

**Application No: 21/00271/FULL Full Application**

**Site:** Land Off Tiptoe Road (opposite The Old Bakery), New Milton, BH25 5SJ

**Proposal:** Replace top covers of pit; wooden fence

**Applicant:** Mr Adil, Saith Limited

**Case Officer:** Carly Cochrane

**Parish:** BROCKENHURST

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Site of Special Scientific Interest  
Special Area of Conservation  
Special Protection Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP2 General development principles  
SP5 Nature conservation sites of international importance  
SP6 The natural environment

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Brockenhurst Parish Council: Recommend refusal. Concerned that the addition of a wooden fence negatively impacts upon the character and appearance of the SSSI.

## **8. CONSULTEEES**

- 8.1 Natural England: No objection subject to appropriate mitigation being secured
- 8.2 Forestry Commission: No response received
- 8.3 Ecologist: Comments to be reported orally.

## **9. REPRESENTATIONS**

- 9.1 None received

## **10. RELEVANT HISTORY**

- 10.1 None

## **11. ASSESSMENT**

- 11.1 The application site is located upon the open Forest, approximately 30 metres to the north of the highway, with the closest residential property being 'The Old Bakery' on Tiptoe Road. The site currently covers an area measuring 3 metres x 2.6 metres, and comprises below ground gas mains and regulator valves, with above ground access pit concrete capping 'lids'.
- 11.2 This application seeks planning permission for the replacement of the capping lids and the erection of a temporary perimeter fence. The capping lids have been identified as requiring replacement due to ongoing dilapidation and outdated covers, resulting in health and safety issues for workers carrying out maintenance of the gas network. The replacement capping lids would not only provide a safer working environment, but comply with relevant current legislation. The proposed post and rail fence would measure a height of approximately 1 metre, and would remain on site for a period until such time as the surrounding ground which would be disturbed in order to carry out the works, has regenerated. The fact that the site is currently not secured, with access by people and livestock, puts additional emphasis on the need to ensure that suitable capping lids are in place in order to eliminate any risk to the public.
- 11.3 The main considerations relate to the impact upon the designated sites, and whether there would be any visual harm arising as a result of the proposal.
- 11.4 A Habitats Regulations Assessment Screening has been undertaken. Natural England have raised no objection subject to appropriate mitigation being secured, as without such mitigation, it is considered that the proposal would have an adverse effect on the integrity of designated sites, and would damage or destroy the

interest features for which the SSSI has been notified. It is recommended that the mitigation measures as set out in the HRA summary document are applied and adhered to, as well as a Construction Environment Management Plan be agreed, both of which can be secured by condition. The Authority is undertaking its own Habitats Regulations Screening Assessment, including an Appropriate Assessment, and comments will be reported to members orally. Further, the applicant is liaising with Forestry England and the Verderers, and will take guidance when needed.

- 11.5 The replacement capping lids would not protrude above ground level significantly more than those existing. The gas apparatus (with the existing capping lids) provides essential infrastructure to the immediate and wider area, and therefore the development is necessary to ensure the safety, integrity and continuity of this provision. Whilst the existing capping lids are barely visible from Tiptoe Road, they do, however, appear incongruous in the context of the open Forest when viewed at closer proximity. The area they occupy is less than eight square metres, and on balance, any visual harm is outweighed by their necessity.
- 11.6 The Parish Council have recommended refusal on the basis of concerns that the proposed perimeter fence would have a negative impact upon the character and appearance of the SSSI. As set out in the submitted Habitats Regulations Assessment Screening document, the fence would be temporary, and installed in order to prevent livestock from damaging the area, and to allow for regrowth. It is anticipated that the fence would remain in place for 'several months' immediately following the works. The fence would be of a simple, timber construction, sufficient to protect the area from grazing livestock and passers-by, and therefore would be lightweight in its appearance, and not dissimilar to the style of fencing used across the National Park. Whilst it may appear an incongruous feature upon the open Forest, on the basis of its small scale and appropriate design, it is not considered that it would result in any significant visual harm upon the character or appearance of the area for the temporary period it would be in place.
- 11.7 It is therefore recommended that permission be granted, subject to conditions.

## **12. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

- 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 Development shall only be carried out in accordance with

Drawing nos: 1420-WOOT-CI-B-002 Rev 0, 1420-WOOT-CI-B-003 Rev 0, 1420-WOOT-CI-B-004 Rev 0, DR1, DR2.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the development in accordance with Policies SP5, SP6, SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 The temporary fencing hereby approved shall be removed within 18 (eighteen) months of it first being erected.

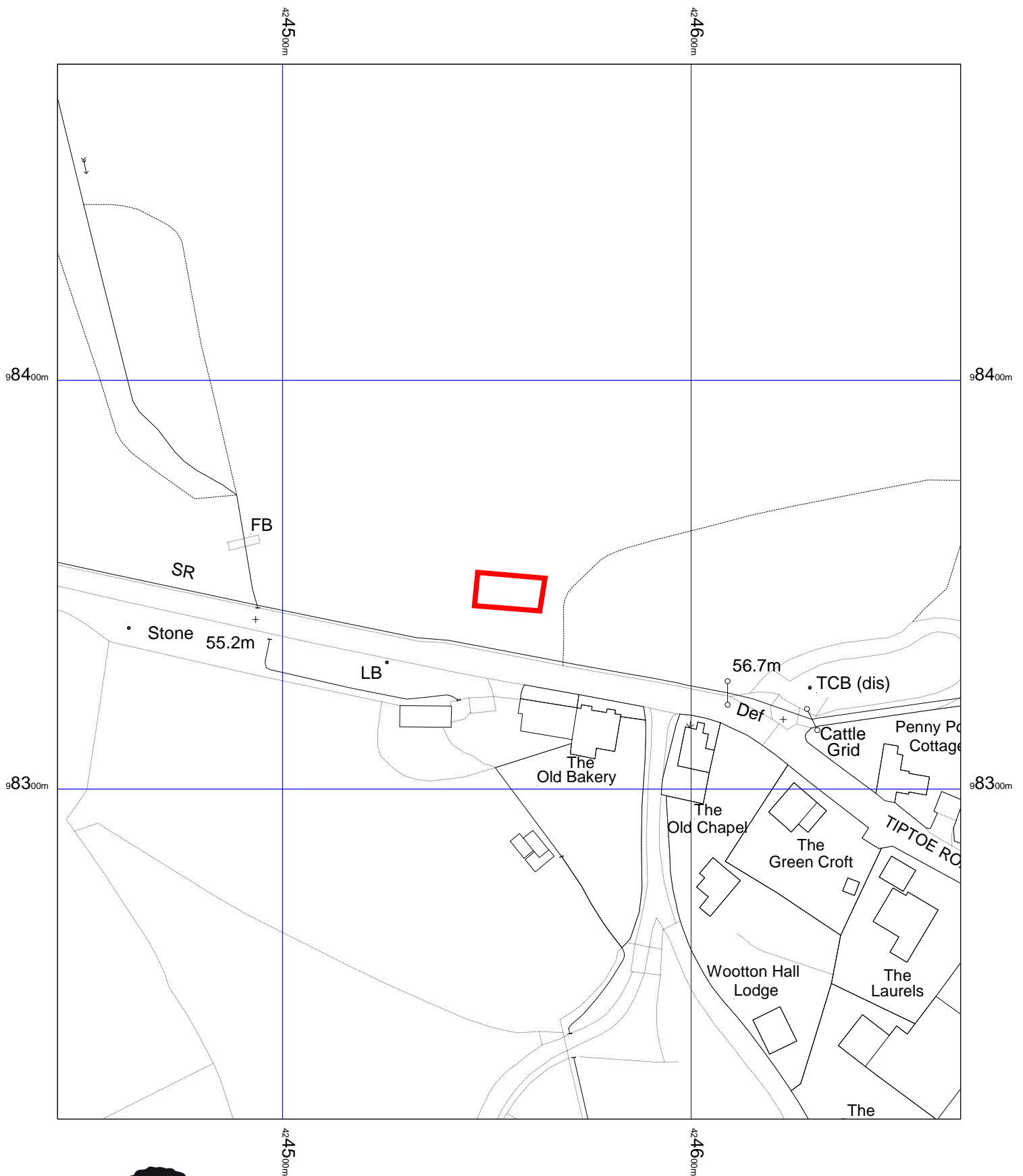
Reason: In order to protect the visual amenity of the setting and to ensure no additional unnecessary impact upon the designated site in accordance with policies DP2, SP6 and SP7 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 4 The development hereby approved shall be carried out in accordance with the mitigation measures as set out in the Habitats Regulations Assessment summary document.

Reason: In order to protect the integrity of the designated site in accordance with policies DP2, SP6 and SP7 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 5 Prior to the commencement of development, a Construction Environment Management Plan, to include measures to address impacts from excavation and reinstatement of works, including general ways of working in the New Forest designated sites, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to protect the integrity of the designated site in accordance with policies DP2, SP6 and SP7 of the New Forest National Park Local Plan 2016-2036 (August 2019).



NEW FOREST  
NATIONAL PARK

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