

The Head of Planning Services
New Forest District Council
Apple Tree Court
Lyndhurst
Hampshire
SO43 7PA

22nd December 2021

Your ref: -
Our ref: **AB/5780**

Dear Sir

**Re: Habitat Regulations Assessment – Planning Consent ref. 21/10620
at The Old Station, Breamore, SP6 2AB**

The following letter has been prepared in support of submissions to the Council which seek to discharge the obligation of the Applicant to enter into a s106 agreement to secure the necessary financial contributions to ensure that there will be no unacceptable impacts upon European Protected Sites, in accordance with Policy ENV1 of the New Forest District Local Plan Part One: Planning Strategy 2016-2036 (2020) and Regulation 75 of the Conservation of habitats and species regulations

The Council's letter dated 11th June confirmed that its prior approval is not required in relation to the development as proposed. The letter is appended at AB1 for reference. In accordance with the procedure recently introduced by the Council, the Applicant now submits an application for a Habitat Regulations Assessment.

The submission is made pursuant to the Council's unfortunate refusal to deal with the matter by way of Habitats Mitigation Assessment in September 2021 under Application Ref. 21/10976.

The HRA Application ref. 21/10976 was made to the Council in order to agree the terms of the s106 agreement so that the required mitigation contributions, relating to those matters listed below could be secured:

- Habitats Mitigation – Infrastructure (New Forest National Park)
- Habitats Mitigation – Access Management and Monitoring (New Forest National Park)
- Air Quality Monitoring

The Applicant provided a template UU with the accompanying letter for precisely this purpose.

Further to discussions with the Council's Officers, it is accepted that the refusal to prepare a s106 legal agreement and work with the Applicant to discharge these obligations was issued in error. The Council did not properly engage with the application process.

The Council has confirmed that it will waive the application fee relating to this re-submission in the circumstances, as confirmed by email dated 6th September 2021 from the Council's Senior Planning Officer Mr Jim Bennett. The correspondence is appended to this letter at **AB2** for reference.

The Applicant is well aware of the need to address and demonstrate that the development can be made Phosphate Neutral and appropriate discussions will continue to seek a strategy or solution to secure mitigation where this is considered to be required, having regard for the details set out below.

Should the Council consider that mitigation is required to demonstrate neutrality, there is no reason however why the Council cannot and should not deal with the matter of the other required financial contributions whilst this mitigation; which is unlikely to require the Council to be party to any agreement in any event, is secured, having regard for the manner in which we have been dealing with mitigation elsewhere in the District.

We are seeking therefore for the Council to, in accordance with the details submitted to it, seek to secure the aforementioned mitigation by way of legal agreement. The Council's comment is sought in relation to the draft agreement submitted to it for its approval.

The contributions set out within are as follows:

- Habitats Mitigation – Infrastructure (New Forest National Park) - £2,630
- Habitats Mitigation – Access Management and Monitoring (New Forest National Park) - £383
- Air Quality Monitoring - £85

Phosphate Neutrality

On the matter of phosphate neutrality, the applicant provides the following details:

The Council have recently confirmed that its Prior Approval is not required in relation to an application for the change of use of a Class B1 (now Class E) Office to a Class C3 dwellinghouse. The building itself is a former historic railway station in Breamore, which sat on the old line from Salisbury to Verwood/West Moors. It sat vacant for a long period before being brought into use as an office and occupied as such. The building has sat vacant in recent years and thus now the intention is that this be converted to a single dwellinghouse.

The building when used as an office provided accommodation with a gross usable floorspace of approximately 48sqm which would accommodate approximately 4 FTE jobs (in accordance with Employment Densities Guidance produced by Drivers Jonas Deloitte (2010)). The building has both a kitchen and a bathroom in its current format as an office. I have attached the Existing and Proposed Floorplan which accompanied the application and illustrates this.

The proposed use is as a one-bedroom dwelling, which will provide accommodation for up to two persons. The use will thus result in half the number of persons occupying the premises than would be the case if it were in use as an office.

The property is not connected to the mains drainage system, but instead has a septic tank which deals with foul water drainage. There are no works proposed to the building resulting from the change of use, which will remain the same size and there will be no change to surface water drainage which is to a soakaway.

The building thus has an existing drainage arrangement which will remain unchanged as a result of the development and the proposals will see the occupancy of the building reduced to half, although it is appreciated that this will be full time as a permanent residence instead of during a working week as an office.

There will be no change to the use of the land relating to the building, which will remain 'urban' in terms of its nature.

There has been no change to the arrangement of the septic tank on site, since the time the Old Station was in use as part of the railway network. The existing septic tank on site measures approximately 1.9m in diameter with a working depth of 0.8m, comprising a brick built single chamber septic tank. The septic tank has an existing volume of approximately 2,550 litres. The septic tank serves both the Old Station and the neighbouring two-bedroom house.

The former use of the site relating to the Salisbury to Verwood/West Moors railway line saw a more significant number of persons using the site, with a public bathroom serving commuters, and a further private bathroom serving staff. The degree of usage, across the course of the day, having regard for the operation of the site as a railway station, would have placed a much greater pressure upon the existing septic tank and generated a greater quantum of waste to be processed by the septic tank. The same tank was in operation at this time. Evidently this has been serviced over time, but the proportions of the tank are capable of dealing with significantly greater loading than the two modest properties now attached to it. The pressure upon the septic tank imposed by the development now proposed is much lesser than both the original and previous lawful patterns of use of the site.

Evidently the inter-rim phosphate calculator produced by the Council is not applicable in this case as the site is not connected to the mains sewer network and whilst there will be a change to overnight use of the site, there will be a clear decrease in the overall

occupancy of the site. We consider therefore that there should be a credit attributed to this, which may result in the development as proposed being considered net neutral.

I am writing to seek your comment on whether, having regard for the extant use of the site, there would be any additional nutrient impact generated by the proposed development, having regard for what is already consented on site, and the proposed pattern of use, and thus whether there is a need to provide mitigation to demonstrate nutrient neutrality in this case.

I would appreciate confirmation of what information the Council may require to evidence this position, having regard for the details set out above.

The Applicant is aware that a separate procedure may be required to deal with the matter of phosphate neutrality at a later date should the Council consider that there remains a need for mitigation to demonstrate neutrality.

Summary

Should the Council require further details in respect of the existing lawful use of the site, or indeed the proposed development, please do not hesitate to contact me directly.

We would appreciate confirmation from the Council of the receipt of this submission, and contact from the allocated Officer at the earliest opportunity.



d 6th September