

Application No: 24/00343VAR Variation / Removal of Condition

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

Proposal: Application to vary condition 2 of planning permission 21/00164 (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) to allow a minor material amendment

Applicant: Bayview Developments Ltd

Case Officer: Natalie Walter

Parish: Brockenhurst Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2. POLICIES

Development Plan Designations

Defined New Forest Village Brockenhurst
Tree Preservation Order

Principal Development Plan Policies

DP2 General development principles
DP8 Safeguarding and improving water resources
DP10 Open space
DP18 Design principles
DP44 Redevelopment of existing employment sites
SP1 Supporting sustainable development
SP4 Spatial strategy
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP11 Climate change
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
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
SP42 Business and employment development

Supplementary Planning Documents

Design Guide SPD

Development Standards SPD

NPPF

Sec 2 - Achieving sustainable development

Sec 5 - Delivering a sufficient supply of homes

Sec 6 - Building a strong, competitive economy

Sec 9 - Promoting sustainable transport

Sec 11 - Making effective use of land

Sec 12 - Achieving well-designed and beautiful places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal for the reasons listed below:

We do not believe the proposed amendments would be appropriate in the context of the consented scheme. We are concerned about the cumulative effect of the number of minor alterations to the originally approved application, resulting in significant deviations from the original plans. We also have concerns as to the width of the proposed footpath; both in terms of user safety and disability requirements.

5. CONSULTEES

Archaeologist: No objection; all archaeological work completed but no application for discharge of the remaining parts of Condition 16 of 21/00164.

Tree Officer: No objection; the proposed amendments using a no-dig cellular confinement system is unlikely to have any adverse impact on the protected Oak trees. There are no objections to this application on tree grounds.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

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) (21/00164) approved on 11 October 2022; commenced on 16 October 2023.

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) approved subject to legal agreement on 27 Jan 2022.

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 (20/00236) approved subject to Section 106 agreement 8 January 2021.

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 Section 106 agreement on 01 May 2019.

24 retirement apartments; car parking; air source heat pumps and sub-station; landscaping (demolition of existing buildings) (15/00138) refused on 19 May 2015.

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.

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

8. ASSESSMENT

Application Site

8.1 The application site comprises the northern end of the former engineering works site located to the north of Brockenhurst Station within the defined New Forest village boundary.

8.2 The site is accessed from Station Approach. Residential properties lie to the north, west and east. A car park and restaurant lie to the south and south east.

8.3 The remainder of the former engineering works site to the south west has been developed as nine residential units.

Proposed Development

8.4 The application follows the grant of planning permission reference 21/00164 for residential development of nine dwellings consisting of seven terraced houses and two flats (affordable housing); garage block; bin store; bike store; parking and associated landscaping; demolition of industrial buildings in October 2022.

8.5 The application seeks to vary condition 2 of planning permission reference 21/00164 (the condition which lists the approved plans) in order to make 'minor material amendments' to the approved scheme. The proposed amendments are summarised as follows:

- Removal of four-bay car port structure (uncovered parking is provided).
- New permissive pedestrian right of access on northern site boundary (1.2m in width) constructed of geo-cellular root protection and filled with grey coloured stone/ gravel.
- Fencing and one gate re-positioned to reflect the above.
- Relocation of private cycle storage from units 5 and 6 into larger communal cycle storage on southern side of central courtyard.
- Communal cycle storage enlarged to accommodate additional cycle storage from units 5 and 6.
- Provision of one additional EV charging point (total of five).

Elevational changes to the courtyard group units 1-7:

- SE elevation- fenestration changes (reduction in height) on units 1-3; arched brickwork header on unit 4; correction of drawing inconsistency in relation to roof form.
- NW elevation- minor changes to position of velux windows and introduction of four additional velux windows to achieve cross ventilation; addition of brickwork arches; façade to comprise exposed brick.
- NE elevation- amendment to pattern of windows to proposed unit 4 (removal of two high level windows and replacement with two velux windows); additional velux windows within units 6 and 7 to achieve cross ventilation; new high-level window to unit 5; façade to comprise exposed brick.
- SW elevation- removal of ground floor window of unit 5 and change to design of other ground floor opening (smaller) with brickwork header; brickwork header detail to ground floor windows of units 6 and 7; elevational treatment of units 6 and 7 amended from render to exposed brick to match the rest of the buildings.

- 8.6 The proposed amendments do not alter the description of the development. There is no change proposed to the number of units, the mix of units or the number of car parking spaces.

Consideration

- 8.7 As set out in the planning history above, there is an extant consent for the nine residential units on the site and associated parking. The principle of the development has been established and there is no change to the number and tenure of the residential units or the car parking provision. The key issue in this case is whether the proposed amendments would be appropriate in the context of the previously consented scheme.
- 8.8 Applications under Section 73 are covered by the requirements for publicity under Article 15 of the Development Management Procedure Order (as amended). The Government's online Planning Practice Guidance advises that, within the discretion they have, local planning authorities should adopt a proportionate approach. This approach has been adopted and relevant consultees to the proposed variation have been consulted.
- 8.9 In relation to the removal of the car port, the uncovered parking spaces in this location are in use by the dwellings which have been completed and occupied following the grant of planning permission 18/00497 as varied by planning permission 20/00236. There is no change to the total amount of car parking and the allocation of spaces is set out in the approved car parking management plan. The provision of car parking as uncovered car parking is considered to be acceptable.
- 8.10 In respect of the proposed permissive path to the rear of units 5, 6 and 7, the applicant's agent has indicated that, following engagement with neighbouring properties at 3 and 5 Brookley Road, a historic covenant relating to a right of access has been discovered. Whilst the matter of covenants is outside of the planning process, the applicant has agreed to re-instate a permissive right of access, and this would require an amendment to the approved site plan. The Authority's Tree Officer has been consulted, due to the proximity of a protected Oak tree. The proposal would use a no-dig cellular confinement system covered with permeable material which would not have an adverse impact on the protected Oak. The Authority's Tree Officer has no objection to the application.
- 8.11 The Parish Council have commented on the width of the path in terms of safety and disabled access. The applicant's agent has stated that it is intended to be accessible only to residents and to the neighbours for whom it provides a permissive access. The proposed width has been given careful consideration to ensure that the path provides a more than adequate access for pedestrian movement. Further stating that this does not need to cater for vehicles or to function as a disabled friendly access, as is not a public route; it is not the primary means of accessing any of the

units on or off-site; and disabled friendly points of access exist to all properties. On this basis, it is considered that a refusal on the grounds of inclusion of the path is not sustainable. It is noted that details of hard landscaping previously discharged are now proposed to be updated with this plan.

- 8.12 The amended communal cycle store, located on the southern side of the courtyard, would be lengthened to accommodate an additional three stands. There would be no change to the height of the store and the materials would be as approved previously through the discharge of conditions. The proposal would be acceptable in design terms and the number of stands would accord with the standards contained in Annex 2 of the adopted Local Plan. In addition, the provision of an additional electric vehicle charging point is supported.
- 8.13 In relation to the proposed elevational changes, it is considered that the proposed amendments to fenestration and brickwork headers would enhance the scheme. The additional velux windows are considered acceptable in the context of the overall scheme and the amendments to the north-east elevation would reduce the perception of overlooking to 5 Brookley Road. The additional new high level window to unit 5 would match the windows provided on unit 6 and would not result in a new pattern of overlooking. It is noted that no objections have been received from the neighbouring properties at 3 and 5 Brookley Road. The proposed elevational treatment changes to exposed brick would match the front-facing façade on the south east elevation and would be an appropriate material. The proposed amendments are considered to comply with Policies DP2, SP15 and DP18.
- 8.14 Planning permission reference 21/00164 included a Unilateral Undertaking to secure the necessary developer contributions and the delivery of the two affordable units. This undertaking included a relevant clause relating to Section 73 applications which means that a deed of variation is not required in this case.

Conclusion

- 8.15 The principle of development of this site for the proposed quantum of development was established with the grant of planning permission reference: 21/00164. The proposed variation does not alter the quantum of development, the tenure mix or the level of car parking provision. It is considered that the proposed amendments are acceptable in the context of the approved scheme and would accord with Policies DP2, SP15 and DP18. It is recommended that permission is granted subject to conditions. Reimposition of previous conditions is proposed, updated to incorporate details already approved in discharge of condition applications. A deed of variation to the Unilateral Undertaking is not required in this case and it is noted that the relevant developer contributions (New Forest Special Protection Area Mitigation Contribution, Solent Special

Protection Area Mitigation Contribution and Open Space Contribution) were paid prior to the commencement of development.

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. Development shall only take place in accordance with drawing nos:

- 9676/215 Rev B Proposed Site Layout
- 9676/216 Rev B - Proposed Floor Plans and Elevations Plots 1-7
- 9676/217 Rev A – Bike Store
- 9676/218- Bin Store
- 18084-3 - Tree Protection Plan
- 1541 4.08 Rev B – Location Plan of planning application reference: 21/00164
- 1541P22 Rev G – Proposed Floor Plans and Elevations Plots 8 and 9 of planning application reference: 21/00164.

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. The parking management plan approved under application reference: 24/00111DOC 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.

3. Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan 9676/215 Rev B 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 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.

4. Before the occupation of any part of the development hereby approved, the cycle storage arrangements shall be erected and laid out as shown on drawing no: 9676/217 Rev A and shall contain stands where both wheels and frames can be locked. The arrangements shall 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

5. Development shall only be carried out in accordance with the details of materials approved under application reference: 23/00799DOC, unless otherwise agreed in writing by the New Forest National Park Authority.

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

6. Development shall only take place in accordance with the details of the proposed slab levels in relationship to the existing ground levels and adjacent buildings, set to an agreed datum, which have been approved under application reference: 23/00799DOC.

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)

7. Development shall only take place in accordance with the soft landscaping details approved under application reference: 23/00799 and drawing no: 9676/215 Rev B (hard landscaping) 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).

8. 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)

9. 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)

10. Unless otherwise agreed in writing with the New Forest 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)

11. Post demolition and site clearance, 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)

12. Development shall take place in accordance with the noise assessment details approved under 23/00799DOC which 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)

13. Development shall take place in accordance with the details of the means of disposal of surface and foul water from the site approved under application reference: 23/01196DOC, unless otherwise agreed in writing by the New Forest National Park Authority.

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)

14. i) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under application reference 23/00799DOC.

ii) 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)

15. The roof space of the residential buildings hereby approved shall not be converted to form habitable floorspace space 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, SP21, DP36 and DP18 of the New Forest National Park Local Plan 2016-2036 (August 2019) to safeguard the character of the National Park.

16. 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 Policies DP2, DP35, DP37 and DP36 of the New Forest National Park Local Plan 2016-2036 (August 2019)

17. Development shall only be undertaken in accordance with the Construction Environmental Management Plan approved under application reference: 23/00799 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)

18. All first floor level windows and rooflights of the main residential terrace on the north east and north west elevations as shown on plan no 9676/216 Rev B 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)

19. The development hereby permitted shall not be occupied until:

a) 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

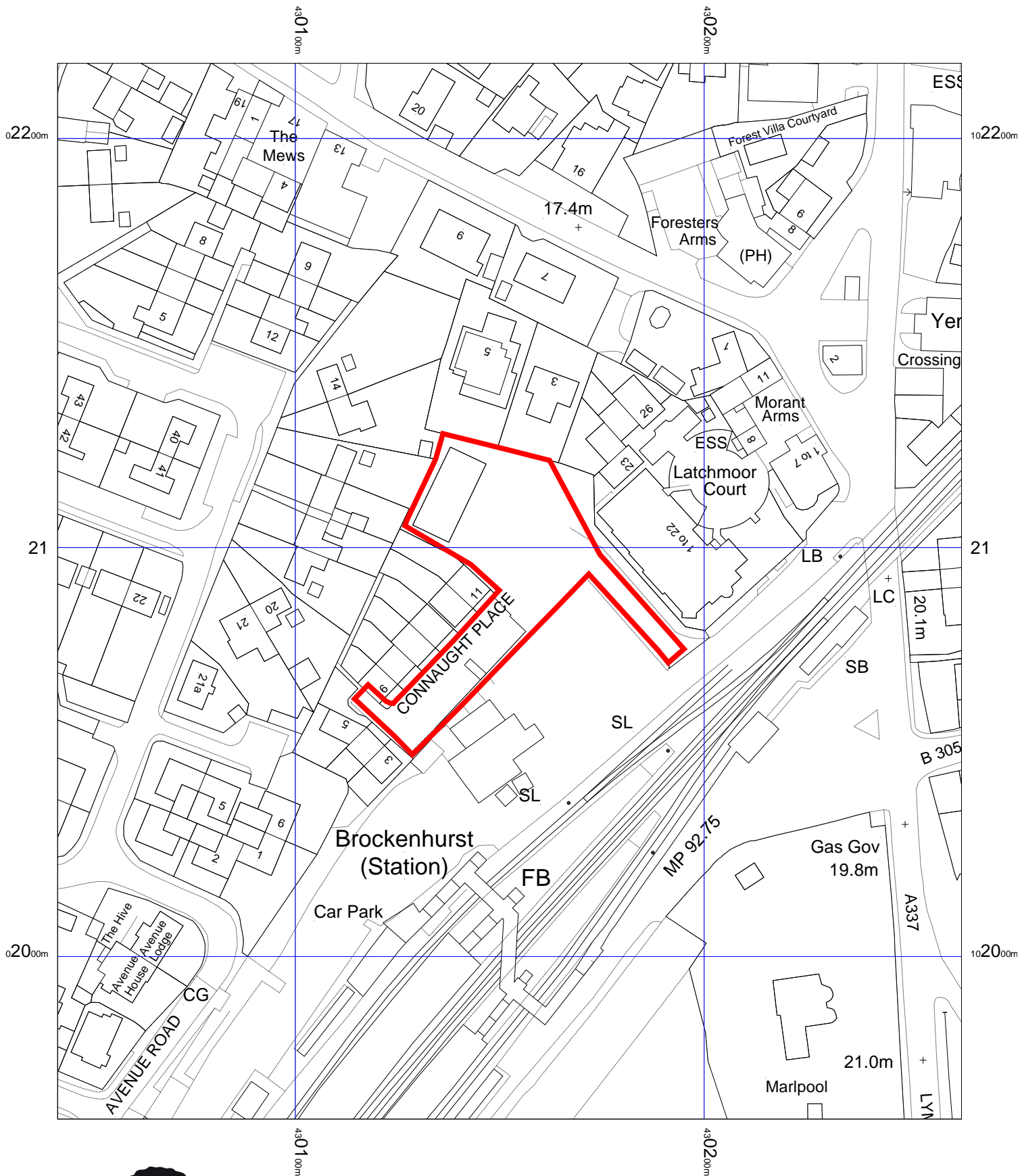
b) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

The development shall be carried out in accordance with and subject to the above details and in accordance with the water efficiency details approved under application reference 23/00799.

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).

20. Prior to first occupation, the scheme for the provision of facilities for the charging of vehicles (specification approved under application reference 23/00799 and number and layout as shown on drawing no: 9676/215 Rev B), 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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NATIONAL PARK

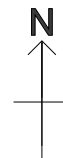
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