officers to have been in use by the applicants as residential garden and contains various residential paraphernalia and domestic storage. The Council does not consider the site to be residential curtilage and it forms a separate piece of land.

It is understood the log store is used for both commercial and residential purposes which, would constitute a material change of use of the land and is contrary to local and national policy within the Green Belt. However, this is disputed by the agent/applicant who have stated no change of use has occurred. The applicant has confirmed that the log store is used as a side line business. The case officer has observed that the storage containers on the site contained domestic gardening equipment, domestic storage, furniture and fixtures/fittings. The timber pole barn is partially complete, with concrete hardstanding and timber frame.

The agent stated that the log store and containers are immune, however, the Council has not received any evidence to support this view and aerial imagery demonstrates otherwise.

Whilst the applicants Planning Statement states that *'it is concluded that the structures serve sound agricultural/forestry/land management purposes'*, no agricultural or forestry use has been demonstrated on the site and so in the absence of evidence demonstrating these very special circumstances, it is not considered that the structures are necessary for the purposes of agriculture or forestry on that land. Accordingly, the proposal would constitute inappropriate development in the Green Belt and a principal objection is raised.

#### Agriculture

In support of the application, it is stated that the applicant owns a small holding of 2.3ha. Aerial screenshots were provided to show the extent of this land ownership. It should be noted, however, that 1.2ha of this small holding comprises land of the applicant's holiday let, which lies 5.3 miles away in Boldre and outside of the New Forest District area. The submitted Planning Statement notes the applicant is using the property in Boldre as a main base for storing agricultural equipment and will be moving this equipment to the application site, although no evidence has been provided of this equipment or its storage at this land.

Evidence has not been provided to demonstrate that the structures are required for the purposes of agriculture and forestry and the agricultural activities outlined in the Planning Statement have not been substantiated by the applicant.

During a number of site visits, no evidence of agricultural activities on the site were observed and it is concluded on the basis of this that there is no farming or agricultural business associated with the application site or the associated dwelling, Oakbridge House. Therefore, in the officer's assessment the current proposals fundamentally change the use of the site to a mixed use including residential and commercial purposes and that these activities are ongoing on the site. It is considered that a change of use of the land has occurred. However, the current application should be determined on its merits based on the proposed development as described and the information provided.

The application site and adjacent field equate to 1.1ha in size. When assessing the application and the small size of the small holding immediately associated with the land, is not considered to be proportionate to the scale of agricultural activities. In the absence of sufficient agricultural justification, the proposal does not comply with Chapter 13 of the NPPF, Policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2 and 'saved policy' CS21 of the Core Strategy.

#### Forestry & Trees

The proposals include a log store which is filled with chopped timber and storage containers which are stated to be necessary for forestry and land management purposes. The applicant has confirmed in writing that the log store is used for a side line business.

The submitted Planning Statement states *'It is not the applicant's intention to run a formalised, new 'business' from the site; this is a smallholding which involves selective tree felling and tree removal to allow light into site, as well as to allow a small supply of logs, and the applicant intends to re-plant trees to replenish his stock in future via tree planting, as part of an on-going cycle.'*

The Council questions this statement. However, the current application needs to be determined on its merits.

The applicant does not have a Woodland Management Plan agreed with the Forestry Commission to undertake felling activities on this site. Whilst this is not a planning matter in itself, it is not considered there is a forestry justification on the site and there is no evidence of planting at the site or a planting schedule to support the proposed forestry. However, extensive tree felling has been undertaken on the site to the extent that it is considered that the that the applicant no longer has a woodland to manage.

On the basis of the risk to the remaining trees on the site as identified in the submitted Planning Statement, a number of Tree Preservation Orders have been served on trees on the application site and Lymore Valley in the interests of protecting amenities of the area.

As such, based on the above assessment and in the absence of a Woodland Management Plan, it is not considered that the structures are necessary for the purposes of forestry and in the absence of sufficient forestry justification, the proposal does not comply with Chapter 13 of the NPPF, Policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2 and 'saved policy' CS21 of the Core Strategy.

## Design, Site Layout and Impact on the character of the area including the Green Belt

Notwithstanding the principal objections set out above, the visual impact of the proposals needs to be assessed.

The containers on site are proposed to be clad in timber which would be appropriate in this rural location and preferable to their current incongruous appearance. This could be secured by planning condition. Furthermore, the roof of the log store comprises a large area of metal sheeting which is not of an appropriate appearance within its setting. The pole barn comprises a large area of concrete hardstanding which has already been laid, and a partially completed structure. A large area of corrugated metal roofing is proposed to complete the pole barn, which is not of an appropriate appearance for its location. The structures appear industrial and are not sympathetic to the rural character of the area.

Whilst there are other outbuildings and domestic paraphernalia on the adjacent land within the residential curtilage, the introduction of the proposed buildings within the countryside and Green Belt is considered to be harmful to the rural character and appearance of the area and the retrospective structures appear out of keeping within this rural area and sensitive area designated as Green Belt. As such, is considered contrary to Chapter 13 of the NPPF and Policy ENV2 and Policy ENV3 of the Local Plan.

### Residential amenity

The Development Plan policies ENV3 seek to protect residential amenity, including noise disturbance.

Whilst it is recognised that if the structures were used for agricultural purposes, this would be unlikely to impact upon noise disturbance. However, the processing of timber on the land could impact upon residential amenity through noise disturbance in this tranquil countryside location. However, if the application was for the use of this land for commercial logging purposes and this was considered otherwise acceptable these amenity impacts could be mitigated by planning conditions.

The proposed structures are not considered to impact upon residential amenity in respect of loss of privacy, visual intrusion or loss of light.

## **11 CONCLUSION**

The site lies within a sensitive open countryside setting designated as Green Belt. The proposal fails to comply with policy and would constitute inappropriate development within the Green Belt, affecting its character.

No justification has been provided that the structures are necessary for the purposes of agriculture and forestry. The proposed agricultural and forestry activities have not been substantiated and as such it is considered the proposals constitute inappropriate development in the Green Belt and no very special circumstances have been demonstrated to justify an exception to established policy to outweigh this harm.

As such, the proposal fails to comply with Policy ENV2 and Policy ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2, 'saved policy' CS21 of the Core Strategy and Chapter 13 of the NPPF. The proposal is therefore considered to be contrary to both the Development Plan and NPPF, and the recommendation is one of refusal.

## 12 RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The site lies within a sensitive area of open countryside and within the Green Belt where development for agriculture and forestry can be permitted provided that they are necessary for the purposes of agriculture and forestry and a such uses can be demonstrated. No evidence has been provided to demonstrate that the structures are necessary for agriculture and forestry and the proposal is not considered proportionate to the scale of such activities. No very special circumstances that have been demonstrated in this case to justify an exception to established Green Belt policies. As such, the proposals would be contrary to saved Policy CS21 of the Core Strategy, Policy STR1 and Policy ENV2 of the Local Plan Part 1: Planning Strategy, Policy DM22 of the Local Plan Part 2 for the New Forest outside of the National Park and the NPPF (2021) Section 13 para 147 - 149.

#### Further Information:

Jessica Cooke

Telephone: 02380285909



# New Forest DISTRICT COUNCIL

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

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

## PLANNING COMMITTEE

February 2023

Land adj to Oakbridge House  
Lymore Valley  
Milford-on-Sea

Scale 1:1250

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

