

**Application Number: 20/10628** Variation / Removal of Condition

**Site:** HAVEN MARINE PARK, UNDERSHORE ROAD, BOLDRE SO41 5SB

**Development:** Variation of conditions 3 (approved plan numbers),5 (landscaping),7 (ecology) & 8 (parking layout) of 18/10541 to allow amended plans reflecting the relocation and increase in size of the SINC area, provide additional car parking.

**Applicant:** Yacht Havens Group Ltd

**Agent:** Simpson Hilder Associates

**Target Date:** 15/09/2020

**Case Officer:** Judith Garrity

**Extension Date:** 15/10/2020

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

The key issues are:

- 1) Ecological and biodiversity impacts associated with relocating the SINC
- 2) Assessment of proposed landscape changes
- 3) Impact of providing additional parking.

This application is to be considered by Planning Committee due a contrary Parish Council view.

## **2 SITE DESCRIPTION**

Haven Marine Park is an industrial development on the eastern side of the Lymington River in an area that is designated as Green Belt. The existing building on the site, which dates from the 1950s and 1960s, is partly single-storey and partly 2-storey. The site has a long river frontage, and the existing building extends along roughly the southern two-thirds of that river frontage, leaving the northern third of the site as a more open area for boat storage and vehicle parking.

The site is set immediately to the north side of the railway line leading to Lymington Pier. The nearest residential properties to the application site are the flats at Island Point, which is a 3-4 storey block of flats set immediately to the east of the application site. Both these flats and the Haven Marine Park site are currently served by a long gravel access track that leads onto Undershore Road. The land to the east side of Undershore Road is within the New Forest National Park, and also forms part of the Forest East Conservation Area. Closer to the site, the railway bridge almost abuts the south-western corner of the site.

The riverside land that is immediately adjacent to the application site forms part of a Site of Interest for Nature Conservation (SINC). To the south of the site, there are also a Site of Special Scientific Interest (SSSI) and European sites.

### 3 PROPOSED DEVELOPMENT

The current application is made under Section 73 and seeks variation to conditions 3 (approved plan numbers) 5 (landscaping) 7 (ecology) and 8 (parking layout) of planning permission 18/10541 which was approved in May 2019.

The planning permission 18/10541 grants permission to demolish the existing buildings and erect two buildings to comprise 11 separate units to be used as car parking, storage (Class B8) (Class B1) on the ground floor and first floor offices and light industrial (Class B1), removal of existing car park and boat storage to restore the Site of Importance for Nature Conservation (SINC), boardwalk terraces; bin/cycle storage; access road; parking; landscaping.

The changes now proposed by this variation of condition application involve:

- Re-location of the existing SINC to between units 2 and 3, with a frontage to the Lymington River.
- Increase in the SINC area from 634 sq m to 844 sq m (net increase of 210 sq m)
- Use the existing SINC area for laying out of 13 parking spaces.
- Reposition the 6 parking spaces approved between units 2 and 3 to the new parking area.
- Provide an additional 6 parking spaces to give a total of 61 on the site.
- Revised landscaping to incorporate these layout changes.

No amendment is proposed to the layout, scale and design of the 11 units. The layout of the remainder of the car parking to the eastern boundary with Island Point flats and the central area of the site and its access will also remain unaltered.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
18/10541 Two buildings to comprise a total of 11 separate units to be used as car parking, storage (Class B8) including marine based business use (Class B1) on the ground floor and on the first floor as offices and light industrial (Class B1), removal of existing car park and boat storage to restore Site of Importance for Nature Conservation, boardwalk terraces; bin/cycle storage; access road; parking; landscaping; demolition of existing	24/05/2019	Granted Subject to Conditions
17/11625 Access steps to main entrance	06/02/2018	Granted Subject to Conditions
17/10121 14 office / light industrial units in 2 linked blocks with covered boardwalk, (Use Class B1) including marine based use; access road; parking; landscaping; demolition of existing	10/05/2017	Refused

### 5 PLANNING POLICY AND GUIDANCE

#### **The Local Plan Part 1 Review 2016-2036**

Policy CCC2: Safe and sustainable travel

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

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

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Parking Standards

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

**Boldre Parish Council:** Original comment - Happy to accept a delegated officer decision.

Revised comment: Following a detailed review of NFDC 20/10628 Boldre Parish Council (BPC) wishes to update its recommendation to refusal.

The recommendation for refusal is based on the following concerns:

- The proposed variation intrudes into the SINC) area that the applicant has been requested to restore. The proposed exchange is not equitable and leaves the remaining SINC open to further creep from industrial activity. The existing permission creates a clear and enforceable delineation between industrial use and the SINC. BPC believes it is essential that this is maintained to prevent further damage to the SINC.
- BPC notes that the application variation includes drawings that have a mezzanine. This is contrary to approval condition 17 and NFDC's parking guidelines.
- The proposed variation introduces a second entrance to the proposed car parking area. It is not clear why this is required and does not appear to be justified.

Overall, BPC believe that this variation would have significant negative consequences for the remaining SINC and recommends refusal. BPC is concerned that there are significant unanswered questions contained in this variation which need to be addressed by the applicant and the planning authority. This is a long running and complex case, requiring detailed analysis on the overall impact on the SINC and residents in this area.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Natural England:** comment only. Apply previous conditions

**Southern Water:** comment only. Apply previous conditions

**HCC Highways:** no objection subject to condition. Comments on revised plans awaited.

**NFDC Environmental Health (Pollution):** no objection subject to conditions as per original consent

**NFDC Environmental Design (Urban & Landscape):** no objection.

**NFDC Ecologist:** no objection subject to conditions

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 1

Against: 1 (on behalf of Nos 1 - 10 Island Point )

### Objection:

- Ownership issue
- Use of SINC land would expand industrial operations on land which is Green Belt, creating a precedent for Green Belt and SINC usage.
- No justification for loss of SINC.
- Enforcement was not pursued but SINC restoration was secured as part of previous approval.
- Would legitimise B1/B2 encroachment into the SINC area.
- SINC area is an original drainage channel for surface water to pass under the access road so needs restoring properly
- Revised plans would provide potential for an additional entrance from access lane.
- If approved, the current application would allow removal of SINC and a potential new access
- Original permission was overdevelopment
- Important and prominent location.
- Suggest that the SINC is extended around the boundaries of the site and the current proposed access. Keep existing 6 spaces between unit 2 and 3 with tree planting beside river to screen cars,
- Suggest rejection of the application and provide enforceable safeguards, restore historic integrity of the SINC which maintains B1/B2 to historic land legitimate boundaries
- Variation application is not an equitable green belt trade in terms of quality, quantity or habitat continuity.

### Support:

- The proposals will significantly enhance the SINC area and benefit the natural environment of the upper Lymington River.

## 10 PLANNING ASSESSMENT

The main issues to be considered are:

- 1) Design, site layout and impact on local character and appearance of area
- 2) Ecological and biodiversity impacts associated with relocating the SINC
- 3) Assessment of proposed landscape changes
- 4) Revised parking layout.

### Principle of development

The principle of the development was accepted in approving planning application 18/10541 in May 2019. This development was considered acceptable with respect to its effect on the character and appearance of the area and landscape, the effect on the Green Belt, and the impact on the New Forest National Park. The changes now proposed to the parking, landscaping and ecological areas can be dealt with under a S73 application as they relate to conditions attached to this consent and the description and form of the overall development remains unchanged.

The site is located in the Green Belt. The proposed revisions would create an additional 105 sq metres of hard surfaced area within the site when compared to the extant consent (1789 sq m approved 1894 sq m proposed). This increase is not considered to be significant as a proportion of the overall size of this 0.48 hectare site, particularly given the extant consent, the fact that the building footprint would not change and that the site is previously developed land. The use of this area for car parking will be re-located from elsewhere within the site - which is all previously developed land - and would not therefore harm the openness of the Green Belt.

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

The design and layout of the buildings remains as previously approved and the development will not have a materially different impact on the character and appearance of the area. Furthermore, it is considered that the changes to the parking layout and its re-location, landscaping and revised ecological areas would allow for potential improvements to the visual impact of the development from across the Lymington River by the removal of the parking area from between units 2 and 3.

There would be a more formalised and extended hard surface on the site for the new parking area. However, this would not be seen from the river frontage. The proposed landscaping will effectively screen this area from the access road so as to make its visual impact acceptable. Furthermore, the planting of trees and native species will be a positive enhancement of this boundary.

### Ecological impacts

This application seeks a variation of condition 7 (ecology) of planning approval 18/10541. The proposals are for relocation of the existing SINC to be between units 2 and 3, with a frontage to the Lymington River.

The existing SINC on site forms part of the Walhampton Reedbed and is 634 sq m in size. Land use changes have resulted in the progressive destruction of the SINC through damage resulting from its infilling, its use for storage of container and boats, and an aggregate surface being present on the site. The SINC area that remains is isolated from the remainder of the SINC to the south and east of the access road, which limits the opportunities for its restoration as a reedbed. Ecological surveys undertaken have confirmed the loss of the conservation value of the SINC, which is heavily degraded and is now of low conservation value.

There is no statutory requirement to maintain a SINC or any obligation on a private landowner to manage it. A SINC is a local designation and its selection and designation is to raise awareness of the importance of a site for wildlife, particularly with regard to planning and land management decision making. The principle of the relocation of the existing SINC on this site, given its low conservation value, is therefore considered to be acceptable subject to appropriate biodiversity enhancements being secured.

Proposals are for the creation of a compensatory habitat which would be linked with the intertidal mudflats between the Lymington Pier railway and the road crossing the Lymington River.

A strip of coastal grassland of 844 sq m in size is proposed to create a wildflower rich area along the entire river frontage of the site. As well as improving its functionality this will increase the SINC area on site by 210 sq m. The proposed SINC area would vary in width but it would provide a natural buffer to the edge of the Lymington Mudflats SINC. Most of the new habitat is proposed to be native mixed scrub planting. Some of the grassland will be under the boardwalk to the frontage of the approved buildings on the site. However, the slatted construction of the boardwalk will allow light to penetrate through to the grassland area.

The NFDC ecologists supportive of the relocation and re-creation of this new SINC given that the original habitats have been largely lost. The applicant has undertaken Biodiversity Net Gain (BNG) calculations using the Defra metric, which is welcomed in line with the forthcoming NFDC Interim Position Statement on BNG. These calculations use various baseline assumptions and have factored in the likely varying condition of the habitats that would be created. These calculations include all of the proposed planting on-site, not just that relating to the SINC. The calculations show a biodiversity net gain of over 10% in all of the baseline scenarios put forward, and this is considered acceptable.

A SINC Management and Monitoring Plan is, however, required to include details of the long-term implementation, maintenance and delivery of the biodiversity enhancement plan and this can be secured by a planning condition.

The proposed scheme is unlikely to result in a significant effect on Natura 2000 designated sites which are located approx 300m from the site. The distances between the proposed development and areas of Lymington Mudflat SINC used by SPA birds is over 200m, although birds do feed within 100m of the application site. A condition of the original permission restricted noise levels to prevent disturbance of overwintering birds.

The officers concur with the views of the ecologist. The revised proposals are acceptable in providing a suitable compensatory habitat that connects well to existing inter-tidal mudflats. It has also been demonstrated that biodiversity net gain will be achieved on the site as a result. Furthermore, the future management and maintenance of the newly established SINC can be secured in the future by condition, it was not possible to achieve this through the original permission.

#### Landscaping impacts:

This seeks a variation of condition 5 (landscaping) of planning approval 18/10541. The new landscaped area would be mainly located between units 2 and 3 and reflects the proposed alterations to the location of the SINC within the site. These changes would result in a more cohesive nature conservation area that would link along the boundaries of the site and Lymington River, with potential benefits as outlined above.

In addition, there are benefits to landscaping on the site and the visual impact of the site when viewed from across the river. A detailed landscape plan had been submitted with the application. This plan reflects the recommendations of the ecology report and would provide a suitable framework to provide an appropriately landscaped site with tree planting that reflects the landscape character landward of the site.

Amended plans have been submitted to close off a "second entrance" originally shown from the access road. This area will now be planted with native species including 3 monetary pines (extra heavy stock). Whilst there is an existing/retained culvert crossing this area, it is considered that the proposed planting scheme can still be achieved. This is considered to be appropriate and the landscaping proposed would be beneficial to the overall development in visual impact terms .

The submitted Landscape Management plan is acceptable and provides certainty about the implementation and management of the landscaping on the site, including internal and boundary planting. The development should be undertaken in accordance with this plan and this can be secured by condition.

#### Revised parking layout: \_

This seeks a variation of condition 8 (parking layout) of planning approval 18/10541. The proposals would increase the number of parking spaces to be provided by 6 to give a total of 61 spaces. This picks up on concerns expressed by some local residents on the previous scheme.

Having reviewed the parking layout, the Highways Authority is satisfied that there is no material impact on the operation or safety of the local highway network as a result. No objection is raised and conditions are as previously recommended on parking and access matters.

Revised plans have been submitted to omit the second entrance to the site. This does not change the layout or number of parking spaces proposed on the site and still allows for adequate turning space. Any further comments received from Highways will be reported to committee as an update.

#### Other matters

##### Residential amenity

The form and location of the proposed buildings and parking to the boundary with the Island Point flats has not been changed therefore impact on residential amenity is not a matter for consideration. The addition of 6 extra parking spaces will have no impact on nearby residents. The parking layout has been amended to provide an additional 6 parking spaces on the site closer to the north western boundary. The parking spaces would remain separated from this boundary by between 1.8 m and 7 m with intervening landscaping. They would remain well screened and no adverse impact would result.

The original conditions relating to noise levels, delivery times and open storage would be re-applied. In addition, a construction management plan is required to be submitted and agreed by condition. All of these measures safeguard residential amenity.

#### Developer Contributions

Not applicable

## **11 CONCLUSION**

This Section 73 application seeks to vary conditions of the original planning approval 18/10541 relating to ecology, landscaping and parking, the principle of the development having been agreed and the planning permission remains extant.

The proposal is to relocate the existing SINC - which is of low conservation value - and for its reinstatement as a more connected and integrated SINC area fronting the Lymington River with associated biodiversity enhancement. As such, the loss of the existing SINC is outweighed by the proposed new ecological area and the biodiversity enhancements on the site. Furthermore, the future management and maintenance of the new SINC can be secured as part of a planning condition. The NFDC ecologist is supportive of this approach and the planning officer concurs with this view.

The proposed changes to the parking layout would result in additional parking spaces on the site, which picks up on concerns expressed by local residents on the earlier scheme. The quality of the associated landscaping would ameliorate the potential visual impact of the increase in hard surface on the site.

Overall, for these reasons, the current proposals are considered to be a betterment when compared to the extant scheme. The recommendation is therefore to vary condition 3, 5, 7 and 8 subject to conditions which largely reflect the original planning approval.

## **12 OTHER CONSIDERATIONS**

The following comments are made in response to matters raised in representations not covered above.

- Land ownership issues have been addressed in the course of the application by publication of a notice and service of corrected ownership certificates. Any associated issues with ownership or encroachment are civil matters.
- Amendments have been made to the plans to address the potential for a second entrance to the site.
- The Biodiversity net gain metric baseline has been clarified by submission of further information.
- The potential for future mezzanine floors would still be controlled by condition.

### Human Rights

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

In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **13 RECOMMENDATION**

**GRANT the VARIATION of CONDITION**



## Proposed Conditions:

1. The development hereby permitted shall be begun on or before 23rd May 2022 which is within 3 years of the decision date of the original planning consent 18/10541.

Reason: As this application is made under Section 73 and 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. This decision has been taken in respect of the plans and particulars which were submitted with the application and numbered as follows: 7811 102; 7811 101; 7811 100; 7811 P100; 7811 P102 Rev B; 7811 P103 Rev B; 7811 P104 Rev B; 7811 P105 Rev B; 7811 P106 Rev B; 7811 P107 Rev C; 7811 P108 Rev A, 7811 P110, 7811 P111; 1422 L90-200 Rev G; 1422 L90-201; 7811 P019 Rev B; 7811 P023 Rev B; 7811 P100; 7811 P025; Landscape Management Plan (Landscape Perspective) Rev B AR 11.9.20; Biodiversity Enhancement Report (Jonathan Cox Associates Final Version 16th Sept 2020); and e mail dated 1st October 2020 relating to phases of the development.

Reason: To ensure satisfactory provision of the development.

3. The development hereby approved shall be constructed of the following materials:

Roofing: VM Zinc Cladding Quartz -Zinc Plus  
Cladding: Lower section to include Blockwork finish with expressed joints  
Kingspan KS1000 AWP rib cladding - Goosewing Grey  
Windows: Aluminium Window / Curtain Walling System (RAL7012)  
Thermally Broken  
Doors: Thermally broken aluminium doors RAL7012  
Stainless Steel Balustrade  
Aluminium Louvres in RAL7012  
Zinc Flashings to match roofing / walling  
Polyester Powder Coated Solid Panel in accent colour  
Polyester Powder Coated Roller Shutter doors in Goosewing Grey  
Aluminium Louvred Vents in RAL7012

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 EVN3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park.

4. The development hereby approved shall be constructed in accordance with the slab levels in relationship to the existing ground levels set to an agreed datum as shown on plans existing site levels 7811-100 and proposed finish floor levels 7811-P10. 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 2016-2036 for the New Forest District outside the National Park.

5. The approved landscaping scheme shall be fully implemented in accordance with the submitted Landscape plan, details and specification set out on Plan 1422-L90-200 Rev G by the end of the planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. The approved landscaping shall thereafter be managed and maintained in accordance with the submitted Landscape Management Plan (Landscape Perspective) Rev B AR 11.9.20. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

6. Prior to the commencement of development a SINC management and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the development hereby approved the new SINC shall be provided on the site in accordance with the approved plans and Jonathan Cox Associates Biodiversity Enhancement Plan (Final Version 16th September 2020).

The SINC on the site shall thereafter be retained, managed and maintained in accordance with the approved management and monitoring strategy and Jonathan Cox Associates Biodiversity Enhancement Plan (Final Version 16th September 2020) at all times.

Reason: To ensure the provision of the SINC is secure and its long term maintenance and management is safeguarded in accordance with Policy ENV1 of the Local Plan Part 1 Planning Strategy 2016-2036 and Policy DM2 of the Local Plan Part 2 for the New Forest District outside of the National Park.

7. Prior to the commencement of each of the phases as identified on plan 7811 P025 and e mail dated 1<sup>st</sup> October 2020 of the development hereby approved, and in accordance with the submitted Jonathan Cox Ecological Consultancy Biodiversity Enhancement Report final version dated 16th September 2020, which includes measures for biodiversity mitigation and enhancement, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

All works shall then proceed in full accordance with the details and recommendations as set out in the submitted Biodiversity Enhancement Report and the approved CEMP, with any amendments agreed in writing prior to the first occupation of the development hereby approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy ENV1 of the Local Plan Part 1 2016-2036 Planning Strategy and Policy DM2 of the Local Plan Part 2 for the New Forest District outside the National Park.

8. The development hereby permitted shall not be occupied until the spaces shown on Plan 7811 P019 Rev B for the parking and garaging (including the car parking spaces provided within the ground floor of the buildings) of motor vehicles have been provided. The spaces shown on Plan 7811 P019 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the commercial units hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 and CCC3 of the Local Plan Part 1 Planning Strategy 2016- 2036 for the New Forest outside of the National Park.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by (Gyoury Self Partnership, ref: 6029/2.3F, dated December 2015) and the approved Design and Access Statement (Simpson Hilder Associates Ltd, dated April 2018) approved under planning permission 18/10541 and the following mitigation measures:

- a) The finished floor levels of the office space on the first floor of each unit shall be set no lower than 3.6mAOD.
- b) The ground floor of each unit will be used solely as a storage, parking and marine type activities.

The mitigation measures shall be fully implemented prior to first occupation of the development and thereafter retained.

Reason: To minimise the risk of flooding to the proposed development and future occupants and to comply with Chpt 14 of the NPPF in relation to planning for flood risk and climate change.

10. If unexpected contamination other than that identified in the Geotechnical and Phase II Contamination Report dated September 2019 (by Integrale) is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination and an investigation and risk assessment undertaken of the nature and extent of any contamination to the extent specified by the Local Planning Authority in writing until condition 11 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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

Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. The detailed contamination remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be carried out in accordance with

Remediation Method Statement dated November 2019 undertaken by Integrale.

Drawing NO VOC-32, VOC -26, 4092-01, VOC-51, Visqueen Ultimate GeoSeal Identification no. VBP008

If unexpected contamination is identified, works must be halted and a further detailed contamination remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be carried out and submitted to the Local Planning Authority for written approval. The scheme must include all works to be undertaken, proposed remediation objective and remediation criteria, timescale of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management)

12. The remediation scheme specified in condition 11 must be carried out in accordance with its term prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11 of planning approval 18/10541, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management)

14. Where a remediation scheme has been approved in accordance with condition 11, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used on the ground floor as Class B8, Class E (g) (i) (Business) marine activities and car parking, and on the first floor Class E (g) (i) (Business) purposes only and for no other purposes, whatsoever of the Town and Country Planning (Use Classes) Order 2005 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park.

17. No delivery activity shall take place on the site in connection with the approved uses other than between the hours of 7:30am and 21:00 Monday to Fridays, and 8:00 am and 17:00 on Saturdays not including recognised Sundays or public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park.

18. The combined rating level of noise emitted from all plant and equipment as calculated in accordance with BS4142:2014 (to include any penalties required for tonal or impulsive characteristics) shall not exceed 40dBA LAeq(1hr) between the hours of 07:00hrs and 23:00hrs, and shall not exceed 32dBA LAeq(15mins) between the hours of 23:00hrs and 07:00hrs measured or calculated at a distance of 1m from the façade of the nearest noise sensitive properties.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park.

19. The louvres shall be installed on the first floor windows on the east elevation of approved Units 10 and 11 before first occupation as illustrated on Plan No P107 Rev C and shall remain at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park.

20. The means of foul sewerage disposal from the site shall be fully implemented in accordance with details indicated on plans Drainage Strategy option 2 113679-CAL-XX-XX-DR-D-0102 P2 External Works Levels option 2 113679-CAL-XX-XX-DR-D-0103 P2 . Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for the New Forest District outside the National Park and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

21. No external lighting shall be installed on the site unless details of the position, size and type of lighting to be installed has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to minimise impact on ecological interests in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 and for the New Forest District outside the National Park.

22. The cycle parking facilities shown on Drawing No 7811 (L) 2 004 shall be provided prior to first occupation of the approved development and thereafter retained for that purpose. Development shall only proceed in accordance with the approved details.

Reason: To ensure that adequate provision is made for cycle parking on the site and to promote means of travel alternative to the private car in accordance with Policy CCC2 of the Local Plan Part 1 Planning Strategy 2016-2036 for New Forest District outside the National Park.

23. No goods, plant, or machinery shall be stored in the open on the site, without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with policy ENV3 of the Local Plan Part 1 Planning Strategy 2016-2036 for New Forest District outside the National Park.

24. Written documentary evidence demonstrating that the development hereby approved has achieved as a minimum a rating of EXCELLENT against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation, unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified.

Reason: In the interests of resource use and energy consumption in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy 2016-2036 for New Forest District outside the National Park.

25. No percussive piling or works with heavy machinery, resulting in a noise level in excess of 69dBA Lmax when measured at the nearest point of the Special Protection Area, shall be undertaken between the specified period of 1st October and 31st March inclusive, unless the existing noise level at the Special Protection Area already exceeds 69dBA Lmax. In the case where the existing noise level at the Special Protection Area already exceeds 69dBA Lmax, no percussive piling or works with heavy machinery shall be undertaken during the specified period if the resulting noise level would exceed the existing noise level measured from the Special Protection Area.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy ENV1 of the Local Plan Part 1 Planning Strategy 2016-2036 and Policy DM2 of Local Plan Part 2 for New Forest District outside the National Park.

26. Before development of each of the phases of the development hereby approved commences, as identified on plan 7811 P025 and e mail dated 1st October 2020 details of a Construction Method Statement (CMS) shall be submitted to and agreed in writing to the Local Planning Authority. Works shall only be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy ENV1 of the Local Plan Part 1 Planning Strategy 2016-2036 and Policy DM2 of Local Plan Part 2 for New Forest District outside the National Park.

27. Prior to the first occupation of the buildings hereby approved, a Flood Warning and Evacuation Plan of the site, generally in accordance with the principle set out in the Flood Management Plan submitted by Simpson Hilder Associates Limited with planning application 18/10541, shall be submitted to and approved in writing by the Local Planning Authority. The agreed Flood Warning and Evacuation Plan for the site shall thereafter be adhered to and maintained to reflect new/changes of tenants and their specific use/requirements.



Reason: To minimise the risk of flooding to the proposed development and future occupants and to comply with Chpt 14 of the NPPF with respect to planning for flood risk and climate change.

**Further Information:**

Judith Garrity

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# New Forest DISTRICT COUNCIL

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Planning  
New Forest District Council  
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## PLANNING COMMITTEE

October 2020

### Item No:

Haven Marine Park  
Undershore Road  
Boldre SO41 5SB  
20/10628

Scale 1:1250

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

