

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 10 FEBRUARY 2021, AT 9.30 AM*

Place: MS TEAMS - ONLINE

Enquiries to: Email: karen.wardle@nfdc.gov.uk
Tel: 023 8028 5071

PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk no later than 12.00 noon on Monday, 8 February 2021. This will allow the Council to provide public speakers with the necessary joining instructions for the Microsoft Teams Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Teams Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

Claire Upton-Brown
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 13 January 2021 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **Land at Burgate Acres, Salisbury Road, Burgate, Fordingbridge (Application 20/10228) (Pages 5 - 48)**

Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings

RECOMMENDED:

Delegated authority be given to the Chief Planning Officer to GRANT PERMISSION subject to a further Appropriate Assessment, the completion of a S106 legal agreement and conditions.

- (b) **54 Belmore Lane, Lymington (Application 20/11060) (Pages 49 - 62)**

Variation of condition 2 of Planning Permission 19/10958 to allow variations of materials, window positions and enlargement of front and rear dormers to P1 due to minor design changes

RECOMMENDED:

Delegated authority be given to the Chief Planning Officer to GRANT PERMISSION subject to the completion of a planning obligation entered into by way of a Section 106 Agreement or a Unilateral Undertaking and conditions.

- (c) **Greenbanks, Lower Daggons Lane, South End, Damerham (Application 20/11241) (Pages 63 - 68)**

Shed

RECOMMENDED:

Grant subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Please note that all planning applications give due consideration to the following matters:

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Microsoft Teams.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website, with this published agenda.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by using the "raise hand" feature in Microsoft Teams. Requests will be managed by the Chairman with support from Democratic Services. Please remember to "lower hand" when you have finished speaking.

- The chat facility should not be used unless raising a point of order or providing the wording for a motion.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Microsoft Teams Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Microsoft Teams Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To: Councillors:

Christine Ward (Chairman)
Christine Hopkins (Vice-Chairman)
Ann Bellows
Sue Bennison
Hilary Brand
Rebecca Clark
Anne Corbridge
Kate Crisell
Arthur Davis
Barry Dunning

Councillors:

Allan Glass
David Hawkins
Maureen Holding
Mahmoud Kangarani
Joe Reilly
Tony Ring
Ann Sevier
Michael Thierry
Beverley Thorne
Malcolm Wade

Application Number: 20/10228 Full Planning Permission

Site: Land at BURGATE ACRES, SALISBURY ROAD, BURGATE,
FORDINGBRIDGE SP6 1LX

Development: Construction of 63 dwellings, creation of new access, parking,
landscaping, open space and associated works, following
demolition of existing buildings

Applicant: Metis Homes Ltd

Agent: Metis Homes

Target Date: 30/06/2020

Case Officer: Stephen Belli

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1) Principle of development -

whether the principle of development would be acceptable having regard to Local and National Planning Policy

2) Transport –

whether the development would have an acceptable impact on the local highway network, whether the access arrangements would be safe, sustainable and meet the appropriate needs of the highway users, whether the proposed development would have an acceptable impact on existing rights of way in the vicinity of the site

3) Housing –

specifically, whether the proposed development would deliver an appropriate mix of housing types, size and tenure to deliver a mixed and balanced development, whether the development would make an appropriate provision of Affordable housing

4) Quantum, Layout and Design –

whether the quantum of development proposed is acceptable, whether the layout and design of the dwellings would result in quality development and relate sympathetically to the surrounding area

5) Heritage –

whether the development would have an appropriate -impact on designated heritage assets (Listed Buildings) and non-designated heritage assets adjoining and within the site

6) Existing Landscape features

Whether the development would have an acceptable impact on trees within and adjoining the site

7) Green Infrastructure –

whether the development would deliver an appropriate amount of green infrastructure and open space appropriate locations to create a sustainable development

8) Air Quality, Noise and Amenity –

whether the proposed development would have an acceptable impact on the environment and local human and natural receptors in terms of noise, air quality and contamination effects. Whether the proposed development would have an acceptable relationship with neighbouring residential and commercial properties

9) Ecology

- a) Whether the impact of the development on the New Forest European sites would be acceptably mitigated through the provision of appropriate areas of ANRG and the provision of appropriate mitigation contributions
- b) Whether the development would achieve required levels of on-site biodiversity protection and biodiversity net gain (BNG)
- c) Whether the proposed development would achieve nitrate neutrality

10) Flooding and Drainage –

whether the development would provide a sustainable surface and foul water drainage solution and whether the proposed development would be safe in terms of flood risk

11) S106 Agreement matters, and contributions required

2 SITE DESCRIPTION

The application site forms the south eastern corner of the strategic housing site known in the recently adopted Local Plan 2016-2036 as SS18 Land at Burgate, Fordingbridge.

The site measures 3.98 hectares and consists of an existing dwelling 'Burgate Acres' and its extensive garden and garage block, and semi-improved and amenity grassland and woodland. It is relatively flat and benefits from an existing access on to Salisbury Road.

The site is located approximately 1.2km north of Fordingbridge town centre in Lower Burgate. It is bounded by Salisbury Road (A338) and existing residential and commercial uses to the east; to the north are agricultural fields and farm buildings proposed for development as part of the SS18 allocation, as well as a residential property 'Keepers Gate'. A public footpath which forms part of the Avon Valley Path runs along the northern edge of the site and extends from Salisbury Road at Burgate Farmhouse to Fryern Court Road (near Tinkers Cross) to the west. A further public footpath runs to the south providing a connection to the Fordingbridge Primary School.

The Burgate School and Sixth Form and associated sports pitches and recreation grounds lie to the south and west of the application site. On the eastern edge of the site there is a linear group of dwellings as well as two commercial properties i.e. Fordingbridge Day Nursery and The Surma Valley restaurant both of which are Grade II Listed Buildings. There are three other properties bordering the site to the east i.e. Doleswood, Duveen (Grade II Listed) and Ivy Cottage. The original farm buildings and Lower Burgate Farmhouse (Grade II Listed) lie close to the north eastern corner of the site to the north of the public footpath with its own privately maintained junction onto the path and then onto the A338.

The remainder of Strategic Site 18 lies directly to the north and to the east. The Local Plan states that Site 18 is expected to deliver in total a minimum of 400 homes. There are currently other planning application or pre-application enquiry proposals in front of the Council for the development of the remainder of Site 18. In particular Members are referred to the application by Pennyfarthing Homes on land to the north-west and north-east which is in outline form for residential development and off-site highway works.

In addition, the Council is in receipt of two other applications on Site 17 (Land at Whitsbury Road), as well as an application on Site 16 (Station Road) for up to 240 homes. This last application is currently being held in abeyance pending the submission of revised proposals. The earlier two applications are currently out to consultation and are at an early stage in consideration.

3 PROPOSED DEVELOPMENT

The originally submitted application was for the demolition of the existing dwelling on the site and the construction of 74 new dwellings.

A new vehicular access is proposed via Salisbury Road to the east, from which a green corridor links to an area of Alternative Natural Recreational Greenspace (ANRG) in the north-western portion of the site. This space includes a dedicated dog exercise area, wildflower meadow and informal grass kick-about area. The area also contains other footpaths/cycleways, natural play area, pond, wooded areas, and links into further areas of open space on-site and to future off-site open space on the remainder of the SS18 allocation. It is intended that the POS and ANRG areas combined will provide ecological and amenity benefits. Until recently the north western portion of the site was owned by the Burgate School but has now been sold to the developers with a covenant that no buildings are erected on this part of the site.

The proposed vehicular access to the north of the Burgate School will only serve this development proposal and the southern part of the wider Site 18 allocation and will not provide any vehicular link to land to the north or the track serving the property known as Keepers Gate located just outside the north western corner of the site.

In addition to the new vehicular access it is intended to retain the original access to Burgate Acres, and this will be used occasionally for access to the sewage pumping station located in the southern corner of the site. This access will also double as a pedestrian and cycle access to the secondary school. Where the current turning circle and main access gates for the secondary school exists, it is intended to provide a new off road link from the Burgate Acres trackway.

The school will be served by an improved access from the south utilising the current slip road leading to the turning circle. The existing bus lane which connects the turning circle with the A338 will be closed and instead a one way access for buses will be provided linking the turning circle with the new residential estate road. The school will also benefit from a new drop off lay by on the slip road to the school.

Amended plan details

Following detailed discussions with NFDC officers and other key consultees the applicants have amended their proposals and now propose a reduced number of 63 new dwellings all other matters relating to access have remained as originally submitted. The amendments cover other matters such as design and site layout.

The proposed housing mix is as follows

- 4 no. 1 bed units.
- 26 no. 2 bed units
- 23 no. 3 bed units
- 10 number 4 bed units

The houses proposed are all two storey in height with a total number of 11 flats with the rest either detached, semi-detached or terraced units constructed in a traditional design using facing bricks, under tiled or slated roofs. The amendments have been the subject of a re-consultation exercise.

4 PLANNING HISTORY

ENQ/18/21146/LDNF Pre-app enquiry for 68 dwellings – advice offered January 2020

19/11560 EIA scoping opinion - advice offered 17/03/20

19/10993 EIA screening opinion - EIA required

00/69644 Change of use land to school grounds etc. – approved 05/10/00

See also the following applications on other strategic sites

20/10522 Outline for 240 dwellings Station Road Fordingbridge (Site 16)

21/10052 Outline for residential development (part of Site 17)

20/ 11469 Full application for 63 dwellings at Tinkers Cross (part of Site 17)

Site constraints/ designations

Strategic Allocated Site

Tree Preservation Order covers whole site

Adjacent to Grade 2 listed buildings

Includes non-designated heritage asset

Public Right of Way adjoining site

5 PLANNING POLICY AND GUIDANCE

The Core Strategy (Saved policy)

CS7: Open spaces, sport, and recreation

Local Plan Part 2 Sites and Development Management Development Plan Document (Saved Policies)

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity, and geodiversity

DM4: Renewable and low carbon energy generation

DM5: Contaminated land

DM9: Green Infrastructure linkages

Local Plan 2016-2036 Part 1: Planning Strategy

STR1: Achieving Sustainable Development

STR2: Protection of the countryside, Cranborne Chase AONB & New Forest National Park

STR3: The Strategy for locating new development

STR4: The Settlement hierarchy

STR5: Meeting our housing needs
STR7: Strategic Transport Priorities
STR8: Community services, infrastructure, and facilities
STR9: Development within a mineral safeguard area

ENV1: Mitigating the impacts of development on International Nature Conservation sites
ENV3: Design quality and local distinctiveness
ENV4: Landscape character and quality

HOU1: Housing type, size, and choice
HOU2: Affordable Housing

CCC1: Safe and Healthy Communities
CCC2: Safe and Sustainable Travel

IMPL1: Developer contributions
IMPL2: Development standards

Strategic Site SS18: Land at Burgate Fordingbridge

Supplementary Planning Guidance and other Documents

SPD Mitigation Strategy for European Sites
SPD Parking standards
SPD Housing design, density, and character
SPD Fordingbridge Town Design Statement

Relevant advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well-designed places
- Section 14 Climate change, flooding, and coastal change
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

National Design Guide 2019

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Amended plans- Fordingbridge Town Council recommends permission under PAR3 as the application provides open space that we didn't have access to before and provides much needed housing of that type.

Fordingbridge Town Council would like to be involved in the open space design and what is put there.

Original submission - Please note that no planning meeting was held by Fordingbridge Town Council due to the Coronavirus pandemic. Members submitted comments individually by email as below.

1. I am very uneasy about the proposed entrance to and from this development. I, and many others, raised this with Metis Homes at the public consultation but our concerns have been ignored. We will have two, dead stop junctions onto a busy main road within a very short distance of each other. The alteration to the Salisbury Road junction necessary to allow the proposed entry to this development will result in long tailbacks. I think the arrangements are an accident waiting to happen. My personal view is that the proposed roundabout and connecting road should be built and all developments in the area routed to the A338 via this roundabout. I also note the matter raised by the nursery school and agree this could be a problem.
2. In principal I support the application, but at this stage my views are much in line with the comment above regarding the road access and its proximity to Fordingbridge Nursery and so I cannot support it.
3. I agree with the comments above. I think at this stage questions should be asked about the position of houses in direct line with the day nursery. Also, I can see serious issues with the entrance as my colleague has already explained very well and in depth (comment 1).
4. I oppose this application with the current road layout proposals. The removal of the current northbound slip road will cause hold-ups on Salisbury Road and make the junction much more dangerous. HCC are wrong to say there will be no impact by removing the slip road when Wiltshire Council require traffic lights on new developments in Downton. There is enough space to build an improved combined road junction outside Burgate School and Metis Homes should be providing this.
5. Overall, I think that as a plan it is quite nicely laid out and well screened. I am a little surprised at the small number of garages provided, I know not many people park their cars in them, but they are well used and often reduce debris left at the front of homes. I like the number of affordable homes and hope that they will be given due consideration and not reduced as the application proceeds. It does look as though there are considerable constraints on the suitability of infiltration suds on the site to help with drainage, I'm no expert here, but I hope that the developers take serious notice of this and the costs involved don't mean a reduction on other provisions including affordable homes. There are houses close to the nursery boundary, they appear to be side on, so as long as fencing is of a good height, hopefully overlooking shouldn't be too much of a problem, but should certainly be taken into consideration. The nursery has now been there for some considerable time and should not be put in the position of worrying about the noise the children make. Prospective purchasers should be aware as nursery was there first. If they have reservations they should not purchase these properties, but how this is dealt with I'm not sure. If developers will not change layout, then there should at least be substantial hedging to shield the noise. I also have reservations regarding access.
6. I liked the application in principle but if this produces affordable housing it has my full support.
7. I agree that we should raise the Day Nursery concern, that the new dwellings are in close proximity to the children's play area. Clearly quite a sensitivity matter which we should raise. Affordable housing get a favourable comment from councillors, but we are only getting 19% (x14) Shared Ownerships dwellings.
8. I have full support for what they are trying to do.
9. I agree with others that the Access looks difficult and potentially dangerous especially in the early morning and late afternoon when the school traffic is there. The "Important boundary onto curtilages of listed buildings? If it is "Important? why doesn't the developer do something about it. A green space, hedging and trees. The access to the SANG from The Avon Valley footpath should be positioned on the very edge of development to make

"Green? footpath rather than an alleyway between houses. It seems from the plan that there will not be any Green space for adoption by the local council. This would not be acceptable. The application conflicts with the Local Plan Main Modifications to the Local Plan December 2019

Strategic Site Allocations Overview SS18. The plan does not include any "Public Open Space Suitable for Mitigation? in the area covered in this application. The plan only includes Potential Public Open Space in the area covered by this application.

I contest the developers Planning Statement 8.0 Open Space. Policy CS7 sets out standards for open space provision.

- 2.0ha of Informal Open Space
- 0.2ha of Play Space
- 1.25ha of Formal Recreational space

The developer calculates this to be 0.41ha by omitting any Formal Recreational Space

With Calculation of 185.7 population including this space it would be 0.65ha.

Whatever your calculation clearly an area less than the size of a football pitch is not sufficient for a population of 185 people living in small dwellings with either small gardens or no garden at all.

I do not consider this site to suitable for ANRG. It gives nothing in the way of interesting environment or views and would obviously be better suited to Open Space and a less restrictive layout, imposing on the listed building in close proximity

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

NFDC Conservation Officer

Amended plans – note design and layout changes to the scheme. Still judged to be insufficient information submitted regarding impact on heritage assets. Burgate Acres should be retained with insufficient justification for its removal. Changes to location and design of dwellings nearest to Listed Buildings is noted but fundamental concerns about impact on setting still not addressed. Still insufficient attention to design and local distinctiveness. Wish to object to application as modified.

Original submission - insufficient heritage impact assessment in my view including their significance. Impact on setting is insufficient also. Loss of existing house Burgate Acres is regrettable as this constitutes a non-designated heritage asset in my view. Loss of open space at the rear of this linear group of Listed Buildings has a fundamental impact on their setting. Design of dwellings as proposed insufficient to offset this. Less than substantial harm to the setting of Listed Buildings with insufficient regard to local distinctiveness. Recommends refusal.

NFDC Ecologist

Amended plans - Avon phosphates are still an issue to be resolved as there would currently be an adverse impact on nature conservation with no adequate mitigation scheme in place. With regard to Biodiversity Net Gain (BNG) I broadly support the revised proposals. Recommends a monitoring plan is put in place for BNG. Further recommends

that the Construction and Environmental Management Plan includes appropriate elements for BNG. An updated reptile survey should also be undertaken to inform future mitigation requirements. Ecological Mitigation and Management Plan required by condition. Landscape management and maintenance plan also required. Further clarification required regarding impact on protected species on site.

Original submission – Further clarity required on landscape management and maintenance plan to support the HRA. Removal of invasive species required.

NFDC Environmental Health

a) Pollution - noise impact

Thank you for re-consulting Environmental Health (Pollution) following the submission of a technical advice note prepared by Clarke Saunders dated 13th of November 2020 in response to a request for further information.

The information supplied addresses concerns raised in respect of noise arising from the day nursery and nearby school and concludes that such sound sources are unlikely to significantly influence the daytime averaged noise levels in the locality (currently dominated by traffic noise) and therefore the Acoustic Design Statement (Stage 2) remains appropriate. It is also noted that mitigation is proposed and that all private amenity spaces feature 1.8m high close boarded timber fencing, including Plots 42 – 44, thereby providing an equivalent level protection to existing dwellings bordering the day nursery. Furthermore, it is evident noise associated with the day nursery is already controlled by an extant planning condition in relation to the use of the outside play areas.

Further details submitted in respect of cumulative traffic noise from future development in the local area acceptable to Environmental Health and outline that any increase in traffic noise will have a negligible impact in the short term and minor impact in the longer term upon the development itself and existing dwellings in the local area. In summary, we don't wish to make any further representations in respect of noise and light amenity issues; however, we would request that the Acoustic Design Statement (Stage 2) be made a conditional requirement of any granted planning permission, in addition to the conditions already recommend in relation to construction of the development and lighting levels

b) Air quality

The potential impacts from the proposed developments are from:

- Emissions from additional vehicles on the local road network when the development is operational; and,
- Dust and emissions from the construction of the development

It is recommended (as advised in comments submitted on 26 May 2020) that the proposed development should be designed to reduce the impact on local air quality as much as possible, and the development should encourage residents to minimise their use of vehicles by providing access to local footpaths and cycle paths, and public transport links. In addition, the development should provide a suitable electric vehicle infrastructure to enable residents to charge such vehicles on the development. Therefore, I recommend that a condition be applied to any granted planning application:

It is noted that colleagues have requested a condition for the approval of a Construction Environmental Management Plan, which would include the provision of an agreed dust management plan. I refer you to my email dated 26 May 2020 when specific reference was made to a dust management plan . . . *'an agreed dust management plan. It would be*

expected that a dust management plan shall consider all aspects of the works being undertaken on site using relevant guidance, and include mitigation measures which follow good practice and are site specific. The approved dust management plan shall be retained and maintained thereafter until the demolition and construction phases have been complete' which provides additional details to the requirements of an agreeable dust management plan.

c) Contaminated Land

No objections in principle subject to standard contaminated land condition

NFDC Strategic Housing Manager

If the overarching viability statement and position is proven to be correct, and the Council has no grounds to demand anything different, then I believe this offer should be put to Councillors to decide. Furthermore, as the proposal is an offer of goodwill for mostly flats and smaller units of accommodation, and the rental tenure reflects only Affordable Rent, then it should be publicly acknowledged that the affordable housing scheme stems from an offer which is not fulfilling a policy requirement. Unless this clarity and transparency is achieved then the proposed approach and generous offer would be at great risk of setting a precedent. A precedent which might be perceived and presented by others as a Policy compliant acceptance. This could compromise much larger strategic site developments and negotiations that are capable of meeting the full Local Plan policies.

NFDC Open Spaces Officer

Note that the POS and ANRG are suggested to be delivered by the developer and thereafter maintained through a private management company. My preference is for these areas to be formally adopted by the Council but recognise there is no legal impediment to private maintenance provided the quality of the scheme is up to standard and maintained as such into the future including safeguards to guard against any failure of a management company. Particular care is needed where underground drainage may impact on tree roots or the use of the POS. These matters can be further discussed as part of the S106 clauses.

NFDC Urban Design including landscape

Amended plans - The application offers a good selection of pleasant looking dwellings each with some pleasant garden space or enough room to personalise dwellings and overall offering the sense of a neighbourhood with some quality. The overall project will provide pleasant spaces both public and private and, subject to continued collaborative working through conditions for details, I suggest that this constitutes a good quality scheme which will satisfy design policies being functional, appropriate, and attractive. The design achieves *"a high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality by creating buildings, streets, places and spaces"* (policy extract)

There are still some concerns regarding ANRG and how this functions as the criterion in the mitigation guidance are not fully complied with. It is nevertheless a valuable recreational asset. I understand there are also additional benefits to consider alongside this so there is also a need to consider how this proposal for ANRG, when combined with the network of other ANRG proposals on the remainder of SS18, operate. This can properly include consideration of any other linkage and accessibility improvements between the Metis site and the rest of SS18 in coming to a view as to the adequacy of the ANRG offer.

With regard to drainage still some reservations over drainage below ground but this is not a concern over the adequacy of the drainage proposals.

There is therefore no insurmountable objection in terms of design.

Please apply a detailed landscape condition to include the drainage elements and construction details so as to demonstrate that the drainage and landscape schemes work together. Other standard landscape details will also be needed as will a management plan (which will also form part of a S106 agreement for longevity).

Original submission – Concerns regarding recreational mitigation, site layout and overall design of units, inadequate information regarding landscape framework and concerns over how drainage impacts on use of POS and ANRG

NFDC Tree Officer

Amended plans – note improvements but attention still needed to drainage runs and need for detailed method statement to be submitted prior to determination.

Original submission - some concerns regarding impact on veteran trees on site

NFDC Waste Management

Please check turning areas on site for refuse vehicles

Hampshire County Council Highway Authority

Amended plans - No objections to new junction and off-site highway works or to school slip road changes. Final design will be subject to a S278 agreement with the Highway Authority. No objections stated to design of school bus access onto new estate road. The following points still need to be addressed, however.

- Some concerns still about internal site layout and vision splays. **Note developer's intention to maintain internal roads as private.** Advance payment code bond will be required to deal with any future requests by the new residents to seek adoption and for any necessary works to be carried out.
- Supports the off-site improvements for pedestrians accessing the town centre and welcome other improvements to local footpaths to improve accessibility for all.

Recommend conditions and S278 and/or S106 Agreements to cover the following matters

- Site access to main site to be secured
- Improvement to school access including bus lay by and bus link
- Walking route improvements to town centre
- Construction traffic management plan
- Cycle storage for new residents

Original submission - no objections in principle to new junction or changes to school access but visibility splays need to be shown with some other changes needed to bus arrangements for school. Some issues about internal road layout and insufficient data to support trip generation and junction adequacy. Requests further information but in the meantime, there is a holding objection.

Hampshire County Council Countryside Team

Amended plans – No objections subject to **the developer contributing to or carrying out on a proportionate basis off site public rights of way including a contribution towards future maintenance. Support** new non-car sustainable transport links. Any works that do take place must be in accordance with a written approval from HCC and be controlled via appropriate conditions or S106/S278 agreements.

Original submission – insufficient detail regarding improvements to off-site rights of way to support sustainable transport initiatives.

Hampshire County Council Education Authority _

No comments received to original or amended plans

Hampshire County Council Fire and Rescue

No objections - points the developer to Building Regulations related to fire safety and access for emergency vehicles. Also reference necessary safeguards in using timber framed buildings.

Hampshire County Council Local Lead Flood Authority

Amended plans – We are now satisfied that the proposal is acceptable and the submitted information has adequately addressed our earlier concerns. No objections to scheme as amended subject to being carried out in accordance with approved plans and any further details that may be submitted being with our approval. Recommend guidance notes be attached to any decision notice.

Original submission – further information needed to address surface water disposal concerns

Strategic Gas Networks

Offers standard advice when working near to pipelines.

Wessex Water Authority

No objections - note provision of on-site pumping station and proposals to connect to Ford 1 site (Augustus Park) with new rising sewer main along Footpath 83. Both the pumping station and rising main will be offered for adoption with the remainder of surface and foul systems on site being maintained privately. This will be subject to Building Control approval

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Amended plans

5 letters received raising the following objections

- Concern about proximity of some units to eastern boundary and effect on amenity and openness.
- Concerns about new junction and extra traffic casting doubt on survey information, queries road safety audit carried out and considers highway safety adversely impacted,
- Note amendments but still objects due to adverse impact on day nursery
- Loss of property values

Original submission

54 letters received raising the following objections

- Significant adverse impact on day nursery given proximity of new housing to eastern boundary – houses are too close and need to be moved away to avoid noise and other issues and complaints arising from the new residents. Raises safeguarding issues

- Loss of privacy and amenity for those residents closest to the eastern boundary. New houses should be moved further away with open space on the eastern side instead of as shown on the western side.
- Loss of outlook across open fields
- Concerned about surface water flooding and run off from the development
- Concerned about access and inadequacies of survey information
- Note the quality of the housing scheme but hope the Council ensures this quality is achieved in the final outcome.
- Serious concerns about the access proposals and survey information. Considers new development will adversely impact on highway safety and exacerbate local congestion.
- Pedestrian safety at risk for those needing to cross the road
- Would like to see traffic speed limit reduced in this area.
- Damage to the setting of nearby Listed Buildings
- Access onto the northern boundary lane would impact on safety
- Access conflict between improvements to right of way along northern boundary and private access drive to adjoining dwelling
- Concerned about safety of students and staff during road works – construction management plan needed
- Adverse impact on local services such as healthcare and schools
- Development will have adverse environmental impact through noise and emissions
- Loss of property values along eastern boundary of site
- Electricity needs to be diverted

Burgate School - Representations received from Burgate School who confirm they support the proposals and have had detailed discussions with the developer prior to submission to agree the bus lane improvements, along with a new bus lay by and junction improvements. Also request that consideration is given to upgrading recreational facilities within the school and that any money generated by the S18 developments is put towards such improvements.

10 ASSESSMENT

Introduction

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. This assessment will also more widely need to cover the level of affordable housing, impact on heritage assets, and any adverse impact on areas of nature conservation importance in balancing these with the need to create a quality development.

The key issues in this application are as follows

1) Principle of development

Principle of development

The site is allocated for residential development in the adopted Local Plan 2016-2036 adopted in July 2020. The site forms part of Strategic housing site 18 which allows for a minimum of 400 new dwellings plus associated infrastructure. The principle of development is therefore well established by the Local Plan allocation. This allocation has also resulted in a change to the settlement boundary shown in the 2014 Local Plan Part 2.

The Local Plan recognises that some of the strategic housing sites are split between different land owners. Where that happens, developers are expected through the Local Plan to cooperate and collaborate to bring forward proposals which meet with the criterion and site specific requirements of each strategic site. In this case Site 18 is split between the Metis Homes parcel the subject of this application and two other parcels owned or with options to develop by Pennyfarthing Homes and Mr B Currie.

Site 18 along with the other strategic sites is guided by a concept masterplan prepared as part of the allocation of sites. This concept masterplan can be found on page 175 (page number of actual document) of the adopted Local Plan by following this link. Members are also referred to page 161 which shows all the Fordingbridge strategic housing sites in context. as well as pages 104-107 which contains generic advice on how strategic sites will be handled.

https://newforest.gov.uk/media/705/Local-Plan-Document-2016-2036/pdf/Local_Plan_2016-2036_Part_One_FINAL.pdf?m=637329191351130000

The specific policy for Strategic site 18 Land at Burgate, Fordingbridge states:

Land at Burgate, Fordingbridge, as shown on the Policies Map is allocated for residential-led mixed use development and open space comprising:

- Residential development of at least 400 homes and public open space, dependent on the form, size and mix of housing provided
- A community focal point including ground floor premises suitable for community use to the west of Lower Burgate, and local shopping and service facilities subject to market demand
- Retention of existing employment and service uses, and additional employment provision near to the A338 subject to demand

ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to provide a well-designed extension to Fordingbridge that minimises its impacts upon the countryside and the wider landscape setting of the town and provides enhanced flood risk management for the wider town, by:

- a. Creating a distinctive landscape and townscape that respects the characteristics of the Avon Valley landscape and maintains the distinctive rural and historic character of Upper Burgate and Fryern Court.
- b. Providing a comprehensive ground and surface water management system for the site, benefiting the town as a whole including a central north-south corridor of management of fluvial, surface and groundwater flood risk into the landscape.
- c. Creating at least two access points onto the A338 to serve the development, with internal connections for local traffic through the site to Site 17: Land at Whitsbury Road.
- d. Focusing new neighbourhoods upon a central corridor of streets and spaces connecting Whitsbury Road to the A338 Salisbury Road, providing opportunities to accommodate some higher density development.
- e. Providing a community focal point in a prominent location near the schools including ground floor premises suitable for community use, linking to or as part of a mixed-use opportunity area in Lower Burgate.
- f. Redefining the rural edge by providing naturally managed areas of recreational mitigation space along the northern and western parts of the site, and locating predominantly low-rise dwellings at lower densities close to these margins, maintaining the separate identity of Upper Burgate and Tinkers Cross.

- g. Provide pedestrian and cycle links between the new residential areas, the community focal point and the schools.

Site-specific Considerations to be addressed include:

- a. Conserving and enhancing the setting of the listed buildings in Upper and Lower Burgate.
- b. No part of the development is to be directly accessed by car from Fryern Court Road.
- c. Retain the Grade II listed Lower Burgate Farmhouse within the development area to provide an appropriate setting so that its significance can be appreciated.
- d. The developers of Strategic Site 16: Land to the north of Station Road, Strategic Site

Para 9.174 states the following

For Strategic Site 16, Site17 and Site 18: developers will be required to work cooperatively with each other and with Wessex Water to deliver a suitable foul sewer connection to the Fordingbridge treatment works.

Environmental Impact Assessment

In accordance with the Environmental Impact Assessment (EIA) Regulations, this report has considered the application submission which includes the applicant's Environmental Statement (ES).

EIA is a procedure used to assess the likely significant effects of a proposed development upon the environment. The conclusion of the EIA process results in the provision of an Environmental Statement by the applicant. The ES is required to provide the Local Planning Authority with sufficient information about the potential effects of the development before a decision is made on the planning application. The information contained in the ES must be taken into account in deciding whether to grant planning permission and reasons must be given.

In this case, the ES has been refreshed and updated during the consideration of the application. The ES includes a description of the current environmental conditions known as baseline conditions, against which the likely significant environmental effects of the development are assessed both during construction and once completed. Each Chapter of the ES states which effects are considered significant.

As required by the EIA Regulations, the application and associated ES have been publicised and consulted upon. Where necessary, the relevant consultee responses have taken account of the relevant parts of the ES.

The conclusions of the ES are noted and have been considered by Officers in the assessment of the application through this report. It is considered that the applicant has undertaken the EIA process appropriately and adequately. The use of planning conditions and legal agreement(s) can secure suitable mitigation measures where significant environmental impacts would otherwise occur.

Mineral safeguarding

The applicants in their submission have addressed the need to safeguard minerals that may be present on the site so as not to sterilise their future winning given their finite resource. In this case Policy STR9 of the Local Plan has been taken into consideration. Appropriate extraction will depend upon the scale and quality of minerals resource; ground water levels if they would adversely impact on future re-use of the land; amenity, environmental and other relevant considerations; and the need to ensure the timely provision of new homes and other development.

The Hampshire Mineral and Waste Consultation Area Minerals Resources Map indicates that less than half the application site is covered by superficial sands/gravel minerals resource area. Given the relatively small scale of this area, the presence of extensive tree and vegetation cover and ecological interests, the proximity of listed buildings and stand-off distances from existing residential properties and the need to deliver new homes in the short term, it is considered that incidental extraction (i.e. that material that would be excavated anyway during the course of the development) is appropriate.

2) Highway access and safety, car parking and sustainable transport

Transport is a significant issue, which is addressed in detail in the applicants Transportation Assessment. The key issue is whether the development would have an acceptable impact on the local highway network, whether the proposed highway works and access arrangements within the scheme would be safe, sustainable, and meet the appropriate needs of all highway users; and whether the proposed development would have an acceptable impact on existing public rights of way in the vicinity of the site. The extent to which sustainable transport options including public transport, walking, and cycling are encouraged is also a key issue to achieve a 'modal' shift of occupiers away from the use of private cars.

Highway access improvements

At the present time the site is accessible via a field gate to the A338 to the south of Surma Valley restaurant, and via a private access road leading to Burgate Acres (existing house to be demolished). There is also a field gate along the northern boundary which at present is used for agricultural purposes only. The Burgate School has a slip road which runs parallel with the A338 and gives direct access to the school gates with a turning circle for parents who are dropping their children off at the gates. A lockable bus gate also exists which gives a northern point of exit to buses who have dropped off children at the gates and then allowing buses only to access the A338.

The development proposes a number of off-site highway works i.e. a new two way T junction with the A338 Salisbury Road to serve as the single point of vehicular access into the site; an improvement to the minor junction serving the Burgate School slip road to the south; a new bus layby to serve the Burgate School; and a buses only road connection between the Burgate School turning area and the new estate road serving this development. The accommodation works for the new junction will also involve the resurfacing and taking up of some highway hardcore areas no longer required and their re-instatement with grass. The works submitted with this application have been the subject of discussions with the Highway Authority prior to submission. Other alternatives such as mini roundabout junctions have also been considered but discounted. Trip generation rates from the new junction leading northwards and southwards have been considered and found to be satisfactory with sufficient capacity both to serve the new development and for traffic turning right in particular on the A338.

These improvements are all included in the submitted highway works plans and have the approval of both the Highway Authority and the Burgate School who will be directly affected.

The works off site are all within the public highway and will need to be undertaken by the developer in accordance with a separate S278 Agreement under the Highways Act. Appropriate conditions will be added to ensure all the works are completed prior to first occupation of any of the dwellings approved under this scheme. A phasing condition will be applied to ensure that necessary road works e.g. the bus layby and bus exit along with the new junction into the site are completed and available for use in a timely manner prior to other works taking place on the site.

The estate road itself is a cul de sac with a main spine road running from the new junction and turning northwards terminating into the northern boundary but with no direct vehicular access to the A338 at this point. A spur comes off the main spine road leading westwards to the western pocket of development on the site of the old Burgate Acres house.

Within the new estate layout there will also be constructed a series of interlinking pathways wide enough in some case of dual pedestrian and cycle use. These pathways link all parts of the site to the southern former access road to Burgate Acres which in turn brings pedestrians and cyclists out at the Burgate School turning circle at the end of the slip road.

Overall, whilst the initial concerns of the Town Council (now withdrawn) and local objectors are noted there are no sustainable highway reasons to reject the scheme now submitted for approval.

Car parking _

Apart from the flats at the entrance to the site every new dwelling is provided with at least two parking spaces either through surface parking, garages, or open fronted car ports. This gives a total number of spaces of 130 set against a target in the parking SPD of 147. Whilst there is a shortfall it is considered that this combination and level of parking presents an appropriate level of parking for the site taking into account the overall need to shift away from rigid parking standards and to encourage use of non-motorised private vehicles and sustainable travel. The Highway Authority's position is that it is for the Planning Authority to determine an appropriate level of parking taking the circumstances of each site into consideration. Given the shortfall in parking and to ensure that a reasonable level of parking remains available it is considered prudent to ensure garages and car ports remain available for parking in the future and are not converted into living accommodation which could happen without a restrictive planning condition. To supplement car parking each dwelling will also be provided with a secure shed or store in which two cycles can be accommodated. The Highway Authority have suggested a condition to cover this matter. A condition will also be applied to require electric charging points for each dwelling in line with policy IMPL2.

Sustainable transport initiatives _

The development of the site for 63 dwellings lies under the Travel Plan threshold of 100 units which requires sustainable travel initiatives such as travel vouchers for all new residents.

Nevertheless, Policy SS18 encourages sustainable transport initiatives to be put in place for all strategic sites. In this regard the developer proposes a series of crossing point improvements between the site and the town centre to make walking easier. The site is located immediately adjacent to the Burgate secondary school, approximately 500-750 metres via a choice of public footpaths or pavements to the Primary School and approximately 1.3 kms. from the town centre. The site also lies immediately adjacent to two bus stops with a regular bus service on the A338 Salisbury to Ringwood Road. It is also a possibility that other parts of Site 18 will deliver a small retail unit which can be used as a convenience store within easy walking distance of the site.

The site lies adjacent to a public footpath (FP83) along the northern boundary. This FP also links with FP 84 which leads southwards to the primary school. It is intended that Site 18 as a whole will deliver surfacing improvements to both of these footpaths on a proportionate basis dependant on site frontages and number of dwellings approved. There is a requirement in this case to resurface the whole of FP 83 between the A338 Salisbury Road at its junction with the FP, and Tinkers Cross to its western junction with Whitsbury Road. In addition, the stretch of FP84 leading southwards to the primary school should also be resurfaced. These works will form part of the conditions and S106 agreement. The Council would also support these FPs being converted into bridleways which would allow cycling. At the present time however, it is recommended that both footpaths are resurfaced with a 3 metre width which could then allow the County to re-designate them in the future subject to the appropriate legislation being invoked under the Highways Act. Both of these footpaths have a width to allow a widening. At the present time both footpaths are narrow, muddy in places and restricted by uncontrolled vegetation. It is recommended that a crushed aggregate surface is used such as hoggin. Vegetation clearance to allow the widening improvement will need to be carried out outside the bird nesting season.

It is likely that the developer of Burgate Acres will need to install a new rising main sewer along the whole of their northern frontage leading westwards to the junction of the Ford 1 site to lay a new foul sewer. This will then connect up with the existing foul sewer serving Ford 1. It is logical that this is done as part of these works and for the developer to improve the current footpath surface and carry out the necessary widening by cutting back vegetation as part of any required remedial works. This can be carried out either under license or by ensuring the works are appropriately funded with the details to be agreed as part of the Section 106. Future maintenance costs will also need to be agreed and funds lodged with the appropriate body to ensure this work is carried out when required. As for the surfacing of the footpath it is not recommended that a tarmacadam surface is used or that lighting is introduced given the rural nature of this corridor, the need to ensure any surfacing is permeable, and the need to protect wildlife interests e.g. dark corridors and bat foraging.

3) Housing

Local Plan Policies HOU1 and HOU2 are the key considerations. Policy HOU1 requires an appropriate mix of housing types to include entry level housing and a range of tenures to be made available including properties for rent, shared ownership, and outright purchase. Accessibility needs and homes for older occupants should also be provided if appropriate.

The proposed housing mix is as follows

- 4 no. 1 bed units.
- 26 no. 2 bed units
- 23 no. 3 bed units
- 10 number 4 bed units

This it is considered fulfils the policy requirement with nearly 50% of the units being either one or two bed units. There are also a number of flats provided but no bungalow accommodation on this occasion, which is due to site limiting factors and available space and the need to maximise the number of units for viability purposes.

Affordable Housing and viability matters

The delivery of affordable housing is a key corporate priority for the Council, and this is reflected in the Council's Corporate Plan.

With regard to Local Plan Policy HOU2 the policy requirement in this case is for 50% of the units to be affordable, and those units to have a split tenure mix with 70% being affordable homes for rent (with an equal split between social and affordable rent). The remaining 30%

of units to be intermediate/shared equity homes. The Policy states that the viability of development will be taken into account in applying this policy as set out in Policy IMPL1: Developer Contributions, Starter homes in line with the soon to be published new guidance are not considered to be affordable in terms of the Development Plan policy. The policy requirement in this case is therefore 33 units as affordable with 22 being split between social and affordable rent, and 11 units provided on a shared equity basis as intermediate. The affordable housing offer in this case is for 14 units (22%) split as follows

- 4 x 1 bed flats – affordable rent (80% of market rents)
- 6 x 2 bed flats – affordable rent
- 2 x 2 bed houses – shared ownership (with limitation on staircasing to full ownership)
- 2 x 3 bed houses – shared ownership

This gives a ratio of 71% of the affordable units to be rented and 29% shared equity. There is therefore both a shortfall in the affordable housing offer in this case due to viability considerations. It is also true that there are no social rent units which is a high Council priority.

Where developments cannot deliver the level of affordable housing set by policy, they need to submit a viability assessment to demonstrate why they cannot make the site viable if the policy level of affordable housing is delivered.

The Planning Practice Guidance ('PPG') which accompanies the NPPF defines viability assessment as *“a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.”*

NPPF 2018 strengthens the role of viability assessment at the plan making stage. It requires that:

“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.” (para 67 NPPF 2018)

NPPF 2018 standardises the inputs to viability assessment in relation to development value, costs, returns and premiums etc. Costs should be assessed at the plan making stage and be based on evidence which reflects local market conditions. A gross development return of 15 to 20 percent should be assumed, although there is scope for plan makers to apply alternative figures where this is justified by particular circumstances.

In terms of land value, the PPG makes it clear that a benchmark land value should be calculated based on the existing use value of the land, plus a premium for the landowner (EUV+). The premium should reflect the minimum price at which it is considered a rational landowner would be willing to sell their land.

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It will then be for the applicant to demonstrate with appropriate evidence that particular circumstances justify the need for a viability assessment at the application stage.

The RICS Guidance 'Financial viability in planning' states that:

A viability appraisal is taken at a point in time, taking account of costs and values at that date. A site may be purchased some time before a viability assessment takes place and

circumstances might change. This is part of the developer's risk. Land values can go up or down between the date of purchase and a viability assessment taking place; in a rising market developers benefit, in a falling market they may lose out. A developer may make unreasonable/over optimistic assumptions regarding the type and density of development or the extent of planning obligations, which means that it has overpaid for the site'.

The revisions to the Viability Planning Policy Guidance 3 and the new National Planning Policy Framework (updated 19th February 2019 and further updated to May 2019 in other respects) now very clearly advise that land value should be based on the value of the existing use plus an appropriate level of premium or uplift to incentivise release of the land for development from its existing use. Regarding how land value should be defined for the purpose of viability assessment, it states: 'To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.'

The guidance defines existing use value (EUV) as: 'the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses.

Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.'

It states that a Benchmark Land Value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.'

The guidance further states that: 'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.' It goes on to state: 'Policy compliance means that the development complies fully with up-to-date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan. A decision maker can give appropriate weight to emerging policies. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement.)'

Officer assessment and comments

As this application does not propose to deliver the full level of affordable housing required by policy a Viability Assessment report has been submitted. This economic viability assessment (EVA) considers all the development costs including any abnormal site related costs, build cost of the units and the site (using national standards), developer profit, and the price of the land with a sufficient incentive to the owner to bring the site forward. An EVA was submitted with the original application for 74 units. The original offer equated to 19% affordable housing i.e. 14 shared ownership units with none for rent. Since the reduction in the number of units to 63, brought about by the need to redesign parts of the site to meet design and other objections, the EVA has now been updated and amended to reflect the amended proposals. The offer remains the same at 14 units but with an improved mix including now 70% of the affordable units being available to rent.

On receipt of a non-compliant affordable housing offer the Council now uses an independent consultant to assess the EVA provided and provide an independent assessment report to the Council. As required under the current PPG both the EVA and the Council's independent assessor report are included on the web site.

The Council's advisors confirm that by reducing the land values expected from the site this has resulted in affordable housing being offered. The original higher land value submitted in the applicant's EVA combined with development costs and a reasonable level of developer profit showed the scheme was not viable to construct with any affordable housing, still making a significant loss with a nil offer. The Council's assessor has also checked the stated developer build costs and finds these to be reasonable. In addition, the developer profit of 17.5% is in line with industry norms (15-20%). In this case the development is considered small scale with less than 100 units (with less economies of scale), is subject to design standards which require sensitive placing of development near to Listed Buildings and protected trees, in three separate parcels of land, and which also requires the purchase and demolition of an existing dwelling in the centre of one of the development parcels costing well over £1m. Added to this are a number of off-site highway improvement works, on site road costs where serving only a single frontage of units, off-site footpath improvement works, contributions to formal open space provision and a CIL payment over £650,000 which all contribute to increasing costs and reducing overall viability. The provision of ANRG land is also a negative cost to the scheme and needs to be factored into any viability assessment. The cost of the ANRG land per acres was initially assessed to be too high and in their revised EVA the applicants have also reduced this cost per acre of ANRG land. ANRG land is costed differently to potential development land.

Overall, whilst it is regrettable that the affordable housing offer is not policy compliant, the Council's assessor considers the justification put forward is soundly based and reasonable, your officers concur with this conclusion. On this basis your officer considers the affordable housing offer should be accepted and secured through the necessary S106 agreement. It is likely that the first 11 units near the site entrance will be a first phase of development and this will lead to an early release of 11 affordable units with the remaining 3 units coming later. It is not intended that the scheme will however be phased given the small scale of the development.

4) Design matters, site layout, impact on the character and appearance of the area and wider landscape, Public Open Space provision

Site layout, design of new dwellings, and impact on character and appearance of the area

Policy ENV3 of the Local Plan states that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places, and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different

needs with realistic levels of car parking, and attractive and appropriate green spaces. The presentation at Committee will include a selection of plans to demonstrate the submission.

The National Planning Policy Framework highlights how the creation of high quality buildings and places is a fundamental expectation of the planning system, and how good design is a key aspect of sustainable development.

With the allocation of all the strategic housing sites the Council has prepared a concept Masterplan contained within the adopted Local Plan. The Plan can be viewed by following this web link and turning to pages 104-107 for an overview of how all strategic sites are planned together with detailed appraisals and the concept masterplans for the three Fordingbridge sites on pages 161-175 (use actual document page numbers).

https://newforest.gov.uk/media/705/Local-Plan-Document-2016-2036/pdf/Local_Plan_2016-2036_Part_One_FINAL.pdf?m=637329191351130000

The concept Masterplan shows the general disposition of uses on the site. This part of site 18 in the bottom south eastern corner makes some suggestions to land uses and how they arranged on the site. The developer should use this as a starting position in bringing forward any development proposals. To go with this further guidance has been included in the draft SPD guidance on Masterplanning published in 2018.

Amended plans

The proposal as originally submitted raised a number of key concerns regarding the design and height of buildings, their relationship with adjoining properties, and their relationship with important Listed Buildings along the eastern boundary of the site.

The original proposal for 74 new dwellings met with a number of objections both from interested 3rd parties and consultees. Detailed discussions then took place with your officers and a revised submission for a lesser number of units was submitted and consulted upon in late October. The response to those amended plans is set out above.

There have been some significant changes in the layout of the site which has resulted in a number of improvements i.e.

- Reduction of units close to Fordingbridge Day Nursery
- Increase in public open space areas within the site
- Improved relationship with some of the residential properties along the eastern boundary
- Reduction of impact consequently on the Listed Buildings along the eastern boundary – see below for more on Listed Building impact
- Improvement in house design generally and especially with regard to the entrance flatted units
- Improvement in the design of the flats building to replace Burgate Acres
- Improvement in overall layout, disposition of open spaces and roads
- Improved relationship with northern boundary and adjoining public footpath

Some further plans submitted early in 2021 have made further improvements and officers are now content that the proposed site layout and design is appropriate and fulfils the requirement and high design standards set by the Local Plan policies referred to above.

The impact on Listed Buildings and the views of the Conservation Officer are dealt with below. The updated views of the Urban Design team are however important to note. It is now considered that the amended plans demonstrate sufficient quality of design and layout. Whilst all the issues raised by objectors has not been fully resolved the revised scheme

does now fulfil the stated policy guidance and does provide a scheme of local distinctiveness and quality. It is pleasing to note that the Town Council also supports the scheme as now presented.

The local appearance of this part of Fordingbridge will be of course dramatically altered with this new estate development. That was accepted in the allocation of the site along with the remainder of Site 18. The development of the site whilst altering local character does however fit the new development in an attractive way into its surroundings taking into account the need to ensure trees are protected and that the northern and eastern sensitive boundaries are also respected and adequately softened both in terms of the position of dwellings and adequate landscaping.

The developer also respects the need to retain an open unbuilt landscape in the western part of the site which was a requirement of the purchase of this land from the Burgate School. This did provide a limiting factor in terms of the spread of development but has in fact worked well to retain an open area next to the school playing fields and amenity land. The concept Masterplanning did anticipate development along the western boundary in total with open space more in the centre of the site. Due to land purchase covenants this has not however been possible. This non-compliance is not by itself sufficient reason to reject the scheme if there are other material considerations.

Overall, the scheme is considered to be compliant with both local and national design guidance and policy subject to detailed conditions on materials etc. A condition requiring working drawings to be submitted to and agreed in writing prior to construction will be applied to ensure that the quality of the scheme as now shown on the planning drawings is followed through into the final design drawings.

Wider landscape impact

The proposed development is sited to the west of the nationally designated New Forest National Park. There is a statutory duty for the Local Planning Authority to have regard to the purposes of the National Park, and it is therefore important that what is proposed has an acceptable impact on the setting of the New Forest National Park. Both Local and National Planning policies make it clear that very significant weight must be given to ensuring that the character, quality and scenic beauty of the landscape and coastline of the National Park is protected and enhanced.

In terms of the wider landscape setting and impact this is considered to be localised to the immediate vicinity of the site particularly when viewed from the A338 Salisbury Road. Near the Surma Valley restaurant the site has an open rural road frontage. There are glimpses of the site from between the residential properties to the north of the restaurant, and more wider views available from the public footpath running close to the northern boundary of the site. The site can be viewed from high land within the National Park from the east but in this context, it is seen in conjunction with the school buildings and large tree blocks. This part of site 18 is generally more contained than the remainder of the strategic housing site. The development as now proposed seeks to protect most of the trees within the site and is fitted between these tree groups in an acceptable manner in landscape terms. The impact from the footpath has been improved with the revised plans referred to below.

Overall, the landscape impact of the proposal is considered acceptable. The proposal is accompanied by a detailed landscape framework plan which proposes a significant number of new trees to be planted. Over time these new trees will help to further anchor this site into the local landscape and break up the mass of the buildings. In conclusion, it is considered there will be no adverse impact on either the quality and character of the New Forest National Park or the wider local landscape

Public Open Space (POS) provision

The Council's policies require that new residential development makes provision towards public open space, with the expectation for larger developments being that this public open space should be on site. Public Open Space provision is additional to the requirement for Alternative Natural Recreation Green space - ANRG provision (see ecology section below), and should be provided at a rate of 3.5 hectares of public open space per 1000 population, including all of the following elements:

- 2.05 hectares on Informal Public Open Space per 1000 population
- 0.2 hectares on Children's play space per 1000 population
- 1.25 hectares of formal Public Open Space per 1000 population

a) Informal POS

The proposal as amended provides some pleasant open space areas within the site suitable for informal kick about and other types of recreational activity. The site also includes a network of ecological enhancement areas such as wildflower meadows, and a series of walkways, some of which run through two areas of tree cover and small woodland separating the northern part of the site from the southern part adjoining the Burgate School. A small children's play space is also provided between the two zones.

Whilst historically Public Open Space has tended to transfer to either the District Council or town/Parish Councils There is no reason why the POS cannot be maintained privately by a management company along with the underground drainage such as soakaways. The key factor is to ensure the POS is available in perpetuity, it is provided and maintained in a way that delivers a quality development with facilities to support and enrich the lives of its future residents and is adequately maintained into the future. This can be achieved by requiring a detailed specification of all such areas through planning condition, the completion of the works through condition, and the maintenance of the works and continued public access through a management company scheme outlined in a S106 Agreement. This should also allow for any failure of the management company and a new management company being set up.

b) Formal POS

Formal open space is defined usually as playing fields designed to be used for organised sport. It can also include however informal large kick about or playing areas providing an opportunity for local residents to play games as well as to support a playing pitch provision in the town. Strategic Site 18 policy also has more specific requirements for formal open space. The supporting text states that the Fordingbridge Strategic Sites will be expected to deliver or to contribute towards the provision of formal open space on a proportionate basis. It suggests that the town needs two multi use games areas (MUGAs), an adult and a youth football pitch.

In this case Site 18 was intended to include an element of formal open space but not on the parcel of land the subject of this application. A further parcel of land was identified on Strategic Site 16.

At this stage therefore it is recommended that a monetary contribution is taken from this development to put towards the provision of formal open space elsewhere

5) Impact on designated heritage assets adjoining the site

Listed Buildings and Conservation Areas Act 1990

Section 66(1) of the Listed Buildings and Conservation Areas Act applies. It requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In considering

applications that impact on Listed Buildings the Planning Authority must take note of the following -

- The significance of the heritage asset
- Its setting - wider rather than narrower meaning of visual relationship
- Substantial harm (complete loss) – only in exceptional circumstances
- Less than substantial harm – to be weighed against the public benefits

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2019.

- Paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

A site specific consideration of Strategic Site 18 policy in the Local Plan requires any development to conserve and enhance the setting of the listed buildings in Upper and Lower Burgate. Members will note the strongly held objections of the Conservation Officer and the way in which he considers the setting of the Listed Buildings at Lower Burgate are adversely affected. The Listed Buildings affected are Surma Valley restaurant (known as the Hour Glass previously), Duveen and Fordingbridge Day Nursery (known as Tudor Rose previously), all of which are Listed Grade II. Burgate Acres, the existing house on the site is an Arts and Crafts inspired design of the 20th century and is not Listed but is considered a non-designated heritage asset.

To set this matter in context Members will note above the adopted concept Masterplan for this part of site 18 shows a brown residential development zone immediately adjacent to the rear boundaries of the three Listed Buildings affected. Further it will be recalled from earlier in this report that the western portion of the site was also shown for residential development. That part of the site however has had to be excluded as land sold by the Burgate School to the developer with a no build clause. This impacted significantly on the developable area of the site.

The earlier scheme showed a total of 4 dwellings immediately adjoining the eastern boundary with a narrow landscape belt between them and the Listed Buildings. Those units in the revised scheme have been moved away from that common boundary and more space in particular has been opened up at the rear of the Fordingbridge Day Nursery. To give an example the closest point gable to gable with the Day Nursery was 6 metres and is now 15 metres. A further improvement has been the introduction of a small area of POS at the rear of the Nursery again with the intention of reducing the crowding effect and the impact on setting. Other buildings which were located close to the common boundary have been moved away and re-orientated to lessen the impact on setting.

When assessing the setting of a Listed Building and the impact a development may have it is not sufficient to judge the visual relationship between buildings. It is also important to assess how the Listed Buildings are experienced and how the setting may have changed over time.

In this case it is true that the setting of the Listed Buildings when seen from the rear, or when seen from the rear of the buildings themselves, is one adjoining open agricultural land. That setting however was changed at a stroke by the allocation of the site in the Local Plan. It was inevitable that this setting would change dramatically as the outlook from the Listed Buildings would no longer be one of a view across open fields. Similarly, when viewing those same buildings from within the development site the setting would have changed dramatically with the introduction of an estate development in the foreground.

There are of course two settings with these Listed Buildings. That experienced from the front principal elevations and that from rear more subservient elevations, which in this case, it is true to say have changed over time with extensions and add on buildings. The principal setting of these buildings is and always has been their roadside location located in an isolated position away from Fordingbridge proper and constituting part of the hamlet of Burgate split between Upper and Lower Burgate.

The Conservation Officer considers there to be less than substantial harm to the setting of the Listed Buildings which is not sufficiently offset either by other public benefits or the quality of the design and new buildings adjoining the heritage assets. This is a matter of judgement of course for the planning case officer to make taking into account the need to deliver a range of public benefits including much needed affordable and market housing.

The applicant has been advised of the objections and has responded in their heritage response letter dated 8 December and listed as 23 December in the documents list on the web site. They state in their view they have provided sufficient information to assess the significance of the Heritage Assets. The changes in land use pattern and ownership of the development land over the years since the Listed Buildings were built is pointed to. Some of the Listed Buildings were associated with the Lower Burgate Farm further to the north but that ceased many years ago. There has been no agricultural association with any of the Listed Buildings from the 20th century onwards it appears.

The change in the uses of the buildings themselves is also mentioned as being part of a changing history of land use and association. The buildings have also been substantially altered over many years. Further the buildings are not experienced alongside one another but they do represent a cluster of historic buildings demonstrating the development of this linear hamlet. The applicants also point to these Listed Buildings not being experienced in association with the farm land to the rear apart from some limited fleeting views from the road or from the northern boundary footpath.

Set against this impact on the Listed Buildings Government policy as set out in the NPPF requires Planning Authorities to make effective use of land (Section 11). Sterilising what would be a large part of the eastern section of the site to try and retain some semblance of the earlier open area at the rear of the Listed Buildings would have significantly reduced the housing opportunity particularly when viewed against the fact that the western part has also been removed from development opportunity by the terms of the sale of the land by the Burgate School. This removal of effectively half of the site from this part of the allocated land would have significantly reduced the housing yield and other benefits such as affordable housing. Section 12 of the NPPF further stresses the need to achieve well-designed places that are sympathetic to local character and history whilst not preventing appropriate change including increased density of development. Section 16 of the same guidance is summarised above. This apparent 'tension' in national guidance is reflected in local guidance expressed through the Local Plan. Policy guidance should be read in the round however rather than in isolation and there is therefore a need to balance the adverse impact against other benefits that would arise in developing the site.

In this case those benefits amount to a further release of both affordable and open market housing which are both key priorities of the Council and the Government. This releases economic benefits, as well as social benefits. The judgement has already been made above that the design of the dwellings now proposed together with their site layout taking into consideration the way they relate to the Listed Buildings is of sufficient quality and local distinctiveness.

There is some environmental harm caused by the development of the site and the change to the setting of the Listed Buildings but in balancing this against the benefits and taking into account the historic changes to the setting and the way in which the buildings are experienced over time leads to a conclusion that the balance on this occasion is in favour of approval. Such harm to the significance of the Listed Buildings caused by the change to its setting requires clear and convincing justification. This it is considered is provided by weighing the public benefits of allowing the development to proceed. The case officer considers that the public benefits on this occasion do outweigh the harm caused by the development of this land.

Pill Box 22 located within the site will also be affected by the development, but the siting of dwellings has been kept away from this non-designated heritage asset and its importance is highlighted by the layout by running a pathway to this feature located within part of the wooded areas. Throughout the Fordingbridge area there are a number of such pill boxes (part of a WWII defence line) which have been all but lost and swallowed up by development. Their original setting has been on many occasions lost. In this case the pill box site will at least be given some importance and protected from close encroachment.

Finally, the loss of Burgate Acres is regretted but the applicants have again demonstrated that this non-designated asset does limit the opportunity for development in this part of the site. Its replacement with a well-designed apartment complex which has echoes architecturally of its past is an acceptable compromise and makes better use of this part of the site. The original plans were much inferior to the final submissions which have taken on board the character of the old building and tried to reflect that in the new. The loss of the asset is considered to be justified on this occasion. A condition can be imposed requiring a photographic and written record of the building to be deposited with the appropriate records office.

Overall, it is therefore considered there is less than substantial harm to the setting of the heritage assets, but it is considered that the public benefits outweigh that harm. Similarly, the substantial harm brought about by the complete loss of the non-designated Burgate Acres balanced against the overall public benefits is justified.

6) Impact on trees within and adjoining the site

When the site was allocated for development a blanket Tree Preservation Order was imposed protecting all the trees on the site. These trees are located predominantly in the southern part of the site to the north of Burgate School, surrounding Burgate Acres and leading down to the southern access point. A line of protected trees also runs northwards separating the main open space zone in the western part of the site into two.

The development as originally planned showed some units too close to veteran trees within the site and shaded by other trees. Those difficulties have now been resolved with the amended plans with the exception of plot 36 where the Tree Officer comments about shading have been considered but which on this occasion do not warrant either the removal of that plot or its re-orientation.

Some of the poorer specimen trees along the common boundary with the School will be removed and replaced as appropriate. The landscape framework plan shows a number of new trees to be planted throughout the site. These new trees will complement the existing tree cover.

The way in which the development respects the protected trees on the site is a feature of this proposal. It will however be necessary to impose appropriate arboricultural safeguarding conditions during the course of development, together with a necessary landscape framework plan being enshrined as part of the longer term management of the trees on the site through the S106 Agreement. It is inevitable that a new estate development being formed within a TPO group area will have some impact on the trees. Future works may also be required to manage those same trees. That said the development pays due regard to these important landscape features.

7) Impact on residential amenities of neighbours and impact on commercial uses

There are in fact very few neighbouring properties that are impacted by the development. Surma Lodge and the Fordingbridge Day Nursery are commercial buildings and it also needs to be considered what impact there may be in this relationship. Dealing first with residential amenity the loss of outlook is not a material consideration. Neither is any perceived reduction in property values. It should also be noted that the whole of the eastern boundary hedgerow and tree line will be strengthened by new planting.

Residential amenity

There are three existing dwellings adjoining the site i.e. from the north Doleswood, Duveen and Ivy Cottage. The amended plans have changed the relationship with these three properties. The nearest plot to Doleswood has been moved away from a common side boundary with a distance of 17 metres separating the end of plot 45 to the rear corner of Doleswood. There are no 1st floor side facing windows in plot 45 with only some oblique overlooking of part of the garden from the rear elevation. The new dwellings are also 1.5 storey in height which with the separation distance gives an acceptable relationship. Neither is there any significant sunlight or daylight loss to Doleswood which would justify a refusal. Plot 43 creates some limited 1st floor overlooking of the southern section of Doleswood's garden but again this is not sufficient to warrant an objection being sustained.

Turning to Duveen, the nearest property on the development is some 48 metres away which is well in excess of the normal 21 metre back to back measure employed as a guideline.

Finally plot 37 has a back to back distance of between 34-39 metres. It is true that the plot has changed its position in order to overcome other issues in relation to the setting of Listed Buildings, but the distances involved are acceptable. The loss of outlook is noted but this cannot be used as a justification for refusal.

It is considered prudent to prevent future insertion of side facing first floor windows into plots 45 and 37 to prevent direct overlooking of the existing neighbouring properties.

Impact on existing business uses

There is no appreciable impact on Surma Valley restaurant from the location of the nearest new dwellings. The restaurant has a large parking area to the rear and is well separated from the new dwellings.

Turning to the Fordingbridge Day Nursery the original submission had a number of new dwellings in very close proximity to this commercial building. This relationship caused a number of objections to be submitted both by the operator of the nursery and his clients. The amended plans move all dwellings further way and open up the common boundary by introducing an area of public open space. This has helped to reduce the impact on this important local business. The business has at the rear alongside the common boundary a large play area for children split into different zones which are used for different play and

educational purposes. Again, concerns were raised regarding safeguarding matters given the overlooking and close proximity of some of the new dwellings. Moving those dwellings away and reducing overlooking has had a beneficial effect albeit it has not removed completely any overlooking. The critical area of overlooking has it is considered been resolved. Other overlooking is at a distance of 20 metres plus or has available tree cover and is oblique rather than direct. It would be prudent to prevent first floor rear facing windows in plot 43 to prevent direct overlooking of one of the critical areas at the rear of the nursery.

Potential noise impact from the Day Nursery is covered below.

8) Environmental health considerations

a) Construction traffic and other noise related issues

Dealing first with construction noise and cumulative traffic noise from future development these are matters that would normally be dealt with through a Construction and Environmental Management Plan secured through a planning condition.

With regard to the Fordingbridge Day Nursery, it should be borne in mind that the planning permission for the Day Nursery is time limited in terms of the use of the outdoor spaces.

Permission 14/10222 granted in May 2014 for the change of use from a public house to a day nursery has the following conditions applied -

Condition 4 - Notwithstanding the details shown on drawing 341:05A, full details of the proposed location and height of the acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use hereby permitted.

Condition 5 - The garden areas shall not be used outside the following times: Areas 1 and 2: 8am-5pm, Areas 3 and 6: 9am-12pm and 1-6pm and Areas 3 and 4: 8am-7pm.

These conditions were applied because a number of objections were raised to the change of use by adjoining dwellings. Whilst not all the rear areas appear to be controlled as there is no mention of area 5 and the condition appears to contradict itself for area 3 there is some level of control. The use of the nursery is also predominantly during normal business hours and not on weekends or Bank Holidays. In addition, the applicant made the point at the time that anyone moving next to a business use would do so in the knowledge that the business use existed. Given the current background noise readings are dominated by traffic noise and the EHO has commented that additional noise from the day nursery will be insufficient to warrant a statutory nuisance particularly as each of the dwellings backing onto the site will also be protected by 1.8m high close boarded fencing, in planning terms the noises levels in the area are not considered to be such that would have a detrimental impact on the amenities of future residents of this development.

b) Contaminated land

Historic records of former land uses on this site suggests that there could be a possibility of a level of contaminated land that could be disturbed during construction. It is good practice in these circumstances to impose a condition to ensure that there is appropriate monitoring during the construction phase.

c) Air quality issues for adjoining residents and wider town

The comments of the EHO are set out above and can be dealt with by conditions as suggested both on dust management measures and encouragement of electric vehicles through electric charging points being made available to serve the development.

9) Ecological considerations

a) Habitat mitigation arising out of recreational impact

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

In this case, the applicant is required to provide for on-site Alternative Natural Recreational Greenspace (ANRG) and habitat mitigation areas under Local Plan Policy ENV1. These ANRG areas are necessary particularly in relation to dog walkers (but also the general new resident population created) to reduce the number of trips into the New Forest National Park ANRG provided on site is therefore a mechanism to deflect additional visits which might affect European protected areas within the Park area.

The amount of land to be provided for ANRG purposes is set out by formula in the Local Plan based on the approximate number of residents from each new housing scheme equating to 8ha of land per 1000 new population. That requires an area of 1.33 ha in this case. Added to this policy guidance the Council has also published draft SPD guidance to assist applicants in the physical design of ANRG areas on the ground.

This application actually provides a total ANRG of 1.92 ha which is well in excess of that needed. The Concept Masterplan published in the Local Plan suggested the ANRG area to cater for the needs of Site 18 would sit on another separate parcel of land and not on this application site. This second parcel is controlled by another developer and has not come forward at this time but is expected to come forwards this financial year by way of a further application. In addition, the Council also expects the third and remaining parcel controlled by a third developer to come forward later this year. That too will have its own ANRG area. So, there will in effect be three separate parcels of ANRG land all physically linked through a public right of way.

The Urban Design team have referred to the way in which the ANRG is designed on the ground and essentially says that it is not completely in line with guidance – principally because of the circular circumference of the main area being smaller than that required in the guidance. The quality of the ANRG however is good as it contains a purpose built dog exercise trail. In assessing the quality of any ANRG area it is also necessary to consider that this area of ANRG needs to be read in context with other areas of ANRG provided on the remainder of Site 18 within a few minutes' walk of the application site. These linkages are therefore important, and this is another reason why the footpath improvement works on FP83 are necessary. In addition to this the site itself also contains another 0.47 ha of POS which is also available to those wishing to exercise their dogs. Taken as a quantum whole the amount of ANRG is in excess of that required, added to POS which is available and taking into consideration the new improved linkages to other ANRG areas on Site 18. This all leads to a conclusion that there is no requirement to carry out a further Appropriate Assessment under the Habitat Regulations. The Council are in this respect the competent authority in which to carry out this judgement as to whether or not the ANRG area provided is acceptable. In this case the judgement made for the reasons set out above is that the ANRG provided is acceptable and in line with Policy ENV1

b) On site biodiversity protection and biodiversity net gain (BNG)

In accordance with policy DM2: Nature conservation *“Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site.”*

Added to this there is now a requirement to demonstrate BNG through the requirements of policy STR1 which requires a net environmental gain which the footnote to the policy interprets as fulfilling the soon to be required national legislation set out in the forthcoming Environment Act. The Council’s ecologist has assessed their BNG proposals and considers with some additional work this is acceptable in principle. He suggests a condition to cover some missing elements. On that basis this scheme is considered to be in line with policy. It is likely that the future maintenance of BNG into the future (30 time span envisaged as a minimum) will need to be effectively enforced through a management company. The details of this can be provided by condition but should be controlled over the long term in perpetuity as part of the S106 Agreement.

Turning to existing on site ecological assets the Council’s Ecologist is broadly content with the current proposals and mitigation and management scheme but requires further information again which can be conditioned with the details approved prior to work commencing. The proposal is therefore in line with policy advice.

c) Phosphate impact on sites designated for nature conservation

The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation.

However, following the end of the interim period on 31st March 2020, the Council has been advised by Natural England and the Environment Agency that existing measures to offset the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. As this interim period has now passed, at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Local Plan policy.

In July 2020, the Council adopted the Local Plan 2016-2036 Part One: Planning Strategy. The Local Plan recognises that the Planning Authorities in the River Avon will work with Wessex Water, Natural England, and the Environment Agency to identify suitable mitigation of offsetting measures to enable development to achieved phosphate neutrality, including an update of measures set out in the River Avon Nutrient Management Plan. This work is

ongoing. The principle of requiring all new development to contribute to mitigation measures in proportion to its likely impact on the European sites is set out in policies of the Local Plan 2016-2036 Part 1: Planning Strategy, namely Policies ENV1, ENV3 and ENV4.

The proposed development therefore may by itself and in combination with other developments, have an adverse effect on the integrity of European sites due to the impacts of additional phosphate loading on the River Avon SAC, the River Avon SPA, and the River Avon Ramsar site, having regard to their conservation objectives. Without mitigating these adverse effects through the future implementation of mitigation projects these impacts would be unacceptable and therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Local Plan policy.

Whilst at this time no effective mitigation strategy is in place the Council does expect this position to be resolved later this year. Once a mitigation strategy is in place this will need to be the subject of an Appropriate Assessment under the Habitat Regulations 2017 (HRA). The Local Planning Authority is the competent authority under these Regulations to carry out such an assessment and in concluding on this will consider the views of the statutory consultee Natural England. This recommendation is therefore one of approval **subject to** an Appropriate Assessment first being carried out and the results of the HRA confirming that there will be no adverse impact on sites and species of importance. This is a matter which can be delegated to the Chief Planning Officer.

d) Air quality impact on sites designated for nature conservation

Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management, and mitigation. To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes), managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

10) Surface and foul water drainage and flood risk

a) Surface water and flood risk

The site is located within flood zone 1 as shown on the latest Strategic Flood Risk Assessment prepared by the Council in conjunction with its latest Local Plan. There is some evidence of surface water flooding along FP83 to the north west of the site with some larger surface water flooding on the northern side of the footpath located in a separate part of Site 18 which is under the control of another developer. The applicants have chosen to use a system of ground infiltration (underground systems such as soakaways) rather than surface water ponds and ditches (SUDS). Whilst the Urban Design team have expressed a preference for surface water attenuation ponds there is no impediment here to infiltration methods being used and the statutory consultee Hampshire County Local Lead Flood Authority have been consulted and raise no objections. The system for surface water disposal from the housing units and other site areas will be kept separate from the proposed foul system. The concerns of one objector representing another developer of Site 18 referred to above have been taken into consideration, but there is no evidence that the current application will either not be able to deal with its own surface water or exacerbate surface water flooding elsewhere.

b) Foul water drainage proposals

With regard to foul water disposal there are some constraints on the current foul water system serving the town. In recognition of the number of new housing sites to be developed over the next few years and as allocated in the Local Plan Wessex Water have developed a strategy of localised improvements with temporary underground sewage holding tank facilities on Whitsbury Road and Station Road.

The developers of Site 18 are required under Local Plan policy SS18 to work cooperatively with each other and with Wessex Water to deliver a suitable foul sewer connection to the Fordingbridge treatment works.

The Metis Homes developers plan to collect all sewage from their site via gravity to a point near the southern boundary with the School, and from that point pump sewage northwards to FP83. From FP83 a new sewer line will be laid westwards (under agreement with the FP landowner) which in turn will then connect into the Ford 1 site and lead to an off site sewage storage tank located south of Whitsbury Road. Another sewage storage tank will also be constructed off Station Road. All developers of the three strategic sites have informally agreed this plan.

Wessex Water acknowledge this in their response and have no objections to the current application proceeding on that basis. The Water Authority have control over a fall back position also if for whatever reason Metis Homes is prevented from connecting to the Ford 1 site. Wessex Water intend to formally adopt the pumping station and new rising main but not the internal sewerage connection to the dwellings. This will be covered under Building Control legislation. Surface water must also be properly maintained so as not to infiltrate the foul system which could result in a flood risk.

11) S106 Agreement matters, and contributions required.

Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan the following are the proposed Heads of Terms for a Section 106 Agreement. The Agreement will need to be completed prior to the issue of any planning permission.

- **Affordable Housing (AH)** – 14 units offered = 22% of 63 unit total. 9 Affordable rent and 5 shared ownership. Phasing delivery of units to be agreed, and long term retention as AH.
- **Biodiversity net gain (BNG)** long term management/maintenance plan setting up of management company and provisions to safeguard against failure, and setting up monitoring arrangements. Potential monitoring charges. 30 year minimum time span for BNG on site.
- **ANRG provision and maintenance** and long term management/maintenance plan, monitoring costs and requirement – potentially privately managed. Structure of management company. Failure safeguards.
- **POS provision and maintenance** – potentially managed by private management company but terms of management need to be agreed to ensure long term public access and proper management and maintenance of those areas. If to be adopted by the Council, there will be a requirement towards future maintenance in line with that set out in Local Plan Policy. Management Company will also be required to look after any underground drainage works which are located within the POS areas

- **Formal open space** contribution towards off-site formal open space to be confirmed. Contribution to be proportionate across all three Fordingbridge strategic sites to each site and number of dwellings.
- **Internal roads not to be adopted** – needs management company arrangement etc potentially a County bond.
- **Provision of on and off site drainage** – management company to look after on-site drainage if not publicly adopted.
- **Air quality assessment** monitoring contributions in line with Local Plan policy.
- **Off-site highway works** for new junction and works to improve school access – could be conditioned Advice from highways on S278 agreement
- **Footpath 83 improvements** – uncertainty over what will be carried out by Metis Homes i.e. frontage only from Salisbury Road to Keepers Gate, or further on to Augustus Park entrance following installation of sewer pipe.
- **Phosphate neutrality contribution** – further work currently being undertaken by the Council to bring forward a project(s). Level of contribution to be agreed.

Developer Contributions

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	5532.69		5532.69	5201.8	£80/sqm	£532,984.76 *
Dwelling houses (Affordable)	1217.83		1217.83	1145	£80/sqm	£117,318.13 *
Subtotal:	£650,302.89					
Relief:	£0.00					
Total Payable:	£650,302.89					

11 CONCLUSION

The site forms part of allocated site SS18 in the Local Plan which establishes the principle of development. The initial submission led to significant objections which have now been overcome to the extent to allow a positive recommendation. Issues remain regarding the impact of phosphates and the adverse impact on European protected sites and species, but it is anticipated that these can be resolved over the next few months. The proposal as amended is now considered to be generally in line with Local Plan policy and national guidance, creates an attractive scheme releasing much needed housing including affordable housing, and other public benefits. Notwithstanding some remaining objections from one consultee and interested 3rd parties, the balance on this occasion is one of approval subject to a Section 106 Agreement being first completed, and the conditions as laid out below.

12 OTHER CONSIDERATIONS

Crime and Disorder

The proposed development has been designed so as to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are considered to be well designed and safe.

Human rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act.
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13 RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to

- i) The carrying out of a further Appropriate Assessment under the Habitat Regulations 2017 to consider the likely significant effects of phosphorous entering the River Avon SAC in consultation with Natural England. The results of the Assessment shall conclude that any adverse impact to areas and species of importance can be adequately mitigated by reference to any mitigation plan which the Council may bring forward or any plan brought forward by the applicant

- ii) the completion by end of 2021, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
- **Affordable Housing (AH)** – Phasing delivery of 14 no.units to be agreed, and long term retention as AH.
 - **Biodiversity net gain (BNG)** long term management/maintenance plan, setting up of management company and provisions to safeguard against failure. Appropriate monitoring charges. 30 year minimum time span for BNG on site.
 - **ANRG** provision and maintenance and long term management/maintenance plan, – if privately managed. Structure of management company. and failure safeguards. If to be adopted the transfer to the Council and appropriate maintenance contribution
 - **POS** provision and maintenance – management company to be set up and maintained, if private, or transfer to NFDC and contributions towards future maintenance
 - **Formal open space** contribution towards off-site formal open space to be confirmed
 - **Drainage, highways and street lighting on site** – arrangements to ensure all are provided in a timely manner and maintained appropriately in the future.
 - **Off-site drainage** – phasing and extent of works of works to be agreed.
 - **Air quality assessment monitoring contribution**
 - **Footpath 83 improvements** – to include a detailed specification of the works, the timing of such works, a proportionate contribution towards future maintenance of any works carried out, and appropriate landscaping works to adjoining vegetation
 - **Phosphate neutrality contribution** Level of contribution to be agreed.
- iii) Delegated authority be given to the Chief Planning Officer to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the plans as set out in the Approved Plan Schedule dated..... unless the Local Planning Authority hereafter referred to as LPA have given their written approval to any modifications

Reason: To ensure satisfactory provision of the development.

3. Prior to the commencement of any part of the development including any site clearance and demolition works, a detailed phasing plan showing all on and off-site works, including all landscaping, public open spaces, recreation facilities, and all on and off-site foul and surface water drainage and highway works, shall be submitted to and agreed in writing with the LPA.

The phasing plan as so agreed shall be implemented in full unless any written variation has been agreed beforehand in writing with the LPA.

Reason: To ensure the development is fully completed in an acceptable timetable and in accordance with the approved plans

4. Prior to the commencement of any part of the development including any site clearance and demolition works, a finalised surface and foul water drainage plan shall be submitted to and agreed in writing with the LPA showing all means of surface and foul water drainage systems both on and off site, including any necessary vegetation clearance works that may be needed. The phasing of any off-site drainage and a timetable for delivery of the works shall be agreed as part of this condition, and in any event prior to the occupation of the first dwelling.

Reason: To ensure that all drainage works are acceptable and not impacting adversely on existing and future planting, and in the interests of wildlife protection

5. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials to be used on all dwellings i.e. facing bricks, wall renders including finish and colours, roofing materials, eaves boards, ridge tiles, together with the materials for all hard surfaced areas including any roadways, pavements and footway/cycleways, fences and walls (with typical elevation sections supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the LPA. Only such materials so agreed are to be used on the development unless a written variation has been agreed beforehand by the LPA.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3

6. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted details of all new windows and doors and any other joinery details for porches and support pillars shall be submitted to and agreed in writing prior to their use on the site. Only the details so agreed shall be used unless a written variation has been agreed beforehand with the LPA.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3

7. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted details of any soil vent pipes, flues, rainwater goods, and meter boxes including their position on the dwellings, shall be submitted to and agreed in writing with the LPA prior to their use on the buildings. Only details as may be agreed shall be used on the dwellings unless a written variation has been agreed beforehand by the LPA.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3
8. Prior to the commencement of any works to the dwellings hereby permitted including the installation of foundation slabs, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
9. Prior to the commencement of any part of the development including any site clearance or demolition works a detailed tree protection plan for all existing trees and hedgerows which are to be retained shall be submitted to and agreed in writing with the LPA. The works shall only take place in accordance with the plan as so agreed with all protective fencing and other necessary measures in place prior to any works taking place.

Reason: To protect all existing trees and hedgerows to be retained in the interests of the character and appearance of the area and to safeguard ecological assets that may be present in accordance with Local Plan policies ENV3 and DM2
10. Prior to the commencement of any part of the development including any site clearance or demolition works a detailed landscape framework and final landscaping plan, to include a long term landscape management and maintenance plan, shall be submitted to and agreed in writing with the LPA. Such plan shall show all new planting of shrubs, hedgerows and trees including any necessary tree pits or other root barrier systems where in proximity to highway and drainage works. The plan shall show all pipe ways and other underground drainage details in proximity to tree planting. The landscaping plan shall also include a detailed phasing plan for all landscaping works. The details as agreed shall be fully implemented in accordance with the plan and phasing of those works in the first available planting season (October-March). If any trees or shrubs die, become damaged or diseased within 5 years of planting they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season. Following such an initial maintenance period all landscaping, including any off-site landscaping alongside the public right of way, shall then be maintained in accordance with the long term landscaping and maintenance provisions approved as part of this permission including any relevant clauses set out in the accompanying Section 106 Agreement attached to this permission.

Reason: In the interests of the character and appearance of the development hereby permitted and in accordance with Local Plan policies STR1 and ENV3.

11. No above ground works (including vegetation clearance) shall take place until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the local planning authority. This should incorporate construction phase mitigation, full details and specification of ecological mitigation/enhancement measures and operational management, monitoring and remedial measures to secure ecological mitigation and enhancement measures in the long-term. The EMMP should identify the person(s) responsible for undertaking the works. The EMMP shall include the purpose and conservation objectives for the proposed works and be supported by appropriate scale maps and plans as appropriate. The EMMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter in accordance with any Section 106 provisions attached to this permission.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2

12. No above ground works (including vegetation clearance) shall take place until a Biodiversity Net Gain (BNG) Monitoring and Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The monitoring and management plan should include:

- 12 Methods for delivering BNG.
- Responsibilities for delivering BNG – during and after construction.
 - Description of the habitats to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Clear timed and measurable objectives in the short, medium, and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success.
 - Define appropriate management options and actions for achieving aims and objectives.
 - A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes.
 - Preparation of a work schedule.
 - Details for a formal review process when objectives are not fully reached / roles and responsibilities.
 - Key milestones for reviewing the monitoring.
 - Establish a standard format for collection of monitoring data to make it repeatable and consistent / confirming by who.
 - Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

The BNG monitoring report shall be produced by a suitably qualified and experienced ecologist and shall include the following for the target habitats. The monitoring reports are to be submitted to the LPA annually for the first five years after completion and at 5 year intervals thereafter until year 30:

- Credentials of the ecologist undertaking the monitoring.
- Assessment of habitats against the objectives defined in the management plan.
- Any presence recorded of target species.
- Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest.
- If the target species /habitat is not present, provide detailed site notes on factors that are / could hinder growth or establishment.
- Detailed specific recommendations (where appropriate) on management actions to promote growth / establishment of target species / habitats including timescales for undertaking actions and marked site plans to show the actions.
- Photographs from the fixed monitoring points detailed in the management plan using high quality images.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2

13. Prior to the commencement of development above slab level of any of the dwellings a scheme shall be submitted to and agreed in writing with the Local Planning Authority indicating a sustainability improvement plan for the site. Such a scheme shall include the following together with any other sustainability works proposed.

- Electric vehicle charging points
- High speed broadband installation
- Installation of low NOx boilers or other sustainable forms of heating

The details as may be agreed shall be fully implemented prior to the occupation of the dwellings hereby approved.

Reason: To promote sustainability and to comply with New Forest Local Plan Policies STR1 and IMPL2

14. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of highway safety

15. Prior to the commencement of development, detail design of the cycle parking facility to be provided for each dwelling including the specification 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 relative to that dwelling 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 sustainable mode of travel.

16. All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages and car ports hereby approved shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted in the interests of highway safety.

17. Prior to any works taking place above slab level of any of the dwellings hereby approved a detailed specification of all new play equipment and street furniture to be provided on the site shall be submitted to and agreed in writing with the LPA. The details as may be agreed shall be provided and made available for use prior to the first dwelling being occupied or in line with a phasing plan of provision to be agreed as part of this condition. All play equipment and street furniture shall be kept available for the public use in perpetuity and maintained in accordance with any provisions set out in the accompanying Section 106 agreement.

Reason: In the interests of the proper provision, design and retention of play facilities to serve the development in accordance with saved Core Strategy policy CS7 and Local Plan Policy ENV13

18. Prior to any demolition works to the dwelling known as Burgate Acres including any outbuildings of that dwelling a photographic record of the exterior of the building (including its wider setting), together with any features of interest internally shall be carried out by an appropriately qualified heritage assessor. The photographic survey shall be deposited with the LPA and agreed as an adequate record of the building and site by the LPA in writing prior to any demolition works taking place.

Reason: To ensure a record of the building is kept

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no alterations to form additional first floor windows, roof windows or dormer windows otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, shall be carried out to plots 37, 41, 42, 43, 44 or 45, without a further grant of planning permission.

Reason: To ensure that there is no unacceptable overlooking of adjoining dwellings and commercial businesses that sit to the east of the development site.

20. Prior to construction (including demolition) commencing on the site, a Construction Environmental 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 suppression, management, mitigation, and avoidance measures.
- 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.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CEMP so approved.

Reason: To comply with Local Plan policies STR1 and ENV3

21. Prior to the installation of any street lighting or lighting to be placed on the dwellings hereby permitted such details (including the design of lanterns and lighting standards and the lux levels of lighting) shall be submitted to and agreed in writing with the LPA. No other street lighting or on building lighting shall be erected including any security lighting without the further written approval of the LPA.

Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential amenity, wildlife protection, and so as to promote dark skies.

22. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. 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. 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.

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 in accordance with Policy CCC1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

23. Prior to the demolition of the dwelling on site known as Burgate Acres a detailed photographic record of the exterior of the building together with any features of interest internally shall be submitted to the LPA.

Reason: To ensure a historic record is taken of this non-designated heritage asset.

24. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

25. The development shall not be commenced until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:

- Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (a) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

Further Information:

Stephen Belli

Telephone: 023 8028 5430

NFDC

NFDC



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

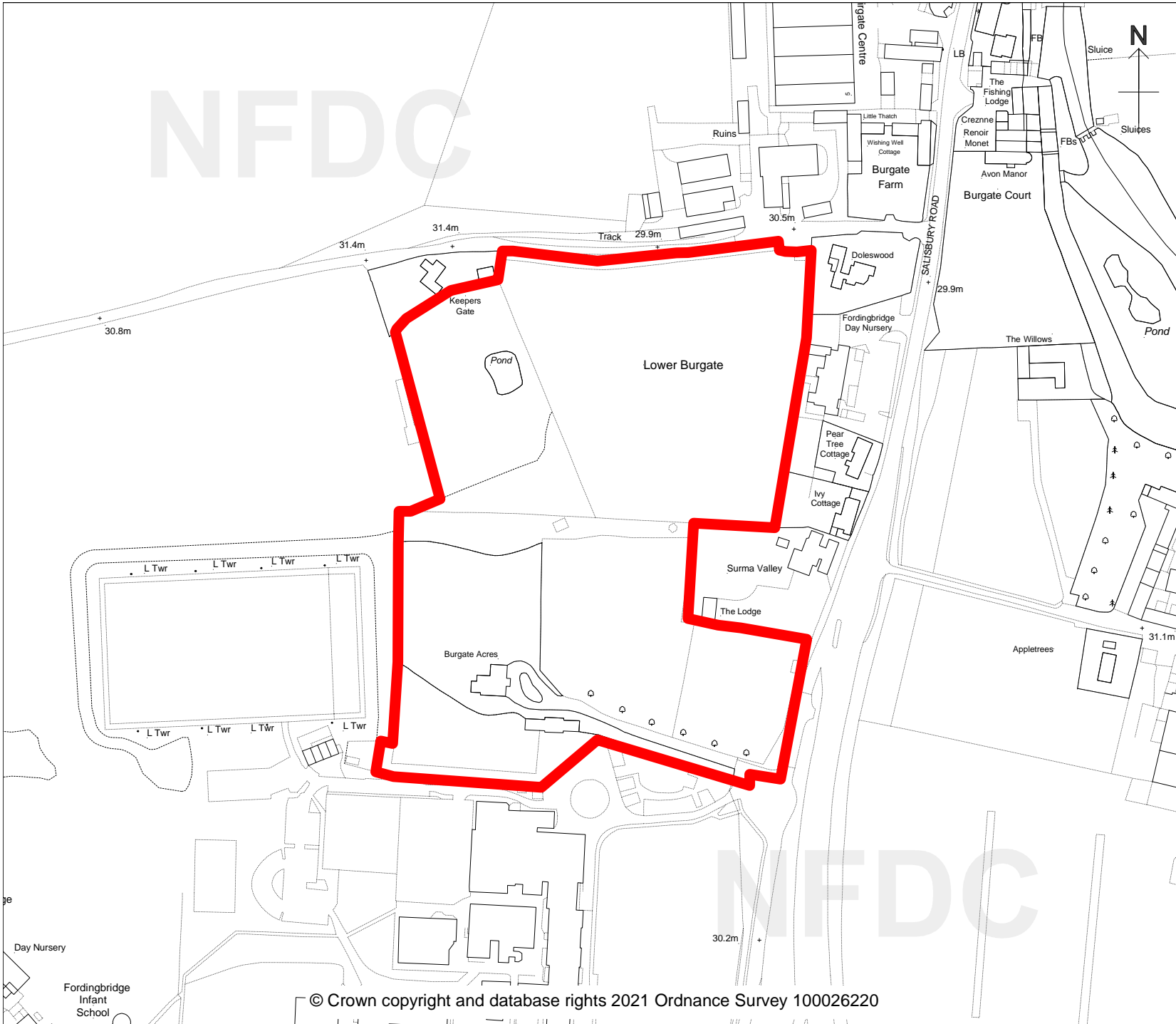
PLANNING COMMITTEE

February 2021

Land at Burgate Acres
Salisbury Road
Burgate, Fordingbridge SP6 1LX
20/10228

Scale 1:2500

N.B. If printing this plan from
the internet, it will not be to
scale.



Application Number: 20/11060 Variation / Removal of Condition

Site: 54 BELMORE LANE, LYMINGTON SO41 3NN

Development: Variation of condition 2 of Planning Permission 19/10958 to allow variations to materials, window positions and enlargement of front and rear dormers to P1 due to minor design changes

Applicant: Ms Stephan

Agent: Morgan Building Design

Target Date: 30/11/2020

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The Principle of development
- 2) Scale, design & materials
- 3) Impact on the character of the surrounding area
- 4) Amenity considerations
- 5) Flooding/drainage
- 6) Ecology and habitats mitigation

This application is to be considered by Committee because the Town Council objects to a number of elements of the proposal and recommends refusal (see section 6 below).

2 SITE DESCRIPTION

The application relates to the site at 54 Belmore Lane, Lyminster where previously planning permission was granted on 12th March 2020 under reference 19/10958 for '2 dwellings; car ports; replacement garage, new access'.

The application site previously formed the large rear garden of 54 Belmore Lane. The site drops in gradient towards its rear south-western boundary. The site is bounded on its rear south-western boundary by 2 modest single-storey bungalows at 1 and 2 Redvers Close.

On its north-western side, the site is bounded by 4 chalet style bungalows at 15-21 Old Farm Walk, as well as a small electricity substation. These chalet bungalows are set within generous sized garden plots. To its north side, the site is bounded by 48 Belmore Lane, which is a 2-storey dwelling that is also set within a generous sized garden plot, whilst to its south-eastern side the site is bounded by a more recently built development at Oakfield, which is comprised of 2-storey detached and semi-detached dwellings set within smaller garden plots than elsewhere in the immediate area.

Currently, the two new dwellings as approved under Planning Permission 19/10958 are under construction and are up to second floor wall height, with roofs yet to be constructed.

3 PROPOSED DEVELOPMENT

The application is made under Section 73 of the Town and Country Planning Act 1990. The application proposes the variation of Condition 2 (list of approved plans) of the previous planning permission 19/10958, *'to allow variations to materials, window positions and enlargement of rear dormer to P1 due to minor design changes'*.

4 PLANNING HISTORY

20/10611 - Variation of condition 2 of Planning Permission 19/10958 to allow amended plans - Withdrawn by Applicant 23/9/20

19/10958 - 2 dwellings; car ports; replacement garage, new access - Granted Subject to Conditions 12/3/20

18/11182 - Variation of condition 3 of Planning Permission 17/10044 to allow window changes to first floor - Granted Subject to Conditions 21/11/18

17/10044 - Raise ridge height (of existing dwelling at 54 Belmore Lane), front and rear dormers in association with second floor, rooflights, single storey rear extension, front porch, detached garage, fenestration alterations - Granted with conditions on the 21st March 2017

17/11702 - Planning permission was refused to construct two detached 2 storey dwellings and car ports within the back garden of No 54 Belmore Lane. The application also proposed a car port for the existing dwelling at No 54.

An appeal was lodged and subsequently dismissed. In dismissing the appeal, the Inspector had two main concerns: one was the unacceptable impact on the character and appearance of the area and the second related to the unacceptable impact on the living conditions of No 19.

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part One: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Local Plan Part 2: Sites and Development Management

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance

SPD - Lymington Local Distinctiveness

National Policy Guidance

NPPF 124 :The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.

NPPF 127 : The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" requires in Para 127 requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

Consultation response received 27.10.2020:

Recommend Refusal.

The Applicant states they are seeking "variations to materials, window positions and enlargement of rear dormer to P1 due to minor design changes'. They are, in fact, applying for considerably more and many of these do not arise from "minor design changes". A detailed study of the drawings submitted indicates that the actual changes requested comprise:

- a fundamental change to the facing materials on every elevation
- revised window positions
- a massively enlarged rear dormer to P1
- enlarged front dormer to P1
- pitched in place of flat roof to P1 garage
- additional rooflight to P1
- additional rooflight to P2
- additional window to P1
- replacement of car port with enlarged garage to P1
- enlarged bedrooms and dormer to P1

In addition, there are inaccuracies and errors in some of the drawings.

The Council recommends the refusal of the application on the grounds that the application is grossly misleading. Furthermore, the Council objects to the application on the following grounds:

- Poor design through the inappropriate change of cladding.
- Impact on amenity on Oakfield through the change to a pitched roof garage
- Potential damage to the protected oak tree through the need for more substantial foundations for the garage.
- Overdevelopment through extending the replacement P1 garage to close to the boundary.
- Poor design through the enlarged and cumbersome rear dormer to P1.
- Conflicts with the approved Design and Access Statement that states "the houses are of already extended form" and "the footprint of the house is finished".

The Council also objects strongly to what appears to be planning creep, which would be a cynical abuse of the planning system. This is a tactic that has been employed on other developments in the town.

Consultation response received 13.01.2021 (revised plans):

Recommend Refusal.

The enlarged dormer to Plot 1 is poorly designed and unattractive.

This application does not list the enlargement to Plot 2's car port. A further increase in the footprint of the building conflicts with the approved Design and Access Statement.

Given the history of the applications for this site, the undertaking in the D&A Statement and this further proposed increase, NFDC should consider removing further Development Rights if they propose to approve this application.

7 COUNCILLOR COMMENTS

Cllr Jacqui England raises an objection

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Drainage: no comment

Ecology: no concerns

Historic England: no comments

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

13 Third party objections have been received on the following grounds:

- Overdevelopment
- Impact on trees
- Overlooking
- Planning 'creep'
- Inaccurate plans
- Increased flood risk
- Poor landscaping provision
- Concerns in respect of raised patio/terrace areas
- Concerns in respect of carports becoming garages

10 PLANNING ASSESSMENT

Principle of Development

The application is made under Section 73 of the Town and Country Planning Act 1990. The application proposes the variation of Condition 2 (list of approved plans) of previous planning permission 19/10958, *'to allow variations to materials, window positions and enlargement of rear dormer to P1 due to minor design changes'*.

Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to

differing Conditions, removing the Conditions altogether or refusing to alter Conditions. The section makes it clear that in considering such an application a local planning authority may only consider the “question of the conditions” and cannot therefore revisit the fundamental principle(s) of the development itself. However, in terms of decision making, a Section 73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

In respect of the development at 54 Belmore Lane, the previous permission granted under planning reference 19/10958 has been commenced and remains extant. The current application seeks to amend the approved plans to facilitate the following amendments:

Plot 1:

- Front dormer enlarged, but no new windows
- South-east Elevation: approved window slightly repositioned
- Rear dormer enlarged; Bathroom window within dormer to replace approved rooflight. No new windows to Bed 2.
- North-west Elevation: approved Ground Floor window enlarged.
- Changes to external materials
- No change to the approved carport

Plot 2:

- Additional high level rooflight (South-west elevation)
- Additional Ground Floor window (North-west elevation)
- Increase in footprint of the cycle store at the back of the carport
- Change to external materials

There are now no changes proposed in respect of the previously approved carports (amended plans removed proposed changes from the current S73 application).

There are no changes proposed in respect of the size(s) or height(s) of previously approved patio/terrace areas.

Consideration of the proposed amendments

Changes to external materials for both plots:

The two new dwellings as approved under Planning Permission 19/10958 comprised brickwork (with limited areas of horizontal cladding) elevations under a tiled roof. The current application seeks to revise the external materials to a combination of vertical timber cladding and painted render, under slate roofs.

The proposed amendment to external materials is considered appropriate and would not have an undue impact on the existing character of the surrounding area.

Plot 1 proposed amendments:

Front dormer enlarged - the proposal is to increase the width of the front dormer whilst retaining the existing level of glazing. The proposed increase in the width of the dormer is modest and, it is considered, does not result in undue impacts in terms of design, appearance or the amenity of neighbours.

South-east elevation: approved window slightly repositioned - the proposed revision constitutes the enlargement of a ground floor window serving the proposed family room. The window is at ground floor level. Whilst this enlarged window is located close to the side boundary of the plot, taking into consideration the position of the window at ground floor level, where permitted development rights would allow the provision of a wall or fence up to 2 metres in height, it is considered this amendment would not result in undue impacts on the amenity of neighbours.

Rear dormer enlarged; bathroom window within dormer to replace approved rooflight. No new windows to Bed 2 – The proposal elongates the rear dormer, effectively across the width of the rear elevation of the house. The previously approved rooflight window serving the First Floor bathroom of plot 1 is omitted and obscure glazed casement windows are provided in the enlarged dormer to serve the bathroom. Whilst box dormer roof additions are not usually considered to have beneficial design attributes, the proposed dormer would be located at the rear of the property and would not be visible within the streetscene or wider surrounding area. Provided the bathroom windows were obscure glazed (by Condition) it is considered undue impacts on neighbour amenity via overlooking would be avoided. It is a material consideration that, once occupied, a rear dormer extension to the previously approved scheme would become permitted development under Class B, whereby the rear of the roof could be enlarged (albeit without additional glazing) by the addition of a dormer up to a volume allowance of 50 cubic metres additional roof space, which is greatly in excess of that currently proposed.

North-west Elevation: approved Ground Floor window enlarged – the enlargement of a Ground Floor window serving the kitchen. Taking into consideration the position of the window at ground floor level, where permitted development rights would allow the provision of a wall or fence up to 2 metres in height, it is considered this amendment would not result in undue impacts on the amenity of neighbours. As noted above, there would be no change to the approved carport.

Plot 2 proposed amendments:

Additional high level rooflight (South-west elevation) - this is a high-level rooflight serving a First Floor dressing room (off of bedroom 1). It is considered there are no design or amenity issues resulting from this additional rooflight window.

Additional Ground Floor window (North-west elevation) - The window is at ground floor level, serving the kitchen/dining/family room. Whilst this additional window is located close to the side boundary of the plot, the side boundary consists of a close boarded fence that is approximately 1.8 metres in height and an evergreen shrubbery hedge. Taking into consideration the position of the window at ground floor level, where permitted development rights would allow the provision of a wall or fence up to 2 metres in height, it is considered this amendment would not result in undue impacts on the amenity of neighbours.

Increase in footprint of the cycle store at the back of the carport – whilst the carport remains as previously approved, it is proposed to increase the single storey flat-roofed cycle store along the back of the carport, remaining as an enclosed outdoor store. By reason of the location of the extended store at the back of the carport, well screened by the existing boundary fence to the west, it is considered the proposed increase in the size of the cycle store would not result in adverse design issues or undue impacts on the amenity of neighbours.

Impact on the character of the surrounding area

The application site is in a backland location (being formerly the rear garden of 54 Belmore Lane), surrounded on all sides by the gardens of existing neighbouring

properties. Consequently, the site is not prominent in views within the streetscene or the wider local area.

By reason of the modest scale of the changes proposed, and the use of materials that are not considered discordant with the local area, it is considered the proposed amendments would not unduly affect the existing character of the surrounding area.

Residential amenity

Subject to a condition to ensure the new bathroom windows within the rear dormer of Plot 1 are fitted with obscured glazing, it is considered that none of the proposed amendments, individually or in combination, would result in undue impacts on the amenity of neighbouring occupiers.

Flooding/Drainage

Comments and concerns have been raised in third party representations in respect of surface water drainage at the site.

The application is made under Section 73 of the Town and Country Planning Act 1990. In considering such an application a local planning authority may only consider the “question of the conditions” and cannot therefore revisit the fundamental principle(s) of the development itself, which in this case would include matters pertaining to surface water drainage.

However, under Condition 9 of the previous planning permission 19/10958 details of a scheme to provide a surface water sustainable drainage system (SuDS) were required be submitted to and approved by the Local Planning Authority, and to be implemented prior to the occupation of the new dwellings. This condition and requirement would be carried forward as a requirement of any approval of the current S73 application.

Ecology / Habitat Mitigation Requirements

The applicant previously submitted appropriate details of biodiversity mitigation, compensation and enhancement for the development, including the final details and measures as outlined in the previously submitted Phil Smith Ecology Report dated September 2017. A condition can ensure that works proceed and measures are maintained in accordance with the details and recommendations as approved in the strategy (with any amendments agreed in writing).

The applicant, as part of the previous planning permission, submitted a Unilateral Undertaking (UU) to make provision/to mitigate the effects of the development in respect of habitats mitigation, in accordance with the policy requirements of the Local Plan (ENV1).

As the current Section 73 application to vary Conditions would result, in its effect, in the granting of a new planning permission, the requirements of the UU will need to be repeated in a new legal agreement. The applicant has confirmed their willingness to enter into a new legal agreement to meet these requirements.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement (or unilateral undertaking):

- Habitats Mitigation

As part of the development, subject to any relief being granted, the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	448		448	448	£80/sqm	£46,040.62 *
Subtotal:	£46,040.62					
Relief:	£0.00					
Total Payable:	£46,040.62					

11 CONCLUSION

The proposed amendments are considered acceptable in terms of their scale, design and materials and would not have undue or adverse impacts on the character of the surrounding locality of upon the amenity of neighbours.

12 RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement or a Unilateral Undertaking to secure habitats mitigation
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

SS.01 REV E	AMENDED SITE SECTIONS
LS.01 REV D	LANDSCAPING SCHEME
SL.01 REV G	SITE LAYOUT
FP.01 REV D	PLOT 1 PLANS
PE.01 REV E	PLOT 2 ELEVATIONS
FP.02 REV D	PLOT 2 PLANS
PE1.01 REV E	PLOT 1 ELEVATIONS

Reason: To ensure satisfactory provision of the development.

2. All external works (hard and soft landscape) shall be completed prior to first occupation in accordance with the approved plans and details (drawing reference LS.01 REV D) and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with policy ENV3 of the Local Plan Part One (Planning Strategy).

3. The first floor rooflight windows on the north-west elevation of the approved building identified as Plot 2 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy ENV3 of the Local Plan Part One (Planning Strategy).

4. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment entitled 'proposed development at 54 Belmore Lane Lymington Flood Risk Assessment' compiled by Frank Tyhurst and dated June 2019 and the following mitigation measures:

- a) The finished floor levels shall be set no lower than 9.2 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To minimise the risk of flooding to the proposed development and future occupants and to comply with policy CCC1 of the Local Plan Part One (Planning Strategy).

5. Within one calendar month of the permission hereby approved, a surface water sustainable drainage system (SuDS) shall be submitted to the Local Planning Authority for its written approval. The drainage scheme shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of

the development, taking into account future amenity and maintenance requirements. The approved surface water drainage system shall be installed and implemented prior to the first occupation of the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CCC1 of the Local Plan Part One and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. The trees on the site which are shown to be retained on the approved plans shall be protected during site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Report ref KJF Consultancy Tree Report (Ref - TR.54.BL.L.04.12.19, Arboricultural Method Statement and Tree Protection Plan (TPP.AMS.04.12.19) dated 04.12.19 while in accordance with the recommendations as set out in BS5837:2012.

Development shall only take place in accordance with these details.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy ENV4 of the Local Plan Part One (Planning Strategy).

7. The development hereby permitted shall not be occupied until the parking spaces and car ports shown on the approved plans have been provided. The spaces shown on the approved plans for access, turning, parking, and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 and CCC2 of the Local Plan Part One (Planning Strategy).

8. 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; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - 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.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the existing access to the site shall be stopped up and abandoned. The footway crossing / verge shall be reinstated, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the dwelling(s) hereby approved.

Reason: In the interest of highway safety and in accordance with Policy ENV3 and CCC2 of the Local Plan Part One (Planning Strategy).

10. No other windows or rooflights other than those hereby approved shall be inserted into the roofspace of the dwellings hereby approved unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy ENV3 of the Local Plan Part One (Planning Strategy).

11. Prior to the first occupation of either new dwelling, the previously approved strategy of measures for biodiversity mitigation, compensation and enhancement (as previously agreed in writing by the Local Planning Authority in connection with Planning Permission 19/10958) shall be undertaken in accordance with the details and recommendations approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

12. The dwellings hereby approved shall not be first occupied until
- (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
 - (b) these means of enclosure have been implemented in accordance with the details thus approved

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan Part One (Planning Strategy).

13. The first floor bathroom window(s) on the rear (South West facing) elevation of Plot 1 shall be permanently glazed with obscured glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

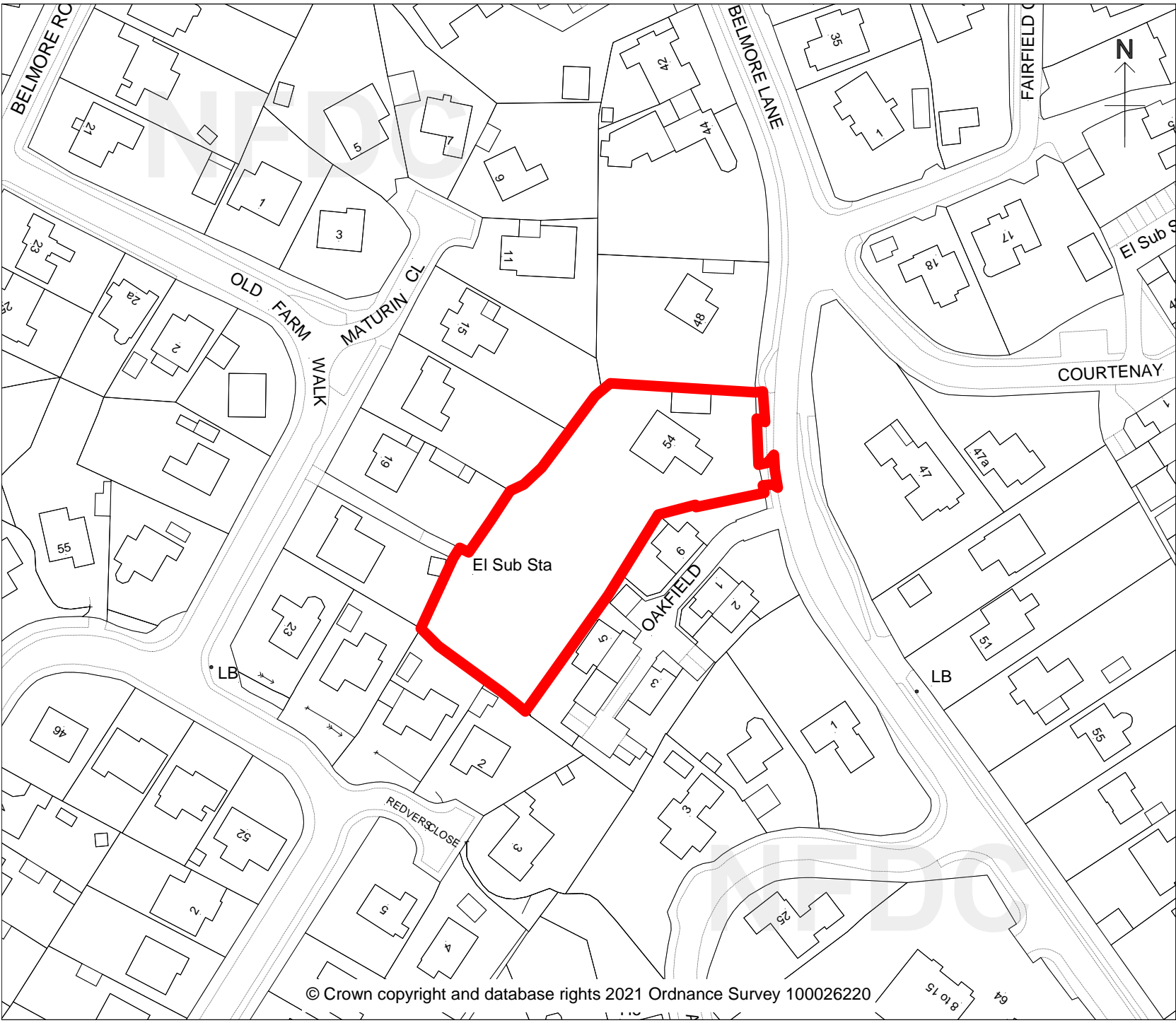
14. The external facing materials of the walls and roofs of the approved dwellings shall accord with the materials details previously agreed by the local planning authority on 29th July 2020 (reference planning approval 19/10958), unless otherwise agreed in writing by the local planning authority.

Reason: To ensure an acceptable appearance of the building in accordance with policy ENV3 of the Local Plan Part One (Planning Strategy) for the New Forest District outside the National Park.

Further Information:

Warren Simmonds

Telephone: 023 8028 5453



61



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

February 2021

Item No:

54 Belmore Lane
Lymington
SO41 3NN
20/11060

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

This page is intentionally left blank

Application Number: 20/11241 Full Planning Permission

Site: GREENBANKS, LOWER DAGGONS LANE, SOUTH END,
DAMERHAM SP6 3HE

Development: Shed

Applicant: Mr & Mrs Vincent

Agent: Swift Architectural Design

Target Date: 08/01/2021

Case Officer: Kate Cattermole

Extension Date: 12/02/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character of the area, and appearance of the countryside, AONB and Damerham Conservation Area

This application is to be considered by Committee because there is a contrary view with Damerham Parish Council

2 SITE DESCRIPTION

The application site consists of a detached 1970s house, situated within the rural settlement of Damerham. The site is in the countryside and falls within the Damerham Conservation Area and Cranborne Chase Area of Outstanding Natural Beauty.

The dwelling sits within a large plot, with garden area to the east and north of the house and is surrounded by open fields on three sides. The garden area to the north of the dwelling is used as a vegetable plot and for keeping chickens. Within this area there is a brick built outbuilding with corrugated roof, which is sited adjacent to the rear boundary of the site. There is also a small shed and greenhouse.

To the east of the site are water meadows that play an important role in providing a foreground setting to the settlement. The conservation area covers North and East End, Court Farm and Mill End enclosing the water meadows and fields as well as the playing fields and the Church.

3 PROPOSED DEVELOPMENT

Detached timber outbuilding with slate roof to be sited parallel to the northern boundary of the site, within the vegetable garden.

4 PLANNING HISTORY

13/11097 Removal of conditions 3 & 4 of planning permission 13/10020 Granted
22/10/2013

13/10020 Detached garage Granted subject to conditions 06/03/2013

04/81894 Ground and first floor extensions granted subject to conditions 08/11/2004

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1 Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Local Plan Part 2: Sites and Development Management Plan

DM20: Residential development in the countryside

DM1: Heritage and Conservation

Supplementary Planning Documents

Cranborne Chase AONB Management Plan

SPG - Landscape Character Assessment

6 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council

After a discussion at the Damerham Parish Council meeting, the members proposed, seconded and resolved (8), the recommendation of a PAR4 Refusal, for the reasons listed below:

Over developed planning

SDR2

Out of character for the area.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way: no objections

9 REPRESENTATIONS RECEIVED

None received

10 PLANNING ASSESSMENT

Principle of Development :

The outbuilding would be used for a storage shed in association with the residential property and therefore subject to the policy criteria set out in Policy ENV3, STR2 of the Local Plan Part 1 and Policy DM1 and DM20 of the Local Plan Part 2 being met, the principle of development is acceptable.

Impact on the character and appearance countryside, AONB and Damerham Conservation Area:

The proposed outbuilding would be of single storey pitched roofed wooden building measuring 10m x 5m. The ridge height of the building is 4.1m the building would have dark finished timber walls under a slate roof, which would be appropriate in this rural location. The proposed outbuilding would be sited within the residential curtilage of the dwelling, in the area already utilised as a vegetable garden which is enclosed within a lightweight structure. Although the proposed outbuilding is a more permanent structure and would be more visible from the surrounding area, it is a small scale domestic building sited within a garden. Given the scale and appearance of the garden shed no harm would be caused when viewed from the adjacent open landscape.

The structure would be 10m x 5m in size but it would be proportionate in size and scale to the existing dwelling on the site and the plot within which it would be located. Whilst the property backs on to the water meadows which plays a significant role in the creating the overall character of the Conservation Area, given the size of the building proposed and its siting within a residential curtilage the development would not detract from the character and appearance of the Damerham Conservation Area and would accord with guidance set out in the AONB Management Plan.

There would be only three windows proposed on the front elevation of the outbuilding which would all face towards the existing dwelling on the site. Due to this limited fenestration and the proposed use as a shed, the building would not create an unacceptable level of light pollution to the detriment of the Dark Skies Reserve.

Neighbour amenity:

The application site has no immediate neighbouring properties, and therefore the proposed outbuilding would not create issues with regard to neighbour amenity.

Other matters:

The Parish Council have expressed concerns about the overdevelopment of the site. Although there are already a couple of existing outbuildings in this location, the plot is of a reasonable size that could accommodate the proposed additional outbuilding and would not result in overdevelopment of the plot. Furthermore the amount of development on the application site is not out of keeping with the wider area and countryside, nor would it have an unacceptable impact within the Conservation Area.

11 CONCLUSION

For the reasons given above, it is considered that the proposed development is acceptable and accords with the Government advice contained with the National Planning Policy Framework (2019) and other Local Plan policies. Permission is therefore recommended.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:
 - OS 1:1250 Site Location Plan as deposited with the Local Planning Authority on 9 November 2020
 - 1:500 Block Plan as deposited with the Local Planning Authority on 9 November 2020
 - Elevations, Section, Roof Plan 20044/1 dated 19/10/20 as deposited with the Local Planning Authority on 9 November 2020

Reason: To ensure satisfactory provision of the development.

3. The timber cladding on the outbuilding shall be finished with a dark stain prior to the building being first brought into use and thereafter retained as such otherwise agreed in writing by the Local Planning Authority.

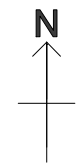
Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy and Policy DM1 of the Local Plan Part 2 for the New Forest District outside of the National Park.

Further Information:

Kate Cattermole

Telephone: 023 8028 5446

NFDC



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

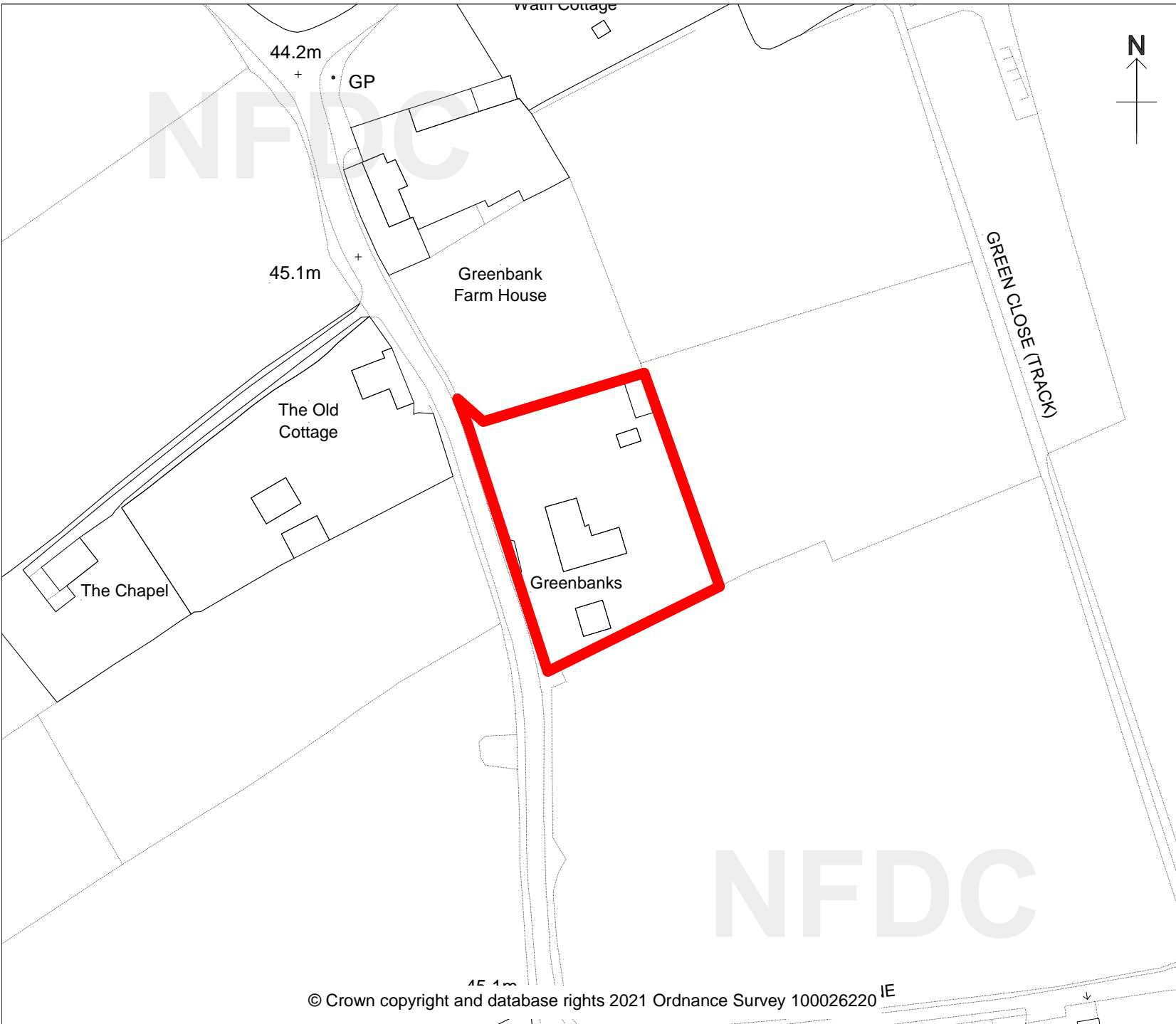
February 2021

Greenbanks, Lower Daggons Lane
South End
Damerham SP6 3HE
20/11241

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

67



This page is intentionally left blank