

**Application Number: 20/11029** Full Planning Permission

**Site:** Land at SOLENT INDUSTRIAL ESTATE, CAIRD AVENUE, NEW MILTON BH25 5QA

**Development:** The erection of a Class E foodstore (1,862sqm gross) with associated access, car parking and landscaping.

**Applicant:** Aldi Stores Limited

**Agent:** Planning Potential

**Target Date:** 21/12/2020

**Case Officer:** Vivienne Baxter

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

The key issues to be taken into account when determining this application are:

- 1) the principle of development
- 2) the impact of the development on existing retail
- 3) whether there is an alternative town centre site
- 4) impact on the character and appearance of the area- including trees and landscaping
- 5) impact on the highway
- 6) ecology
- 7) impact on the residential amenities of nearby properties
- 8) minerals working
- 9) BREEAM and sustainability
- 10) contamination and drainage

This application is to be considered by Committee as was the previous scheme.

## **2 SITE DESCRIPTION**

The site is a little over 1.0 hectares in size and lies within the built-up area of New Milton to the east side of Caird Avenue.

The site is relatively flat and currently much of it is grassland having been restored from mineral workings which continues to the north-east of the site. The northern and eastern sections of the site are currently in use as parking and open storage in association with the mineral workings. There are also a couple of small Portakabin office buildings within the site.

Although the number of trees is limited to the western road boundary of the site, there is a blanket tree preservation order covering the whole site and wider Solent Industrial Estate.

Opposite the site to the west is an existing Tesco supermarket with associated petrol filling station, Click and Collect service and hand car wash. The Tesco supermarket shares the same access roundabout as the industrial estate to the north of the application site although there is a pedestrian access onto Caird Avenue towards its southern boundary.

### 3 PROPOSED DEVELOPMENT

The application proposes the provision of a new Aldi supermarket building with associated car parking, and landscaping. The proposed building would create 1,862m<sup>2</sup> (gross) of retail floor space along with 121 parking spaces including 5 disabled, 8 family and 2 electric car charging spaces and 5 Sheffield hoops for secure cycle parking.

A new vehicular access would be provided to serve the site and a pedestrian link to a new crossing point on Caird Avenue (opposite the pedestrian access to Tesco). The access road would run along the southern boundary of the site with potential to continue to the east pending development of the adjacent allocated site. The application includes a detailed landscape plan which includes new tree planting in part to compensate for the loss of existing trees.

The building would be set back into the site with parking to the front with the main entrance to the store looking across the site. The parking layout would be provided with a landscaped boundary with a clearly defined pedestrian access to the store.

The building is of single storey construction with a mono-pitched roof, orientated such that the highest elevation is facing the main road. Full height shop glazing is provided to the south elevation identifying the main entrance to the corner and enhancing the building's interaction with the car park. This glazing wraps around the western corner of the building to increase its prominence. The main entrance is further defined by a simple cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building.

The proposed building would consist of a grey brick plinth and two different shades of grey cladding panel with a natural coloured render. Within the building there would be retail floor space with storage, welfare facilities and service delivery area. The development seeks to achieve a reduction in CO emissions compared to building regulations compliant development through the incorporation of the principles of the Energy Hierarchy and the combination of passive measures including building fabric design improvements and the utilisation of zero and low carbon technology. An excellent BREEAM rating is being targeted for the development.

The drawings also indicate new signage within the site although these would be subject of advertisement consent should planning permission be forthcoming.

At the Planning Committee of the 27 May 2020 application 19/11244 was refused planning permission on the grounds that i) a sequentially preferable sites exists within the town centre and that it has not been demonstrated that it is unsuitable or unavailable ii) lack of quality landscaping iii) lack of a contribution towards the provision of a cycling and walking link

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/11244 Construction of a Class A1 food store (1,862sqm gross), with associated access, car parking and landscaping	27/05/2020	Refused	Decided
18/10094 New access; landscaping and associated works	24/04/2018	Withdrawn by Applicant	Withdrawn

09/95023 54 dwellings; 10,191 square metres of B1 Use; 6,430 square metres of B2 use (Outline Application with details only of access) 20/10/2010 Granted Subject to Conditions Decided

## 5 PLANNING POLICY AND GUIDANCE

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

Policy STR9: Development on land within a Minerals Safeguarding Area or Minerals Consultation Area

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy ECON1: Employment land and development

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

Policy ECON5: Retail development and other main town centre uses

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

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

DM2: Nature conservation, biodiversity and geodiversity

NMT5: Land east of Caird Avenue - Business and employment development

### **Emerging New Milton Neighbourhood Plan**

NM3 - land east of Caird Avenue

NM4 - Design Quality

NM12 - Promoting walking and cycling

NM15 - Employment

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

SPG - Landscape Character Assessment

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Section 197 Trees

Town and Country Planning Act 1990

### **Relevant Advice**

NPPF Ch. 6 - Building a strong, competitive economy

NPPF Ch.7 - Ensuring the vitality of town centres

NPPF Ch.11 - Making effective use of land

Chap 12: Achieving well designed places

## 6 PARISH / TOWN COUNCIL COMMENTS

### **New Milton Town Council**

ACCEPTABLE (Non-Delegated) subject to the ecological enhancement suggestions made by Mr B Lord online, and adequate management plan.

(Mr Lord has raised an objection to the proposal, commenting specifically on the ecological appraisal, building design and drainage.)

## **7 COUNCILLOR COMMENTS**

### **Cllr Reid (Hordle)**

supports the application - proposal is in accordance with an up to date plan, additional food outlets will be required during the plan period in view of the level of new housing provision, previous reasons 2 and 3 for refusal can be conditioned

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environmental Health (Contaminated Land)**

No objection subject to conditions

### **Southern Water**

Comment Only

### **Scottish and Southern Electricity Networks**

Offer advice

### **Southern Gas Networks**

Offer advice

### **HCC Surface Water**

Proposal is acceptable subject to approval in principle from the Highway Authority

### **NFDC Tree Team**

Condition required for tree pits

### **NFDC Drainage**

Proposal should be submitted to HCC Flood and Water Management Team

### **Environmental Health (Pollution)**

No objection subject to conditions

### **NFDC Environmental Design (Urban & Landscape)**

No objection subject to conditions. Previous landscape objections have been overcome

### **NFDC Ecology**

No objection subject to condition and submission of a biodiversity net gain report

### **Natural England**

Comments from previous scheme still apply. (No objection subject to a biodiversity mitigation and enhancement plan)

### **BCP Council**

Refer to previous comments (sequential test should be applied, Christchurch and Highcliffe centres should be considered)

### **Highway Authority**

No objection subject to conditions and obligations

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received. Two comments have been received supporting the proposal but raising concerns in respect of traffic generation and/or the impact on the town centre. A letter of support suggests that the proposal has inadequate disabled parking given the level of blue badge holders in the area.

The New Milton Residents' Association have undertaken a poll of their own which concluded that 29% of residents object to the proposal, 6% have no opinion other than expressing traffic concerns and 65% recommend that it should be approved. Their overall conclusion is that the application should be approved.

For: 50

- failure of Co-op demonstrates that the town centre can't support two supermarkets
- shopping journeys can be combined
- job creation
- many residents within walking distance
- current access for HGVs in Caird Avenue work well
- New Milton has little choice
- adding competition would reduce cost of a weekly shop
- delivery vehicles in town centre would be more disruptive
- existing stores are unable to meet demand
- Co-op site is not viable
- insufficient parking in town centre
- would be good for New Milton
- extension of consumer choice is welcomed
- much needed given new houses proposed in the area
- increased footfall in New Milton
- Town Centre site would be detrimental to Morrisons
- cycle path now included
- if refused it would be a great loss and inconvenience to local residents
- previous landscaping issue has been resolved
- having a vibrant High Street is living in the past
- high street names should be encouraged
- food stores in Lymington are out of working class family budgets
- will enable scruffy trees to be replaced with attractive shrubs
- most fruit and veg sold by Aldi is grown in the UK
- would minimise parking difficulties in the Town Centre
- town centre site would be dangerous due to number of large delivery vehicles
- would minimise trips to Christchurch
- cycle and pedestrian improvements can be secured by condition
- Bradbeers need to redevelop their own site

Against: 11

- increased traffic generation
- Tesco roundabout is at capacity
- dust from adjoining site combined with emissions
- Co-op site would be preferable
- lorries already use north end of Caird Avenue
- noise from Caird Avenue is already disruptive
- not needed so close to Tesco
- Ashington Park/Caird Avenue traffic problems
- New Milton has sufficient food stores

- proposal would damage the town centre
- traffic calming measures are needed
- amount proposed to upgrade the roundabout is insufficient to improve safety
- cycle paths too narrow
- litter generation
- no mitigation to increased air pollution
- heavy emphasis on non-native shrubs
- more bat/bird boxes should be provided
- building should incorporate more environmentally friendly details such as rainwater recycling, solar panels and accommodation for wildlife
- car park should be surfaced in ultra-porous material

Further objections have been raised from the two owners of the current and former supermarkets within the town centre; Bradbeers and Morrisons make the following objections:

- New Milton has been in decline since the Co-op closed
- no material change in circumstances to demonstrate that the Co-op site isn't suitable and therefore the sequential test fails
- no up to date health check of town is unacceptable given Covid-19
- Bradbeers have demonstrated that reuse of the former Co-op would be an acceptable solution
- letters of support are likely to be in support of the principle of Aldi, not the location
- there are alternative layouts in the town centre which would work in addition to those put forward by the applicant
- a new town centre building need not have a blank elevation to Station Road
- proposal misses out opportunity to improve and regenerate the town centre

## 10 PLANNING ASSESSMENT

### Principle of Development

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

The site is covered by a specific policy allocation in the Local Plan Part 2. Policy NMT5 relates to Land east of Caird Avenue and allocates the site for employment development as well as six, site-specific criteria relating to provision of and improvements to vehicular access; provision of pedestrian/cycle access and links to the existing and cycleway network. In particular, provision of a footpath from the southern part of the site to link with Carrick Way and the provision of appropriate landscape buffers between the employment and residential uses, along the eastern site boundary and between the development and the southern boundary of the site in order to screen the development from the countryside and views from the A337.

By way of context, Policy NMT4 of the Local Plan Part 2 allocates land to the north of the application site for residential development and Policy NMT6 allocates land to the east of the site for residential development specifically to meet local housing need. Neither of these sites are subject of planning applications or permissions for redevelopment at this stage.

The site allocation, NMT5, extends significantly beyond the boundaries of the site to the extent that providing the first criteria relating to improvements to the 'Tesco roundabout' and access through the site from that roundabout would not be

appropriate given the distance between the site and the roundabout. However, the provision of an additional access south of this roundabout and provision to continue access to the NMT6 allocation to the east are dealt with in a satisfactory manner. The provision of a pavement along the new access road would also suffice as part of the anticipated footpath link through the wider site allocation from Caird Avenue to Carrick Way. The policy also requires improvements to the junction of Caird Avenue and the A337 and the applicant has agreed to contribute £20,000 towards improvements at the roundabout in this location. This is referred to in more detail in the highways section below.

Policy ECON02 of the Local Plan part 1 relates to the retention of employment sites and consideration of alternative uses. The supporting paragraph 7.14 states that non-employment uses can only be considered acceptable if there are significant and specific material considerations in the public or local community interest for retail in this location.

The New Milton Neighbourhood Plan is also a material consideration. The New Milton Neighbourhood Plan Policy NM3 allocates this site for a food retail scheme subject to the appropriate sequential test. The Neighbourhood Plan has not been to Referendum and can not be given full weight in decision making.

Although the proposal addresses some of the requirements within policy NMT5, it is not an employment use and would be contrary to other elements of the policy and ECON05. Consideration has to be given to the sequential test in order to ascertain whether or not any alternative sites are available.

#### Retail impact

Para. 89 of the NPPF refers to the use of a locally set threshold for requiring a retail impact assessment where proposals do not accord with an up to date plan. The Local Plan Part 2 specifies that retail developments over 1,000m<sup>2</sup> will be subject to a retail impact assessment. This threshold is maintained in the emerging plan Para 7.40.

The NPPF states that planning applications for retail uses out of town centres should be assessed against the impact of the proposal on:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

Para 89 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, then it should be refused.

#### Trade Diversion to the Aldi Store

The Aldi store will have a gross floor area of 1,862 sq. m. The net sales area is 1,315 sq. m net, suggesting a net to gross ratio of around 71%. The convenience goods turnover adopted is based on 80% of the store's net sales floor space being devoted to food and grocery products and 20% of the sales floor space will be devoted to comparison goods. The applicant estimated convenience goods trade diversion (£12.1 million in total) will be diverted from following sources:

- Tesco, Caird Avenue, New Milton £3.63 million (30%)
- Lidl, Lymington Road, New Milton £1.82 million (15%)
- Sainsbury's, Lyndhurst Road, Christchurch £1.21 million (10%)
- Aldi, Somerford Road, Christchurch £1.21 million (10%)
- Waitrose, Lymington £1.21 million (10%)
- Other Lymington £0.78 million (6.5%)
- Morrisons, Station Road, New Milton £0.73 million (6%)
- New Milton town centre £0.24 million (2%)
- Christchurch town centre £0.18 million (1.5%)
- Elsewhere £1.09 million (9%)

Representations by Peacock & Smith and Bradbeers suggest the applicant has under-estimated trade diversion from New Milton town centre (i.e. only 6% of turnover from Morrisons and 2% from the rest of the town centre). Peacock and Smith suggest that the reduction in turnover from Morrisons, already an under performing store, would be 14.9%. Bradbeers, referring to their comments on the previous submission in this respect, suggest this under-estimate is demonstrated by a comparison with the applicants suggested trade diversion from Waitrose in Lymington (10%) and Sainsbury's and Lidl stores in Christchurch (11%). Bradbeers argues trade diversion from New Milton town centre should be between 15% to 20% of the Aldi store's turnover, not 8% as suggested by the applicant.

The Council's retail advisor previously suggested that the level of trade diversion from Lymington (£1.99 million) does appear to be high compared to the trade diversion from New Milton (£0.97 million) and suggests the applicant has under-estimated trade diversion and impact on New Milton town centre. The proposed Aldi store is likely to draw most of its trade from other large food stores closest to the application site. This is a reasonable assumption on the basis that like tends to compete with like and the proposed Aldi store is expected to have a relatively localised catchment area.

If all the Aldi store's turnover (£12.1 million) was diverted from facilities in New Milton (which is unlikely), and this trade diversion was distributed pro-rata based on turnover between Tesco, Lidl, Morrisons and other town centre then the trade draw from the town centre would be 22% (£2.66 million). Clearly trade will also be diverted from Lymington, Highcliffe and Christchurch Proposed Aldi at Caird Avenue, New Milton.

Officers have concluded that the proportion of turnover diverted from New Milton town centre is likely to range between 10% and 15%. As a worst case, 12% (£1.45 million) could be diverted from Morrison and 3% (£0.36 million) from the rest of the town centre. On this basis the proportional impacts would increase as follows:

- Morrisons -4.5% to -9.0%
- Another town centre -4.7% to -7.0%

The Council's retail consultants have concluded from the detail within the retail impact assessment that the existing supermarket (Morrisons) within the Town Centre should continue to trade viably, the reduction in turnover of other convenience goods sales is unlikely to cause small convenience stores to close and would not result in significant adverse impact in terms of loss of customer choice or the increase in the shop vacancy rates. Whilst there would be a reduction in convenience goods shopping within New Milton, it would be less than 2% and as such, would be more than off-set by population and expenditure growth on comparison goods. About the planned investment within the town centre, this is considered below.



It is noted that an adjoining Local authority (BCP) have suggested that Highcliffe District Centre and Christchurch Town Centre should be included in this sequential test. However, it is not considered that other centres would serve the same catchment area as the proposed site. In this respect, Highcliffe has a Tesco Express and Co-op supermarket which are less than 4km away from a large Sainsbury's, Lidl and Aldi supermarkets on the outskirts of Christchurch to the west. The Christchurch town centre itself has a Waitrose and Marks and Spencer Food Hall with further smaller stores (Tesco/Co-op) outside of the town centre elsewhere in the town. It is not considered that the centres of Highcliffe and Christchurch would be adversely affected by the proposal.

#### Whether there is an alternative town centre site/the Sequential Approach

The sequential approach to site selection for main town centre uses is set out in paragraphs 86 and 87 of the NPPF. The application site is in an out-of-centre location. If the Council is satisfied the proposed development will not have a significant adverse effect on town centres, then the availability of suitable sites within and on the edge of designated centres should be considered. The NPPF (paragraph 90) states that where an application fails the sequential test it should be refused.

The NPPF and PPG provide limited guidance on the appropriate area of search for sequential sites, but it is widely accepted that sequential sites should serve the same or similar catchment area when compared with the application site. The proposed Aldi store is likely to have a relatively localised catchment area, with most trade coming from New Milton. Potential sequentially preferable sites within or on the edge of New Milton town centre should be considered. Other town centres would not serve the same catchment area as the application proposals.

The availability of alternative town centre sites needs to be considered NPPF (paragraph 86) refers to sites "expected to become available within a reasonable period of time". It is not clear what is a "reasonable period of time". There are no longer references in the PPG relating to "a reasonable period of time between 2 to 5 years". It is for the decision maker to decide what is a reasonable period relevant to the specific planning application.

The applicants identified six potential opportunities in New Milton, as follows:

- New Milton Station;
- Manor Road/Station Road;
- Osborne Road/Station Road;
- Station Road/Spencer Road (including former Co-op);
- Station Road/Elm Avenue; and
- Old Milton Road/Crossmead Avenue.

These sites were referred to in detail in the previous report for application 19/11244 and it was concluded that the only suitable alternative was the Station Road/Spencer Road site which incorporates the former Co-op store.

#### *Station Road/Spencer Road*

The site is identified for development in the New Milton Neighbourhood Submission Plan (Site D – Station Road/Spencer Road). The site includes the former Co-op unit and surface car park. The plan envisages high density development with retail at ground floor with residential and office uses on upper floors. The applicants do not appear to dispute the Co-op unit and car park are available within a reasonable period but are sceptical that other adjacent units on Station Road are also available. However, Bradbeers has provided copy of the lease agreement for adjacent units that appears to confirm vacant possession can be achieved in 12 months. The lease

effectively reserves the right of the owner to comprehensively redevelop the site within the short term. The applicants suggest Aldi has considered this site in terms of reconfiguration of the existing unit or redevelopment and have put forward four different options, two of which utilise the existing building (1 and 3) and two which involve demolition and a new building (2 and 4).

In considering the previous scheme, the Council's retail consultant indicated that an option which included the acquisition of Number 87 Station Road, currently occupied by HSBC, could work having regard to the desired retail configuration for Aldi. As indicated above, vacant possession of this unit appears to be feasible within 12 months and the extended site should therefore be available. In terms of the options put forward by the applicant, options 3 and 4 involve the use of no.87. Option 4 would be for demolition and redevelopment of the site which would introduce car parking to the Station Road frontage and a new retail building to the eastern side of the site. A layout plan has been provided for this option which suggests that in town scape terms, whilst there would be some set back from Spencer Road, the corner of the building would be very close to the bend and would not sit comfortably in the street which is largely residential at this end. Option 3, utilising and extending the former Co-op and current HSBC buildings would appear to be the only viable option as put forward by the applicant. The applicant's retail statement suggests this option would not provide a form of accommodation which would suit Aldi's business model (with flexibility) and is discounted for this reason, combined with the concern that the 68 parking spaces would not be sufficient.

The lack of parking is supported by a car park accumulation analysis indicating that 92 spaces would be required for this central location. Whilst 92 spaces are more akin to the recommended level of parking for a retail proposal of the size indicated in Option 3 (96 spaces), being in a Town Centre location, it is highly likely that people would combine trips to other town centre locations. The site is also adjacent to the NFDC public car park the applicants have not sought to negotiate joint or exclusive use of any of the spaces available within the car park. New Milton is served by buses, a train station and several pay and display car parks, one of which is immediately adjacent to the site, accessed off Spencer Road; there are also Traffic Regulation Orders in the area. On this basis, and a shortfall of parking spaces would not be of significant concern from a highways point of view.

The possibility of utilising the adjacent public car park has been discounted by Aldi in view of difficulties with trolleys and the disadvantage of some customers having to pay for their car parking. They go on to advise that whilst this is similar to a current situation in Romsey, Aldi are discussing relocation options in order to avoid this situation.

An objection received on behalf of Bradbeers indicates a further alternative option which could provide 98 parking spaces although it is noted that this option does not include the HSBC and would be over two floors. Further, it advises that the Romsey situation is just part of a more comprehensive redevelopment proposal within the town centre.

Officers are satisfied that the service arrangements shown in the applicant's Option 3 are suitable/safe. Since the previous submission, the layout has been amended to provide a single store entrance within 30m from Station Road providing a safe and not excessive route from the main shopping street. The access would be wide enough for trolleys and whilst not ideal for a food store operator, could work operationally.

Based on the evidence provided by the applicant and Bradbeers, officers are not convinced this opportunity is unsuitable or unavailable to accommodate a standard format discount food store. On this basis, the sequential test is not been satisfied and therefore the proposal is contrary to paragraph 90 of the NPPF and policy ECON05 of the Local Plan Part 1: Planning Strategy.

#### Impact on the character and appearance of the area - including trees and landscaping

The site is on the edge of the settlement of New Milton and would create the first site with built form as you enter New Milton. The area is characterised by mature vegetation that plays a significant role in creating a sense of space and contributing to the overall character of the area and is a transitional site between the town and open countryside. There is a significant level of planting to the front of the Tesco store opposite the site which has matured to ensure that the Tesco building sits comfortably within the environment and from wider views. The site is elevated and therefore is highly visible from the main A337. However, there is a mature tree belt along its southern boundary which partially screens the site in longer distance views.

The application proposes a single building of both considerable size and height, the building would be surrounded by hard surface to provide access and parking to the site. The proposed development would have an urban appearance to it and would be a stark change in character to that of the adjoining countryside. It is therefore critical that development of this form and scale is complimented by significant landscaping to ensure that the development can be accommodated on the site in a way that reflects its edge of settlement location. Further it is critical that the development is designed and landscaped in a way that ensure that when viewed from the adjoining countryside it does not appear as a harsh, urbanised form of development.

The site is included within a wider area covered by an Area Tree Preservation Order, protecting all trees regardless of species. Within the application site, 42 trees have been surveyed and none are considered to be of high, category A quality with 8 being of a very poor quality (category U). The proposal involves the loss of 17 trees along the road frontage (western boundary of the Area TPO) in order to facilitate the proposed access arrangements. Six of these are in very poor condition. Three of the trees, towards the south of the site are Monterey pines, are category B but have been pruned away from the nearby power lines. A section of hedgerow, approximately 70m in length from the southern corner of the site would also be removed.

The proposed replacement tree planting does not involve any planting along the road boundary but 17 are proposed along the western/southern side of the new access into the car park together with 8 to the opposite side of the access. A further 13 trees are proposed to the eastern and northern boundaries of the site, 14 within the car park and two trees set behind the replacement hedge at the front of the site.

At present, the site is largely screened from Caird Avenue by the protected trees although glimpses through to the Green Belt and countryside beyond are obtained in certain places. The loss of several of these boundary trees would result in much of the site being exposed to wider views although the proposed additional tree planting would provide not only a setting for the building in landscape terms but a dappled view of the proposed building across the site from Caird Avenue. The building would be 23m from the boundary at its closest point, rising to 54m where it would be most exposed. Between the building and access point onto Caird Avenue, new tree planting is proposed which cumulatively, would help to mitigate the impact of the proposed store building. These trees would be a mixture of common oak, mountain ash, field maple and fruit trees.

Policy NMT5 requires the provision of appropriate landscape buffers to three sides of the site; to the east between the employment and residential uses, the southern boundary to the countryside and the western boundary to Caird Avenue. The emerging New Milton Neighbourhood Plan at Policy 3 seeks to allocate this site for a mixed use with green infrastructure with an effective landscape buffer to screen the site. It should be noted that the proposed site does not utilise all of the NMT5 allocation which extends some 130m east and 105m north of the application site. However, the submitted landscaping plan has satisfactorily addressed previous concerns through the inclusion of additional native hedge and tree planting to the eastern and southern boundaries boundary of the site. The site area is slightly larger than previously in order to allow additional space for landscaping to the south of the site. A fence is proposed to the east in addition to the planting although this is now a paladin fence rather than a close boarded one which would be less intrusive in this location.

### Impact on the highway

The application has been supported by a Transport Assessment providing details of how accessible the site is in relation to cycling/walking routes and public transport links together with how inclusive access would be obtained to the site, for users of the supermarket. It is supplementary to the plans indicating the proposed access details, parking layout and delivery/servicing arrangements for the scheme and includes some trip generation figures.

The proposal involves the creation of a new access point onto Caird Avenue, just to the south west of the pedestrian access into the Tesco car park opposite. The access demonstrates visibility of 24.m x 41.4m to the south west and 2.4m x 47.4m to the north east following the consideration of traffic survey data. Subject to this being achieved, the Highway Authority has raised no objection to the new access. Together with the provision of a new pedestrian refuge to the north east of the proposed vehicular access, the proposal complies with the relevant section of policy NMT5 and emerging New Milton Neighbourhood Plan policy 3.

Policy NMT5 also requires the provision of an access road through the site from the Tesco/supermarket roundabout to provide access to land to the east, allocated for developed in Policy NMT6. However, whilst the site does not extend as far north as this roundabout, provision to access land to the east is indicated at the end of the proposed new access to the south of the site. This is considered acceptable given it would safeguard future access to this land.

The proposed retail floor space would generate a need for 94 parking spaces. The proposal exceeds this level providing more than 20 spaces in excess of the recommended amount. Of these parking spaces, 8 parent and child, 5 disabled and 2 with electric charging points are specified (with potential for further electric charging points in the future). The cycle parking provision includes adequate spaces for the public. The submitted supporting documentation advises that staff cycles would be stored within the building and on this basis, the Highway Authority raise no objection to the parking provision and whilst there is over provision there is no planning objection to the additional provision in this location.

The Draft Staff Travel Plan provides details of the likely number of staff and proposed trading hours of the store as well as indicating measures proposed to minimise car dependency for both staff and customers, for example providing details of buses in store as well as the provision of cycle parking spaces and facilities for staff to keep items associated with cycling. The proposed Plan demonstrates how the development would promote modes of transport other than the car and therefore would deliver sustainable development.

Policy NMT14.2 of the Local Plan Part 2, promotes a new cycle route from the A337 to Ashley Road, requiring non-highway land to implement the southern section adjacent to Caird Avenue linking through to Carrick Way. Whilst works are not included in HCC programme of works this is not a reason to not collect a contribution. What is relevant is whether this improvement is considered necessary to deliver sustainable development and without would result in the development being refused. The current proposal would provide a pedestrian crossing from the site to the western side of Caird Avenue to link with the existing shared cycle/footway along the A337 and as such your officers are of the view that this would promote cycling and walking to the site. However, it is also important that cycling and walking is encouraged between this site and the nearby residential areas, Ashley schools and town centre and therefore a contribution should be sought towards providing this link as part of wider development within this area.

A new retail store in this location is likely to increase pedestrian activity on this side of Caird Avenue where there is currently no footpath available. However, the proposal also includes the provision of a pedestrian refuge between the footpath through the car park and the opposite side of Caird Avenue where there is a footpath. Whilst it may not be possible to secure the provision of the entire footway (NMT14.8) through the current proposals, it is important that the route would not be prejudiced, and the proposals demonstrate this.

Following discussions with the applicant, the Highway Authority has requested a financial contribution towards improving the junction of Caird Avenue with Lymington Road (A337). As indicated within the background papers for the Local Plan Part 2 these works would involve the provision of a 2-lane approach from the east and the extension of a 2-lane approach on Caird Avenue and would help to mitigate against an accident cluster which has been identified at this junction. The applicant has indicated that they are happy for this to be included in a suitably worded S.106 Agreement.

### Ecology

There are no ecological designations which cover the site although there are two SINCS (to the N/NE) within half a kilometre. It is not considered that the proposal would have a significant effect on the Dorset Heaths, New Forest or Solent Natura 2000 sites.

Survey work undertaken confirms that the trees on site offer negligible roosting for bats and whilst there have been no roosts identified within 2km of the site, the treeline to the south offers a commuting and foraging resource for bats. There is scope to improve the site for bats through landscape design and the provision of bat boxes. The provision of trees within the car park would assist in achieving this.

The newly adopted Local Plan includes a requirement for applications of this size to provide a report with regard to biodiversity detailing the ecological baseline, habitats proposed to be retained and any new habitats which would be created. This level of detail can be provided to discharge a suitably worded condition.

### Impact on the residential amenities of nearby properties

The details provided for the BREEAM assessment include noise reports for the plant and other equipment. Whilst it is noted that at present, the nearest noise sensitive properties are several hundred metres away, there is an allocation for residential development immediately east of the site boundary. Given the proximity to existing residential properties, it is concluded that deliveries associated with the proposal

would not result in significant noise impact to them. However, in view of the NMT6 allocation, it is considered appropriate to include a condition restricting night-time deliveries to reflect the restriction at the nearby Tesco store.

### Minerals working

The site is predominantly grassland although it was an historic minerals extraction site. The wider New Milton Sand and Ballast site currently operates minerals processing, storage and distribution, including a public sales area across their wider site area and this benefits from a lawful use without any restrictive conditions relating to site arrangement or mitigations. There are planning permissions for waste uses although these are further from the site to the north of the wider area. It is considered that the proposal would not adversely impact these current practices as the wider site has adequate space in order to accommodate the relocation of buildings or alterations to accesses if required.

The Minerals Authority has not responded to the current proposals but previously raised no objections to the scheme, noting that the applicant should be aware of the implications of being sited adjacent to an existing use which can generate significant levels of noise and dust/dirt.

### BREEAM and sustainability

Building Research Establishments Environmental Assessment Method (BREEAM) covers 9 categories of sustainable design. These are Management Health & Wellbeing; Energy; Transport; Water; Materials; Waste; Land Use and Ecology and Pollution. Each of these topics have a certain number of credits (from 9 for waste to 31 for energy), totalling 140. In order for the proposed building to meet the policy requirement of 'excellent', a minimum of 70% of these credits are required.

The assessment is a two-stage process and the submitted documentation indicates that at this Initial Design Stage, the current proposal could achieve a 72.7% score with the possibility of this increasing to 75% (depending on land use/ecology, materials and waste scores) at the Post Construction Review. The proposal is therefore considered to comply with policy IMPL2 of the Local Plan Part 1 in this respect.

### Contamination and drainage

The site is within a former landfill area and in order to minimise harm to human health, conditions have been recommended about contamination. The site is not at risk from flooding being within Flood Zone 1. The proposed development is also considered to be 'less vulnerable' and there are no objections to the principle of such development in this area in relation to flooding.

*However, assessments undertaken in respect of ground conditions have concluded that soakaways are not appropriate in this area due to there being very low drainage potential. The alternative to this is to discharge storm water to a watercourse to the north of the site and surface water generated by the new access road discharged to a ditch to the south. The existing highway drain also connects to this ditch. (awaiting further comment from HCC drainage re: highway comment)*

## Developer Contributions

As part of the development, the applicant has agreed to provide the following through the completion of a suitably worded Section 106 agreement:

- £20,000 towards improvements to the junction of Caird Avenue with the A337 in order to improve safety
- a Full Travel Plan prior to occupation

## **11 CONCLUSION**

The proposal has been amended following the previous refusal and is now considered acceptable having regard to matters such as retail impact, design and materials, BREEAM, contamination and the landscaping of the site in order to provide an adequate landscape setting for the building. However, whilst additional material has been provided in order to demonstrate the sequential test, officers have concluded that the town centre site is a sequentially preferable location.

## **12 RECOMMENDATION**

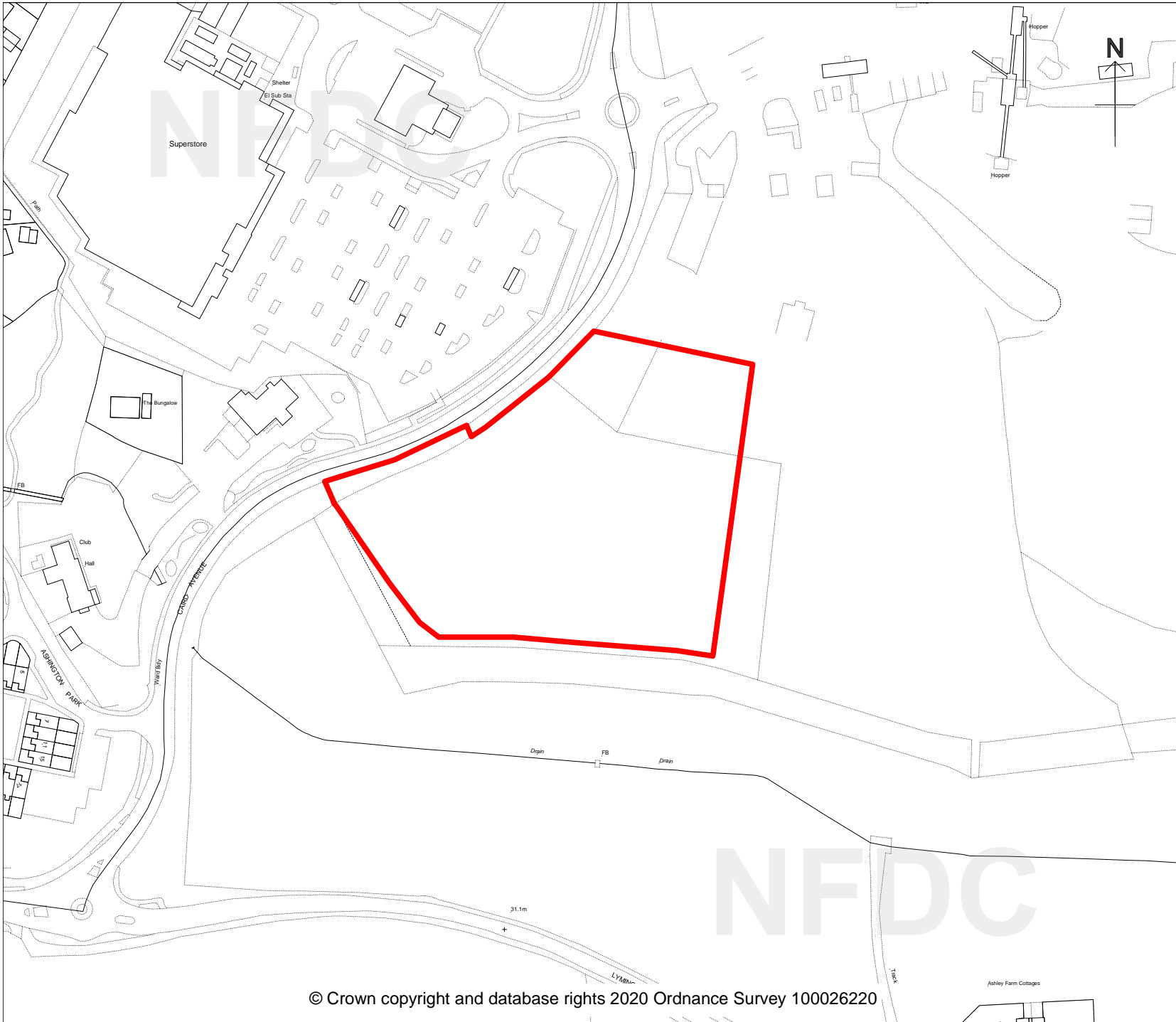
### **Refuse**

### **Reason(s) for Refusal:**

1. The proposal does not meet the sequential test as set out in paragraphs 86-90 of the National Planning Policy Framework as it is considered that a sequentially preferable site exists within the town centre and it has not been demonstrated that it is unsuitable or unavailable. The proposal is therefore contrary to Policy ECON05 of the Local Plan 2016-2036 Part 1: Planning Strategy and Paragraph 87 89 – 90 of the NPPF (2019).

### **Further Information:**

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# New Forest

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## PLANNING COMMITTEE

January 2021

### Item No:

Land at Solent Industrial Estate  
Caird Avenue  
New Milton BH25 QA  
20/11029

Scale 1:2000

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