

Application Number: 21/10932 Full Planning Permission

Site: LAND OFF, MOORE CLOSE, NEW MILTON, BH25 6QX
Development: Affordable Housing Development consisting of 10 Houses and 6 apartments
Applicant: Project Manager - New Forest District Council
Agent: Aspire Architects Ltd
Target Date: 15/10/2021
Case Officer: Judith Garrity
Extension Date: 19/01/2022

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) Highway safety, access, and parking
- 6) Ecology and Biodiversity Net Gain

- 7) Habitat Mitigation and Nitrate neutrality.

This application is to be considered by Planning Committee at the discretion of the Executive Head of Planning, Regeneration and Economy as it relates to an NFDC Housing development.

2 SITE DESCRIPTION

The site is a rectangular shaped and 1.08 ha in size. It has a boundary to the south east of the existing small cul du sac of Moore Close. It has a relatively narrow frontage to Christchurch Road. It adjoins Fawcetts Field which is public open space owned by New Milton Town Council to its north western boundary. The northern boundary of the site adjoins the Old Milton Green Conservation Area.

The site includes land to the north-west boundary adjoining Fawcetts Field owned by New Milton Town Council and the highway verge area to the South East which is owned by HCC Highways. Notices have been served on these parties. The works to these areas primarily relate to trees which fall outside of the developed area of the application site.

The site is slightly elevated from Moore Close at its southern end but is at level where it adjoins No 13 Moore Close. There is a verge with a number of highway trees to this edge. Of most note a large mature Monterey Pine to the south eastern corner of the site which is a significant feature in the landscape and street scene. The site is currently overgrown grass with vegetation, hedgerows and trees to most of its boundaries.

Moore Close is characterised by 2 storey dwellings arranged in terraces with garage courts, the surroundings being a mixture of styles and forms but of a domestic scale.

3 PROPOSED DEVELOPMENT

The proposed development is for 16 residential units comprising 10 dwellings and 6 flats for affordable housing with parking provision, public open space and a play area on the site. The proposals are 100% affordable housing for shared ownership and affordable rent.

There would be 10 dwellings (2 and 3 bed) and 6 no 1 and 2 bed flats in a separate block. Access to the 10 houses would be from Moore Close adjacent to No 13. The flats would be served by a separate access from Moore Close to a courtyard parking area where there would be a parking barn to enclose some of the parking as well as the bin and bike storage areas.

An area of public open space of 491 sq. m in size would be provided to the south west part of the site close to the frontage with Christchurch Road. This is the area around the large mature Monetary pine tree and a footpath link provided to Fawcetts Field located to the north-west.

A children's play area of 102 sq. m would be provided to the north west boundary at the end of the parking courtyard for the proposed dwellings.

Existing trees along the north west boundary of the site would be removed and replaced with new trees as part of the landscaping proposals. A landscape strategy has been submitted with new trees and landscape planting.

4 PLANNING HISTORY

None relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

Policy STR4: The settlement hierarchy

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU2: Affordable housing

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy CCC2: Safe and sustainable travel

Core Strategy

CS7: Open spaces, sport and recreation (saved policy)

Local Plan Part 2: Sites and Development Management 2014

NMT2: Land west of Moore Close

DM1: Heritage and Conservation

New Milton Neighbourhood Plan

Policy NM4 - Design Quality

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

Biodiversity Net Gain Interim Guidance 2020

Relevant Legislation

Environment Act 2021

Relevant Advice

NPPF 2021

NPPF Ch 12: Achieving well designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

NPPF Ch.16 - Conserving and enhancing the historic environment

Constraints

SSSI IRZ

Aerodrome Safeguarding Zone

Article 4 Direction

Conservation Area: Old Milton Green Conservation Area

Plan Policy Designations

Housing

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: ACCEPTABLE (Delegated)

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Southern Water: Comment Only

HCC Highways: No objection subject to conditions

HCC Surface Water: Following the submission of additional information and a revised drainage strategy no objection is raised subject to a condition.

HCC Countryside Services: Comment Only

NFDC Waste Management: Comment Only

NFDC Open Space Officer: Comment Only

NFDC Conservation: No objection. The scheme will not materially affect the Grade II listed church or the setting of the Old Milton Green conservation Area.

NFDC Trees: No objection subject to conditions.

NFDC Building Control: No adverse comments to make

Hampshire Swifts: Permission recommended subject to provision of integral universal bird boxes in accordance with policy.

New Milton Residents Association: Support principle of affordable housing. Further work is required to site infrastructure, building design and density, minimal biodiversity net gain and protection and accommodation of wildlife. Further work is also required in relation to traffic issues. The impact of the planned development in existing residents of Moore Close regarding amenity and parking needs much further thought.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received:

Against: 10

Parking and access

- Increased traffic in Moore Close
- Concerns about the safety of the access and traffic congestion and conflict with existing pedestrian crossing.
- Additional traffic generation and hazards at the junction, particularly as there is a blind corner.
- The 2 proposed new accesses will cause hazard. Suggestion of a separate /alternative access from Fawcett Fields entrance which would be more considerate to Moore Close residents and allow hedgerows to remain.
- Request for construction access to be via Fawcetts Field
- A traffic safety is required
- A need for traffic calming measures. The existing 30mph limit should be extended.
- Speed of cars in Moore Close leading to a health and safety issue.
- Loss of on street parking on Moore Close due to two new accesses. Parking will cause obstruction and congestion.
- Need for replacement parking for existing residents and one disabled parking space to be provided for carer of a resident.
- Overprovision of parking for new housing but loss for existing Moore Close residents
- Further double yellow lines on Moore Close will result in loss of all parking.
- Need to redesign existing parking on Moore Close. Garages in Moore Close are not used for parking as they are too small.
- Access required for emergency and refuse vehicles.
- Construction and delivery vehicles will cause congestion and hazard.

Landscape, wildlife and ecology

- disturbance of wildlife including those protected by WCA 1981
- timing of wildlife surveys (after grass was cut) and loss of habitat including birds, hedgehogs, foxes and bats.
- Need to accommodate bats (including lofts), birds, hedgehogs and other small mammals
- Loss of trees, reference made of a cherry tree at the access point.
- Need to retain hedge to highway.
- No BNG.

- Need to use landscaping that encourages wildlife and biodiversity
- Need for trees and wildflower areas which are managed.
- New trees should be protected.
- Car ports/cycle store should be designed with wildlife in mind

Layout and amenity

- Unnecessary provision of play park on the site and lack of toilets and parking space associated with it. Fawcetts Fields have space for a play park
- Is this just play area for residents or for the public to use and need for additional parking to be provided to serve this.
- Impact on side window (No 13) due to proximity of new dwelling with overshadowing and loss of privacy.
- The new footpath to Fawcetts Field will causes anti-social behaviour noise and disturbance. Current pavement already provides access and does not attract general public to Moore Close

Other issues

- Support for affordable housing provision but too many dwellings on the site,
- If NFDC Empty Housing Strategy is managed well it could outweigh the building cost of new homes on Moore Close.
- .Conflict with Neighbourhood Plan
- Need to incorporate measures to reduce impact on climate change including water efficiency, PV cells, energy provision.
- Previous application for 9 flats off Southern Lane refused due to additional traffic on Lymington Road and insufficient access.
- Wellbeing of existing residents.
- Drainage issues and need for use of porous surfaces

10 PLANNING ASSESSMENT

Introduction

The proposals for 16 new affordable houses and flats 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). Of the 10 dwellings 5 would be for shared ownership, the remaining 5 and the 6 flats would be for social rent. The proposed development seeks to address the identified need for affordable homes in New Milton and the wider district.

The housing need for affordable housing in New Milton has been identified as 164 applicants as of May 2021 (Applicants to new housing Register). The highest need is for 1 person and 2 bedroom units, with over 77% of all applicants in New Milton requiring these properties. A further 20% are in need of 3 bedroom accommodation. The proposed mix of units on the application site seeks to address this significant need by providing 75% 1 bed and 2 bed units and 25% 3 bedroom units.

The proposed number of properties is 16 and therefore the provision of 50% affordable housing on the site is a requirement of Policy HOU2 of Local Plan Part 1. Although this is a NFDC proposal where there is certainty of 100% 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 needs to be secured by an obligation for affordable housing on the site in accordance with this policy requirement in perpetuity.

Principle of Development

The site is located in the built up area and is allocated by Policy NMT2 of Local Plan Part 2 for residential development specifically to provide for local housing needs with 70% of this housing should be affordable. Site specific criteria include access from Moore Close; provision of pedestrian and cycle access to the site with links to existing networks; provision of a footpath link from Christchurch Road to Fawcetts Field POS to the west; provision of public open space in accordance with Policy CS7 including on site natural play space for young children and retention of trees and hedgerows on the site boundaries wherever possible. The supporting text to this policy (paragraph 4.98) specifies that the site will provide around 15 homes.

The principle of its development for 100% affordable housing is acceptable subject to ensuring that the site retains affordable housing as set out above and subject to compliance with the site specific 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.

Accepting this principle, the relevant planning considerations are assessed below:

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

NPPF Para.130 requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Para 132 states that design quality should be considered through the evolution and assessment of individual proposals. Policy ENV3 of the Local Plan Part 1 reflects the need for development to be appropriate in its scale, form and design as well as considering amenity impacts and highway parking matters.

The design and access statement (and later addendum to reflect revised plans) identifies how the design concepts for the site have evolved and responded to its context and demonstrates how appropriate consideration has been taken of the location, the setting of the Old Milton Green Conservation Area, the character of the street and surrounding landscape in order to ensure that the proposed development is of a suitable quality and contextually appropriate to the local setting.

The proposed site layout responds to the context of the site and is of an appropriate form, scale and density for its setting and would respect its location to the southern boundary of the Old Milton Green Conservation Area. Subject to appropriate details the development would be in keeping with the character of the area and visually acceptable within the street scenes of Moore Close, Christchurch Road and the wider area. The impact of the built development would be softened by retained and

new planting and the large Monterey pine tree within an area of public open space fronting Christchurch Road.

Dwellings – Plots 1-10

The scale and massing of the proposed 2 storey dwellings on plots 1 - 10 are 2 would reflect that of existing properties on Moore Close. They would pick up on the local context with their various design features to include front elevations with articulated square bay projections, contrasting brick and cladding together with appropriate windows proportions and frame details. However, any alterations to roof forms could undermine the strong design concept adopted for these dwellings and so it would be appropriate to remove permitted development rights by condition.

The side (end) elevations of plots 5 and 10 and of the flats would be visible in public views of the development from Fawcetts Field. They will be set behind new landscaping and tree planting to this edge so as to be seen within a sylvan setting and not as over dominant features.

There is a parking courtyard to serve the houses with small front gardens which are too shallow to be used for additional parking. This layout would ensure that an acceptable balance of hard surface and landscaping is retained so the character and visual integrity of the courtyard will not be undermined.

There is a small children's play area with natural play equipment at the end of the parking courtyard. This will be convenient for use and surveillance of it is possible from the dwellings. Pedestrian access from the play area is also provided to Fawcetts Fields (subject to agreement by the Town Council) so the play area will be accessible from the south west. This makes acceptable provision in accordance with policy requirements.

Flats (Plots 11-16):

The flats are in the most prominent location on the site and need to be of a high design quality, and of an appropriate scale, and use the opportunity to create a single pavilion building as a landmark feature which responds to local traditional form. The proposed design is for a traditionally designed 2 storey pitched roof building under with a L shaped footprint, The building has a simple design with its mass and scale broken up effectively by the used of a variety of ridge heights and gables with front entrance canopies/porches. The building would have a feature brick plinth to link its various elements. The proposed materials would red and buff facing brick and render which along with reconstituted stone window heads, natural slate roof and terracotta ridge tiles to provide contrasting details of a good quality.

The site layout is appropriate for this part of the site with amenity space located to the rear which would provide a degree of seclusion within a pleasant setting including proposed tree planting as well as a communal area to the front which would provide an appropriate landscape setting for the flats, with gated access to the public open space to the south western frontage.

A parking barn is proposed to cover the parking area to the north which would enclose the bin and bike storage areas. This creates a courtyard with a subservient built form which would give presence and character to the building. A path links the parking to the entrance to the flats and the public open space which is acceptable.

Residential amenity

The proposed layout does not raise specific residential amenity issues. The dwelling on Plots 1-10 have adequate private garden spaces and those to plot 1 -5 are deep enough to ensure any shading from adjoining trees would not be over-dominant.

However it would be appropriate to removed permitted development rights for further extensions to ensure this level of amenity provision is safeguarded in the future.

The relationship of Plot 1 to No 13 Moore Close is acceptable. Although Plot 1 is slightly set back relative to this existing neighbour there would be an adequate separation of over 3 m and no side facing window are proposed. This arrangement would protect amenity, ensure that any loss of light or overshadowing would be limited and avoid over dominant impact.

There would be a separation of approximately 35m from the front of the proposed flats and existing dwellings on Moore Close so that overlooking and other amenity impacts would not result.

The back to back distances between the new flats and proposed dwelling on plots 6 – 10 would be 19 m which is marginally below the recommended separation of 21m. The facing first floor windows in flats 4 and 5 would serve living/diner and kitchens and so there would be potential for overlooking from these primary rooms. However any loss of privacy would not be harmful given the site characteristics and intervening trees that would provide some screening as well as enhancing the overall setting and outlook so that the relationship is acceptable.

The functional needs of residents of the flats would be met with outside drying space, bin and bike storage and two areas of shared amenity space.

Once the site is developed amenity impacts would be acceptable. However whilst some noise and disturbance is likely to result to existing residents on Moore Close during the construction period this would be a relatively short term impact . This can be mitigated to an acceptable level with respect to times of deliveries and construction. The details of this can be agreed within in a construction environmental management plan to be secured by condition.

Landscape impact and trees

The development of the site would lead to the loss of some of the boundary trees which are important features within the area and positively contribute to the setting of the area. The landscape design needs to mitigate for this loss with replacement planting in order to provide a development that is appropriate to its context . A schematic landscape plan has been submitted that indicates the proposed planting, hard surface and boundary treatments. Drainage plans have also been provided to demonstrate the feasibility of achieving the proposed new landscaping and tree planting on the site. Full planting details, a planting specification, maintenance and management plans along with details of hard landscaping and boundary treatments can all be agreed by condition.

The trees to the Moore Close boundary are located on highway land. This land to the edge of the road and including the street verges is included within the planning application site. The provision, management and maintenance of the replacement trees and landscaping can be secured by planning condition. Some trees will be lost primarily to allow for construction of the new access points. Remaining trees will be retained, and new planting is proposed which will include native species and a replacement hedge to enhance the setting of the development. Sufficient details of the landscaping have been provided with the application to give an understanding of how this margin can be planted. Full details can be agreed by condition. Public views from Fawcetts Field towards the site are important and the treatment of the western boundary is important to ensure that the character of the area is not adversely affected by the proposed development and that the park has a good secure border. Existing pine trees along the boundary with Fawcetts Field are to be

removed as part of these proposals. Trees and a new hedge are shown to replace the pine trees on this edge. Groups of new tree planting will be planted to provide screening to the gable end elevations of the new buildings in views from this direction. New trees are also shown on land between the flats and dwellings that will soften the visual impact of the built form allowing it to fit more comfortably into the context of the existing area.

Where garden boundaries are exposed and visible in public views, appropriate boundary treatments and landscaping is required to ensure an acceptable visual impact. Whilst indicative treatment to the side garden boundaries of Plots 5 and 10 and to the flats are shown as 1.8m close boarded fencing there is a need to provide secure gardens. There would be a dense native hedge and groups of tree planting in front of the fence. Given the set back of these exposed garden boundaries and the proposed planting along this edge any dominant or adverse impact of the fencing would be mitigated and as such the visual impact is considered to be acceptable.

The play area would be enclosed by a post and rail fence will allow intervisibility whilst providing a secure area for play, with planting between the plan area and Fawcetts Field, Final details of boundaries and landscaping can be agreed by condition, but in principle this is acceptable.

Plans of the drainage layout in the site have been provided which show that the underground drainage within the proposed area of public open space will be limited. A surface water sewer will connect to a storm water manhole under the proposed footpath through the public open space from Moore Close to Fawcetts Field with a surface water sewer linking to the existing watercourse on Christchurch Road. There would be porous paved areas with attenuation tanks with soakaways in the car parking courts.

A new foul water drain would run along the western boundary of the site but this is located outside of the proposed landscaped area so it will not unacceptably limit the ability for planting to be established along this important boundary. These details provide sufficient comfort at this stage that the proposed landscape is realistic to be delivered and that the anticipated landscape setting of the site can be delivered.

HCC LLFA raise no objection and comment that the additional information submitted addresses previous concerns raised regarding surface water management and local flood risk. They recommend a condition that the drainage scheme should be constructed in accordance with the approved documents.

Trees

The trees within the site and along the western and eastern boundary are not protected by a Tree Preservation Order. However, trees on the adjacent land to the north of this site are within the Old Milton Green Conservation Area.

On the eastern boundary towards the southern side of the site is a very large Monterey cypress tree. This tree is highly prominent in the surrounding area and considered a constraint to development. This tree is to be retained in the submitted plans. The proposed pedestrian path is located within the Root Protection Area (RPA) of this tree but it will be constructed using a non-dig cellular confinement system and provided this methodology is adopted this tree can be adequately protected and retained throughout the construction of the proposal.

There is a significant group of semi-mature Monterey pine trees on the western boundary of this site which are collectively a feature in the landscape. However individually these trees are of mixed quality and significant management of this group will be required in the future for they are to be able to develop into any

reasonable mature form. The removal of this group does not raise objection as long as this tree loss is mitigated through suitable replacement tree planting.

The large off-site Pine trees to the north of this site are protected by conservation area status. Three of these trees (T30, T36 & T38) are in declining condition and works will be required to reduce the risk these trees could pose to future occupiers prior to occupation of the dwellings. These trees are not within the application site. Negotiations with owner of these trees will need to be carried out and a separate Tree Works application submitted for this work.

Overall, there are no objection on tree grounds subject to conditions relating to tree protection and replacement trees are included as part of the landscaping scheme for the site.

Public open space provision:

This site exceeds 0.5 ha in size and so on site open space provision is required in accordance with Policy CS7 and this is also specified in site specific policy NMT2. Based on the site area of 1.08 ha the informal POS requirement is 0.07 ha and the play area required is 0.01 ha based on an occupancy of 34.4 people.

Provision is made on site for 102 m² of play area and 491 m² of informal open space. Whilst play area provision would meet the standard in accordance with policy there would be shortfall of 209 m² of informal open space. A financial contribution of £6,976.42 would however be made for off-site provision to address this shortfall. This contribution would be used within Fawcetts Fields that are located adjacent to the application site and the contribution directed towards additional informal and formal open space projects that the Town Council are considering in this area.

The Public Open Space and Play areas on the site needs to be provided prior to first occupation of the penultimate dwelling. The space would be maintained in perpetuity by New Forest District Council Housing who have service agreements with ground maintenance. As such a financial contribution towards maintenance of these areas is not required.

Conservation Area impact

The proposed site sits to the west and south of the boundary of Old Milton Conservation Area. The grade II listed church of St Magdalene sits a short distance to the east of the site. A detailed Heritage Statement has been submitted which assesses these attributes and the impacts of the proposals. The impacts on the listed church and conservation area are limited by tree screening and mature landscape. There is a small glimpse of the church tower from the site and Fawcett Field, but this is not a strategic view and its contribution to the overall significance of the conservation area is limited.

As such, the proposed development will not materially harm the setting of the Grade II listed Church of St Magdalene or the setting of the Old Milton Green Conservation Area. The proposed changes will have a limited impact upon the character and appearance of the Old Milton Green Conservation Area in this location.

Highway safety, access and parking

A Transport Assessment (TA) has been submitted in support of the planning application. The TA includes details of accident History. A PIA survey has been undertaken for the latest 5-year period that identifies that only two accidents have occurred in the vicinity of the site, indicating there is no issue with the operation of the highway.

Two new accesses are being proposed and these have acceptable visibility splays subject to a condition to limit the height of vegetation within these splays. The creation of these 2 new accesses would result in the loss of some on street parking spaces on Moore Close. This has been raised as a concern by third parties along with need for parking for disabled residents and carers. However this existing parking is within the public highway and is not subject of a residents parking scheme or allocated for the existing properties. Furthermore there are no parking restrictions on the road and Moore Close properties have garages within 2 garage courts available which would remain. No objection can therefore be made on this basis.

A trips analysis has been undertaken using the TRICs database which indicate that the proposed development would result in an additional 7 morning peak trips and 6 afternoon peak trips, with a 12 hour daily trip generation of 54. Due to the low number of trips associated with this development, no junction modelling has been undertaken, which is acceptable in this instance.

The parking courtyards shown allows for delivery vehicles and visitors to the site. Furthermore, the TA shows that that a fire tender and refuse lorry is able to get within 45m of all the proposed dwellings and refuse collection will be made via an on-street collection with bin storage areas and collection points conveniently located. This is acceptable

Parking standards for the dwellings on plots 1 -10 would be between 1.5 and 1.9 communal spaces or 2.0 – 2.5 spaces per unit if unallocated. 2 parking spaces are provided for each of these plots in a central courtyard area. This is acceptable and meets current parking standards.

The proposed flats would be 1 and 2 bedroom units where these would be a parking standard of between 1.4 - 1.5 communal spaces per unit. This gives a requirement of 8.4 unallocated spaces. A total of eight parking spaces are provided including 2 disabled spaces. This marginal shortfall is considered acceptable.

Space is available for cycle storage within the plots of the dwellings. For the proposed flats, cycle parking facilities and storage are provided within the front car parking area. to meet the needs of residents and visitors.

In accordance with Policy IMPL1 electric vehicles charging points are required to be provided as part of this development. An EVC points are shown on the submitted plans for each of the 10 dwellings and one ECP plus charging for electric bikes or a mobility scooter for the flats are located within the parking barn area and this is acceptable.

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. New Forest District Council's policy STR1 (iii) in the New Forest District (outside the National Park) Local Plan Review 2016-2036 Part One: 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 - became a mandatory requirement in England following the passing into law of the Environment Act in November 2021.

The site is undeveloped at present and is open grassland which has allowed its biodiversity value to increase over time. A BNG statement and report have been submitted that show that as a result of the existing biodiversity value of the site and the scale of the development proposed there would be a net loss of biodiversity as a result. This has been quantified using the Defra metric 2.0. The proposals will result in loss of 1.0 non-linear habitats (-73.45%) and 0.10 loss of linear habitats (-10.08%). There would also be a net loss of grassland and scrub on the site.

As such an off-site provision of this biodiversity uplift is required to be made. Whilst no BNG offset schemes are identified at present New Milton Town Council are working on the identification and implementation of BNG projects as part of their Green Infrastructure Plan. It is therefore considered appropriate, in this instance, to use a Grampian condition to secure off site BNG as part of one of the forthcoming projects within this plan to include an agreed timetable for delivery, and the future management and maintenance of the BNG mitigation package.

On Site Biodiversity and protected species

A full ecological survey has been undertaken of the site and submitted with the planning application. The proposals would provide ecological enhancement within the proposed landscaping and planting areas and provide corridors to the boundaries of the site. These ecological enhancements can be secured by condition.

Habitat Mitigation

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

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes), managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including 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 undertake make a financial contribution to secure the required air quality monitoring contribution directly to the Council before any development commences on the site.

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

Developer Contributions

.As part of the development, the following financial contributions are required :

- i) £48,606 to secure recreational habitat mitigation (infrastructure)
- ii) £7,374 to secure recreational habitat mitigation (non-infrastructure)
- iii) £1,190 to secure Air Quality monitoring.
- iv) £6,976.42 for shortfall of 209 m² of informal open space on the site in accordance with saved Policy CS7 and NMT2.

An undertaken will be made for these financial contributions to be paid directly to the Council before any development commences on the site.

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 (Affordable)	1365.62	0	1365.62	1365.62	£80/sqm	£139,923.53 *

Subtotal:	£139,923.53
Relief:	£0.00
Total Payable:	£139,923.53

11 CONCLUSION

The site is allocated for residential development by Policy NMT2 of the Local Plan Part 2 which sets out a series of criteria for an acceptable scheme. The scale of current proposal accords with the expectations of the development potential on this site. The layout, scale and design are acceptable. The prominent and mature Monterey cypress tree on the Christchurch road frontage of the site has significant public amenity value and would be retained. Associated landscaping and replacement tree planting will enhance the visual amenity of the site and the layout makes provision for public open space and play space with footpath links to Fawcetts Field adjacent.

The site would provide 100% Affordable housing (rented and shared ownership) which is welcomed as it would meet an identified need in the area and wider district. Whilst BNG cannot be achieved on site, off-site BNG can be provided through a project to be identified in the forthcoming NMTC Green Infrastructure Plan and this provision, management and maintenance secured via a Grampian condition.

The main issues raised by objectors relate to highway safety and parking. These and other matters are considered in the above planning assessment and it has been concluded that impacts would not be harmful such that planning permission should not be granted.

As such, the current proposals are considered acceptable in accordance with policy. Planning permission is therefore recommended subject to conditions, the identified contributions being made and an obligation that Affordable housing to meet policy requirements is secured on the site in perpetuity.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

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

- a) an obligation for the provision and retention of at least 50% 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 any development commences on the site. These contributions being as follows
 - i) £55,980 to secure recreational habitat mitigation [made up of £48,606 infrastructure + £7,374 non-infrastructure]
 - ii) £1,190 to secure Air Quality monitoring.
 - iii) £6,976.42 for shortfall of 209 m² of informal open space on the site in accordance with saved Policy CS7 and NMT2.
- c) the imposition of the conditions set out in the report.

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:

SP.19.099.PL001 Rev B	Amended block and location plan
ASP.19.099.PL002 Rev C	Proposed site plan
ASP.19.099.PL200 Rev B	Proposed apartments floor plan
ASP.19.099.PL300 Rev B	Proposed elevations
ASP.19.099.PL301 Rev B	Proposed elevations
ASP.19.099.PL201 Rev A	Apartments roof plan
ASP.19.099.PL303 Rev A	Cycle, refuse and parking barn
ASP.19.099.PL101	Proposed elevations 2B4P Shared ownership houses
ASP.19.099.PL100 Rev A	Proposed shared ownership houses floor plans
ASP.19.099.PL108	Proposed shared ownership houses roof plans
ASP.19.099.PL103 Rev A	Proposed rented houses floor plans
ASP.19.099.PL107	Proposed rented houses floor plans
ASP.19.099.PL104	Proposed elevations 3B5P houses rent
ASP.19.099.PL105	Proposed elevations 2B4P houses rent
ASP.19.099.PL106	Proposed street scene elevations
ASP.19.099.PL302 B	Proposed street scene elevations
C1590-P- 100 P4	Proposed drainage plan Sheet 1 of 3
C1590 -P-101 P4	Proposed drainage plan Sheet 2 of 3
C1590-P-102 P4	Proposed drainage plan Sheet 3 of 3
C1590-P- 104 P2	Proposed drainage contribution areas plan
C1590-P- 105 P2	Proposed engineering layout sheet 1 of 2
C1590-P- 106 P2	Proposed engineering layout sheet 2 of 2
C1590-P- 107 P	Typical construction details
C1590 P- 108 P	Typical construction details
C1590 P- 110 P2	Proposed drainage exceedance Plan
213-2-R7	Landscape plan dated 05.11.21
Design and Access Statement and addendum to Design and Access Statement received on 11.11.21	
ECOSA Ltd Ecological Impact Assessment Final Document dated 15th July 2021 (Reference 21/0128.0001.F0)	
Biodiversity Net Gain Statement received 10 August 2021	
Biodiversity Net Gain metric - ECOSA dated October 2021 ref 21.0128.002.FO	
Foul and surface water drainage report (CGS Civils) P2 dated 15th December 2021 and Appendix A -D received on 16th December 2021	
Drainage designer reply to LLFA queries (CGS Civils) C1590 Ref P1 dated 16th December 2021	

Phase I - II Geo-Environmental and Geotechnical site investigation (Omnia ref A11583/211209/L1) dated 9th December 2021
Flood Risk Assessment Rev P ref C1590 dated 1st November 2021 and appendices received 16.11.21
Arboricultural Impact Assessment and Tree Protection Scheme Herne Arboriculture Ref JH/AIA/19/048 dated 8 June 2021
Transport Statement Paul Basham Associates dated August 2021 ref 020.0692/T5/2

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. The development hereby permitted shall not be occupied until the spaces shown on plan ASP-19-099.PL002C for the parking of vehicles and parking and storage of cycles have been provided. The spaces shown on plan ASP-19-099.PL002C for the parking of vehicles and parking and storage of cycles shall be unallocated to specific dwellings, retained and kept available and unallocated for the parking of vehicles and parking and storage of cycles for the dwellings hereby approved at all times unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park

5. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015, no obstruction of over 1m in height shall be placed or permitted to remain within the visibility splays shown on the approved plan.

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

6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);

- c) a tree Planting Schedule and Tree Plan specific for tree planting including (tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014
- d) areas for hard surfacing and the materials to be used;
- e) a detailed design for the children's play area, with details of the play equipment to be installed;
- f) precise specification of the proposed levels across the areas of public open space;
- g) other means of enclosure;
- h) 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 and thereafter retained.

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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as illustrated and specified within the submitted Hearne Arboriculture Tree Protection Plan dated 07/06/2021 Drawing No: HN_TPP_7_6_21.

During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

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. The trees/hedges that 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 Arboriculture Tree Protection Plan ref JH/AIA/19 048 Hearne dated June 2021 and Drawing No: HN_TPP_7_6_21 or as may otherwise be first agreed in writing with the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National park.

10. No development, demolition or site clearance shall take place until a plan showing the location of site compound and mixing areas has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. The construction of the new footpath and drainage works where they are located within the RPA of the Monterey cypress tree shall be undertaken using a no dig cellular confinement system in full accordance with the provisions set out within Section 7.0 of the Arboricultural Impact Assessment (ref JH/AIA/19 048 Hearne dated June 2021) and Drawing No: HN_TPP_7_6_21 or as may otherwise be first agreed in writing with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. The works hereby approved shall be undertaken in strict accordance with the ECOSA EclA. The mitigation and enhancement measures detailed in the EclA should be provided in accordance with these approved details. Prior to development commencing above dpc level the locations and specifications of the ecological enhancements including bat and hedgehog boxes, dormouse and bird nesting boxes to be provided in accordance with Section 5 of ECOSA Ltd Ecological Impact Assessment Final Document dated 15th July 2021 (Reference 21/0128.0001.F0.7.5) shall be submitted to the Local Planning Authority prior to their installation. Once agreed these ecological enhancement features shall be installed prior to first occupation of the dwellings hereby approved and evidence provided to show them installed as agreed. These approved ecological enhancement features shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

13. No development shall commence on the site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include:
- (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) The provision of long term facilities for contractor parking;
 - (e) The arrangements for deliveries associated with all construction works;
 - (f) Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
 - (g) Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
 - (h) Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- (a) Details of hours of demolition and construction
 - (b) Details of parking and traffic management measures.
 - (c) Access and egress for plant and machinery;
 - (d) Measures to control light spill and glare from any floodlighting and security lighting installed.
 - (e) Protection of pedestrian routes during construction;
 - (f) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - (g) Wheel washing facilities to be provided.

All demolition and construction work shall only take place in strict accordance with the approved Construction Environmental Management Plan.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity and highway safety and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

14. The foul and surface water drainage system for the development hereby approved shall be implemented in accordance with the approved Foul and Surface Water Drainage Report (CGS Civils) P2 dated 15th December 2021 and Appendix A - D received on 16th December 2021 and surface water discharge to the watercourse shall be limited to the approved discharge rates. Any changes to these approved documents shall be first submitted to and approved in writing by Local Planning Authority and HCC Lead Local Flood Authority and the revised details must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculation. Evidence that the surface water sewer asset owner has agreed to the proposed discharge rates and connection should

be submitted before any drainage connection is made. These submitted details shall include schedules for each drainage feature type, its ownership and details of protection measures. If necessary, improvement to the condition of a drainage feature as reparation, remediation, restitution and replacement should be undertaken

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.

15. Prior to occupation of the penultimate dwelling on the site details of the means of the future maintenance of the watercourse on the boundary of the site and the sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. These maintenance arrangements shall thereafter be retained as agreed in perpetuity

Reason: In order to ensure that the future drainage maintenance 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.

16. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

17. 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out to Plots 1 - 10 without express planning permission first having been granted.

Reason: In view of the physical characteristics of plots 1 - 10 , the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

19. The first residential unit of the development hereby approved shall not be occupied until details of a package of off-site Biodiversity Net Gain (BNG) has been submitted to, and approved in writing by, the Local Planning Authority. This package should secure the identified 10% BNG arising from the development and include:

- (i) a calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 2.0 Calculation Tool (Beta) (2019);
- (ii) details of the BNG project including its location;
- (iii) a timetable for the provision of the BNG project;

- (iv) details of the management of the BNG project
- (v) details of the future monitoring of the BNG project in perpetuity.

The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.

Reason: To ensure Biodiversity Net Gain is secured as part of 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), NFDC interim Biodiversity Guidance and the Environment Act 2021.

Further Information:

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NFDC



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PLANNING COMMITTEE

January 2022

LAND OFF, MOORE CLOSE, NEW
MILTON, BH25 6QX

21/10932

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