

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 12 APRIL 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)

Kate Ryan  
Chief Executive

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This agenda can be viewed online (<https://democracy.newforest.gov.uk>).  
It can also be made available on audio tape, in Braille and large print.

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# AGENDA

## Apologies

### 1. MINUTES

To confirm the minutes of the meeting held on 8 March 2023 as a correct record.

### 2. DECLARATIONS OF INTEREST

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

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

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **The Pilgrim Inn, Hythe Road, Marchwood (Application 22/11364) (Pages 5 - 12)**

Erection of illuminated and non-illuminated signs to the exterior of the building; sign a - 1 x new double sided pictorial sign to existing post with painted detail, new fullers cartouche, new linolites; sign b - 2 x new sets of signwriting; sign c - omitted; sign d - 1 x new set of signwriting; sign e - 4 x new led floodlights; sign f - 2 x new wall lights; sign g - 2 x new double legged timber effect post signs with sign written detail, new trough lights; sign h - omitted (Application for Advertisement Consent)

**RECOMMENDED:**

Grant Advertisement Consent

(b) **Riverside, Bath Road, Lyminster (Application 22/11415) (Pages 13 - 18)**

Variation of conditions 2 & 3 of planning permission 22/10345 to allow amended window and details and roof design

**RECOMMENDED:**

Grant the variation of condition

(c) **37-39 Salisbury Road, Totton (Application 22/11386) (Pages 19 - 46)**

Demolition of existing building and construction of 20 flats with cycle storage, refuse storage, hard and soft landscaping and other associated works

**RECOMMENDED:**

Delegated Authority be given to the Service Manager of Development Management to **GRANT PERMISSION** subject to:

- a) An obligation for the provision and retention of at least 35% of the homes on site to be affordable in accordance with Policy HOU2;
- b) An obligation to pay the relevant financial contributions directly to the Council before planning permission is issued on the site;
- c) A Section 106 agreement with Hampshire County Council to secure a financial contribution of £20,000 for local cycling and walking; and
- d) The imposition of the conditions set out in the report

**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  
Ann Sevier  
Malcolm Wade  
Conservative Vacancy

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Planning Committee 12 April 2023

**Application Number: 22/11364** Advertisement Consent

**Site:** THE PILGRIM INN, HYTHE ROAD, MARCHWOOD SO40 4WU

**Development:** Erection of illuminated and non-illuminated signs to the exterior of the building; sign a - 1 x new double sided pictorial sign to existing post with painted detail, new fullers cartouche, new linolites; sign b - 2 x new sets of signwriting; sign c - omitted; sign d - 1 x new set of signwriting; sign e - 4 x new led floodlights; sign f - 2 x new wall lights; sign g - 2 x new double legged timber effect post signs with sign written detail, new trough lights; sign h - omitted (Application for Advertisement Consent)

**Applicant:** FULLERS BREWERY

**Agent:** S R SIGNS

**Target Date:** 19/01/2023

**Case Officer:** John Fanning

**Extension Date:** 01/03/2023

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The impacts of amenity and character
- 2) The impact on public safety

This application is to be considered by Committee because Marchwood Parish Council objected to the application on the grounds that the level of signage and illumination on the frontage was excessive and would prove potentially harmful to highways safety.

## 2 SITE DESCRIPTION

The site lies just outside the defined boundary of the built-up area within Marchwood. The plot has a relatively isolated rural appearance, with the site being sandwiched between Hythe Road and the A326 Marchwood By-pass which are both key arterial routes within the local area. The property is occupied by two distinct thatched buildings with a central access and car park.

## 3 PROPOSED DEVELOPMENT

The application proposes a suite of updates to the signage on the site, to include the replacement of an existing hanging sign, two new freestanding signs and painted signage on the building.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11667 Form new timber framed pitched roof structure with timber cladding and Cedar roof shingles; new paving below new structure; heating & lighting within structure	09/02/2022	Granted Subject to Conditions	Decided
21/11092 Form new timber framed pitched roof structure with timber cladding and Cedar roof shingles; new paving below new structure.	20/09/2021	Granted Subject to Conditions	Decided
15/11036 External fire escape	08/09/2015	Granted Subject to Conditions	Decided
08/93199 Display 2 illuminated letter signs; 2 illuminated wall mounted signs	10/12/2008	Granted Subject to Conditions	Decided
08/92385 Single-storey extension	08/10/2008	Granted Subject to Conditions	Decided
08/92723 Display 1 pole mounted floodlight sign; wall mounted fascia signs	08/09/2008	Granted (Advert)	Decided
07/90836 External fire escape	31/10/2007	Granted Subject to Conditions	Decided
07/90851 Display non-illuminated signs: 2 post mounted signs; 2 wall mounted signs; 1 brass display panel; letter signs. 1 brass internally illuminated menu box	31/10/2007	Granted in Part	Decided
00/70243 Widening A326 and signalisation of junctions, construction of terminal access road junction, bridgeworks, earthworks and associated landscaping	02/10/2002	Withdrawn Called In: Secretary of State	Decided externally
96/NFDC/59170 COU of land for car park - extn of time on PP 47179	10/07/1996	Granted Subject to Conditions	Decided
91/NFDC/47179 Change of use of land for car park	14/08/1991	Granted Subject to Conditions	Decided
90/NFDC/45179 Change of Use of land to car park	08/08/1990	Refused	Decided
84/NFDC/28072 Erection of a restaurant with a unit of living accommodation over.	21/01/1985	Granted Subject to Conditions	Decided
84/NFDC/26947 Extension to bar area, addition of kitchen, toilet accommodation and cellars with bedroom, kitchen and dining room to living accommodation over. (Existing extension to be demolished).	09/08/1984	Granted Subject to Conditions	Decided
84/NFDC/26619 Erection of a building for use as a restaurant (existing dwelling to be demolished).	03/08/1984	Granted Subject to Conditions	Decided
83/NFDC/25161 Erection of a building for use as a restaurant (existing dwelling on site to be demolished).	01/12/1983	Refused	Decided

83/NFDC/25163/LBC Demolition of Listed Building.	29/11/1983	Granted	Decided
82/NFDC/22707 Alterations, extension and additions to form restaurant with ancillary accommodation and addition to form unit of living accommodation on 1st floor.	10/02/1983	Granted Subject to Conditions	Decided
82/NFDC/22706/LBC Alterations, extension and additions to form restaurant with ancillary accommodation and addition to form unit of living accommodation.	02/02/1983	Granted Subject to Conditions	Decided
81/NFDC/19454 Erection of 2 storage sheds for a temporary period (existing storage shed to be demolished).	15/05/1981	Granted Subject to Conditions	Decided
81/NFDC/19000 Change of use from residential to licensed restaurant.	30/04/1981	Granted Subject to Conditions	Decided
77/NFDC/06925 Change of use from private residence to use as a public house/residence.	17/03/1977	Granted	Decided
75/NFDC/02589 Change of use from private residence to use as public house/residence.	25/07/1975	Granted Subject to Conditions	Decided
XX/NFR/08369/1 Change of use from residential to commercial to form high class restaurant with alteration of access.	08/10/1969	Refused	Decided
XX/NFR/08369 Construction of vehicular access to existing house.	19/11/1959	Granted Subject to Conditions	Decided
XX/NFR/06920 Conversion of two cottages into one cottage.	18/09/1958	Granted	Decided
XX/NFR/06246 Construction of new road between Totton and Fawley. (Appeal to Minister on 25.8.60).	16/10/1957	Granted	Decided

## 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV3: Design quality and local distinctiveness

#### Relevant Advice

Chap 12: Achieving well designed places

#### Constraints

Plan Area  
Tree Preservation Order: 1243/T1

#### Plan Policy Designations

None

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Marchwood Parish Council**

Signage on frontage excessive and may obscure vision when using access.  
Concerned floodlights may be a distraction to motorists.

Note: Amended plans have been received since the Parish comments were submitted removing the additional sign immediate adjacent to the access.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Highways** - no objection

## 9 REPRESENTATIONS RECEIVED

No representations were received.

## 10 PLANNING ASSESSMENT

Applications for advertisement consent are considered in terms of their impacts on the basis of amenity and public safety.

The general suit of amendments to the site are considered to represent a general refreshment and replacement of existing signage on the site with reference to the signage identified as A (replacement hanging sign), B and D (painted signage on the main building). The main new signage is considered to be the two new signs identified as G (double legged freestanding sign).

### Amenity

The new signs would frame both ends of the site. While they would introduce additional signage along the main highway frontage it is considered that the size of the site is sufficient to cope with the degree of signage. The site has a distinct visual separate from the settlement to the north-west and it is considered that the proposed signage would integrate with the commercial nature of the site while being sympathetic to the existing buildings on the plot and their context as a gateway between the rural and built-up environments.

The application does propose an increase in the degree of illumination within the plot associated with the proposed signage. Given the set back from neighbouring properties it is considered that immediate amenity impacts are likely to be minimal however it is considered that an appropriate condition to control illumination in accordance with the submitted details can manage potential wider impacts associated with this.

### Public safety

No objection has been raised in terms of highways safety and it is considered that the proposed signage would not otherwise be likely to result in a harmful impact in this regard.



## 11 CONCLUSION

For the reasons laid out above it is considered that suitable conditions can control the potential impacts of the development and the proposal is otherwise acceptable in terms of the amenity and public safety impacts of the development. As such the application is recommended that the application for advertisement consent is granted.

## 12 OTHER CONSIDERATIONS

N/A

## 13 RECOMMENDATION

### GRANT ADVERTISEMENT CONSENT

#### Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

#### Proposed Conditions:

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

Drg No: 20949-Planning AH (Proposed signs and indicative drawings)

Dated: 25.2.23, Received: 27.02.2023

(Block plan) Received: 16.03.2023

(Location plan) Received: 24.11.2022

Reason: To ensure satisfactory provision of the development.

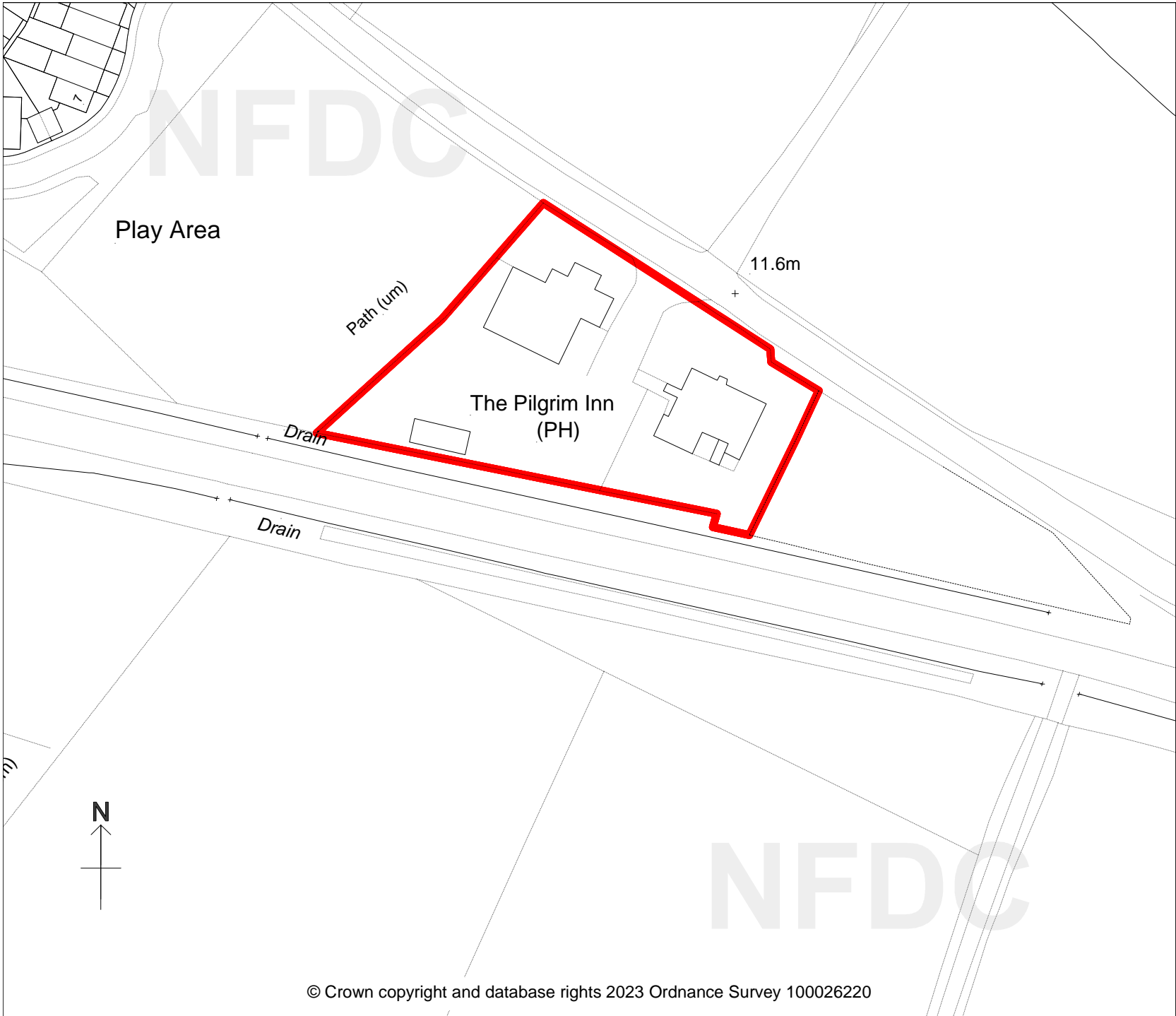
7. The external lighting associated with the signage hereby approved shall not exceed the luminance levels shown within the application form (200 cd/m<sup>2</sup>) unless otherwise approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area and in the interest of highway safety 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:**

John Fanning

Telephone: 023 8028 5962



**New Forest**  
DISTRICT COUNCIL

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David Norris  
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New Forest District Council  
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**PLANNING COMMITTEE**

**April**

The Pilgrim Inn  
Hythe Road  
Marchwood  
22/11364

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Planning Committee 12 April 2023

**Application Number:** 22/11415 Variation / Removal of Condition

**Site:** RIVERSIDE, BATH ROAD, LYMINGTON SO41 3SE

**Development:** Variation of conditions 2 & 3 of planning permission 22/10345 to allow amended window details and roof design

**Applicant:** Mr Clark

**Agent:**

**Target Date:** 23/02/2023

**Case Officer:** John Fanning

**Extension Date:** 16/03/2023

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The impact on the character of the property, with reference to the special historic significance of the conservation area and adjacent listed building
- 2) The impact on the amenity of neighbouring occupiers.

This application is to be considered by Committee because Lymington & Pennington Town Council objected to the scheme on the grounds that the development had not been implemented in accordance with the previous consent.

## 2 SITE DESCRIPTION

The application site is a detached two-storey dwelling located within the Kings Saltern Conservation Area and overlooking the Bath Road Recreation Ground and Lymington River. The dwelling is adjacent to Waterford Cottage, a Grade II listed building.

## 3 PROPOSED DEVELOPMENT

A recent extension was granted to the property in 2022 under planning application reference 22/10345. However, following construction the proposal was not built out in accordance with the approved plans. The current application seeks to amend the conditions of the previously granted consent in order to regularise the development as constructed.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10345 First floor side/ rear extension	03/05/2022	Granted Subject to Conditions	Decided
21/11463 First-floor extension over existing; first-floor terrace to rear (AMENDED REASON TO ADVERTISE)	05/01/2022	Withdrawn by Applicant	Withdrawn

16/10790 Single-storey rear extension; fenestration alteration	31/08/2016	Granted Subject to Conditions	Decided
91/NFDC/46843 Addition of store and carport	19/03/1991	Granted	Decided
87/NFDC/36138 Two storey extension and addition.	10/12/1987	Granted Subject to Conditions	Decided
87/NFDC/34802 Two-storey extension and addition	18/06/1987	Refused	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**

SPD - Lymington Local Distinctiveness  
Kings Saltern (Lymington) Conservation Area character statement

### **Relevant Advice**

Chap 12: Achieving well designed places  
Chap 16: Conserving and enhancing the historic environment

### **Constraints**

NFSFRA Coastal  
NFSFRA Surface Water  
Flood Zone  
Article 4 Direction  
Plan Area

Conservation Area: Kings Saltern Conservation Area

### **Plan Policy Designations**

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Lymington & Pennington Town Council, Town Hall**

PAR 4: Recommend Refusal.

- Councillors expressed concern about the alleged breach of conditions and request that this is investigated and a site inspection is undertaken.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Conservation Officer -**

The previous extensions to the dwelling used a simple lean-to form. The amended design, combined with the failure to use sympathetic external finishing materials, would result in an awkward and incongruous addition to the building.

## 9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Proposal represents a resubmission of previously unacceptable withdrawn proposal
- Overlooking from first floor terrace

For: 0

Against: 2

## 10 **PLANNING ASSESSMENT**

A previous application on the site granted planning permission for the erection of a first floor flat roof extension to the side/rear of the dwelling. Three conditions were imposed on this consent. Condition 1 required the development to be implemented within 3 years. Condition 2 required the development to be implemented in accordance with the approved plans. Condition 3 required the windows serving the toilet in the new extension to be obscured and non-opening 1.7m from the floor of the room they served.

The current proposal seeks to amend conditions 2 and 3 following the development being constructed not in accordance with the approved drawings. It is noted that as the development has now commenced condition 1 is no longer relevant.

### Condition 2 - Approved plans

The most obviously difference from the previously consented scheme is that a section has been removed from the roof of the existing single storey rear extension in order to facilitate the formation of a Juliet balcony.

As noted above, the Councils Conservation Officer has raised concerns that the proposal would represent an incongruous alteration in the context of the surrounding conservation area and neighbouring listed building and that the use of materials would also detract from the special character and significance of the property in its context.

It is important to stress that simply because the proposal is not visible within the street scene does not change that the proposal would be visible from within the conservation area and the wider context of the listed building and as such the wider impact on this historic context should form a backdrop for assessing the proposal.

Notwithstanding this, in this case it is considered that the general quality of implementation is considered reasonable and while the proposal does represent a departure from the previous design of development, it is not considered to weigh negatively on the overall appearance or design of the host dwelling. It is not considered that the alterations to the design or appearance of the property would result in harm to the special character or significance of the property within the wider conservation area and as such no objection is raised in this regard.

The original development and approved scheme included an existing rear facing window in this location and therefore the only additional glazing would be at a lower level and this isn't considered to substantially increase any practical overlooking. It is noted that the increase in prominence of the glazed form may result in an increase sense of overlooking, though given the set back and residential backland nature which is already overlooked by other properties, it is not considered that this would rise to the level of harm to justify refusing the application on this basis.

It is noted that a previous withdrawn application the applicant sought consent for a balcony in this location. It is considered that any use of a platform in this location as a balcony would have the potential to cause additional overlooking/disruption for neighbouring occupiers. The development as implemented has been installed with a Juliet balcony which restricts access onto the flat roof section of the property however for the avoidance of doubt a condition is recommended to clarify that this area should not be used in order to mitigate any issues in this regard.

### Condition 3 - Window

The previous consent required the windows serving the bathroom to be obscurely glazed and that any opening parts of the window should be 1.7m from the floor of the room.

The internal layout of the property has been modified somewhat from the previously consented scheme, with the internal wall of the bathroom having been changed to reduce the size of the bathroom and increase the size of the hallway, meaning the bathroom wall no longer segments one of the side facing windows. It is noted that where the previous condition related to the bathroom windows, it does not appear that the condition would restrict the section of the window that does not serve the bathroom.

As constructed, the rear facing window has been enlarged and is obscurely glazed and opening. The rearmost side facing window is an opening window with a lower rated glazing and the double set of side facing windows are unobscured, opening windows.

Prior to the grant of consent, there was a glazed corner to this part of the building with rear and side facing windows.

Whilst it is considered that there is some potential for the overlooking of neighbouring properties from the side facing windows in the proposed development, it is not considered that this would represent a substantial worsening when compared to the previous layout of the property prior to the development given the existing windows in this location. As such it is not considered necessary to impose further conditions restricting these windows.

### Retrospective nature

It is noted that the amendments have been submitted retrospectively. Taking into account the circumstances of the proposal it is not considered that any special weight should be accorded to the retrospective nature of the proposal and the scheme should be assessed on its merits.

## **11 CONCLUSION**

For the reasons outlined above it is considered that the proposed amendments to the scheme can be considered acceptable and on this basis the application is recommended for approval.



## 12 OTHER CONSIDERATIONS

N/A

## 13 RECOMMENDATION

### GRANT the VARIATION of CONDITION

#### Proposed Conditions:

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

Drg No: 31821-FE-03 (Location plan) Received: 29.12.2022

Drg No: 31821-PL-02 (Floor plan) Received: 29.12.2022

Drg No: 31821-PL-01 (Elevations) Received: 29.12.2022

Reason: To ensure satisfactory provision of the development.

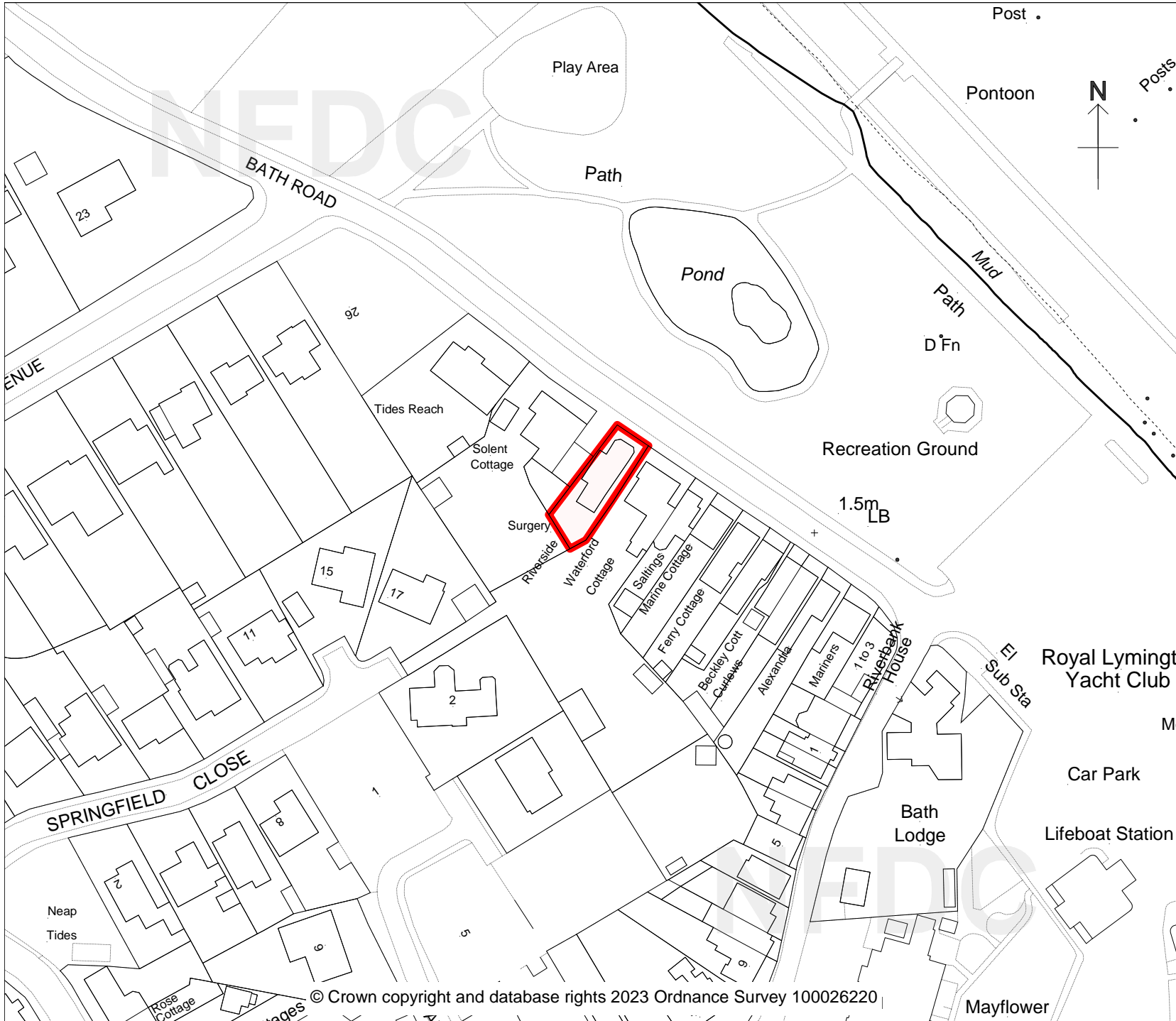
2. The Juliet balcony railing shall be maintained in accordance with the submitted details and the flat roof section of the roof shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interest of the amenity of neighbouring occupiers.

#### Further Information:

John Fanning

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David Norris  
Service Manager  
Development Management  
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**PLANNING COMMITTEE**

April

Riverside  
Bath Road  
Lymington  
22/11415

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

Planning Committee 12 April 2023

**Application Number:** 22/11386 Full Planning Permission

**Site:** 37-39 SALISBURY ROAD, TOTTON SO40 3HX

**Development:** Demolition of existing building and construction of 20 flats with cycle storage, refuse storage, hard and soft landscaping and other associated works.

**Applicant:** New Forest District Council

**Agent:** Gillings Planning

**Target Date:** 15/03/2023

**Case Officer:** Judith Garrity

**Extension Date:** 21/04/2023

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Residential amenity
- 4) Landscape impact and trees
- 5) Highways and parking
- 6) Ecology and Biodiversity Net Gain
- 7) Habitat Mitigation and Nitrate neutrality.

This application is to be considered by Committee at the discretion of the Service Manager as it is an NFDC Housing proposal and because of a contrary Town Council View and a Councillor objection.

## 2 SITE DESCRIPTION

The application site comprises 37 and 39 Salisbury Road and is approximately 60 metres long and 30 metres wide. There is a slight change in levels between Salisbury Road and the site itself. It has a frontage onto Salisbury Road and its northwestern boundary is to the access road to Westfield Road car park. The rear (southern) boundary of the site faces the car park entrance where there is a hedge. This access leads to service area serving existing commercial and retail units to the southeast.

There is an existing 2 storey domestic scale building on the site of no 37. This building is now vacant but was previously used as community drop in facility with offices over.

The site of 39 Salisbury Road is cleared with no buildings and is boarded off from Salisbury Road and the car park access road.

To the south east of the site and set back from Salisbury Road are commercial and retail units in a 2 storey flat roof building with associated car parking and enclosed storage areas directly abutting the side boundary of the application site.

There are a number of mature trees on the site that are subject of Tree Preservation Order (an oak, poplar and a blue cedar tree).

### **3 PROPOSED DEVELOPMENT**

This proposal is to demolish the existing building on the site and construct 20 flats. The mix proposed is 15 no. 1 bed flats and 5 no. 2 bed flats. It is proposed to be used to be 100% affordable housing

These flats would be provided in two separate buildings. Block A is proposed to accommodate 12 flats to the front of the site and would comprise a 3 and 2 ½ storey building. To the rear of the site fronting the car park access is Block B comprises a 2 storey block of 8 flats with pedestrian access from the southern service road.

No parking is proposed. Forty five cycle parking spaces within the central amenity space..

Open space along the Salisbury Road frontage of the site would provide shared outside amenity space for residents. This space includes existing protected trees and additional trees and hedging would be planted as part of the landscape proposals and would define the edge of the site with Salisbury Road. The proposed layout indicates a central shared amenity area between the two blocks. This space that would also accommodate secure cycle storage shelters. Bin storage for Block A would be integrated into the building and external bin stores are proposed behind the front walls of Block B.

The application site includes an area to the rear of 43 Salisbury Road to allow for the installation of drainage.

Part of the land to the frontage with Salisbury Road is highways land and Notice has been served on HCC as part of the application process.

Pre-application discussions and community engagement has been undertaken in accordance with NPPF guidance. An exhibition was held on 27th September 2022 at West Totton Centre. A total of 8 responses were made following this engagement relating to highways and parking: residential amenity and landscaping. Section 4 of the Planning Statement submitted with this application responds to the points raised.

### **4 PLANNING HISTORY**

18/10724 - 2 Blocks of 4 flats; amenity area (No 39) - Granted Subject to Conditions on 29/08/2018

16/11048 - Block of 10 flats; cycle store; landscaping; parking; access ( no 39) - Refused on 13/10/2016

12/98500 – 1 Block of 3 x 1 bedroom flats and 2 x 2 bedroom flats; 1 terrace of 3 x 3 bedroom houses ( No 39) – Refused on 17/09/2012 – Appeal withdrawn.

02/75466 - Erect 6 Flats (demolish existing dwelling) (No 39) - Refused on 02/10/2002

## 5 PLANNING POLICY AND GUIDANCE

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

Policy STR1: Achieving Sustainable Development

Policy ECON5: Retail development and other main town centre uses

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

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU2: Affordable housing

Policy CCC2: Safe and sustainable travel.

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

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

DM2: Nature conservation, biodiversity and geodiversity

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

TOT15: Totton town centre opportunity sites [TOT15.13]

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

SPD - Air Quality in New Development. Adopted June 2022

SPD - Design of Waste Management Facilities in New Development

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPG - Totton Town Centre - Urban Design Framework

### **Relevant Legislation**

#### **Relevant Advice**

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch. 6 - Building a strong, competitive economy

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

### **Constraints**

SSSI IRZ

Aerodrome Safeguarding Zone

Meteorological Safeguarding

Article 4 Direction

Tree Preservation Order: 26/09/T2

### **Plan Policy Designations**

Employment

Town Centre Boundary

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

### **ORIGINAL PLANS**

**Totton & Eling Town Council** PAR4: We recommend REFUSAL, for the reasons listed.

The Town Council support the need for affordable housing and meeting housing need targets along with the opportunity to redevelop this site, however, development should be well thought through and designed in a way to enhance the

local area.

Firstly, a three storey development on Salisbury Road was refused last year, concluding the harm would outweigh the benefit of meeting housing need, this applies in this case also.

The main areas of concern are as follows: Overall height and scale, especially block A being three storeys high causing overlooking for neighbouring properties, inadequate access for emergency and refuse vehicles, no parking, no amenity space for future residents and finally the design would not be in-keeping with the street scene.

### **AMENDED PLANS**

**Totton & Eling Town Council PAR4:** We recommend REFUSAL, for the reasons listed.

With regards to the amended plans the positive change would be the change in external materials, the green zinc originally proposed was not in-keeping. The number of flats and overall height and scale have not changed, the concern being the height of block A and potential overbearing impact on the surroundings, two storeys, in this location would be more in-keeping. Still no parking has been proposed.

## **7 COUNCILLOR COMMENTS**

### **Original Plans**

#### Cllr Cerasoli OBJECTION

DESIGN & ACCESS STATEMENT : On this you have a footpath leading from the back of Healthy pet store to the rear of Best buys, solicitors, firework shop, etc to there car park Who on earth thought this was a good idea you are going through a loading bay into a very small but busy car park WHY is this needed ? I have had a couple of complaints reference this proposal saying its dangerous and outright stupid I have asked them to make a comment on this planning application. Also I think the amount of flats proposed on this site is over intensification, the two bungalows on the opposite side of the road will have no privacy at all as they will be overlooked Also NO parking is provided so that means all the roads around (apart from the carparks) will be parked in annoying the residents of these said roads. Its bad enough as it is with commuter people parking all day long as they don't want to pay for parking. Tottons side roads are becoming choked with commuter vehicles and residents are NOT HAPPY. To me this is only going to make the issue more unacceptable.

### **Amended plans**

#### Cllr Cerasoli OBJECTION

Firstly, a three storey development on Salisbury Road was refused last year, concluding the harm would outweigh the benefit of meeting housing need, this applies in this case also. The main areas of concern are as follows: Overall height and scale, especially block A being three storeys high causing overlooking for neighbouring properties, inadequate access for emergency and refuse vehicles, no parking, no amenity space for future residents and finally the design would not be in-keeping with the street scene. NOTHING HAS CHANGED its still 3 storey building towering over the bungalow and a storey higher than the properties next to it. It needs to be the same as block B TWO STOREY

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**NFDC Urban Design:** No objection subject to conditions on materials and final landscape details.

**NFDC Policy :** No policy objection is raised. Sufficient justification has been provided in relation to Policies ECON2, DM16 and TOT15.13.

**NFDC Ecologist:** No objection subject to conditions on ecological enhancements and a biodiversity monitoring plan.

**NFDC Tree Team:** No Objection subject to condition

**NFDC Environmental Health (Pollution):** No objection subject to conditions on CEMP and noise mitigation.

**NFDC Environmental Health Contaminated Land:** Comment Only

**NFDC Conservation:** No comments

**NFDC Building Control:** Comment only. Southern Water should be consulted with regards to the foul drainage located on site and the water main, as these may impact on the design of the build.

**HCC Surface Water:** Are satisfied with the principles of the development. No objection subject to conditions

**HCC Highways:** No objections subject to a financial contribution of £20,000 to be used towards the enhancement of sustainable modes within the vicinity of the site. The original requested contribution (of £41,230) was reduced following negotiations to take into account the existing lawful use of the site.

**Natural England:** No objection subject to securing appropriate mitigation.

**Southern Water:** Comment only. Recommend condition and informative notes

**Hampshire Fire & Rescue Service:** Comment only

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

### Original Plans:

Against : 2

- lack of parking provision on site
- overlooking and impact on privacy

Comment : 1

- Need to ensure access to the retail units to the rear are not blocked by parked cars as there are daily deliveries
- The cherry tree to the rear of the site is attractive and attracted wildlife and should be retained or replanted on the site.
- Comment made on footpath route shown in submitted design and access statement

### Re-consultation comments:

Against : 1

- Proposed height – 2 storeys would be better than 3.
- overdevelopment
- lack of parking provision on site
- access difficulties to bus and train

## **10 PLANNING ASSESSMENT**

### Principle of Development

The site is located in the built up area where new development is acceptable in principle. However, there are also other policy considerations in this case. The site is within the defined town centre of Totton and is a designated Town Centre opportunity site. It is located outside, but adjacent to, the Primary and Secondary Shopping Areas and in close proximity to a footpath identified for improvement. The site is identified as an opportunity site suitable for office and community uses by Policy TOT 15 (15.13) of the Local Plan Part 2 .

The proposals are for residential use on the whole site. This would not be a town centre use and it would also result in the loss of a commercial use of No. 37. These policy issues need to be considered.

Policy ECON 2 required the retention of existing employment sites. The proposals would result in the loss of the employment use at No 37 which comprises 158 sq m of floorspace. The submitted Planning Statement considered these policy issues. No recent marketing of No 37 has been undertaken so any policy justification relies on ECON 2 (ii). This requires it to be demonstrated by submission of proportionate evidence that the employment site is no longer suitable or viable for continued employment use, and that the alternative use would not have a significant detrimental impact on other employment or business uses.

The site has remained vacant for approximately 4 years and the building is in a poor state of repair. The property was originally converted from a house in 1997 to suit the specific requirements of the community user and in its current form and layout is unlikely to meet modern requirements for community or office accommodation. Costly refurbishments and renovation would be required to enable the reuse of the existing property for an office or for community purposes and this is not a viable option. Furthermore, in its current state the vacant building does not currently make a contribution to the vitality or the viability of the Town Centre.

Policy DM16 relates to site within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages and it includes reference to identified opportunity sites. On these sites retail and appropriate non-retail uses will be permitted. It also states that residential development will be permitted where it does not result in the loss of retail or appropriate non-retail uses, other employment or business uses or sites capable of being uses for alternative business or employment uses; it is not on the ground floor of a defined Town Centre Opportunity site and does not prejudice the development opportunities identified in other policies.

In relation to Policy TOT 15.13, the site has remained vacant for a considerable period of time the proposal will not result in the loss of an active retail, non-retail or other employment or business use. Furthermore, the residential redevelopment of no. 39 was accepted in 2018. An exception to policy was justified at this time on



the basis that there were other opportunity sites for offices and the delivery of affordable housing in the town centre, and that the provision a quality environment for residents were important considerations. In addition, the site does not fall within the recognised town centre retail frontage and community uses are already catered for in the town centre under Policy TOT16.

At the time the previous application was considered, the site at 39 had already been vacant for 7 years which suggested it had no real prospect of being developed in accordance with Local Plan policy aspirations. This justification remains valid now, particularly as the site of 39 has remained undeveloped in the intervening period and no 37 has also been vacant for approx. 4 years.

As such sufficient justification has been provided in relation to Policies ECON2, DM16 and TOT15.13 and therefore have no policy objection to this proposal. Accepting this policy position as set out above, the current proposals are acceptable in principle.

The current proposals for 20 new affordable flats which would make a positive contribution to the provision of affordable homes for local people which forms part of how NFDC will deliver its priorities in the Housing Strategy (December 2018).

The proposed development seeks to address the identified need for affordable homes in Totton and the wider district. The housing need for affordable housing in Totton has been identified as 148 bedrooms. The highest need is for 1 and 2 bedroom units, with 67 (45.3%) and 52 (35.1%) (respectively) of applicants in Totton requiring these properties.

The proposed mix of units on the application site seeks to address this significant need by providing 15 no 1 bed (75%) and 25% 5 no 2 bed (25%) units. Of the 20 dwellings it is the intention that all of the flats would be for social rent with temporary accommodation provided in Block B

Policy HOU2 relates to the provision of Affordable housing and in Totton it sets a requirement for 35% of new homes to be affordable on sites of 11 or more dwellings. The target for tenure mix is 70% for rent (split between social and affordable rent) and 30% intermediate or affordable home ownership tenures including shared ownership.

The proposal is for 20 flats and therefore the provision of 35% affordable housing on the site is a requirement of Policy HOU2. Although this is a NFDC proposal where there is certainty of the proposed affordable housing provision, the site could be sold in the future with the benefit of planning permission or after it is built. The provision and retention of Affordable Housing on the site in accordance with Policy HOU2 therefore needs to be secured by an obligation for affordable housing on the site in accordance with this policy requirement in perpetuity.

As such, the principle of 100% affordable housing provision on this site is acceptable subject to ensuring that the site retains a policy level percentage of affordable housing as set out above to ensure compliance with the planning policy and other material planning considerations.

Furthermore, in considering the principle of development it is relevant to note that the Council cannot demonstrate a five-year supply of deliverable housing land. The Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites

coming forward. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and if there is any harm identified this presumption would be relevant in the planning balance.

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

The proposed development of this 0.26 hectare site for 20 flats would result in a density 84.4dph. This is a relatively high density but it would make the most efficient use of this urban site which is located in a sustainable location and would thereby accord with NPPF guidance on achieving higher density where appropriate. This would be acceptable subject to consideration of other material planning matters including visual impact and the character of the area.

#### *Design and visual impact:*

The character of the area is predominantly of a 2 storey domestic scale with some single storey properties. However there is some variety in form and scale evident in the area. The existing building on the site which is to be demolished is a 2 storey former dwelling. No 41 which is located on the other side of the access to Westfield Road car park is a bungalow and No 35 is a 2 storey flat roof commercial building which does not have domestic proportions.

The proposal is for 2 buildings on the site; Block A to the front of the site would be 3 and 2½ storeys and Block B to the rear would be a 2 storey building. The proposals adopt the concept that the buildings on the site are a transition between the town centre to the south-east and the residential areas to the north-west, and the proposals would appear to sit sympathetically within this context.

Block A is located closest to Salisbury Road, and it would be higher and larger than other buildings in the vicinity of the site. It would have an impact on this street scene although it would be set behind existing mature trees which would screen and soften its visual impact.

Block A would be positioned 24 m from the Salisbury Road frontage and set back relative to the commercial properties to the east by approx. 10 m. The building would also be set back by approximately 7 metres from No 41 and separated from this property by 15 m across the access to the car park. Block A would have two gables with a central recessed section between them. The articulated form and use of contrasting red brick and zinc cladding materials would assist to break up its scale and massing within the street scene. In addition to this, the proposed design steps down from 3 storey to 2 ½ storeys to the west where it is closest to the site boundary with car park access and No 41.

These relationships and relative positioning of Block A, combined with elements of its design would result in a built form that would appear more recessive within its setting when viewed from the road. Due to the set back of Block A relative to adjoining buildings combined with its screening by mature trees on the frontage, associated landscaping and new tree planting, the scale, massing and height would have an acceptable visual impact within its context.

The side (west) elevation of Block A would be located close to the access to the car park, and it would also be seen in views from Salisbury Road, albeit set back from it. This side elevation uses contrasting materials (brickwork and zinc cladding) and recessed brick details around proportionate doors and windows to effectively break up its impact. The cladding has been wrapped around from the roof extending down onto part of the west elevation. Entrance doors and canopies have been introduced which front the access and give interest to the street, with a narrow strip of landscaping defining this edge. This would ensure this elevation has appropriate proportions and achieves a good quality elevation that responds to its setting and has an acceptable visual impact.

Block B adopts the same design philosophy as Block A giving a continuity across the site. As a 2 storey building it would have a more domestic scale. Being set to the rear this building would not be highly visible from Salisbury Road although it would be seen from the access and the car park to the rear. However, it would have an acceptable visual impact within this context and the wider street scene.

Information submitted with the planning application illustrates how the details and materials would combine to deliver a high quality design solution on this site. The proposals would use a modern palette of high quality materials which are visually attractive, durable, and relate well to the context of Totton. The proposed materials are red stock bricks, a dark grey/black zinc cladding and dark grey windows and door frames. The proposed scheme is set on a ground floor plinth of red brickwork which is proposed to integrate the buildings within the surrounding context as the boundary walls would be constructed in matching brickwork to provide continuity to the scheme and its external areas.

Above the brick plinth, the upper areas of walls and roof are proposed in pre weathered patinated dark grey / black zinc with matching rainwater goods. The patinated zinc will provide texture and visual interest, with the form and standing seams details assisting in reducing the scale and massing of the elevations. This combination of materials would provide contrast in colour and texture. The brick and cladding would fit well into its context and relates to the darker roof scape of surrounding residential areas.

Plans submitted provide a typical bay elevation at a scale of 1:20. This includes sections with details of the roof and verges, the junction between cladding and brickwork, and recess of the windows to demonstrate that a high quality design solution would be delivered on the site.

It is important that the quality of materials and details are secured as anticipated and finally agreed by condition which would include samples and a panel of the brick and mortar choices, and zinc material details.

Overall, the proposals are considered to be contextually appropriate and would create a quality development located at the end of the commercial area of Totton sitting sympathetically within this context. The buildings each exhibit a quality of attractiveness that offers a betterment to the character of the neighbourhood. The scale and form of the proposals have a bespoke building design reflective of forms and materials in other part of Totton. As such the proposals would accord with Policy ENV3, they would respect both the local context and the distinctive character of Totton and this part of the New Forest and would be an attractive contemporary addition to the town.

### *Site Layout:*

The proposed site layout is for two blocks on the site. These buildings address the site boundaries and break up the mass of built form which is considered to be a well-designed layout in terms of its function, retaining important trees, and creating cycle parking and pedestrian routes in external spaces. Amenity space is provided and laid out on the site so that all of the plots have access to the space.

There would be an amenity area at the front of the site behind the retained trees. Although the location of this area could make it less private it would still be a pleasant external space and the proposed new landscaping would provide some enclosure which would enhance it further.

The layout also creates a central shared amenity space effectively contained between the two blocks which helps to give it some privacy from outside site. This area would accommodate the two cycle stores. Although this area would be partially shaded by Block B, the proposed soft landscaping (including tree and hedge planting), the use of a variety of surface material, together with a low wall to provide informal seating would create a space that is functional and integrated into the overall scheme. There would be a degree of mutual overlooking into this shared amenity space from facing windows of both Blocks A and B however this would provide natural surveillance of the amenity space which could be beneficial and make it feel safe, so the area is used by residents.

In addition, most of the flats in Block A would have private balconies or patios and there would be a small external drying area to the east of Block B. Refuse storage would be provided internally in Block A and behind the front walls of Block B. These elements would ensure that the functional needs of future residents are met in a suitable layout which provides adequate amenity space with an appropriate balance of hard and soft landscaping areas

### Residential amenity

Block A is a 3 and 2 ½ storey block which has the largest scale and mass. This building would be to the south-east of No 41 but located on the other side of the car park access. This degree of separation would mean there would be no unacceptable amenity impact in terms of loss of light or dominant impact.

The side (west) elevation of Block A would contain four side windows at first floor. The larger windows would serve living areas and smaller windows would serve the kitchen areas of these flats. However, these would be secondary windows. The main windows to these rooms would face to the front and rear leading onto balconies to flats 13 and 14 which would be screened by side walls.

In order to assess potential impacts on amenity, the Planning Officer visited No 41 as part of the planning assessment. The side windows to Flat 14 would look towards the rear most part of the garden of No. 41, which combined with the separation distance would not lead to overlooking or harmful amenity impacts. However, there would be a more direct relationship between the side facing windows of Flat 13 and the side bedroom windows and private rear patio area of No 41. However, the larger of these windows - serving the living area of Flat 13 - would be obscurely glazed to ensure amenity impacts by way of overlooking would not be harmful. A condition is recommended to secure this

There would be 4 rooflights on the west elevation. These rooflights would be secondary in nature to give light and ventilation. Furthermore, these rooflights would look over this neighbour so overlooking would not occur.

Block B is a 2 storey building. It is set back relative to No 41 and is of a more domestic scale. There would be two first floor side windows to serve a kitchen and living room. The main living room window would be to the front facing towards the car park at the rear. Given their setback these windows would not have a direct relationship with the amenity areas of No 41. Furthermore, due to presence of boundary treatment and outbuildings, the oblique angle of view from these windows and the separation distances of approx. 20m to the rear garden boundary this relationship is acceptable

Block A would be to the north west of the flat roof commercial building at no. 35 but would be located adjacent to its flank wall so there would not be an over dominant impact. Whilst there are side facing windows and rear/front balconies in the east elevation any outlook would be to the front or rear over car parking and bin storage areas which would not lead to overlooking, or loss of light or other amenity impacts .

Block A is well set back from the main road behind retained trees and so does not unduly impact on the amenity of other existing properties along Salisbury Road.

Block A and B would face each other across the shared central amenity area on the site. There would be a limited separation between these buildings leading to some mutual overlooking. There would be 3 balconies and windows to living rooms and kitchens at first and second floor on Block A which would look towards the rear bathroom and bedroom windows in Block B.

However, the proposed balconies on Block A are recessed from the 2 gable features would effectively screen side views from the balconies. As such the most direct relationship would be towards bathroom windows on Block B which are likely to be obscure glazed. Due to the flatted nature of the scheme, the mutual overlooking of central area and the restricted views from the proposed balconies this relationship would not materially undermine the amenity of prospective occupiers and so it is acceptable

A noise assessment has been undertaken and submitted. Road noise is considered to be the most significant potential impact. A condition is proposed to ensure internal noise levels for residents meet current standards

Matters relating to hours of work, dust management and construction delivery arrangements will be agreed by the submission on a Construction Environmental Management Plan (CEMP) prior to commencement of development. This will ensure that surrounding amenity is not unduly or harmfully affected during the construction period. The CEMP will be secured by condition.

#### Highway safety, access and parking

NPPF (2021) para 107 specifically addresses car parking. It does not prescribe standards but provides guidance for councils when 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 requires new development to provide sufficient car and cycle parking. A revised Parking Standards Supplementary Planning Document (SPD) was adopted in April 2022 and this document outline the recommended provision of cycle and vehicle parking for all new developments. These adopted

parking standards are used to inform as to an adequate standard of car parking spaces bearing in mind national and other local policy seeking a shift away from cars to more sustainable forms of transport. Principle PS1 of the Parking Standards SPD requires residential development to meet recommended parking standards although it acknowledges that exceptions can be made in the main town centres subject to the site being well served by existing public and active modes of travel.

Annex 2 of the Parking Standards SPD sets out a high-level analysis of the various factors which affect pressure on vehicle parking essentially reflecting NPPF requirements. These factors include vehicle owners, distance from bus stops/routes and train stations, the location of local or primary shopping frontages and on-street parking availability. Therefore these adopted parking standards allow for flexibility in meeting parking provision in town centre locations in appropriate cases which will be assessed on a site by site basis.

By way of background, 8 flats at no 39 were approved in 2018 with no parking provision made on the site. This which was justified by the sustainable location of the site. Since then the new parking standards have been adopted which allow greater flexibility in these locations.

No parking provision is made on the site as part of the current scheme. However, Totton has been identified in the SPD as a settlement where there is less pressure on parking and so there are greater opportunities to explore reduced parking levels. The site is in a highly sustainable location adjoining the Totton town centre and within easy reach of a wide range of services and facilities required by residents. Totton train station is within easy walking distance (approx. 800m) and there are bus stops outside and opposite the site on Salisbury Road.

A Transport Statement has been submitted which assesses trip generation for vehicles as a baseline for the proposed development and the level of car ownership for individuals living in flats. A car parking survey has been undertaken to assess car parking capacity on street, in local car parks within a 200m walking distance of the site and other unrestricted parking in this area. It is noted that the adjoining Westfield Road car park allows vehicles to park for up to a maximum of 20 hours in any 24 hour period and so it could be used by future residents were out during the day.

Cycle parking and storage would be provided on the site to meet current standards which would encourage the use of sustainable modes of transport. Cycle parking for 45 cycles is shown on the site in convenient sheltered and secure facilities which reinforces the sustainability credentials of this scheme.

It is accepted that the site is in a sustainable location in close proximity to the town centre and the are benefits it would bring through the provision new affordable dwellings in this accessible location. HCC Highways consider that a nil parking scheme can be justified and that the car parking survey undertaken identifies a number of car parking spaces within the vicinity of the site that could be used if required. Due to the sustainable location of the site, flexibility can be applied to on-site parking provision such that a nil parking scheme can be justified and is acceptable.

Given that this development is car free and so relies on sustainable mode of transport, enhancement of sustainable modes of travel within the vicinity of the site should be made. This would accord with Policy CCC2 which relates to safe and sustainable travel. There is an identified need to enhance sustainable modes of travel and improve pedestrian and cycling routes in the vicinity of the site and

measures required to do this are set out in the published in the Local Cycling and Walking Infrastructure Plan (LCWIP). The LCWIP was published by HCC in November 2022. Within this plan Salisbury Road is identified as a Primary Route and the application site is located within the Totton town centre walking zone (Z1.4). There is a need identified to upgrade the current infrastructure to protect pedestrians and cyclists from current traffic and improve crossings.

As such, a financial contribution of £20,000 has been agreed with HCC Highways which has been calculated based on a proportionate assessment of the impact of the proposed development taking into account the existing lawful use of the site. The financial contribution would be used to enhance local walking and cycling within the vicinity of the site with measures identified in the LCWIP. As this is a car free development, the agreed financial contribution towards off-site improvements is considered to be proportionate, reasonable and necessary. It would be in accordance with the relevant tests for planning obligations as set out in NPPF Paragraph 57 (Reg 122(2) of the CIL Regs 2010).

The applicant has agreed to make this financial contribution which would be secured through a Section 106 agreement with Hampshire County Council.

### Trees and Landscaping

At the front of 37 Salisbury Road there is a Cedar tree and at the front of the site of 39 Salisbury Road there is a Lombardy Poplar and a Veteran Oak tree. These trees are protected by a Tree Preservation Order and are considered a constraint to development. A number of small trees to the rear of the site do not significantly contribute to the amenity of the area and so are not considered to be a constraint.

The proposed buildings are far enough from the protected trees so that they will not adversely affect them provided the specified tree protection measures are followed. Although the proposed layout shows a path to be constructed within the root protection areas of the protected Cedar (T1) and the Poplar (T15), a no-dig construction method has been specified for these areas which should minimise any adverse impact on these trees.

The proposed new trees within the landscaping scheme for the site would mitigate for the loss of the small trees to the rear of the site and the mature trees would be retained and protected. As such, the proposals are acceptable on tree grounds subject to conditions.

Landscaping plans have been submitted with the planning application which indicate the approach to soft and hard landscaping within the site and demonstrate that a good quality development can be achieved. This landscaping scheme would include new tree and hedge planting and use a variety of hard surface materials within the central courtyard. A metal railing and new hedging is proposed around the front amenity space which would allow views into this space, and this would be combined with low boundary walls and knee rails. The western edge with the car park access will be defined and protected by timber bollards, suitable surfacing and soft planting.

Full details of the landscaping scheme based on these plans can be agreed by condition.

### Drainage matters

This is a brownfield site located within Flood Zone 1 and is at very low risk of surface water flooding. A Foul and Surface Water Drainage Strategy and

Drainage Technical Note have been submitted with the planning application. There is a lack of public surface water sewers in the vicinity of the site. It is proposed to discharge surface water from the site to soakaways and use permeable paved areas. The new dwellings will be served by a new geocellular soakaway unit in the existing car park located to the west of the site and this area is included within the planning application site.

The proposal is to connect to the existing public foul sewer at the site boundary

The HCC Lead Flood Authority requested additional information relating to drainage. A Drainage Technical Note has been submitted and HCC are now satisfied that sufficient testing has now been undertaken to demonstrate that there is a drainage solution on the site. Full design details of the storm water design should accord with the guidance set out in Building Regulations Approved document H3. and where the storm water drains are to disperse to on-site soakaways, satisfactory percolation tests results will be required to support the design. Whilst the current drainage strategy cannot be formally approved at this stage, further details, to include infiltration testing and long term maintenance arrangements for the surface water drainage system, can be dealt with by a planning condition.

Southern Water have commented that details of foul sewerage and surface water disposal are required. The exact location of the existing water main needs to be ascertained as a public sewer could cross the application site. The connection to existing networks would be the subject of a formal application.

As such, the current proposals are acceptable in drainage terms subject to these further details for surface and foul water drainage being secured by condition.

### Sustainability

Policy IMPL2 and STR1 of the Local Plan Part 1 requires all new developments to demonstrate a reduction in energy demands through the on-site installation and implementation of decentralised and renewable or low carbon energy sources.

An energy and sustainability feasibility assessment has been undertaken which sets out how the overall energy demands of the proposals will be reduced by adopting a fabric first approach and incorporating low carbon and renewable technologies within the development. These measures include ground and air source pumps, exhaust air pumps, solar photovoltaics, battery storage, mechanical ventilation and under floor heating. The proposed scheme would reduce emissions through built fabric, space heating and hot water approaches that will limit overheating and decrease carbon emissions.

Optional locations for air source heat pumps have been shown on the internal and external walls of Block A and B. If this option is pursued, a planning condition is recommended to ensure that potential noise from air source heat pumps does not cause unacceptable amenity impacts.

The scheme would be designed to meet Future Homes Standards and NFDC Greener Homes Strategy. Overall, the proposed low carbon sustainable and renewable energy technologies adopting a fabric first approach are welcomed as a positive benefit of the scheme in sustainability terms and would be in accordance with Policy.



## Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided an Air Quality Statement which makes a baseline assessment and considers that air quality objectives are currently met and are expected to continue on the site after its development. Mitigation and controls are considered during the construction and operational phases. Air quality impacts from construction, particularly in respect of the reduction and management of construction dust, are considered. These measures would be included as one of the requirements of the Construction Environmental Management Plan (CEMP) to be submitted and agreed by a planning condition .

Once constructed traffic impacts on air quality are considered to be negligible due to the relatively low number of vehicular movements that are anticipated. Information explaining the measures that will be taken to reduce the potential adverse impact new development on air quality, thereby lessening the negative effects upon health and wellbeing have been provided and are accepted.

## Ecology and Biodiversity Net Gain

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy, Government advice and the Environment Act which became statute in November require an enhancement to on-site biodiversity wherever possible. NFDC Interim Advice on Biodiversity Net Gain is underpinned by the National Planning Policy Framework (NPPF) (2021) paragraph 174(d), which requires planning decisions to provide net gains in biodiversity. Paragraph 179(b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180(a) suggests that if significant biodiversity losses cannot be avoided, mitigated or compensated then permission should be refused. Policy STR1 (iii) of the Local Plan Part 1: Planning Strategy, adopted 6 July 2020 has a requirement for all development to achieve an environmental net gain. 'Environmental Net Gain' encompasses 'Biodiversity Net

The requirement to deliver 10% biodiversity net gain has been applied to all major new build development since the adoption of the Local Plan in July 2020 but this requirement for 10% BNG to be demonstrated - via use of the Defra Biodiversity Metric – will become a mandatory requirement in England in November 2023 following the Environment Act 2021.

The application is accompanied by a preliminary ecological appraisal (PEA), a Bat Survey Report and a Biodiversity Net Gain (BNG) Assessment. The BNG assessment reports a 41.58% net gain for habitat units and 100% net gain for hedgerow units. The medium trees proposed would assist in the delivery of +10% BNG. Habitat enhancement measures proposed within the PEA and the Bat Survey Report are included within the BNG Assessment.

A Biodiversity Monitoring and Management Plan for a period of 30 years is critical to the successful delivery and long-term management and monitoring of BNG on the site. A management and maintenance schedule for the landscape and biodiversity enhancements for the 30 years is included in the revised Landscape Management plan which reflects the BNG requirement. Implementation of this plan, along with the submission of a BNG monitoring report for the first 5 years after completion of the development and then at 5 year intervals thereafter (until year 30) can be secured through a planning condition. Overall this demonstrates that the required BNG would be delivered by the proposals.

Bat surveys have been undertaken and these show that the existing building does not currently support a bat roost. However, a sympathetic lighting scheme to reduce disturbance to bats and other wildlife at night would be adopted and this is set out in the Ecological report. Other appropriate ecological enhancements would include bird, bat and inset boxes, integrated bat bricks and hedgehog highway fencing. These measures can be secured to be implemented and retained in perpetuity through a planning condition.

Japanese knotweed and montbretia, two species listed on Schedule 9 of the Wildlife and Countryside Act were recorded on-site. Recommendations are provided for their removal and eradication in Section 5.6.4 of Bat Survey Report. A planning condition is recommended for the submission and approval of an invasive species removal and eradication plan prior to the development commencing.

The Council's ecologist is satisfied that subject to the works being undertaken in accordance with the ecological assessment methodology and the enhancement measures outlined in this report are provided and retained, these proposals meet with Policy requirements for ecological enhancement and would deliver an appropriate level of BNG as a result.

In addition, to accord with agreed monitoring charges on site monitoring and inspections of the biodiversity net gain would be subject of a financial contribution of £4,980.

#### Habitat Mitigation and off-site recreational impact

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

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

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

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such

measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

### Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant will make the required air quality monitoring contribution before planning consent is issued.

### Developer Contributions

As part of the development, the following need to be secured before planning consent is issued.

- a) an obligation for the provision and retention of at least 35% of the homes on the site to be affordable in accordance with Policy HOU2
- b) an obligation to pay the relevant financial contributions directly to the Council before planning permission is issued on the site. These contributions are required for the following matters and would reflect the uplift from 1<sup>st</sup> April 2023.
  - i) Recreational habitat mitigation
  - ii) Solent bird aware contribution
  - iii) Air Quality monitoring.
  - iv) BNG management and monitoring contributions
  - v) Commencement check contributions
  - vi) Affordable housing monitoring contribution
- c) a Section 106 agreement with Hampshire County Council to secure a financial contribution of £20,000 for local cycling and walking enhancement measures in accordance with Policy CCC2 to provide measures within the HCC Local Cycling and Walking Infrastructure Plan (LCWIP) ( November 2022)

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	1371		1371	1371	£80/sqm	£149,755.38 *

Subtotal:	£149,755.38
Relief:	£0.00
Total Payable:	£149,755.38

## 11 CONCLUSION

The proposed development would make an important contribution to the provision of urgently needed affordable housing to meet local needs in the area and the wider New Forest district.

The planning assessment concludes that the scale, massing and design of the buildings are contextually appropriate within their setting and would be of a high quality. The proposed layout provides amenity areas to meet the reasonable needs of future residents and important trees on the site would be retained and protected. The residential amenity of existing residents would not be harmed by the development and that of future residents would be safeguarded.

Whilst there would be no parking provided as part of the scheme, the site is located in a sustainable town centre location close to local facilities where there is a flexibility approach to the need to meet car parking standards and where alternative modes of transport are encouraged. There are convenient bus stops near the site and it is located close to Totton train station. Cycle parking and storage facilities are provided. Furthermore, the applicant has agreed to make a financial contribution to enhance sustainable modes of transport in the vicinity of the site. All of these factors would encourage the use of sustainable alternatives to the private car and make the scheme acceptable.

Overall, the proposed development would comply with local and national planning policies. As such, the application is recommended for approval subject to first securing an obligation in relation to affordable housing provision, the identified habitat and monitoring contributions, completion of a legal agreement to secure the highway contribution and conditions as set out.

## 12 OTHER CONSIDERATIONS

Matters raised in representations are mostly addressed in the planning assessment set out above. Other issues not covered are considered below

The Town Council refer to another planning application on Salisbury Road for a three storey development. The Town Council consider that this case is relevant to the current planning application. The scheme referred to is at 212 Salisbury Road and it was refused last year. It was considered that due to its design, shape and roof form it would harm to the character and appearance of the area, and this would outweigh the benefits of meeting housing need. The site of 212 is located between two existing 2 storey residential that directly adjoin its side boundaries and the proposals would have been set slightly forward of these neighbouring buildings.

The current application site is not located between or directly abutting existing residential boundaries; it is on a corner plot adjoining a commercial building to one side and the car park access to the other. The proposed buildings would have a significant set back from the road.

Each application is considered on its own merits. However, despite this as set out above these two applications are not so similar such that any precedent is set by this previous decision.

Comments have been made about a footpath link referred to in the submitted Design and Access statement as part of the background policy context. This route was identified under Policy TOT22.10 of Local Plan Part 2 as a footpath improvement scheme from Water Lane/Westfield Road car park between the car park and rear service yard area and eastern end of Water Lane. The proposed route was to provide better pedestrian links within the town centre to encourage walking and involved non-highways land for its implementation.

This footpath route does not include any land within the application site and it does not form part of the current planning application. However, the proposed development would not prejudice any future provision of the footpath route in accordance with policy. As such this is not a relevant material planning consideration.

Concerns have been expressed about access for emergency and refuse vehicles. Bin storage and collection facilities are indicated on the layout plans. The existing access to the public car park would ensure that suitable access is available for emergency and refuse vehicles to meet the needs of the development.

### 13 RECOMMENDATION

Delegated Authority be given to the Service Manager of Development Management to **GRANT PERMISSION** subject to:

- a) an obligation for the provision and retention of at least 35% of the homes on the site to be affordable in accordance with Policy HOU2
- b) an obligation to pay the relevant financial contributions directly to the Council before planning permission is issued on the site.

These contributions being as follows:

- i) £79,455 to secure recreational habitat mitigation [made up of £69,145 infrastructure + £10,310 non-infrastructure]
  - ii) £9,840 to secure Solent bird aware contribution
  - iii) £2,060 to secure Air Quality monitoring.
  - iv) £4,980 for BNG management and monitoring contributions
  - v) £808 for commencement check contributions
  - vi) £808 for affordable housing monitoring contribution
- c) a Section 106 agreement with Hampshire County Council to secure a financial contribution of £20,000 for local cycling and walking in accordance with Policy CCC2 to provide enhancement measures within the HCC Local Cycling and Walking Infrastructure Plan (LCWIP) (November 2022)
  - d) 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:

3056-APLB-ZZ-ZZ-DR-A-1001 P1 Location Plan.  
3056- APLB- ZZ- ZZ- DR- A- 1002 P2 Existing Site.  
3056-APLB-ZZ-ZZ-DR-A-1003 P5 Proposed Site – Block Plan  
3056-APLB-AA-00-DR-A-2010 P6 Ground Floor Plan AA.  
3056- APLB- AA- 01- DR- A- 2012 P4 First Floor Plan AA.  
3056- APLB- AA- 02- DR- A- 2014 P4 Second Floor Plan AA.  
3056- APLB- AA- 03- DR- A- 2015 P4 Roof Plan AA.  
3056- APLB- AA- ZZ- DR- A- 3000 P3 Elevation Block A North and South.  
3056- APLB- BB-00 - DR- A- 2011 P7 Ground Floor Plan BB.  
3056- APLB- BB- 01- DR- A- 2013 P4 First Floor Plan BB  
3056- APLB- BB- ZZ- DR- A- 3002 P4 Elevation Block B North and South.  
3056- APLB- ZZ- 03- DR- A- 2016 P4 Roof Plan BB.  
3056- APLB- ZZ- ZZ- DR- A- 3001 P4 Elevation East.  
3056- APLB- ZZ- ZZ- DR- A- 3003 P3 Elevation West.  
3056- APLB- ZZ- ZZ- DR- A- 3010 P3 Long Elevation.  
3056- APLB- ZZ- ZZ- DR- A- 3011 P1 Typical Bay Elevation  
3056- APLB- ZZ- ZZ- DR- A- 4000 P2 Site Section.  
3056- APLB- ZZ- ZZ- DR- A- 2050 P2 Refuse Plans  
1982-GA-1000 rev. D – Landscape GA Layout.  
HCRS/37SR/1/A – Topographic Survey.  
Design and Access Statement 3056-APLB-XX-XX-RP-A-1001-P03 (Updated)  
Existing Tree Schedule LLD2427--00  
Tree Constraints Plan LLD2474-ARB-DWG-001  
Arboricultural Impact Assessment and Method Statement LLD2427-ARB-REP-001-Rev 01 (January 2023) (Lizard Landscape Design and Ecology).  
Tree Retention Protection plan LLD2427-ARB-DWG-002- Rev 3 (11 January 2023) (Lizard Landscape Design and Ecology).  
Landscape Management Plan 1982 Rev A (Ubu).  
Air Quality Assessment (Southdowns).  
Preliminary Ecological Appraisal LLD2474 (Lizard Landscape Design and Ecology).  
Preliminary Roost Assessment Report (Hampshire Ecological Services Ltd)  
Bat Survey Report - Rev 1 May 2022 (Hampshire Ecological Services Ltd).  
Biodiversity Metric 3.1 and Technical Supplement (Lizard Landscape Design and Ecology).  
Biodiversity Net Gain Assessment (Lizard Landscape Design and Ecology).  
Noise Assessment 2449W-SEC-00002-02 Final November 2022 (Southdowns).  
Transport Statement 020.0722/TS/3 Rev 3 - December 2022 (Paul Basham Associates).

Reason: To ensure satisfactory provision of the development.

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

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

4. Before any works above DPC, a sample panel of brickwork showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To ensure that the proposals are of an appropriate quality in this location in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Before the development commences, the proposed slab levels of the dwellings 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 Part 1 Planning Strategy for the New Forest District outside the National Park.

6. Before any works above DPC a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

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

7. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.
- Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Impact Assessment and Method Statement (Lizard Landscape Design and Ecology Ref: LLD2474-ARB-REP-001 Rev 01) dated January 2023 and Tree Retention Protection Plan (Lizard Landscape Design and Ecology Ref: LLD2474-ARB-DWG-002 Rev 03) dated 11.01.23.
- Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
9. Landscaping work hereby approved shall be managed and maintained (covering a minimum period of 30 years) in accordance with the approved Landscape Management Plan (Ref 1982-MP-L-9000 rev A dated November 2022) with particular reference to the establishment management and maintenance of Biodiversity Net Gain (BNG) on the site unless otherwise first agreed in writing with the Local Planning Authority. A BNG monitoring report produced by a suitably qualified ecologist shall be submitted to the LPA annually for the first five years after completion and at 5 year intervals thereafter until year 30.
- Reason: To ensure that the landscaping is managed and that the BNG is established and maintained for a 30 year period in accordance with Local Plan policies STR1, ENV3 and DM2 in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).
10. The works hereby approved shall be undertaken in strict accordance with the Hampshire Ecological Services (HES) Bat Survey Report Rev 1 dated May 2022 submitted with the planning application unless otherwise first agreed in writing with the Local Planning Authority. The final specification of the nesting, roosting and insect provision and 'hedgehog highway' gaps in fencing and sensitive lighting provision together with the locations of these enhancements to be shown on layout and elevation drawings shall be submitted to and agreed in writing with the Local Planning Authority. The



identified ecological enhancements in Section 5.6 of the Hampshire Ecological Services (HES) Bat Survey Report Rev 1 dated May 2022 and approved final specification so agreed shall be implemented prior to first occupation of the dwellings hereby approved and thereafter retained in perpetuity.

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

11. Prior to any works commencing on the site an invasive species removal and eradication plan to deal with the Japanese knotweed and montbretia in accordance with the recommendations set out in Section 5.6.4 of the Hampshire Ecological Services (HES) Bat Survey Report Rev 1 dated May 2022 shall be submitted to and approved in writing by the Local Planning Authority. Works shall then be undertaken in accordance with the details as agreed.

Reason: To ensure appropriate measures are in place for removal and eradication of species listed on Schedule 9 of the Wildlife and Countryside Act which were recorded on-site and in accordance with Policy ENV4 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

12. Prior to construction (including demolition) commencing on the site, a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- a) Development contacts, roles and responsibilities
  - b) Public communication strategy, including a complaints procedure.
  - c) A method, programme and phasing of demolition (if any) and construction work;
  - d) Details of hours of demolition and construction
  - e) The provision of long term facilities for contractor parking;
  - f) Methods and phasing of construction works;
  - g) Access and egress for plant and machinery;
  - h) The arrangements for deliveries associated with all construction works;
  - i) Details of parking and traffic management measures.
  - j) Details of measures for the protection of pedestrian routes during construction;
  - k) Dust Management Plan (DMP) [in accordance with IAQM 'Assessment of dust from demolition and construction, 2014' including suppression, mitigation and avoidance measures to control dust, the DMP shall also consider asbestos prior to demolition.
  - l) Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.

- m) Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- n) Details of the construction lighting scheme, including timing of lighting operation and measures to control light spill and glare from any flood lighting and/or security lighting installed.
- o) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- p) Details of how waste shall be managed and confirmation that no burning shall take place on site.

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

Reason: To ensure that construction works are managed effectively in the interests of the protection of residential amenity and highway safety and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

13. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations (where noise is audible beyond the site boundary) 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 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Public Holidays.

Reason: To safeguard residential amenities in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for New Forest District outside of the National Park.

14. Prior to any works above DPC level, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The scheme shall be approved in writing by the Local Planning Authority and the approved scheme shall be implemented, maintained and retained in accordance with the approved details.

Reason: To ensure future residential occupants have a satisfactory living environment in accordance with Policy ENV3 of the Local Plan Part for New Forest District outside of the National Park.

15. The technical specifications of the proposed air sourced heat pump units shall be submitted to the Local Planning Authority for written approval prior to their installation. If the noise levels shall exceed 42dB at the façade of any dwelling, a noise impact assessment in accordance with BS4142:2014 shall be submitted to and agreed in writing with the Local Planning

Authority. The noise impact assessment report shall include appropriate noise mitigation measures where necessary. Following approval, the units shall be installed in accordance with the agreed specification and any approved mitigation measures required shall be implemented before first operation of the air source heat pumps, and maintained and retained as such thereafter.

Reason: To protect the amenity of residents in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park

16. 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.

17. The large first floor window serving the living room area of Flat 13 on the west elevation of Block A as shown on approved plan number 3056- APLB-AA- 01- DR- A- 2012 -P4 shall be permanently glazed with obscured glass.

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.

18. Prior to their construction, full details (plans, elevations and materials) of the cycle stores within the central amenity space shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores as approved shall be provided prior to first occupation of the dwellings and thereafter retained as such for the storage of cycles in perpetuity unless otherwise agreed in writing.

Reason: To ensure that the appearance of the cycle stores are appropriate in the interests of visual amenity and that cycle storage is provided and retained for future residents in accordance with Policy ENV3 and CCC2 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

19. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the submitted Foul and Surface Water Drainage Strategy (24987-HYD-XX-XX-RP-DS-5001 P04) dated 1 December 2022 and Technical Note (24987-HYD-XX-XX-TN-D-0001 P01) dated 28 February 2023, have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the submitted Foul and Surface Water Drainage Strategy.
- b. Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Where the storm water drains are to disperse to on-site soakaways, satisfactory percolation tests results will be required to support the design. The Full design details of the storm water design to accord with the guidance set out in Approved document H3.
- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Construction of the development shall be undertaken in accordance with the details so approved.

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.

20. Before development commences, details of the scheme for the means of disposal of foul sewerage drainage to be implemented shall be submitted to the Local Planning Authority for written approval. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the foul sewerage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

21. Before the development is first occupied details of the means of the long term future maintenance arrangements of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a. Maintenance schedules for each drainage feature type and ownership and specify the responsibilities of each party
  - b. Details of protection measures.

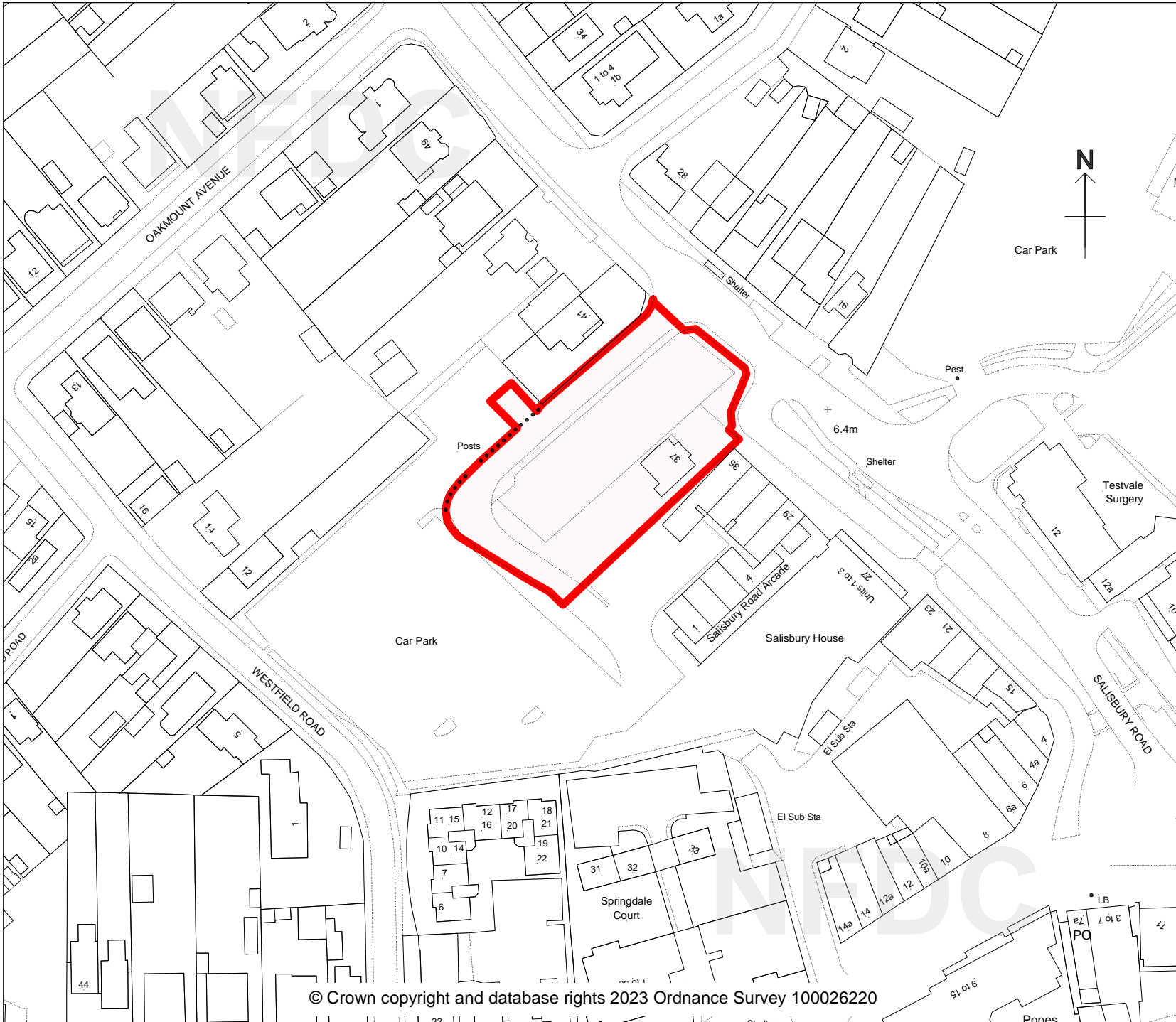
The maintenance of the surface water drainage shall be undertaken in accordance with the arrangements as approved.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

**Further Information:**

Judith Garrity

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# New Forest

DISTRICT COUNCIL

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## PLANNING COMMITTEE

April

37-39 Salisbury Road  
 Totton  
 SO40 3HX

Scale 1:1250

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