

Application No: 21/00164/FULL Full Application

Site: Former Redmayne Engineering Works, Station Approach,
Brockenhurst, SO42 7TW

Proposal: Residential development of 9no. dwellings consisting of 7no.
terraced houses and 2 flats (affordable housing); garage block; bin
store; bike store; parking and associated landscaping; demolition of
industrial buildings (AMENDED DESCRIPTION AND PLANS)

Applicant: Weston Investments Limited

Case Officer: David Williams

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Tree Preservation Order
Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP1 Supporting sustainable development
DP2 General development principles
SP3 Major development in the National Park
SP4 Spatial strategy
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP7 Landscape character
DP8 Safeguarding and improving water resources
SP9 Green infrastructure
SP43 Existing employment sites
DP44 Redevelopment of existing employment sites
SP42 Business and employment development
SP11 Climate change
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
DP18 Design principles
SP19 New residential development in the National Park
SP21 The size of new dwellings
SP27 Affordable housing provision within the Defined Villages and on
allocated sites
SP38 Infrastructure provision and developer contributions
DP10 Open Space

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Development Standards SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 2 - Achieving sustainable development
Sec 5 - Delivering a sufficient supply of homes
Sec 6 - Building a strong, competitive economy
Sec 11 - Making effective use of land
Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment
Sec 9 - Promoting sustainable transport
Sec 7 - Ensuring the vitality of town centres

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal.

Comments on amended details:

- The proposal is too dense, and it was felt that there is limited space and small gardens. The development is located very close to neighbouring properties. There are concerns there is little provision of affordable housing.
- There is not enough parking provision which will increase the existing parking pressures in the area.
- The site access also relies on use of the already heavily congested /level crossing/station approach / A337, junction. Increased vehicle movements due to housing rather than industry will only increase pressure further, impinging on access to the station/bus interchange at a time when we are seeking to promote sustainable transport.

Initial comments which remain relevant:

- Loss of an employment site within Brockenhurst and there is anecdotal evidence to suggest a shortage of commercial / business sites locally. This proposal represents overdevelopment of the site with insufficient parking to accommodate the additional residential units: 26 parking spaces for 18 properties is woefully inadequate and will result in overspill parking in local roads with associated loss of neighbouring amenity.
- There is also no provision for charging of electric vehicles nor sustainability report to support the application.

8. CONSULTTEES

- 8.1 Tree Officer comment: Although the impact from the siting of the buildings remains similar to that approved the change of use type has the potential for more pressure in the future to fell or undertake reduction works.
- 8.2 Building Design & Conservation Area Officer comment:
- There is not considered to be harm caused to the nearby Conservation Area and heritage assets in the vicinity eg the landmark Morant Arms – listed Grade II and its associated outbuildings which all front onto Brockley Road. The proposal has a high density layout as it is contained within the main built village of Brockenhurst, where other townhouse and flatted developments have been allowed. The design cue has been taken from industrial warehouse design, and attempts to create a hybrid residential design. The rear elevations are simply detailed with first floor rooflights only at a high level.
- Need to condition details of materials, boundary treatments and landscaping and inclusion of sustainable construction, e.g. installation of communal electric vehicle charging points.
- 8.3 Ecologist: No objection subject to condition reapplied as with previous application.
- 8.4 Archaeologist: No objection subject to reinstatement of condition and requirements as per previous applications relating to the development of the site.
- 8.5 Highway Authority (HCC): raise concerns over the low level of on-site car parking being below adopted design standards which could lead to off-site impacts on surrounding roads but consider that this is a matter for the NFNPA as Station Approach and the internal road within the site are not adopted.
- 8.6 Environmental Protection (NFDC): No objection subject to conditions relating to post demolition contamination investigation and mitigation and noise insulation measures.
- 8.7 Network Rail: No comments received.

9. REPRESENTATIONS

- 9.1 Friends of Brockenhurst: objection on the following grounds:
- Employment land should be safeguarded for the future. Predictable further change from mixed use granted with no intention for commercial floorspace to be retained. Whilst more retail space is not supported it is not demonstrated that the office floorspace is unviable. Demand for office

space high in village.

- Policy compliant at least 50% on site affordable housing should be achieved if loss is to be accepted on windfall site.
- Support objections of HCC and Parish Council on inadequate car parking levels. On street parking and traffic congestion in a worsening situation.
- More information needed to satisfy NFDC Environmental Protection comments.
- Drainage arrangements not agreed by neighbouring land owners. Alternative arrangements required.

9.2 Five letters of support have been received, summarised as:

- New housing inside village settlements should be encouraged rather than out of village locations.
- Site has been empty for 10 years. Good use of derelict land.
- Loss of eyesore.
- Good design and in keeping with location.

9.3 Objections have been received from 12 properties on the following grounds:

- Loss of one of few parcels of land capable of employment related uses within the village.
- Marketing and viability analysis of alternative employment use inadequate.
- Replacement of commercial floorspace with residential adversely affects amenities of occupiers of those immediate adjoining residential properties.
- Increased overlooking and loss of privacy. More windows and rooflights looking over neighbouring gardens. No obscure gazing now proposed. Unlike commercial use residential will be present all week nights and weekends.
- Loss of light and sunlight from size and proximity of buildings to boundaries.
- Overbearing and oppressive buildings close to neighbouring properties. Visual intrusion greater than commercial buildings.
- Increased noise and disturbance from residential properties with very small gardens and windows very close to the boundaries of neighbouring properties.
- Overcrowded part of the site.
- Inadequate car parking provided on site. More pressure upon neighbouring roads, turning heads and existing road users.
- Additional highway safety implications with conflict at level crossing and pedestrian pathway along Station Approach. No highway improvements included.
- Inadequate provision for deliveries and emergency vehicles.

- Inadequate foul water arrangements. Existing systems cannot cope with new residential connections. New pumping or storage facilities should be included to enable foul drainage to be pumped towards Station Approach.
- Surface water flooding already made worse by current housing. Inadequate proposed provision will lead to more flooding.
- Loss of remaining wildlife habitat.
- Increased harm to protected Oak tree.
- Conflict from additional car parking and vehicle movements in front of older persons housing.
- Cramped and unneighbourly development squeezed in at most sensitive part of the site.

10. RELEVANT HISTORY

- 10.1 Application to remove Condition 21 (Water efficiency and nutrient mitigation requirements) of planning consent ref: 20/00236; which itself was an application to vary condition 2 of planning permission 18/00497 for Construction of mixed use development including 7no. two storey dwellings; 2no. three storey dwellings, 4no office/retail units (use Class A1 and B1(A)) on ground floor and 5no office units (Class use B1(A) at first floor level, carports, parking and associated landscaping; Existing access retained; Demolition of redundant industrial buildings (21/00482) Resolution to grant subject to completion of s106 agreement.
- 10.2 Application to vary condition 2 of planning permission 18/00497 for Construction of mixed-use development including 7no. two storey dwellings; 2no. three storey dwellings, 4no office/retail units (use Class A1 and B1(A)) on ground floor and 5no office units (Class use B1(A) at first floor level, carports, parking and associated landscaping; Existing access retained; Demolition of redundant industrial buildings (2/00236) approved subject to s106 agreement 8 January 2021.
- 10.3 Construction of mixed-use development including 7no. two storey dwellings; 2no. three storey dwellings, 4no office/retail units (use Class A1 and B1(A)) on ground floor and 5no office units (Class use B1(A) at first floor level, carports, parking and associated landscaping; Existing access retained; Demolition of redundant industrial buildings (18/00497) approved subject to s106 agreement on 01 May 2019.
- 10.4 24 retirement apartments; car parking; air source heat pumps and sub-station; landscaping (demolition of existing buildings) (15/00138) refused on 19 May 2015.
- 10.5 Change of use to mixed Class B1(office) and A1 (retail); cladding of existing buildings; addition of entrance lobby, rotunda, canopy, bike wash / bin stores and cycle hire building; associated landscaping (14/00229) approved on 2 June 2014.

- 10.6 Retention of two modular office buildings for 5 years (09/94760) temporary permission approved on 12 February 2004.

11. ASSESSMENT

- 11.1 The application site comprises the northern end of the former engineering works site close to Brockenhurst Station within the defined village settlement boundary. The 0.3 hectare application site comprises the northern undeveloped section of the former general industrial site and accesses. Historically occupied by mainly single storey industrial / engineering workshops covering much of the site, one such building remains close to garden boundaries of properties in Auckland Avenue. The remaining more southerly end of the site has been built out with nine dwelling houses (under planning consent ref: 18/00497, as subsequently amended by 20/00236). The main access road into the site has been created and the previously consented residential properties are close to completion.
- 11.2 This planning application seeks to develop the remaining part of the site which had previously been granted permission as a mix of office and retail use (commercial space) in a two and part three storey building. The new proposal is for the residential use of a similarly sited "L" shaped building.
- 11.3 There are residential properties to the north, west and east as well as a restaurant and the railway car park to the southeast. Latchmore Court, a three-storey sheltered housing development (with the top floor largely contained within the roof slope), lies adjacent to the development and overlooks the main access road to the site. Auckland Avenue properties to the rear comprise two storey terraced and semi-detached properties and Auckland Place Court at the south western end which includes single storey accommodation.
- 11.4 To the north lies the detached residence of Maiko House (no5) and the recently constructed dwelling at no3 Brookley Road (which had not been built at the time of the 2018 application). These properties, along with those backing onto the site from Latchmore Court, lie close to the northern boundary of the site closest to the proposed now residential building.
- 11.5 The engineering site historically contained two main buildings on the site with a combined floorspace of 1166 sq. m, made up of a mix of brick and blockwork and asbestos sheets. A two-storey modular office building had been granted and implemented at the northern end of the site. The main vehicular and delivery access remains adjacent to the station car park and Latchmoor Court. It is understood to have employed the equivalent of 27 FTE people

at its peak but has remained largely unused for the last six to seven years.

Proposal

- 11.6 The current application seeks to replace the approved commercial buildings (retail and office 738sqm) at the northern end of the site with a residential development of nine dwellings comprising seven two-bedroom dwellings and two two-bedroom flats. Thus the site would be developed out as 100% residential (five units of 92sqm floorspace, one of 96sqm and one of 105sqm). With the exception of unit 5 which is over 100sqm by virtue of its irregular shape, the remaining dwellings are relatively small. Amended plans have been sought to reduce unit 5 by 5sqm.
- 11.7 The scheme would make use of the existing access from Station Approach adjacent to Latchmore Court and provide an overall total of 26 car parking bays within the curtilage of the whole site. Turning heads are provided adjacent to the proposed building and the far end of the residential access road.
- 11.8 On site affordable housing is provided in the form of the two flats being offered on a shared ownership basis. The proposals will also deliver off site affordable housing contributions of £181,300 for the remaining seven dwellings, in a similar way the requirements have been met for the existing nine dwellings already constructed. Delivery would need to be secured within a s106 legal agreement.

The key considerations in this case are:

- 11.9
- The principle of development resulting in a residential scheme;
 - Affordable housing provision;
 - The proposed design and impact upon the character of the locality;
 - The impact on residential/ visual amenity;
 - Highway and parking implications;
 - Ecological considerations; and
 - Developer contributions.

Principle of Development

- 11.10 The application site has been the subject of several planning applications in the last 10 years to seek alternative land uses which resulted in the granting of the mixed-use planning permission in May 2019 (18/00497).
- 11.11 Policy SP43 is clear that existing employment sites will be retained throughout the National Park, with additional mixed uses considered on sites within the defined New Forest villages. The

consideration of additional uses to allow mixed-use development was a change of policy in 2019 compared to the previous Core Strategy (2010) policies and the revised approach of enabling a mix of uses on existing employment sites in the defined villages is reflected in the original consent for this site. The proposal to redevelop the former Redmayne employment site solely for housing is contrary to this policy and it is therefore necessary therefore to decide whether other material considerations justify a departure from this policy position on this matter.

Marketing of Site

- 11.12 The applicants have presented a planning policy case and a supporting commercial viability appraisal for developing the site, the conclusions of which do not support the realistic long term viability of the site for commercial retail/office floorspace. This in part is due to the nature and location of the accommodation away from passing trade and the likely result of the office market post covid. There has been some marketing of the site for commercial uses since the initial approval and this has failed to identify an end user or viable option. Whilst this marketing is open to more detailed scrutiny, the marketing agents confirm that there is a lack of demand and interest in the commercial offer due to poor location, lack of visibility, poor access, lack of population to support viable business, highly seasonal trade and the lack of visibility with rents not covering construction.

National Planning Policy Framework

- 11.13 Chapter 11 of the National Planning Policy Framework (NPPF, July 2021) focuses on 'Making effective use of land' and supports housing on brownfield sites, especially under-utilised land and where there is no reasonable prospect of an application coming forward for the land use set out in the development plan. The guidance goes on to set out that that planning decisions should promote and support the development of under utilised land especially if this would help meet identified needs for housing where land supply is constrained. Planning Authorities are required to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in the Local Plan where this would help to identify wider development needs.
- 11.14 The National Planning Practice Guidance (NPPG) resource provides further detail on the application of national policy in the context of allocated sites. The NPPG requires authorities to take into account factors such as:
- (i) whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and
 - (ii) whether there are any changes of circumstance that mean

that take-up of the site for its intended use is now unlikely.

- 11.15 Authorities should also consider the extent to which evidence suggests the alternative use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies.
- 11.16 Whilst the adopted Local Plan (2019) seeks to retain existing employment sites through Policy SP43, the following considerations support a more flexible approach in this instance:
- The site has remained vacant and unused for more than six years. Despite limited interest, no viable alternative employment use has come forward or has made itself known for a comparable employment use.
 - The NPPF and to a certain degree the adopted Local Plan policy seeks a more flexible land use approach.
 - The site is poorly located, in direct neighbour amenity terms, for its long-term use for general industrial uses or more intensive employment uses, however, it was considered acceptable for a lighter employment related use as approved.
 - The revised approach means the 738 sq. m of office/ retail floor space will not progress but instead the proposed development would make efficient use of a brown field site for the provision of housing, including affordable housing.
 - The residential units are designed with flexible space to promote home working which supports more flexible working arrangements.
 - The proposals provide nine additional smaller residential units meeting an acknowledged local need.
 - On site provision of two affordable housing and off-site contributions towards affordable housing and other infrastructure and mitigation would be provided.

Affordable Housing

- 11.17 Policy SP27 (Affordable housing provision within the defined villages) sets a target of 50% of net new dwellings developed within the defined village of Brockenhurst to be affordable. In policy terms, this application presents some challenges, as application 21/00164 relates to nine additional dwellings, but is part of a wider site redevelopment for 18 dwellings in total. Criterion (b) states that for applications for 10 or less dwellings, financial contributions in lieu of on-site provision may be accepted. Criterion (c) of the policy states that on sites of 11 dwellings or more, a target of 50% affordable housing will be sought on-site. The applicant's revised proposal for a combination of on-site (two dwellings) and off-site (a financial contribution the equivalent of seven dwellings) affordable dwellings comprises an affordable housing offer which is far closer to the Local Plan policy and addresses how the 50% affordable housing target could be addressed through on- and

off-site provision. The comprehensive redevelopment of the site would deliver circa 10% on-site affordable housing and a financial off-site contribution equating to a further 40% affordable housing.

Design and Layout

- 11.18 The site lies outside of the conservation area but occupies a prominent, visible position close to and viewed from the station and passing trains. The former and existing engineering buildings and site condition did not provide a welcoming outlook for visitors or local residents and the opportunity exists to enhance the character of the area. This is in the process of being achieved with the development of the first nine houses which are nearing completion.
- 11.19 The approved scheme incorporated a commercial (mix of retail and office floorspace) within a building located close to neighbouring garden boundaries, but which included limited rooflight and window outlook above ground floor level. Rooflights and windows were conditioned to be obscure glazed and by the nature of their use limited outside space would be required. The current application seeks to use the basic footprint and building mass achieved with the commercial space and adapt this into a residential form. The built relationship to neighbouring properties and gardens is tight with more windows incorporated at roof and first floor level and external rear garden outdoor space is incorporated within small plots. However, design amendments have been sought and the overall layout, elevational treatment and design is now considered to be acceptable, subject to further conditions on materials and architectural detailing and as expanded upon below.
- 11.20 It is acknowledged that the change of use type does present different and additional amenity impacts to its neighbours e.g. potential for increased overlooking and loss of privacy, noise and disturbance from accumulation of people and external activity at times when the commercial uses would be expected to be quieter. The scheme layout and design, and juxtaposition of the properties are such that the proposal does, however, make use of good design solutions to limit that impact. Further details on boundary treatment, landscaping and materials would help to safeguard residential and visual amenity.
- 11.21 The design of the residential terrace is such that the two main bedrooms are provided on the ground floor and the main living and kitchen areas on the first floor. The main light, sunlight and outlook is provided by large picture windows at the front of these units. To the rear the cill height of secondary windows and rooflights have been raised to 1.7m above internal floor level. Unlike the commercial scheme these windows are not proposed to be obscure glazed and fixed shut but rely on their design to

minimise overlooking and loss of privacy. Overall, the proposed buildings have a predominantly two storey appearance and have been sited on the plot to ensure that distances to boundaries and neighbouring properties is maximised. The historical use and former buildings on the site and the extant planning permission for the commercial scheme are relevant considerations and the architect has used the main approved ridge height and siting envelope to make the best use of the approved building mass to create a residential scheme. It is considered that the layout and form of the proposed development meets reasonable amenity standards. Within a tight central village location it is inevitable that there will be some distant overlooking and loss of amenity but the final design use of rooflights and windows and room configurations help to minimise that impact and the scale and layout proposed is considered acceptable.

- 11.22 The design and elevational treatment has been the subject of discussion and amendment during the application process. The design has been refined and a layout and elevational treatment arrived at which is considered appropriate for its situation and surroundings. The design cue has been taken from industrial warehouse design and attempts to create a hybrid residential design. The rear elevations are simply detailed with first floor windows and rooflights only at a high level. It is important that good quality materials are used to contribute to the character of the village and enhance the setting of this development. The emerging new Design Guide offers fuller details on appropriate materials. These are expected to be quality red bricks, clay roof tiles or natural slates and timber (or metal) fenestration and detailing. No details of sustainable construction are given, how the site will contribute to energy efficient homes, and how communal electric vehicle charging points, for example, will be incorporated into the layout. These matters can be conditioned as the overall design is considered appropriate in its context.
- 11.23 The proposed building that is closest to nos 3 and 5 Brookley Road and Latchmore Court properties, has been designed such that the first-floor element is contained within a sloping catslide roof and with high level rooflights and windows all of which helps to minimise overlooking and at the same time reduce the visual mass of the building. There is a 12m separation between Latchmore Court and the rear wall of the new residential building at its closest point. This presents a tight relationship for the neighbouring accommodation where, due to their own proximity to the boundary, there will be a noticeable change in outlook and amenity impact. A further condition is proposed to require further first floor windows/rooflights to be obscure glazed. Taking into account the siting and design of buildings close to boundaries, the potential for overshadowing is minimised. Whilst there would be a noticeable change in the outlook from these properties it would not be such that an unacceptable visual impact would result, due to the siting of the proposed and existing buildings

and the design of the new buildings.

Highway and Parking Implications

- 11.24 As already approved, the proposal seeks to adapt the main existing vehicular access to serve both the scheme under construction and that the subject of this application. The original application was submitted with a transport assessment which considered in detail the likely traffic flows, parking requirements and site characteristics. These were considered in some detail by the Highway Authority resulting in a series of changes to the layout, parking numbers and manoeuvring areas.
- 11.25 The site lies adjacent to Brockenhurst Station and local bus links and is in one of the more accessible locations within the National Park.
- 11.26 Unlike the previously approved schemes, there is no longer a mix of commercial and residential uses and the option for staggered parking demand brought about by the different land uses. However, there would be less deliveries with the removal of the commercial elements.
- 11.27 Despite a level of parking provision below standards contained in guidance, the Highway Authority supported the original mixed-use proposal on the basis that the car parking was not allocated to specific properties.
- 11.28 A total of 26 car parking spaces are proposed on the site for what is 18 dwellings. The adopted Local Plan guidance at Annex 2 seeks 36 spaces for the overall 18 dwellings, a net short fall of 10 spaces. It must also be borne in mind that the approved scheme accepted a net shortfall of 15 spaces, with the extant mixed use scheme taking into account the site being located in a sustainable location.
- 11.29 The Highway Authority acknowledge that, as the internal road and Station Approach are not adopted highways, they have no responsibility over them. Concerns are raised over the low level of on-site parking provision which could impact upon surrounding areas. They also recognise that the decision about parking provision is a matter for the local planning authority.
- 11.30 Consideration also has to be given to the type of housing now proposed which is smaller two-bed accommodation designed for a different market to those nearing completion which are on bigger plots and largely three-bed in nature with gardens. The surrounding roads are also subject to tight on street parking restrictions reflecting its location close to the station. There is very limited alternative on street parking available in any case such that any immediate knock on effect upon highway safety is limited. As with visitors to the village there are existing car parks

within the village and at the station to take up visitor and peak demand. The two bed accommodation is also less likely to attract multiple car ownership being located at an accessible location.

- 11.31 The proposal is likely to generate a net reduction in HGV vehicle movements and a spread of vehicle movements during the whole day. Adequate visibility and surface demarcation will be provided to enable efficient use of shared surfacing. Adequate cycle storage is also provided on site subject to details through condition.
- 11.32 Overall, the proposed access arrangements will provide a safe and secure access for all highway users and the local road network is more than adequate to accommodate the additional development. Consideration has been given to the access and movements relative to the frequently operated level crossing and no material harm is considered to result. Overall, the highway and parking impact is considered acceptable.

Ecology

- 11.33 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 planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of those sites' 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 the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Authority's Mitigation Strategy or mitigation to at least an equivalent effect. An appropriate condition is proposed to be attached in order to satisfy this requirement. As a new stand-alone planning permission relating to new residential development, this would include a condition requiring water efficiency and nutrient mitigation requirements.

Developer Contributions

- 11.34 The application would trigger a range of required planning obligations. The provision of nine further dwellings on the site would usually require on-site affordable housing provision (50%) and a range of other contributions towards habitat mitigation measures, open space provision and local transport improvements. A number of these matters were considered in granting the previous application on the site (18/00497) in May 2019. A decision taken to grant permission for additional housing on the site would be based on the Local Plan policies and associated contributions in place and required.

11.35 The following developer contributions, index linked where appropriate, will need to be secured by a Section 106 agreement. They have been assessed as being reasonable necessary and proportionate to the development. The proposed contributions are:

- Affordable housing £181,300 (plus securing two on-site shared ownership units)
- Open Space £21,033
- Sustainable Transport £33,705
- New Forest SPA mitigation £32,949
- Solent Coast SPA mitigation £4,698
- Nutrient mitigation

Other Considerations

11.36 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant's written agreement has been requested in relation to the proposed pre-commencement conditions recommended.

11.37 Pre-commencement conditions are proposed in relation to archaeology and ecological mitigation. Further ground investigation and mitigation would also be conditioned to address the potential for contamination on the site from former railway related uses and any hazardous materials in the existing building. A condition requiring further details relating to foul water and surface water drainage on this northern end of the site is considered necessary and relevant. Objections have been raised by neighbours as to the adequacy of local drainage systems and connections which it is claimed have not been resolved. If a further design solution is required such as on site attenuation then this can be considered further through the condition. The element built already out makes use of the former connections used by the engineering works. Separate consent with the utility undertakers would also be required.

11.38 The application site is adjacent to the railway line and associated railway station and as a result the environmental health officer recommends that a condition be added to mitigate noise from this source. This would also help to minimise the transfer of noise between residential properties.

Conclusion

11.39 Whilst Policy SP43 seeks to safeguard employment land, the site has not provided proper employment opportunities for six to seven years and the current proposal seeks to provide relatively small residential dwellings to help address the need for smaller units of accommodation within the National Park, adding to the mix of housing stock. Affordable housing would also be provided on site (two shared ownership flats) and through further off-site

contributions for the remaining accommodation.

- 11.40 The proposed design has been amended through the application process. The resulting scheme is, on balance, considered to respect its situation and surroundings and is deemed acceptable in its context, against the position established with the extant planning permission.
- 11.41 Taking into account the history of the site and the need to make optimum, and sustainable use of a brownfield accessible location, the amended scheme is considered acceptable subject to conditions and the completion of a Section 106 agreement requiring the delivery of developer contributions.

12. RECOMMENDATION

Subject to (i) the receipt of amended plans reducing the size of unit 5 to 100sqm and (ii) the completion of a s106 agreement to secure the above, then delegate to the Executive Director (Strategy and Planning) to grant planning permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before 3 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:
- 1541P20 Rev E; 1541P21 Rev D; 1541P22 Rev F; 1541P23 Rev K; 1756P 24 Received 15-11-21; 18084-3; 1541 4.08 Rev B; 1541 4.09 Rev K; 1541P25 Rev A Received 15-11-21; 1541P26.
- 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 building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 3 Prior to development above DPC slab level, a parking management plan or updated CLP Parking Management Plan Version 2 September 2020 (as approved under planning permission reference: 18/00497) shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is

occupied and retained as such at the site in perpetuity.

Reason: In the interests of highway safety and to comply with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Section 9 of the National Planning Policy Framework.

- 4 Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan 1541P23K shall be constructed and surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times in accordance with the approved Parking Management Plan (CLP Parking Management Plan Version 2 September 2020 as approved under planning permission reference: 18/00497) or any subsequent variation thereof agreed in writing.

Reason: In the interests of highway safety and to comply with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Section 9 of the National Planning Policy Framework.

- 5 Before first occupation of the development, details of the design of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote a sustainable mode of travel; in the interests of highway safety and to comply with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019) and Section 9 of the National Planning Policy Framework.

- 6 No development shall take place above slab level of the buildings until samples of the following materials, joinery, roofing materials and sample panel listed below have been submitted to and approved in writing by the New Forest National Park Authority, to be accompanied by large scale drawings and section details (1:10 or 1:5):

- Windows
- Doors
- Dormers
- External joinery
- Eaves and ridges
- Chimneys
- Porches
- External flues ducts and vents
- Hard landscaping

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 7 No development, other than demolition and site clearance, shall take place on the buildings until 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 New Forest National Park 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 DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 Prior to first occupation details of hard and soft landscaping proposals shall be submitted to and approved in writing. Development shall only take place in accordance with the approved details and no alterations shall be made unless they have written approval of the Local Planning Authority.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with policies DP2 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 10 Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a

planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance policies SP5 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019) Development Standards SPD and the SRMP.

- 11 Unless otherwise agreed in writing by the National Park as Local Planning Authority development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (Lindsey Carrington Ecological Services Ecology mitigation and enhancement plan August 2020 approved under planning permission reference: 18/00497).

The measures thereby approved shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 12 Unless otherwise agreed in writing with the National Park as Local Planning Authority, tree protection measures shall be carried out in accordance with Arboricultural assessment - Tree Protection plan. 18084 - 3 Barrell Tree Care.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with policies DP2, SP6, SP7 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 13 Post demolition and site clearance and before reaching slab level, a finalised detailed scheme for remedial measures to deal with any contamination of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall take into account and follow the recommendations within Contamination Assessment Report - Phase 2 Ground and Water Sept 2020 and V.102 Desk top phase 1 contamination assessment. (Partial clearance as far as pre-commencement works for 18/00497). The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms at the relevant stage of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Prior to first occupation of any units and following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If any other previously undiscovered contamination is found during the development of the site, this shall be notified in writing to the New Forest National Park Authority immediately, along with a suitable risk assessment and where necessary, a remediation scheme. The remediation scheme shall be approved in writing by the New Forest National Park Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 14 Prior to the commencement of the development, a scheme shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 (table 4) and 7.7.3.2. The scheme shall be approved in writing by the Local Planning Authority and the approved scheme shall be implemented, maintained and retained.

Reason: To minimise the transfer of noise due to the railway and proximity to neighbouring residential properties in order to minimise the impact upon the residential amenities of the future occupiers of the scheme and neighbouring properties in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 15 No development, other than demolition, shall take place until details of the means of disposal of surface and foul water from the site have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 16 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- 1.The programme and methodology of site investigation and recording
 - 2.The programme for post investigation assessment
 - 3.Provision to be made for analysis of the site investigation and recording
 - 4.Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5.Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6.Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DP2 and SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 17 The roof space of the residential buildings hereby approved shall not be converted to form habitable floorspace and no additional windows or roof lights shall be inserted into the roof space (including the gable ends of the properties), other than those hereby approved.

Reason: In order to safeguard the residential and visual amenities of the occupiers of neighbouring occupiers in accordance with policies DP2, SP17, DP35 and DP18 of the New Forest National Park Local Plan 2016-2036 (August 2019) to safeguard the character of the National Park.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 without express planning permission first having been granted.

Reason: To ensure the dwellings remain of a size which is appropriate to their location within the village and National Park to comply with Policy DP2, DP35, DP37 and DP36 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 19 Prior to site clearance a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:

Development contacts, roles and responsibilities

Public communication strategy, including a complaints procedure.

Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.

Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.

Use of fences and barriers to protect adjacent land, properties, footpaths and highways.

Details of parking and traffic management measures.

Measures to control light spill and glare from any floodlighting and security lighting installed.

Pest control

Development shall only be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact upon the adjoining highway, residential and visual amenities of the occupiers of neighbouring properties in accordance with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 20 The first floor level windows and rooflights of the north east and north west elevations of the main residential terrace as shown on plan no 1541/P21D hereby approved shall at all times be obscurely glazed and permanently fixed.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

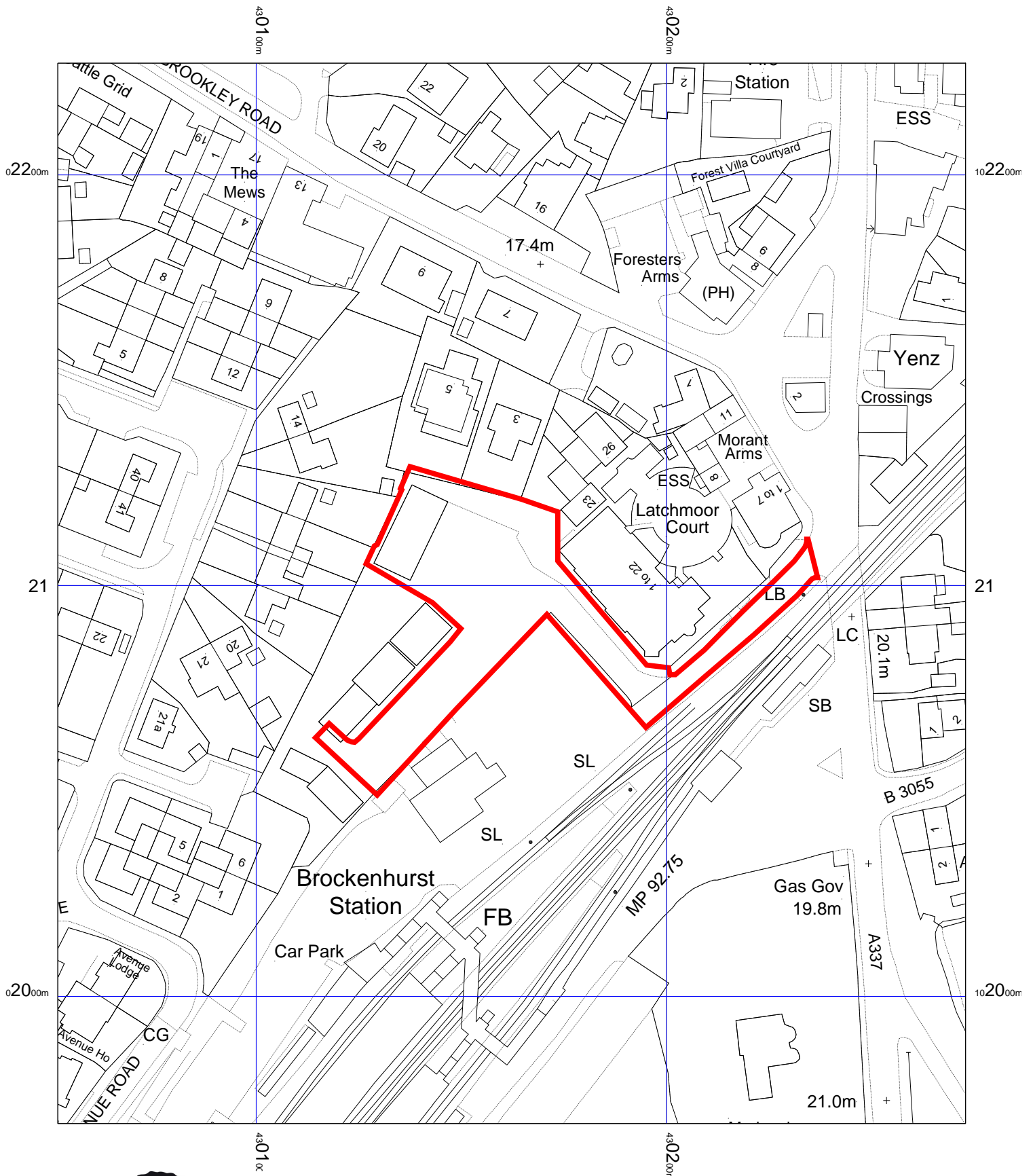
- 21 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per 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;
 - b) 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
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

The development shall be carried out in accordance with and subject to the above details.

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

- 22 Prior to first occupation a scheme for the provision of facilities for the charging of vehicles shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in full accordance with the approved details and the charge points retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and Design Guide.



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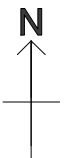
New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 07/01/2022

Ref: 21/00164

Scale: 1:1250



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Application No: 21/00969/VAR Variation / Removal of Condition

Site: Jan Ruis Nurseries, Shirley Holms Road, Boldre, Lymington, SO41 8NG

Proposal: Application to remove Condition 4 of planning permission 20/00437 for a toilet block to allow the retention of existing toilet block to be demolished

Applicant: Mr Ruis

Case Officer: Liz Marsden

Parish: BOLDRE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
DP18 Design principles
SP17 Local distinctiveness
DP50 Agricultural and forestry buildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Boldre Parish Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Boldre Parish Council: Recommend refusal. See no reason why this condition should be removed.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

- 9.1 Three letters of objection from neighbouring properties on the following grounds:
- Any built form should be restricted to what is necessary and justified in the interests of the character and appearance of the area.
 - The retention of the existing toilet block would further add to the proliferation of buildings and cumulative impact on rural landscape to detriment of the wider setting of the National Park.
 - The site has already deteriorated visually.
 - Removal of condition would be contrary to policy.
 - The shed to be demolished is smaller and does not offset the scale of the building to be retained.
 - No justification supplied for retention - agricultural buildings should only be allowed where there is a demonstrated functional need for them.
 - The new toilet block will provide more than adequate facilities for existing workers, with capacity for future growth of the business.
 - Facilities to be provided in the retained building include an office which the previous application stated there was no requirement for.
 - The condition meets the tests and there is no reason for its removal.
 - The proposal will not result in any additional economic or employment benefit but will cause additional noise and disturbance.

10. RELEVANT HISTORY

- 10.1 Toilet block (20/00437) granted on 01 September 2020
- 10.2 Change of use of land for the stationing of 20 containers; toilet block (19/00631) refused on 24 September 2019

11. ASSESSMENT

- 11.1 The site is located to the north of Shirley Holms Road and comprises an area of around 1.1ha, which has been operating as a horticultural nursery since at least the 1980's. The frontage of the site, adjacent to the road, provides parking spaces, with the section behind being covered by large polytunnels. There are further polytunnels and other structures elsewhere on the site, the boundaries of which are lined with trees. To the north of the site there are open fields, regularly used for car boot sales at weekends.

- 11.2 The application seeks to remove the condition on the recent planning consent for a replacement toilet and shower block, requiring the removal of the existing toilet building. This is a solidly constructed breeze block structure which is comprised of two small rooms for use by horticultural workers, one of which contains a small kitchen area off which the toilets are located. The other room is used as storage/site office. Work has commenced on the new toilet block but, at the time of the site visit, not completed. An existing shed on the boundary of the site which currently houses the site electrics is to be demolished with the electrics to be relocated into the retained building.
- 11.3 The reason for the condition requiring the removal of the existing toilet block was to 'ensure an acceptable impact upon the character and appearance of the open countryside and the visual amenities of the area'.
- 11.4 The key consideration is whether the retention of the existing building would result in an adverse impact on the character and appearance of the area.
- 11.5 The existing building, the subject of the condition, is located between a block of polytunnels to the south and partially behind an agriculturally tied mobile home to the north. The nursery site extends some distance beyond the location of the building to the north and intervening structures and planting effectively ensure that it is not visible in the wider landscape. It is around 9m from the western boundary of the site, which is defined by a tall evergreen hedge and mature deciduous trees along its length. The height of the hedge is such that the building is not visible in views to the west of the site. To the east, the new toilet block, which is larger than the existing structure, is being constructed and will obscure any views from that direction and from the south the building is screened by the polytunnels.
- 11.6 In the light of the location of the building and the screening surrounding it, it cannot be said to be intrusive in the surrounding area and, whilst it is acknowledged that its retention, together with that of the new toilet block under construction, does result in an increase in the built form on the site, the modest scale (footprint of 20 square metres and maximum height of 2.2m) of the building is such that it is considered to be a negligible addition.
- 11.7 Policy DP50 states that permission will be granted for buildings required for agriculture or forestry purposes where there is a functional need for the building. The previous application determined that the new toilet block was appropriate to support the lawful use of the site and any future growth in horticultural activity. However, the new building only provides toilets and showers, whereas the building to be demolished, in addition to the two toilets, also contains a small kitchen area and an

office/storage area. The provision of a 'breakout' or rest area for workers is considered to be a functional need for the business and, in the absence of any other provision for such a facility on the site, it would be difficult to resist an application for a similar proposal on the site. Its use would be a sustainable and efficient use of resources and would potentially have less visual impact than an entirely new structure elsewhere on the site.

- 11.8 Conditions are subject to tests to demonstrate that they are necessary, relevant, enforceable, precise and reasonable in all other respects. In this case, the condition imposed on the previous application was appropriate in that it sought to ensure that the level of built form on the site was minimised to avoid the unnecessary proliferation of structures in this rural location. However, as set out above, given the unobtrusive location of the building, it is not considered that the reason that was provided for the condition, which was based on the visual impact of the proposal, was necessary or reasonable to the extent that it would be possible to sustain a refusal at appeal. In these circumstances and since the building would continue to be used in connection with the lawful business use of the site, the removal of the condition and the retention and works to the existing toilet block, is acceptable. As a Section 73 application results in a fresh permission, other relevant conditions would be reimposed.
- 11.9 The removal of condition 4 of application 20/00437 enabling the retention of the existing structure would result in an overall increase in built form on the site. However, it is considered that this increase would not result in an adverse impact on the character and appearance of the surrounding area and the proposal is therefore in accordance with Policies DP2, SP17, DP18 and DP50 of the New Forest National Park Local Plan 2016-2036.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Development shall only be carried out in accordance with drawing numbers: DR2 (location plan); DR1 and drawing numbers: 002 and 003 of planning permission reference: 20/00437. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

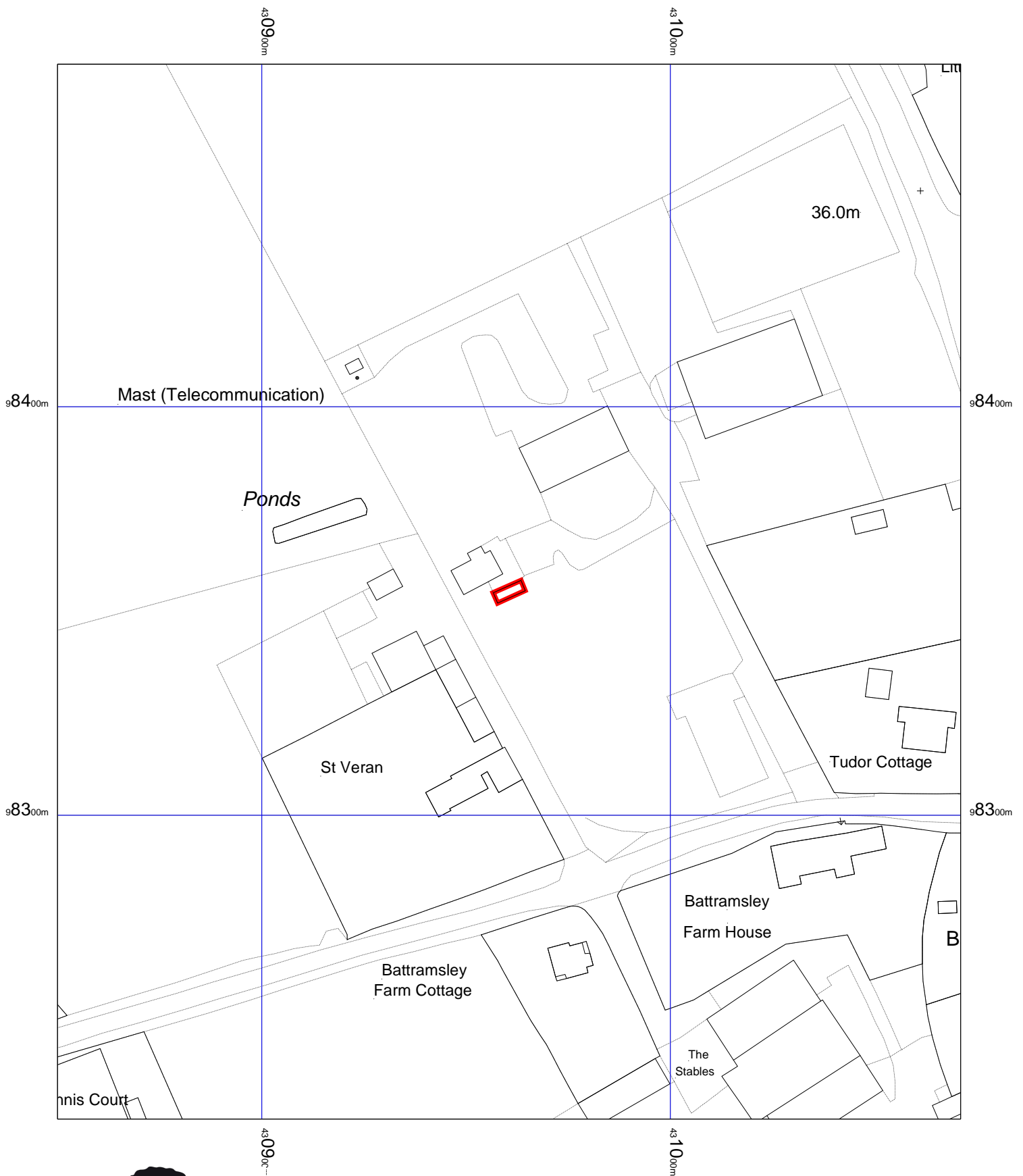
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 2 Unless otherwise first agreed in writing by the New Forest National Park Authority, the external facing and roofing materials shall be as stated on the application form.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 The building the subject of this permission shall only be used for agricultural/horticultural purposes and for no other commercial, business or storage purposes whatsoever. If in the future the building is no longer required for agricultural/horticultural purposes, it shall be demolished within three months of the cessation of the agricultural use and the land restored to its former condition.

Reason: The building is only justified on the basis that it is necessary for agriculture and in accordance with Policy DP50 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



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Tel: 01590 646600 Fax: 01590 646666

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