

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 14 SEPTEMBER 2022, AT 9.00 AM\*

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
Tel: 023 8028 5071

### **PUBLIC PARTICIPATION:**

Members of the public may watch this meeting live on the [Council's website](#).

\*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](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Claire Upton-Brown**  
Executive Head Planning, Regeneration and Economy

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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

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## AGENDA

**NOTE:** The Planning Committee will break for lunch around 1.00 p.m.

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 10 August 2022 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 to West of, Whitsbury Road, Fordingbridge (Application 21/10052) (Pages 7 - 74)**

Residential development and change of use of land to Alternative Natural Recreational Greenspace and all other necessary on-site infrastructure (Outline planning application all matters reserved except means of access only in relation to a new point of vehicular access into the site)

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in Section (L) of the Committee report; such agreement to be completed by end of April 2023; and
- ii) the imposition of the conditions set out in the report and any additional / amended conditions deemed necessary by the Executive Head of Planning, Regeneration and Economy, having regard to the continuing Section 106 discussions.

(b) **Plot 1, Gordleton Industrial Park, Hannah Way, Pennington, Lymington (Proposed Legal Agreement) (Application 19/11321) (Pages 75 - 86)**

Variation of condition 19 of Planning Permission 16/10885 – not able to achieve BREEAM “Excellent” rating due to various constraints

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the highways improvements; and
- ii) the imposition of the conditions set out in the report.

(c) **2 Nursery Road, Ringwood (Application 21/10668) (Pages 87 - 114)**

Demolish existing outbuildings; conversion of front building to 2 bed cottage; erection of 6 No 2 bed houses (7 dwellings in total); parking

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a S.106

Agreement or unilateral undertaking to secure Air Quality Monitoring and Recreational Habitat Mitigation; and

ii) the imposition of the conditions set out in the report.

(d) **Land adjoining 2A, Highfield Road, Ringwood (Application 21/11530) (Pages 115 - 128)**

3 Detached houses with associated parking and landscaping

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure air quality monitoring, habitat mitigation and habitat mitigation monitoring; and

ii) the imposition of the conditions set out in the report

(e) **2 Park Road, Fordingbridge (Application 22/10148) (Pages 129 - 140)**

4 detached dwellings with associated garages/parking and landscaping

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Air Quality Monitoring, Habitat Mitigation and Habitat Mitigation Monitoring; and

ii) the imposition of the conditions set out in the report

(f) **MWINGO, Green Lane, Blackfield, Fawley (Application 22/10838) (Pages 141 - 146)**

Single-storey rear extension

**RECOMMENDED:**

Grant subject to conditions

(g) **169 Water Lane, Totton (Application 22/10878) (Pages 147 - 152)**

Single-storey rear extension; ramped access with verge crossing & dropped kerb

**RECOMMENDED:**

Grant subject to Conditions

(h) **9A Belstone Road, Totton (Application 22/10746) (Pages 153 - 168)**

Construction of four houses with associated access, parking and landscaping; demotion of the existing building

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate contributions with respect to habitats mitigation (as set out in the officer report to Committee); and
- ii) the imposition of the conditions set out in the report.

(i) **Ampress Park, Ampress Lane, Lyminster (Application 21/11633) (Pages 169 - 178)**

Use of Buildings A, B and C (Granted by Permission 10/95414) from B1 and B2 use (restricted by Section 106 Agreement dated 12/06/12 in relation to land at Bridge Road, Lyminster and land at Ampress Park) to uses within B2, B8 & E.

**RECOMMENDED:**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion, within 6 months of the date of this resolution, of a planning obligation entered into by way of a Section 106 Agreement to secure a deed of variation to the 2012 S.106 agreement; and
- ii) the imposition of the conditions set out in the report

BUT, in the event that the Agreement is not completed, the Executive Head of Planning, Regeneration and Economy to **REFUSE PERMISSION** as the proposal is only acceptable on the basis that a s106 deed of variation is entered into.

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

#### 4. DATES OF MEETINGS 2023/24

To agree the following dates of meeting (Wednesdays at 9.00am)

3 May 2023  
14 June 2023  
12 July 2023  
9 August 2023  
13 September 2023  
11 October 2023  
8 November 2023  
7 December 2023 (Thursday)  
10 January 2024  
14 February 2024  
13 March 2024  
10 April 2024  
8 May 2024

#### 5. 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.

**To:**

**Councillors:**

Christine Ward (Chairman)  
Christine Hopkins (Vice-Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Anne Corbridge  
Kate Crisell  
Allan Glass

**Councillors:**

David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Barry Rickman  
Tony Ring  
Ann Sevier  
Malcolm Wade

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Planning Committee 14 September 2022

**Application Number:** 21/10052 Outline Planning Permission

**Site:** LAND TO WEST OF, WHITSBURY ROAD, FORDINGBRIDGE

**Development:** Residential development and change of use of land to Alternative Natural Recreational Greenspace and all other necessary on-site infrastructure (Outline planning application all matters reserved except means of access only in relation to a new point of vehicular access into the site)

**Applicant:** Pennyfarthing Homes Limited

**Agent:** Terence O'Rourke Ltd

**Target Date:** 21/05/2021

**Case Officer:** Stephen Belli

**Extension Date:** 14/09/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development including 5-year land supply and the Tilted Balance
- 2) Site layout and design, number of dwellings, impact on the character and appearance of the area
- 3) Access and highway safety, including design of highway infrastructure, trip generation and local road capacity, sustainable transport opportunities, and car parking provision
- 4) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG formerly called SANG), and impact on Sites of Interest for Nature Conservation (SINC), nutrient neutrality and impact on River Avon SAC
- 5) Flood risk, surface and foul water drainage
- 6) Impact on setting of Listed Buildings (Forres Sandle Manor School)
- 7) Environmental health considerations
- 8) Impact on residential amenities of near neighbours, in terms of light, outlook and privacy and general amenity in relation to road infrastructure impact
- 9) Minerals – safeguarding and sustainable use of minerals on site
- 10) Affordable housing policy, application submission not policy compliant
- 11) S106 contributions and Heads of Terms in the event of an approval

## 2 SITE DESCRIPTION

The site comprises the main part of Strategic Site 17 and includes various parcels of land running to 29.9 hectares in extent located on the north western edge of the town and situated mid-way between Strategic Site 16 (land at Station Road) and Site 18 (land at Burgate). The site is currently in a mix of agricultural, horticulture and woodland uses with a number of small holdings. The site is bounded to the south east by the former railway line which itself forms the edge of the town and adjoining estate development of Avon Meade/ Parsonage Park built in the 1980s and 90s; to the north by the Sweatfords Water mains river and its floodplain with a significant area of woodland; to the south by Marl Lane (a public bridleway and vehicular access route with a limited number of direct accesses to residential properties); and to the north west by Puddleslosh Lane (a public bridleway with a limited number of residential properties accessed directly from it along with an electricity substation). The site also has a small frontage direct onto Whitsbury Road (class C public highway).

Forres Sandle Manor School which contains Listed Buildings lies close to the south western corner of the site near the junction of Puddleslosh and Marl Lanes. Arch Farm forms a small collection of buildings used for a variety of industrial uses along with a new farm shop all of which front onto Whitsbury Road. Directly opposite this part of the site lies a new housing development built and completed by Pennyfarthing Homes in early 2022 known as Augustus Park/Avenue (17/10150 refers – see planning history below).

There are three locally designated sites of interest for nature conservation (SINCs) included within the site and located alongside the river. The River Avon is an internationally designated Special area of Conservation (SAC) and lies approximately 900 metres north east of the site, with the New Forest National Park (a designated SAC and Special Protection area and Ramsar site/SSSI) with its boundary along the River Avon at this point a similar distance to the north east. Cranborne Chase AONB lies approximately 2kms to the north west of the site. The site is also covered by a blanket Tree Preservation Order imposed prior to the site being formally allocated.

The Whitsbury Road frontage of the site lies approximately 1km to the mini roundabout in the town centre. Fordingbridge Junior and Infants School and Burgate secondary school lie within 500 metres of the Whitsbury Road Frontage. The SW corner of the site is approximately 800 metres measured in a straight line to Whitsbury Road.

Tinkers Cross forms a small hamlet at the junction of Whitsbury Road and Fryern Court Road. A parcel of agricultural land at Tinkers Cross is also included within Strategic Site 17 and this site which was the subject of a report to Committee in February 2022 (20/11469 refers) and is located immediately to the north of the river with a common boundary between the two development sites formed by the river. Site 17 also contains two other smaller parcels of development land east of Whitsbury Road.

The site is currently crossed by two public footpaths with FP79 and FP78b running centrally east- west and connecting Puddleslosh Lane and Avon Meade/Parsonage Park estates. FP 78a connects with the other two footpaths and runs south connecting to Marl Lane. The old railway line along the south eastern boundary of the site marks the line of FP 501 but this lies outside the application site. This footpath terminates further north as dwellings and gardens on Avon Meade have been allowed on the line of the former railway.



### Site constraints/ designations

- Strategic Allocated Site Local Plan 2016-2036
- Flood zones 2 and 3
- Tree Preservation Order covers whole site
- Adjacent to public bridleway (Puddleslosh Lane)
- Adjacent to public bridleway (Marl Lane)
- Includes parts of three SINC areas
- Article 4 Direction restricting means of enclosure – confirmed 13/04/15 for the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development comprised within any other class.

## **3 PROPOSED DEVELOPMENT**

### Introduction

The originally proposed development was for a total of 403 new dwellings together with new road access infrastructure etc. Following a series of meetings with your officers and consultations with statutory and other consultees along with the public, the development now proposed is for outline planning permission for up to 342 dwellings with all matters reserved for future approval except for means of access.

### Access proposals

Access into the site will be formed from a new roundabout on Whitsbury Road which will in itself replace the existing T junction which serves Augustus Park. The roundabout will have four arms, one leading northwards out of Fordingbridge along Whitsbury Road, one arm leading southwards to the town centre, one arm leading eastwards into Augustus Park (and then onwards into Site 18 eventually exiting on the A338 to the north of the town), and one arm forming the principal and only means of vehicular access into the current development site. The development site access will also be required to cross the Sweatfords Water and will do so via a new river bridge. The access road from Whitsbury Road into the site as far as the first residential parcel to be developed is included in the details for approval at this stage along with the bridge and the roundabout. The plans indicate emergency only points of access onto Puddleslosh Lane but there are no details submitted at this stage.

### Masterplan and Parameter Plans

The applicants have submitted an illustrative masterplan and a series of parameter plans setting out individual residential blocks separated by areas of open space and drainage channels with each block served by a series of estate roads and footways. The plans also indicate a series of new walking and cycling routes through the site connecting the site with Whitsbury Road, Marl Lane and Puddleslosh Lane. The plans indicate a series of drainage ponds and channels as part of the surface water drainage strategy. The existing public footpath lines on the site are to be protected albeit one of these is bisected by the main access road into the site (with a formalised road crossing point included). An overall masterplan of the site is submitted for illustrative purposes, with this plan exactly overlaying the parameter plans and building blocks shown so can be considered to be a good representation of the building blocks that will likely form the basis of any future reserved matters application.

In terms of land uses the Parameter Plans indicate the existing woodland area lying south of the river will be retained and incorporated into a network of public open space (POS) and Alternative Natural Recreational Greenspace (ANRG formerly known as SANG). The SANG that was formed to go with the Ford 1 Augustus Park development will be partly removed by the new roundabout and bridge/road works. This is to be replaced and brought forward by a S106 agreement prior to any works taking place to create the access. Parts of the POS will have restricted access e.g., through some of the wooded or flood plain areas because ecological sensitivity of those parts. The layout also makes provision for a series of drainage basins and a dedicated wetland area.

#### Phasing of development

With regard to the phasing of development at this point there is no indication if the development will be phased into two or more phases or built out in one phase. What is clear is the roundabout and river bridge with the primary access route into the site are likely along with the consequential flood water attenuation works and other infrastructure works likely to be the first phase. No dwellings will be constructed until the access road is completed to at least basecourse level. Construction traffic will not be permitted to access the site other than through the new road. In terms of development economics this is a substantial financial outlay required well in advance of the first house being sold. Whilst there are no guarantees it is likely that the development will be built out in one go over a period of 2-6 years. As for phasing with other Fordingbridge sites the applicants have indicated that the site will not come forward until after their major land interests on Site 18 have been completed (see application 21/11237 for details). Again, there is no guarantee that Site 17 will be taken forward by the current developer – it might therefore come forward earlier in the suggested programme.

#### Amended plans

The original plans submitted in January 2021 have been amended previously in September 2021 with a further round of consultations. A further set of amended plans (June 2022) has again been the subject of full consultation with statutory and other consultees as well as neighbours and other interested 3<sup>rd</sup> parties who have expressed views on the earlier plans. The application is accompanied by an Environmental Statement and the changes have been the subject of the necessary press notice publication and site notices. Changes to the original Environmental Statement have formed part of the latest set of amendments. All the documents now submitted including an affordable housing viability assessment are available to view on line.

Finally, following on from the June 2022 amendments the applicants have responded to the negative comments of some consultees and provided a further selected set of amendments dealing with highway matters, landscaping, lighting, and drainage. These plans received on 12 August and 24 August have been placed on line and any further comments received will be reported either below or via late correspondence update at the Committee meeting.

## **4 PLANNING HISTORY**

20/10351 Applicants agreed to submit an Environmental Statement to cover the bulk of Strategic Sites 17 and 18  
Scoping Opinion issued 29/05/20 for Site 17

15/10960 1.1m high boundary fencing; gate  
Land off MARL LANE, FORDINGBRIDGE SP6 1JR  
Planning permission granted 09/10/2015 (See Article 4 constraint  
above)

Various planning permissions based on the use of Sequoia Farm and other  
holdings within the site for agricultural purposes and use in association with horses  
– not directly relevant.

Other Fordingbridge Strategic Site applications

**Site 16** **Land to the north of Station Road**

20/10522 Infinite Homes Ltd

Development of 240 dwellings, a new access off Station Road,  
10.7ha of public open space (SANG, formal open space and informal  
open space), associated private amenity space, off-street car parking  
and access roads." (Outline Application with details only of Access) -  
LAND NORTH OF, STATION ROAD, FORDINGBRIDGE SP6 1JW

Withdrawn 22 April 2022 – new submission pending from CALA  
Homes Ltd.

**Site 17** **Land at Whitsbury Road**

20/11469 Pennyfarthing Homes Ltd (PFH)

Erection of 64 dwellings, change of use of land for Alternative  
Natural Recreational Greenspace, new access onto Whitsbury Road,  
and all necessary on-site infrastructure  
LAND AT TINKERS CROSS, WHITSBURY ROAD, TINKERS  
CROSS, FORDINGBRIDGE SP6 1NQ

Resolved to grant permission subject to S106 at February 2022  
Committee – permission not yet issued.

17/10150 Pennyfarthing Homes Ltd

Development of 145 dwellings comprised: 39 detached houses; 31  
pairs of semi-detached houses; 1 block of 8 flats; 1 block of 7 flats  
with terrace of 3 houses; 1 block of 7 flats; 1 terrace of 6 houses; 2  
terraces of 5 houses; 1 terrace of 3 houses; garages; parking;  
SANG; public open space; access onto Whitsbury Road; associated  
infrastructure; associated development works; landscaping

LAND at WHITSBURY ROAD, FORDINGBRIDGE SP6 1NQ

Planning Permission granted 26/03/18

(Now completed and occupied and known as Augustus Park – site  
allocated as part of Local Plan part 2 in 2014 – Ford 1 – NB this  
number of new dwellings is not included in the overall new minimum  
allocation of 330 for Site 17)

<b><u>Site 18</u></b>	<b><u>Land at Burgate</u></b>
20/10228	<p>Metis Homes Ltd Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings - Land at BURGATE ACRES, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX (NB: PROPOSED LEGAL AGREEMENT) – Resolution to grant subject to S106 10 February 2021</p> <p>Planning permission granted 14 April 2022 – work commenced July 2022.</p>
21/11237	<p>Pennyfarthing Homes Ltd.</p> <p>Hybrid planning application comprising: Outline planning application (all matters reserved except means of access only in relation to new points of vehicular access into the site) for residential development and change of use of land to Alternative Natural Recreational Greenspace, together with a community hub (to comprise a mix of some or all of; local food retail, local non-food retail, community use and business use) and all other necessary on-site infrastructure. Full planning application for the first phase of development comprising 111 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure LAND WEST OF BURGATE, SALISBURY STREET, FORDINGBRIDGE SP6 1LX</p> <p>Not determined – awaiting amended plans</p>

## **5 PLANNING POLICY AND GUIDANCE**

### **The Core Strategy 2009 (Saved policy)**

CS7: Open spaces, sport, and recreation

### **Local Plan Part 2 2014 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 Review 2016-2036 Part One: 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 SS17: Land at Whitsbury Road Fordingbridge

### **Supplementary Planning Guidance and other Documents**

- SPD Mitigation Strategy for European Sites 2021
- SPD Parking standards 2022
- SPD Housing design, density and character 2006
- SPD Fordingbridge Town Design Statement 2008
- Air Quality SPD 2022
- Developer contributions towards air quality
- Cabinet Report on Monitoring Contributions 2022
- Draft SPD guidance on play provision within development sites
- Draft SPD Strategic sites masterplanning
- Ecology and Biodiversity Net Gain Interim Advice Note

### **Relevant Legislation**

#### 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

#### Environment Act 2021

Section 98 and Schedule 14 – Biodiversity Net Gain

#### Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

#### Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

## **Relevant Government advice**

### National Planning Policy Framework July 2021 (NPPF)

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- 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 2021

## **6 PARISH / TOWN COUNCIL COMMENTS**

Fordingbridge Town Council (comments set out in full)

### **Earlier submission comments (December 2021)**

As discussed, at an extraordinary meeting of the planning committee to consider application 21/10052 (Land to West of Whitsbury Road, Fordingbridge) the Town Council recommended REFUSAL under PAR4.

The reasons for the recommendation were as follows:

- Pedestrian links need resolving - They are not adequate at present including having to cross the road at a roundabout
- The roundabout is too intrusive
- The bridge is not in keeping
- Flood risks have not been addressed
- There is a lack of usable ANRG
- There are concerns about the effectiveness and attractiveness of the suds
- The density of houses is too great
- The biodiversity net gain target has not been reached - The Town Council is not happy to consider net gain across more than one site
- Any standards that need to be met should be in excess of the bare minimum. The developer needs to look to the future regarding sustainability.
- There are concerns about lighting affecting biodiversity
- Ecology and nature recovery needs much more thought - Merely providing bat boxes etc. is not sufficient, especially if creatures have already moved on because of the development as that is too late.
- The phosphate issues have not been addressed
- There is no updated HCC traffic report - This is in the context that it is felt there is inadequate information in relation to a number of issues, without which the Town Council can only recommend refusal.

The Town Council is also of the view that no roundabout should be built or there be any development to the west of Whitsbury Road until the sites to the east have been finished with the road to A338.

## **Amended plans comments (August 2022)**

Fordingbridge Town Council recommends REFUSAL of planning application 21/10052 under PAR4 for the following reasons.

1. The link road from the A338 must be built before this application can be started. This should be the most important condition. The existing roads will not be able to cope with all the construction traffic and vehicles from 342 additional dwellings unless a link road to the A338 is built first.
2. We disagree with the Highway Authority for raising no objection, as they do not report on the impact of traffic using (i) residential roads that carry school traffic, are used for school parking and have children walking to school or (ii) a single lane country road too narrow for cars to pass without pulling into residential drive entrances in order to reach the A338 to the north of the town.  
In addition, previous Highways comments on the traffic assessments for the Bridge Street mini-roundabout junction appear to conflict with one another:

### **20/10522 comment**

"The model results show that without the proposed development in 2024...the Bridge Street mini-roundabout would breach its capacity and is likely to experience delays and congestion as a result..... Any additional traffic would exacerbate this situation and add further delays, congestion and the likelihood of accidents to the highway network such that any additional impacts would be considered severe."

### **21/10052 comment**

"The modelling forecasts that with the traffic development and committed development, the mini-roundabout B3078/Salisbury Street/B3078 Bridge Street junction would operate within capacity in both future years of 2025 and 2036."

3. With 342 new houses and no new employment land all traffic will have to travel through the already congested town roads to access employment. There is a lack of measures looking at sustainable transport.
4. The Council consider a traffic management plan necessary for this development.
5. The figures on the amount of recreation land do not add up. Most of the proposed open spaces are small areas spread around the site, rather than accessible ANRGs. The proposed areas don't compensate for the SANG being lost from the previous development to form the new roundabout and access road. Some areas noted as ANRG will not be able to be used all year round. The proposed new road separates the existing SANG, reducing both its utility for recreation and also for wildlife, eliminating the possibility of creating a wildlife corridor as recommended in the Nature Recovery Plan adopted by Fordingbridge Town Council. The fact that the provision of Formal Public Open Space can be avoided by way of a contribution detracts from the proposed scheme and is to the detriment of residents of the site. Appropriate Formal Public Open Space should be included within the scheme.
6. The impact on existing facilities such as healthcare and schools. The existing facilities struggle to provide services to existing residents and won't be able to cope with additional demands. There are no proposals to improve these facilities.
7. The ecological damage caused by developing this green space which has always been an important rural part of the town.

8. The impact on, and the reduction in, the quality of life of the residents of Fordingbridge due to construction work and additional traffic using roads through residential areas. There will be significant harm to quality of life for many residents.

9. The large number of conditions is not acceptable. The responses from some statutory consultees are dependent on many conditions being complied with, and most of these will be difficult to enforce. The Highway Authority require an hourly bus to be provided, but the adjacent roads are not suitable for buses. They also require a construction phase traffic management plan, but no roads are currently suitable for large lorries.

10. Phosphate mitigation needs further explanation, especially if decommissioning of the Bickton trout farm has already started. What was the level of phosphates from the Trout farm previously versus what will be the level of phosphates from all the developments? Was the farm already being decommissioned prior to purchase by Penny Farthing homes? Allowing additional phosphates (mitigated elsewhere) is to the detriment of the local area.

11. The capacity of the sewerage system needs further explanation. There appears to be no overall strategy to improve the sewerage works. The proximity of the proposed new pumping station to existing properties in Sharpley Close was considered to be very close.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

*The following comments in summary have been received. The full comments of each consultee can be found on the planning web site. Comments received are split between those submitted for the original plans and the first amended scheme submitted in September 2021 (together under heading earlier submission), and the second amended scheme (submitted in June 2022) the subject of this final report (under heading of amended plans).*

### Cranborne Chase AONB Partnership

**Earlier submission** – refers to national guidance and protection policies for AONB areas. Expresses concern regarding impact on Dark Skies Reserve, but no objections on landscape impact. Concerns however expressed regarding increased recreational impact on AONB from new development which is close and accessible to the protected area.

**Amended plans** – Dark skies reserve will be adversely impacted - suggests light survey is flawed as carried out when moonlight was present. Makes other comments regarding technical inadequacies of the survey and requests this be carried out again.

### Environment Agency

**Earlier submission** – No objection subject to conditions requiring the following

- Compensatory flood plain works to compensate for bridge and road impact
- Any raising of land levels should be outside of the flood plain
- No storage of materials including soil within flood risk areas
- Bridge level is more than 600mms above post development flood levels.
- Implementation time period for mitigation works
- Maintenance requirement for flood compensation works



**Amended plans** - We have reviewed the additional information that has been submitted and have no further comments to make. Our previous response dated 29 October 2021 (our ref; HA/2021/122963/02) still stands, and this is copied below for ease of reference:

*"We have no objection to the proposed development as submitted, subject to the inclusion of conditions and mitigation measures as set out in our response.*

National Park Authority (Archaeology)

No archaeological interest - no objections

Natural England

**Earlier submission** - standing advice provided with regard to nutrient neutrality, impact from recreation on protected areas, SuDS schemes being suitable for biodiversity and BNG requirements of NFDC ecologist. These measures must be addressed.

**Amended plans** – Provided the applicant complies with the NFDC SPD for recreational disturbance impacts on European sites, we have no further comments than those made in our remarks dated 09 November 2021.

NFDC Conservation

**Earlier submission** - Concerns expressed regarding the impact of the development on the setting of Forres Sandle Manor at the south west corner of the site. Refers to adverse impact on setting of Listed Building with new development now so close. Harm to setting sits at lower end of scale, however. Any harm to be balanced against overall public benefits.

**Amended Plans** – No further comments received.

NFDC Ecology

**Earlier submission** - In summary my main, currently unaddressed concerns relate to:

- The assessment does not address the core biodiversity net gain principle of additionality.
- Habitat Creation - Use of 'Urban - Suburban/ mosaic of developed/ natural surface' is not appropriate; and
- Habitat Creation & Enhancement – use of unrealistic target condition given intended use.

Subject to satisfactory resolution of my concerns surrounding biodiversity net gain, I have provided a number of suggested wordings for planning conditions or otherwise flagged the need for planning conditions including the following:

- The need for updated ecological surveys to identify shifts in the baseline ecological condition and
- to support EPS derogation licence applications as required given the proposed phased delivery of the development;
- Requirement for a Great Crested Newt Mitigation Strategy (and licence) to be submitted; Sensitive lighting strategy to be submitted at detailed design;
- Secure bat boxes on 25% of dwellings and bird boxes on 75% of dwellings; and

- Pre-construction badger and reptile surveys.

**Amended plans** – My previous comments have now all been addressed satisfactorily e.g. relating to additionality, the realistic target condition of created and enhanced habitats etc.

I have no problem in principle to the shortfall in biodiversity units (to reach the 10% BNG) being provided on SS18 or offset via another provider e.g. Environment Bank or other provider. I do think however that the offset needs to be linked to the point of impact i.e. offset to be provided pre-occupation (or other timeframe which you are content with). I wouldn't want a situation where the offset is provided a decade after the impact for example, there needs to be an end point. Recommend approval subject to conditions.

#### NFDC Environmental Health (Contaminated Land)

No objections subject to standard contaminated land condition being imposed to deal with unexpected contamination should this be encountered on the site.

#### NFDC Environmental Health (Pollution)

**Earlier submission** - No objections subject to further noise assessment being required at detailed stage and Construction Environmental Management Plan condition should be applied to any approval to be agreed prior to commencement of development works. Condition also required to agree any lighting scheme to ensure this is not detrimental to public health.

**Amended plans** – No objections to lighting scheme for road and roundabout. Condition needed to cover future reserved matters application.

With regard to noise levels the increase as a result of the proposed development will generally be less than 3 dB for identified receptors on all but one of the road links, these increases will be negligible and not significant. Receptors on Whitsbury Road south of the site access are predicted to experience a 5.5 dB increase in road traffic noise levels, which is considered to be a moderate, significant adverse effect. The ES further outlines that such impacts upon receptors in Whitsbury road would only occur if the development were to be brought forward in isolation and with the construction of a spine road and access to the A338 as a result of the Land at Burgate development (which according to the proposed phasing would be constructed first), traffic will be diverted from Whitsbury Road.

It is noted that the overall conclusions of the revised assessment are not affected by the revised addendum, as the changes in noise levels resulting from the revised traffic movements associated with the proposed development are similar to those set out in the original ES. No significant residual adverse noise effects are predicted as a result of the proposed developments; however, should the applicant amend the proposed phasing plan advised in the application, the potential impact from traffic noise should be revised and mitigation measures outlined.

Environmental Health (Pollution) do not wish to raise any objection to this application, subject to the proposed conditions outlined in our email below dated 04 March 2022 being attached to any granted permission.

#### Air Quality

**Earlier submission** - With regard to air quality awaiting further information and clarification on traffic routes together with final approval of highway authority with

regard to trip assignment for all traffic. Further information is therefore required to satisfy air quality issues.

**Amended plans** - The submitted air quality assessment (ref: A11338/7.0 June 2022) appropriately assesses the potential impact of the proposed development of SS17 on local air quality in terms of the operation and construction phases of the development. As such the conclusions are agreed.

It should be noted that should the applicant amend the developmental phasing scheme advised in the application (including reference to the development of SS18), the potential impact on local air quality should be reconsidered by the applicant and if required a further air quality assessment undertaken. Environmental Health (pollution) supports the applicant's reference to the New Forest District Council Air Quality Assessments in New Development SPD and noted intended mitigation measures as stated in paragraph 5.3.2 of the air quality assessment.

In conclusion Environmental Health (pollution) has no objection to the application subject to the following condition be applied should permission be granted:

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.

#### NFDC Strategic Housing Manager

**Earlier submission** - Affordable housing needs stand at around 361 homes per annum from 2016-2036. Refers to Local Plan guidance on tenure type and mix required. Awaiting viability assessment and proposed offer. Need for S106 to secure eventual affordable housing offer.

**Amended plans** – No further comments received.

#### NFDC Open Spaces

**Earlier submission** - Requires the following matters to be addressed adequately either now or at detailed stage

- Replacement SANG lost from FORD 1 scheme due to road infrastructure works
- Details of all play areas and equipment to be provided at detailed stage
- Details of all paths and cycleways
- Drainage basin and potential conflict with POS to be resolved
- Potential conflicts between ANRG and drainage basins to be resolved
- Adequate access needed for maintenance of all POS and ANRG areas.

**Amended plans** – Detailed comments set out on web site - further details to be conditioned and submitted for approval. Further to the plan submitted for the “replacement SANG”, provided this area is provided in full and Practical Completion is certified by NFDC prior to commencement (of the SS17 access) and subject to construction, planting and ecological protection details (at the appropriate stage), the plan proposed looks very satisfactory and has my full support.

The proposed path/route would be attractive to potential users, therefore delivering the mitigation functions, alongside starting to cohesively link together the mitigation/POS space within all three developments, so they start to work “as one”, therefore delivering stronger public and ecology benefits and community cohesion.

The potential for SS17 ANRG to be ready before first occupation and therefore connect the existing SANG, this “replacement SANG” across the river valley ANRG and into the PROW network has potential to be a strong contributor towards CS7 and mitigation outcomes for residents in the local area.

### NFDC Trees

**Earlier submission** – Trees on site protected by a group TPO. Some elements of the proposal such as drainage basins and proximity of new roads may have an adverse impact on important trees. Two veteran oak trees in particular are bisected by the new access road and will be adversely impacted. Currently object pending further information.

**Amended plans** – Further information requested on impact on veteran trees. Also concerned about new pathway through woods. Currently holding objection.

Further to my previous comments the applicant has now submitted an amended road layout WSP drawing ref 1334-SK-516 which show the road layout with the surface water drainage layout overlaid with the root protection areas of the trees on the western side of the site. This shows that the drainage course will have a small impact on the southern end of the woodland group and result in the loss of a small categorised C grade tree. No drains are shown within the root protection areas of the veteran oak trees.

The layout for the access road, bridge, drainage basins for the site. Broadly, follows what has already been discussed and the two veteran Oak trees are still to be retained with the maximum root protection areas of 15m provided for these trees. The trees on the north eastern side of the river that are shown to be lost have already been, in principle, accepted provided sufficient replacement tree planting is included within the landscaping of this site to mitigate this loss.

A number for footpaths have been shown in the woodland areas, these can be constructed/created with minimal impact to the trees if sufficient tree protection measures and non-dig construction techniques are used. The position of these paths can be agreed as a reserved matters submission.

Overall, I have no objection on tree grounds subject to the conditions on work details and tree protection measures which need to be agreed.

### NFDC Urban Design

**Earlier submission** - There is much to commend this application in terms of design within the development areas and in the provision of a green infrastructure, but the access issues – particularly the bridge and roundabout are currently matters for objection while other matters need further clarification in terms of design.

Please ask the applicant for the following:

- Amendments to ANRG to increase size of main area
- Development on brow of hill to be further justified
- Phasing diagram for the site
- Density should be reduced to accommodate lower density along site edges
- Bridge and roundabout need to be reduced and their impact softened
- More details needed on access road to assess impact
- Sustainability aspirations should be included in DAS
- Possible design code to guide Reserved Matters

- Any conditions should tie reserved matters applications to details now submitted.
- Condition number of dwellings to be no more than 340.

**Amended plans** – Objections - see detailed response dated 26 July and 19 August (in response to the 12 August plans) – notes the improvements in layout and reduction and removal of housing blocks in sensitive locations and welcomes these positive changes, but there are still some remaining concerns regarding access pathways, location of road, landscaping for road, lighting, and impact of the foul water storage area, as well as adverse impact from engineering works associated with the roundabout and bridge, and how SuDS basins and channels will work in practice. More tree and hedgerow planting also needed to reduce impacts overall. Further amendments now received do partially address the points raised. This project has come a long way through a fruitfully iterative process, engaging the applicant's team. I really cannot see why embracing my comments should be so difficult or why it might be seen as onerous.

#### NFDC Landscape officer

##### **Earlier submission -**

- Further details required regarding planting strategy and habitats proposed.
- Note LVIA impacts and design of site and planting needs to be mitigate this.
- New road access and bridge will have an adverse landscape impact. Raising of existing levels and sharp slopes from road and bridge down to river.
- Poor design and over engineered creating a conspicuous landscape feature not in character with other local bridges.
- Detailed comments offered on ANRG strategy. Management plan needed for existing woodland together with new planting proposals.
- Number of crossing points of river need to be rationalised to reduce physical disturbance to this sensitive area. Two crossing points suggested.
- Makes suggestions for detailed planting plan. SuDS features not fully detailed and need to be well designed.
- Quantum of POS and ANRG not clear yet. Loss of FORD 1 SANG needs to be clearly provided.
- SINCS must not be counted as ANRG

**Amended Plans** – see urban design comments above

#### NFDC Waste Management

Need to consider requirements of new waste strategy in detailed plans.

#### Hampshire Constabulary

Provides detailed advice regarding designing out crime. Recommends condition be imposed seeking full Secure by Design accreditation.

#### Hampshire County Council (Countryside Services)

Would not be in favour of Puddleslosh or Marl Lane being used for vehicular purposes as this will impact on a right of way (bridleway in both cases). Any day to day use would not be acceptable. Emergency access use would need to be tightly controlled.

### Hampshire County Council (Education)

**Earlier plans** - The County Council has used previous extension projects to derive a cost for the proposed expansion to the primary places within Fordingbridge, and this is estimated at **£1,721,100**. This is based on the provision of two teaching spaces at both Fordingbridge Infant and Junior School, i.e., a total of four classrooms. Details of how these costs were derived can be found in Appendix B. This will go towards any expansion at Fordingbridge Infant and Junior Schools. In summary, the contribution towards the expansion of Fordingbridge Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development.

No contribution will be sought to provide additional secondary school places owing to the out country recruitment of pupils to the school.

**Amended plans** – As I understand that this is an amendment rather than a new application, I will base my response on the 2019 guidance rather than the 2022. That would make the revised contribution £1,471,592. This cost is indicated, at 4th Quarter 2018 prices (BCIS All-in TPI Index 322) as per the 2019 guidance.

### Hampshire County Council (Fire and Rescue)

Standing advice provided regarding building regulations and other fire safety regulations. No further comments to add with amended plans.

### Hampshire County Council (Highways)

**Earlier submission** – Holding objection pending the submission of further information to cover the following issues

- Design of roundabout needs further details before we can comment fully
- Details of bridge not acceptable and further improvements needed in road safety terms.
- Proximity of bridge to roundabout raises concerns
- Details and access to sewage holding tank needs to be re-assessed.
- Further details needed on access road into site
- Street lighting schedule needed
- Attenuation of highway water from the increased catchment not yet clear
- Sustainable transport inadequate at present. Puddleslosh Lane needs to be improved
- Farm shop link needed from both this development and the Tinkers Cross development.
- Public transport and bus route improvements are not adequate at present.
- Travel plan needs to be amended
- Need further information to assess junction capacity, local road capacities and trip assignment to different roads along with assessment of impact
- Traffic modelling further work required - Different routes for traffic to be agreed along with junction modelling – impact on various roads and junctions to be completed.
- Mitigation for any impacts needed along with mitigation on roundabout at Ringwood

**Amended plans** – see detailed comments dated 5 August.

In summary the highway authority has reviewed the information submitted and raises no objection subject to provision of the following obligations:

- Travel plan
- Public transport strategy
- Off-site highway improvements including footpath improvements

and conditions to cover the following matters

- construction traffic management plan
- vehicle cleaning measures during construction
- access road detailed design including foot and cycle paths

#### Hampshire County Council (Local Lead Flood Authority - LLFA)

**Earlier submission** – no objections **subject to** detailed surface water drainage plan and maintenance plan being submitted at detailed application stage.

**Amended plans** – comments awaited.

Groundwater level information has been added to the surface water drainage. The general strategy has not changed, and a condition has already been proposed for surface water drainage so we have no further comments at this time.

#### Hampshire County Council (Minerals)

No comments received to original or amended plans consultation

#### Hampshire County Council (Public Health)

Welcome provision of open spaces, sustainable transport links and other measures to control air and noise pollution. Encourages good design and affordable housing.

#### Scottish and Southern Power

Advice provided on apparatus affecting site.

#### Southern Gas Networks

Standing advice on working with or close to pipelines

#### Wessex Water

**Earlier submission** - The foul attenuation tank shown has not yet been formally approved by Wessex Water. Provided the Burgate schemes are able to connect foul drainage through site SS17 then Wessex Water will be to facilitate design and construction of this tank. We also acknowledge concerns regarding access to the foul storage tank and would seek a site meeting to discuss this further with our final comments to follow that.

**Amended plans** – I refer to the email below, the amended drawing from WSP attached (version P05) and a site meeting between the applicant and our project manager on 3<sup>rd</sup> August 2022. We acknowledge the Highway Authority are satisfied with the revised arrangements. We note the swept path analysis on the drawing and accept that vehicles will be able to access and exit the site compound providing a turn is not made immediately into the site from the south (vehicles from this direction will need to navigate the entire roundabout)

We withdraw our objection but wish to identify the following items to be considered during detailed design of the station compound which will be instrumental to its successful operation:

We acknowledge the aesthetical requirements and will endeavour to use surface materials to lessen visual impact including, for instance, “truck pave” type surface as opposed to concrete hard standing.

A concrete hard standing may be required, however, for a dosing kiosk if modelling shows a need for chemical dosing to reduce septicity risk. Kiosks will be placed balancing operational requirements with visual impact. Most of the apparatus will be below ground.

We have some concerns over the open nature of the compound and reserve the right to consider installation of bollards or other security measures if the area starts to be used inappropriately by third parties.

## 9 REPRESENTATIONS RECEIVED

*The following is a summary of the representations. There are a number of objectors who have written in on more than one occasion, so the number of overall objectors listed is not representative of the number of households objecting or supporting. All comments received can be viewed on the public comments section of the web site.*

160 letters of objection

- In principle objections – brownfield not greenfield,
- Change in character of town
- Visual intrusion into countryside and loss of open green spaces and green lungs
- Adverse impact on areas of natural beauty
- Impact on local infrastructure like doctors, dentists, and schools – town can't cope at present, increase already in traffic speeds along Whitsbury Road from Augustus Park development
- Promises of facilities and services after development is wrong way round.
- Development at Alderholt will exacerbate the impact of Fordingbridge developments
- Development is not sustainable
- This development is not carbon neutral - house design should be improved
- Impact on more anti-social behaviour since last development
- Where are all these new residents supposed to work. Town is fast becoming a dormitory settlement – not sustainable in the long term.
- New development will not bring new affordable homes
- Area being flooded with new homes already - we don't need any more
- Loss of green fields works against need for food security
  
- Cumulative impact with other housing developments and loss of amenity to adjoining residents through noise, disturbance, and light pollution
- No new development should take place until the Burgate link road is completed.
- Concern about safety of pedestrians trying to cross Whitsbury Road – better crossing points needed and better pavement network
- Concern about road layout and the gap onto Puddleslosh Lane leaving door open for future town expansion to the west of the Lane.
- Augustus Avenue can't cope with increase in traffic from all developments
- Concerned about raised nature of road and its impact on adjoining residents



- Access road is too close to neighbouring properties.
- Local roads will suffer from rat running and extra traffic
- Location of roundabout and road near existing play area not acceptable
- Adverse impact on ambience of Marl Lane and Puddleslosh Lane
- Concern about Puddleslosh Lane being used for emergency or general access as it is simply inadequate for motor traffic.
- Alternative view that access should be from Puddleslosh Lane and not as shown
- Additional use of Roger Penny way for commuting traffic
- Lighting assessment submitted is flawed and incorrect – adverse impact on local wildlife as well as dark skies.
- Potential adverse light impact on Cranborne Chase dark skies reserve
- Ecological survey work and analysis is inadequate.
- Proposals for long terms biodiversity not guaranteed
- Loss of SANG land from Ford 1 development unacceptable and must be replaced
- Concerns about local disruption through building works
- Adverse impact on local wildlife
- Additional impact on water courses and River Avon, this development with others will adversely impact and create more pollution and flood risk. Chalk systems and Karst especially sensitive to such changes to water environment.
- Surface water drainage to Sweatfords Water must be avoided.
- Concerned about impact already on water quality on Sweatfords Water
- Site of pumping station should be moved away from local housing.
- SuDS design needs to be improved from that shown on Augustus Park
- Large developments not being monitored for adverse impacts
- Concerns about off-site flooding and downstream flooding on existing homes
- Adverse impact from roundabout
- Impact of roadway on veteran trees
- Impact of bridge and roadworks will exacerbate flood risk.

#### 10 letters of support or neutral comments

- Supports additional housing will help to widen choice and benefit young people
- Affordable housing needed for our young families
- Additional revenue to the Council will assist in supporting infrastructure improvements
- Fully supports new road link through Augustus Avenue
- How will biodiversity be protected from dog impact
- Off and on-site maintenance of any new infrastructure is vital
- Any permission should be subject to legal agreement and robust monitoring takes place
- Would support reduction in speed limit along Whitsbury Road to 30mph
- New development will help to support local businesses in the town centre.
- Open space management should be handled by Town Council not the developer
- Makes sense to expand town next to existing estate development.

## 10 PLANNING ASSESSMENT

### A) PRINCIPLE OF DEVELOPMENT AND HOUSING LAND SUPPLY

Members are referred to the web link below which gives details of the Fordingbridge Strategic Sites and indicates how they fit together both in geographic and in infrastructure terms. (See Local Plan pages 161-175 for the Fordingbridge sites).

[Local\\_Plan\\_2016-2036\\_Part\\_One\\_FINAL.pdf \(newforest.gov.uk\)](#)

SS17 policy is set out in full below

- i. Land at Whitsbury Road, Fordingbridge as shown on the Policies Map is allocated for residential development of at least 330 homes and open space dependent on the form, size and mix of housing provided, in addition to the 145 homes already permitted within the site boundary.*
- ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to create a well-designed new neighbourhood of Fordingbridge securing the protection and management of the Sweatford green corridor and helping to deliver enhanced flood management for the wider town by:*
  - a. Protecting and enhancing the landscape and ecological value of the woodlands, wetlands and watercourse features that make up a central belt of green infrastructure through the site, centred around Sweatford Water and the woodland tree groups west of the stream and along the former railway line.*
  - b. Integrating the management of fluvial, surface and groundwater flood risk for all development at Strategic Site 17: Land at Whitsbury Road and to Strategic Site 18: Land at Burgate, into the design and management of landscape and greenspace.*
  - c. Providing three distinctive neighbourhoods in terms of setting, sense of place and character with a gradual transition to lower densities and detached properties along rural edges including Puddleslosh Lane and Marl Lane: • Enhancing Tinkers Cross as an identifiable hamlet accessed off Whitsbury Road and close to the top of Puddleslosh Lane. • A new rural edge neighbourhood between Sweatfords Water and Puddleslosh Lane. • The land east of Whitsbury Road as a suburban neighbourhood focused on a corridor of high quality streets and linked spaces. • Provision of footpath adjacent to former railway line east of Whitsbury Road 92.*
  - d. Creating two main access points as a roundabout on Whitsbury Road, offering a new access for local traffic towards the A338 (via development at Strategic Site 18: Land at Burgate) and providing a sympathetically designed bridge to provide the primary access to land west of Sweatfords Water.*
- iii. **Site-specific Considerations to be addressed include***
  - a. The developers of Strategic Site 16: Land to the north of Station Road, Strategic Site 17: Land at Whitsbury Road, and Strategic Site 18: Land at Burgate 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.*

*b. Access to the site will be from a roundabout on Whitsbury Road, with access to the south west side from a bridge crossing Sweatfords Water.*

*c. Contributions towards the provision of formal open space on Strategic Site 16: Land to the north of Station Road and/or Strategic Site 18: Land at Burgate.*

*d. The loss of healthy specimen trees to accommodate development or provide access should be minimised.*

*e. The preparation of a detailed site-specific Flood Risk Assessment (FRA) will be required which should demonstrate that there will be no inappropriate development within Flood Zone 3b*

Site 17 is split between the current applicant's other development at Tinkers Cross (north of the current site) for which Members resolved in February 2022 to grant permission for a total of 64 dwellings, and three other smaller parcels of land on the eastern side of Whitsbury Road for which as yet there are no planning applications submitted.

The Council cannot at this point in time demonstrate a five-year supply of deliverable housing land and the Council's Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. The updated housing land supply position remains below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a new estate development of 342 dwellings which will make a valuable contribution to housing supply in the District.

The July 2021 NPPF states the following

*For **decision-taking** this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 7; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The remainder of this report will now turn to other environmental and sustainable development factors to be balanced against this government advice to Local Planning Authorities.

## **B) SITE LAYOUT, NUMBER OF DWELLINGS, DESIGN AND IMPACT ON LOCAL CHARACTER AND APPEARANCE**

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 Local Plan includes a concept Masterplan on which any new developments that come forward should be based unless the developer can show any changes to that concept masterplan are improvements or equal in quality. The Council's draft SPD guidance on masterplanning sites is also to be afforded some weight. Added to this local policy the Government has now revised its NPPF in July 2021, and this together with the Governments Design Guidance provides further advice in achieving improved standards of design in layout and house types.

### **(i) Masterplan and Parameter Plans**

The applicants have now submitted what is their third illustrative masterplan for the site. Whilst the masterplan is for illustrative purposes it is supported by a detailed Design and Access Statement (DAS) which includes a number of drawings which show how the proposed densities in various parts of the site can be achieved, as well as typical street scenes and a commentary on quality of design and open spaces. The Masterplan should be read in conjunction with the submitted Parameter Plans which are for approval at this stage and which set out zones of density, maximum building heights, land use and open space, and vehicular and pedestrian movement through the site. These documents together now refer to an upper limit of 342 dwellings being proposed. This is a significant reduction from the original proposal for 403 dwellings. The Local Plan indicates a minimum requirement on this site of 270 dwellings based on the work carried out to create the concept Masterplan. There is however no impediment to a greater number of units provided it can be demonstrated that the quality of the design and layout is acceptable in policy terms.

This is an outline application, and any approval can be conditioned with an upper number of dwellings and that reserved matters plans shall be based on those submitted plans and design statements submitted at outline stage. At this stage the application does seek approval of the Parameter Plans as well as the detailed drawings supporting the means of access into the site (see section below) but matters of design and appearance of the houses and the exact layout of the site along with matters of landscaping and public open space are matters for future approval. The quantum of ANRG land and other recreational public open space land is directly related to the number of dwellings so the current submission must show a correlation between dwelling numbers and sufficient land being available for open space etc.

In design and layout terms the applicants have met with officers on a number of occasions. Amendments have been made by the applicants to address officer's comments on earlier submissions. The site has now been laid out in masterplan terms such that the sensitive western, southern and northern development edges have been reduced in density and pulled back from the public highways known as Puddleslosh Lane and Marl Lane. These countryside edges have been protected by the transitional approach to development with lower densities and lower building heights and more landscaping and open space areas on the edge of the development.

Overall densities on the site will vary with the lowest band of up to 20 dwellings per hectare (dph) along the sensitive countryside edges, rising to a higher density of between 35-45 dph in the centre of the site to create a new 'centre' and focal point to the development. A parameter plan showing building heights indicate the highest buildings being 2.5 storey. In design terms these density arrangements across the site are considered acceptable. The overall density of the site is around 28 dph which is well below government expectation. There is a balance here between making effective use of land and recognising the sensitive location of the site on the edge of the settlement and respecting the character of the adjoining countryside. It is noted that the Local Plan expresses a minimum housing number on this part of Site 17 as being 270. This however is not an upper target. Applicants can put forward a greater number of units and this can be considered acceptable provided the overall design and layout along with all other considerations pointing to this being a sustainable form of development which is expressed in the NPPF as satisfying economic, social and environmental objectives. The Development Plan policies must also be considered as part of this sustainable development test. In this case the number of dwellings originally put forward did not pass that test but the current reduced scheme has it is considered met both the policy and national guidance tests.

To conclude on this topic there has been considerable discussion which has led to the improved site layout and overall design framework and Design and Access Statement (DAS) to the point where subject to conditions and further Reserved Matters application(s) which provide for final details to be agreed the scheme is now considered acceptable in design and layout terms. The submission of Reserved Matters detailing the individual house designs, and further design of the public open spaces, landscaping and other elements of the scheme will be expected to follow the masterplan and DAS

(ii) ANRG and Public Open Space

The proposals for ANRG and POS are summarised as follows

Required ANRG for 342 dwellings based on submitted mix = 7.34 ha.

- Total ANRG provided 7.98 ha (1 hectare = 10,000 sq m or 2.471 acres)
- Ford 1 SANG lost to road works = 0.43 ha
- Reduced ANRG with need to compensate for loss of Ford 1 SANG = 7.55 ha
- Informal Open Space = 8.45 ha
- POS land located within SINCS and with some restrictions on access = 3.59 ha
- Net informal open space without SINCS = 4.86 ha
- Children's play space = 0.25 ha with additional opportunities for doorstep play provision in the informal open space to be determined at the detailed design stages.

Added to this the Local Plan also requires the provision of formal open spaces i.e., playing pitches or kick about areas. There is no requirement to provide formal POS on this site, but the development would be expected to contribute towards an off-site provision of a new formal multi use and all weather playing pitch with ancillary facilities which is being sought elsewhere in the town.

Officers have looked at the applicants suggested ANRG and POS offer which has been calculated on the basis of an unknown housing mix taking the maximum number of dwellings and an average occupancy rate as part of the Council's agreed methodology. A further calculation has been carried out on the basis of the housing mix set out in the affordable housing viability assessment and the result is there is

still more than sufficient land to accommodate policy requirements.

Regarding public open space and ANRG the revised masterplan shows sufficient areas to accommodate the number of dwellings now proposed. The main ANRG area to the south of the access road now shows a better pedestrian linkage to ANRG areas to the north of the access road with better and narrower crossing points of the road. The ANRG areas also avoid those areas of highest ecological sensitivity (SINC areas) and there is sufficient quantum of ANRG land now shown to accommodate 342 dwellings.

Similarly, the plans indicate sufficient areas of public open space which will include play areas throughout the site. Play areas will take the form of natural play areas alongside more formalised play areas containing larger pieces of play equipment. The future management of all ANRG and open space will be delivered through the S106 agreement attached to any permission.

The site at Augustus Park (Policy allocation Ford 1) will have to sacrifice some of its ANRG (known then as SANG) area to accommodate the new roundabout, road and bridge works. This lost SANG land will be replaced in the current application site and can be made available prior to any works taking place on the road infrastructure works. There is also an alternative access to this new ANRG area safely separated from any road works.

With regard to formal POS an off-site contribution currently of the order of £1000 per dwelling has been collected from other strategic housing site applicants to put towards a project currently being developed elsewhere in the town to provide a multi-use all weather pitch together with suitable floodlighting and ancillary facilities. This can be collected by a S106 contribution.

(iii) Wider benefits of new ANRG and POS

It is important to recognise that the site will deliver significant benefits not just to the residents who live on the site but to those adjoining and other local residents in the wider town in terms of recreational opportunities. At the present time access provision within the site is strictly limited to narrow defined partly tightly fenced public rights of way routes. Whilst there may be some divergence away from these routes at present from users of the public footpaths these amount to trespass on private land and are not legal access rights. Access and recreational opportunities will be considerably expanded with this new development with a much expanded area of public access and dog walking routes throughout the site. The objectors are incorrect in suggesting their rights to recreate will be harmed by the development. This development will also link through to other adjoining developments at Tinkers Cross, the Ford 1 site at Augustus Park and beyond to Site 18 which are also to have their own ANRG and POS facilities, as well as southwards to Site 16 when that comes forward. Members are also referred to the ecology section of this report which sets out the benefits of the development under that heading. Notwithstanding the comments of the Town Council, it is considered that both the quantum and quality of ANRG and POS land is sufficient to serve the new development. The Fordingbridge Strategic Sites between them will deliver a wider choice of green spaces and green infrastructure linked by improved public rights of way and river crossings linking Site 16, 17 and 18 together and opening up areas of what were once private land for people to enjoy.

(iv) Local and wider landscape character impact

Officers recognise from the outset the development of this site will have a marked impact on its current greenfield agricultural character. This has formed the bedrock

of local objections to this development and is a common theme. The site however is allocated for housing development in the Local Plan and therefore the principle of residential development on this land has been established. The question now is how the proposed development has mitigated this landscape impact and retained wherever possible landscape features of importance, and what the impact will be on the wider character and landscape.

In localised terms the key impact for the public will be the views currently enjoyed from the river bank and Ford 1 SANG as well as from Puddleslosh and Marl Lane. These local views are much enjoyed and appreciated. There will also undoubtedly be a significant impact on the local scene when viewed from the entrance to Augustus Park and along this limited stretch of Whitsbury Road across the river. The proposals as amended however have reduced the impact when seen from both Puddleslosh and Marl Lane by reducing housing densities and pulling the edges away from those lanes.

Regarding the impact from the Augustus Park entrance and Whitsbury Road the negative impact of the road infrastructure works has been the subject of much discussion between your officers and those of the County Highways team. They have stressed the need to ensure that all road infrastructure works are designed so that they are safe for all road users. The most appropriate form of junction here is a roundabout it is considered from both a safety and traffic flow point of view.

The height of the bridge, size of the roundabout and details and width of the road have been influenced by safety concerns which are critical matters which cannot be set aside. A more traditional design may have been originally envisaged. That said the road works have been reduced in their scale and with appropriate landscaping in the longer term will not have a wider landscape impact. Added to this the design of the bridge itself has been improved and its height above existing levels and the river has been reduced as far as possible.

The road into the site it should also be noted is for a significant part of its length without any built up frontage, this is a high cost for the developers and unusual in urban design terms. The road access as proposed will therefore assist in retaining some of the local rural character.

Turning to the wider impact on landscape and landscape character, the site is sensitively located in a countryside edge position situated more widely between two protected landscapes i.e., New Forest National Park to the east and Cranborne Chase AONB to the west. The Council has a statutory duty to consider the impact on both protected landscapes. Policy STR2 applies and requires there to be no unacceptable impact on the special qualities and purposes of both areas including their settings. Great weight must be given to ensuring that the character and scenic beauty of the two areas is protected and enhanced.

In this case the site is well screened from the National Park by the existing mature tree belt along both sides of the river. The impact of the development when seen from the National Park will be limited and at a distance. The retention of nearly all the existing tree cover and a significantly large block of native woodland will help to reduce any adverse impact either when the site is seen from the National Park or on the setting of the National Park looking from the site itself eastwards. Breaking up the residential parcels with further tree planting will assist in assimilating the development into the wider landscape.

Similarly, the impact from and to Cranborne Chase will be limited again because of distance and existing tree cover along the western and southern boundaries of the

site. Again, the river corridor tree planting will provide an attractive backdrop to the development when seen from high land to the west. It is considered that in both cases the development is not sufficiently prominent or intrusive as to harm the special qualities of either area.

The AONB Partnership have referred to light pollution and this is a matter that can be better controlled at detailed application stage. The lighting of the access road and a general restriction on any significant lighting within the residential blocks will be encouraged along with the correct type of lighting and suitable restrictions on security lighting affixed to dwellings to reduce general sky glow and to protect the Dark Skies Reserve status of the AONB. A restriction on lighting will also benefit wildlife corridors (see below under ecology). Overall, it is considered that the requirements of policy STR2 have been met.

Overall, officers are satisfied that the submitted plans can form the basis of an approval. The layout forms a balance between making effective use of land and achieving a quality layout and integrated green spaces strategy which will link up well with adjoining strategic site allocations. There are no overriding concerns in relation to the local or wider landscape impact.

### **C) ACCESS AND HIGHWAY SAFETY**

#### **(i) Trip generation and capacity of local roads**

Much concern has been expressed by local objectors and the Town Council regarding the impact of additional houses of the scale envisaged on local road capacity. In particular there is concern regarding the impact on the town centre and its ability to cope with the extra traffic without significant periods of delay for road users. In addition, there is concern about 'rat running' through residential streets to avoid the town centre. The Highway Authority have been asked to consider the Traffic Assessment submitted by the applicant now with revised data and provide views on local road capacity and the suggested split between various routes and the impact of this. The Highway Authority are aware of the concerns raised by local objectors and the Town Council.

The applicants Transport Assessment addendum has updated the earlier 2016 survey information with new information gleaned at a 2020 survey and one carried out this year. The Assessment also takes account of traffic generated now by Augustus Park and the soon to be developed new estate at Tinkers Cross. In addition, a further survey has been carried out at the mini roundabout junction in the town centre which is the major pinch point. The applicant's assessment concludes traffic generated by the development can be accommodated on the existing network without a severe residual cumulative impact on the highway network. The assessment concludes that a proportionate contribution towards an improvement of the A31/A338/B3347 roundabout at Ringwood is however required and they confirm they would be willing to provide a reasonable and proportionate contribution to those works.

The Officer report on the development at Snails Lane, Ringwood (Strategic site 15 – application 18/11606) included the following comments when the same matter was raised by the Highway Authority.

*Two junctions were assessed as to whether they can acceptably accommodate the additional traffic volume, this included the proposed modified junction at the A338 /Snails Lane and the existing A338 Salisbury Road/A31/B3347 roundabout at*



*Ringwood. The results show that both junctions are expected to operate below their capacity during the agreed future assessment year, 2023, with the development.*

*However, the only exception to this is on the northern arm of the existing A338 Salisbury Road/A31/B3347 roundabout during the 2023 AM peak period when the traffic estimated to be generated by the recently adopted Local Plan allocation sites at Ringwood, Bransgore and Fordingbridge are included within the traffic flows.*

*This means that, when the other allocation sites are included in the traffic flows, and the proposed development, the forecasts show that there will be an increase in queuing on the A338 northern arm of the junction by 24 vehicles and increase the average delay on this arm by approximately 20 secs. Even without the proposed development, the forecast show that the north arm of the roundabout will exceed its capacity. However, it is important to note that the junction is only forecast to operate at over its capacity on the northern arm of the junction only for  $\frac{3}{4}$  of an hour over a full day.*

*Accordingly, it is considered that this level of increase in delay would not be noticeable by drivers during a busy morning commute. It should also be noted that Highways England do not raise any objection in relation to the increase in traffic flows onto the A31.*

Given the above your Officers consider that the current proposal on Site 17 would not justify a contribution to the upgrade of this roundabout at Ringwood.

The Highway Authority's detailed comments dated 5 August 2022 are available to view on line but notwithstanding the concerns raised by the Town Council they do not dispute the modelling provided by the applicants and consider the scheme is acceptable as submitted.

(ii) Vehicular access

There are separate elements of road infrastructure to consider i.e., a new 4 arm roundabout on Whitsbury Road, a new road bridge over the Sweatfords Water, and a new access road serving the residential development site. The application contains a high level of detail for all three elements, and these are submitted now for approval and not left to reserved matters. All three elements however will need final engineering drawings and details to be prepared as part of the Section 38 and Section 278 agreements under the Highways Act. It will be important the LPA are a party to and agree those final details so this will be covered under conditions and the S106.

**Roundabout** - There is only point of vehicular access into the site from Whitsbury Road. This follows the line shown in the concept Masterplan. and is to be created with a new roundabout leading to a bridge across the river and an approximate 500 metre long section of carriageway south of the bridge. The roundabout is required by the Highway Authority because there will be in effect a four way junction. A roundabout is the most effective way of providing such an access and easing the flow of traffic. The roundabout is approximately located on the junction of the existing access into Augustus Park using land set aside as partly open space land and existing public highway land. None of the land required falls within any private ownership, and is all within the control of the applicant or public highway land. The land required which forms part of the now completed Augustus Park development was safeguarded as part of the S106 covering that site.

The plans indicate a roundabout of some 34 metres in outer circumference including a two lane carriageway on each arm with short stretches of cycle way and

pedestrian crossing points and central refuge areas, and with a centre circle of some 22m which is large enough to accept some tree planting to soften the impact. The scale of the roundabout has been questioned by officers and the comments of the Highway Authority here are noted. Whilst the roundabout is large in overall landscape terms it is contained and for the most part uses the existing T junction serving the new estate. On balance it is considered the roundabout is acceptable subject to a good planting and landscape mitigation scheme. The details as submitted at this stage are generally acceptable and final details together with landscaping mitigation will need to be agreed prior to commencement of any works in consultation with the Highway Authority. The roundabout will also need to provide service vehicle access to the foul storage tank holding facility (see below under drainage). Wessex Water had concerns with the original arrangements but are now happy to agree the details as shown on the amended scheme.

The Highway Authority have been asked to consider a reduction in normal standards to offset any visual harm and have done what they can to reduce the impact subject to adhering to necessary safety requirements.

**River bridge** - The carriageway then swings south from the roundabout towards the river leading to a bridge across the river. The bridge details are shown on the submitted drawings as being a double carriageway of some 6.5 m in width with a 3.5m wide pedestrian and cycleway on the northern side of the road. The bridge is set back from the existing road frontage by about 45m and has a river span length of some 16 m with a 12m approach section each side of the bridge. The bridge is designed with a single shallow span arch across the river and has a clearance above the river of 3m with a minimum head height clearance under the bridge onto the bank of 1.5-1.8m. An otter ledge is to be incorporated into the bridge design. The bridge will be constructed with pre cast concrete with an outer skin of facing brick. Above the level of the bridge deck a 1.4m high length of painted steel safety railings will be provided. The approach roads to the bridge will be raised gradually and embanked from ground level up to 3.5m above existing ground level.

Concerns have been expressed by officers regarding the impact of the bridge and if it can be reduced in height above the river, but this has not proven possible taking into account the comments of the Highway Authority. The height of the bridge is governed by clearance needed above the river as required by the Environment Agency as well as the need for safe maintenance working under the bridge. The bridge will also remove some significant tree planting along the river bank which will need to be replaced.

There is no doubt that the dual impact of the new roundabout and bridge will be very urbanising until landscaping works have taken place and reached a level of maturity. That said this is the only potentially feasible access into this site. A roundabout is referred to in the SS17 Local Plan policy with the need for a bridge being self-evident. Suggestions by some objectors of using Puddleslosh or Marl Lane would require those bridleways to be considerably expanded in width on land that is not all public highway land. The loss of these two bridleways as generally car free and very popular access and recreation routes for local people would not be acceptable.

The submitted lighting strategy centres on those parts of the scheme which are for approval at this stage i.e. the roundabout, bridge and main site access road. The summary of the lighting scheme concludes there will be no harmful impact on dark skies, residential amenity, or on any ecological receptors. That said the impact of lighting will inevitably add to the overall impact of the roundabout, bridge and access road. Further comments are set out below regarding residential, ecological

and wider landscape impact.

The Highway Authority in their comments have agreed to some changes to the bridge which have been incorporated into the latest plans. This together with a more sensitive approach to external cladding is sufficient to allow the development to go forward. Officers agree that the details of the bridge are guided both by highway safety and flood risk requirements as well as safe working under the bridge itself during any need for maintenance. Again, landscaping will play a crucial part in mitigating any initial harmful impact. Over time however the bridge impact is adjudged to be acceptable.

**Carriageway into development site** – leading downhill from the bridge and then sweeping up hill to the first residential parcel the main carriageway is for the most part 7m in width but narrowing at two pinch points to create a chicane type feature to single carriageway width of 4.8m which makes it much easier for pedestrians to cross, and which has the double benefit of slowing down traffic coming out of and going into the development site. The pedestrian walkway and cycleway is apart from that section going over the bridge separated from the vehicular carriageway by a grass verge of between 2 and 4 m in width. This will provide a safer and more pleasant experience for those walking and cycling to and from the site. The main carriageway into the site has been designed on a sinuous line to take into account landscape form and the need to protect trees. The road is for the most part provided at level with only a 90m section shown to be on a slightly raised embankment of no more than 0.5m. Adhering to existing contours will assist in ensuring the road is not intrusive in landscape terms.

The Highway Authority again have been asked to consider amendments to the original standard two lane design and have agreed to the reduced widths and crossing points. Over time with new landscaping, it is considered that the road will blend into the local landscape and the proposals as now submitted subject to approval of final details will be acceptable.

**Emergency access points onto Puddleslosh Lane** – Given the cul de sac nature of the main carriageway and the need to cross the river it will be necessary to make provision for perhaps one or two emergency access points westwards onto Puddleslosh Lane should the bridge be closed for any reason. In the unlikely event this happens then any emergency access provision should be shown in a future Reserved Matters application and tightly controlled so that it is not used at any other times by lockable bollards or some other control mechanism. There is a potential conflict here to be noted regarding the loss of open space which is required for BNG purposes. Any emergency access should therefore not be through the central open space corridor onto Puddleslosh Lane. Such an access should be further north towards the upper end of Puddleslosh Lane to minimise any impact on the use of the Lane by walkers and cyclists. Any access should also be prohibited in allowing traffic to turn right and to run southwards towards the junction

with Marl Lane as this part of Puddleslosh Lane is totally unsuited to vehicular traffic.

(iii) Pedestrian, cycle access and sustainable transport

**Walking and cycling** - The Parameter Plans indicate movement through the site with a network of roads, footways and cycleways with some routes based on the existing definitive footpath routes and other routes being new. This plan forms a basis for the Reserved Matters application going forward and the details of these internal links will need to be more fully shown. The existing rights of way that cross

the site are to be maintained in their current location with no diversions being necessary albeit Footpath 79 which connects the site with the Avon Meade/Parsonage Park development to the east is bisected by the new main road into the site. A new crossing point will be located at the point where the footpath hits the road with a localised narrowing so whilst it will still be possible to cross the road at an angle on the line of the definitive right of way it is likely that pedestrians will use the new safer crossing point. In time that may lead to a formal diversion application, but it is not required at this stage. Generally, all the existing rights of way will be preserved in their current positions and provided with green corridors of a much greater width than at present with some of these footpaths tightly constrained on either side by post and wire fencing.

In addition to on site provision there is a requirement to provide sustainable transport links on foot or cycle to the wider strategic site network and beyond. In this regard the site is well located and served by public rights of way along the western, southern and eastern boundaries. Puddleslosh Lane and Marl Lane are existing very popular walking cycling and horse-riding routes which are enjoyed by many people. However, in places these routes are hampered by poor surfacing due to a small amount of vehicular traffic accessing residential properties. Puddleslosh has a very poor surface in places which is not conducive to safe cycling or walking. Marl Lane is also worthy of localised improvements, but it is considered the surfacing along the site frontage with Site 17 is adequate. Any improvements to Marl Lane lower down towards the junction with Station Road can be picked up as part of the Site 16 application. Both these routes form part of a potential strategic rights of way network which can be more fully utilised both for recreation but also for safe routes to school.

Other sections of rights of way alongside Strategic Site 18 will provide footpath widening improvements and resurfacing. In the case of Puddleslosh Lane a scheme of localised surface improvement is required only rather than any widening. Given the routes are used for access only purposes to a small number of dwellings it seems unlikely that either route will experience any significant increase in vehicular use. This is certainly not something the council would wish to encourage as these routes should be retained in their principal use as rights of way. A condition will be applied to require a scheme of localised improvement and repair to Puddleslosh Lane as part of any grant of outline permission along with an implementation timetable.

For clarity, the improvements will only be required along the edges of the site (including the section of Puddleslosh Lane from the electricity substation to the junction of Whitsbury Road), as the remainder of Marl Lane can be picked up as part of Site 16. Whilst the surface of the rights of way are not controlled by the Highway Authority there are rights to carry out improvements to rights of way under other highway legislation. The most appropriate way of securing this work would be for the developer to cost up a scheme and provide the full cost contribution to the Highway Authority and Hampshire Countryside Team who can either carry out the works themselves or through one of their approved contractors. Whilst this work has not been requested by the Highway Authority it is a key requirement in terms of sustainable transport improvements and is required to make the development acceptable.

One of the most significant improvements locally brought about by the three Strategic Sites in Fordingbridge will be the availability of a new network of sustainable walking and cycling routes brought forward by the housing sites. At the present time Site 16 and Site 18 have no public access with Site 17 only having

limited access. These three sites between them will open up a much wider network of walking routes to the benefit of all. Such new opportunities are also designed to prevent and reduce car borne trips to the National Park particularly but not exclusively by dog walkers so fit well with the sustainable travel aspirations set out in the Local Plan policies. Every dwelling will also be provided with secure cycle storage.

**Bus Services** - The Highway Authority in their comments have also asked for an improvement to the X3 bus service which currently runs between Salisbury, Ringwood and Bournemouth.

This service currently has the following stops in the town

- Burgate Cross A338
- Surma Valley restaurant A338
- Waverley Road
- Alexandra Road
- Salisbury Street (town centre)
- Fordingbridge service station

The Highway Authority in their recommendation require the S106 agreement to include

*Delivery of a public transport strategy prior to commencement, setting out the details of the bus service serving the site; noting this must as a minimum provide a bus service stopping within close proximity to the site access roundabout on Whitsbury Road and provide a bus service with a minimum hourly frequency on Monday – Saturday (excluding bank holidays) between the hours of 07:00 – 19:00 between the development, Fordingbridge Town Centre and Ringwood Town Centre.*

This Service should be provided with a new route which should be re-routed through Site 18 from Salisbury Road along the new link road through Augustus Park and then onto Salisbury Road in the vicinity of the new roundabout and bridge serving Site 17. The existing route stops will also need to be picked up so this may require a new service in addition to the existing service. The existing X3 route running down Salisbury Road and then onto the town centre needs to remain as this is necessary to pick up passengers along Waverly and Alexandra Road and to serve the two Site 18 parcels served directly by the A338 rather than the new link road. Added to this there will be a requirement for new bus stops. The Site 18 application can pick up any stops required within its boundary with the current application funding two new bus stops on Whitsbury Road. The current unacceptable distance of 1.4kms from Site 17 to this service will then be cut to a maximum of 800 metres with many residents much closer than that to Whitsbury Road.

**Travel Plan** - Finally there will be a need for a residential Travel Plan to encourage more sustainable forms of travel. This will need to be monitored with a bond, along with the usual set up fees administered by the County Council. Contributions can be collected via the S106 agreement.

(iv) Car parking

Paragraph 107 of the NPPF specifically addresses car parking. It does not prescribe standards, but provides guidance for councils when setting out local standards for residential and non-residential development. It states that any local standards should take into account the accessibility of the development, the availability of and opportunities for public transport and the need to ensure an

adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Local Plan Policy CCC2: 'Safe and sustainable travel' requires new development to provide sufficient car and cycle parking.

The Council uses its Parking Standards SPD to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and other local policy seeking a shift away from cars to more sustainable forms of transport.

The applicant's Transport Assessment suggests that both car and cycle parking would be provided in accordance with the Council's Parking Standards, as set out in the Parking Standards Supplementary Planning Document April 2022. This would be appropriate. The detailed arrangements, however, will need to be considered at reserved matters stage as part of a detailed layout. It will be important that the parking is well designed.

## **D) ECOLOGY**

### **(i) On Site Biodiversity and protected species**

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats.

Development Plan policy, Government advice and emerging legislation all require an enhancement to on site biodiversity wherever possible.

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.*"

The Council's Ecologist has carefully assessed the proposals and subject to conditions set out below is satisfied the proposal adequately protects on site protected species, and provides for sufficient opportunities for new facilities to encourage wildlife. There are concerns and objections raised by local residents regarding the harmful ecological impact, but this is not borne out by the evidence and protection and enhancement measures included. A balance here needs to be struck as the site is allocated for development. The LPA has discharged its duties set out under the policies and through separate legislation to protect and enhance wildlife opportunities. Of course much of the important woodlands areas are to be retained and enhanced with specific areas protected with public access restrictions.

### **(ii) Biodiversity Net Gain (BNG)**

The recent Royal Assent of the 2021 Environment Act formally requires new developments to provide for biodiversity net gain for all housing developments (not just major schemes). Whilst secondary legislation is not yet in place it is considered that policy STR1 of the Development Plan can require a 10% improvement in biodiversity post development. This is compared to pre-development and that this improvement should be secured over a minimum 30-year time horizon which will then be subject to Secretary of State extension of that time period potentially subject to regulations. Accordingly, the Councils policy position is clear that new development requires a 10% improvement in biodiversity.

The submitted application is supported by a 'Biodiversity Metric Assessment'. The report sets out whether the proposals will be able to deliver measurable net gain in

biodiversity through using a recognised biodiversity metric to calculate the value of the site before and after the development. The principle of additionality has been applied within the calculations. Essentially the report sets out the various proposed measures that will help to deliver Biodiversity Net Gain, which include those mitigation measures along with other enhancement measures. The results show a shortfall of BNG from the required 10% uplift principally because of the high ecological value of parts of the current site. The latest calculations indicate a net gain of around 6% with a shortfall of approximately 6 'habitat units'. The applicant proposes to make this shortfall up by using potentially surplus capacity on Site 18 within their ownership or alternatively in line with Government advice contributing to an off-site scheme. Either way the shortfall can be made up and the matter can be covered by condition requiring the details of any off site scheme to be submitted to and agreed in writing with the LPA. It is likely that by the time site 17 comes to be commenced Site 18 will be completed and other off site projects will be brought forward.

The Councils ecologist has provided detailed views on BNG in his response dated 25 November 2021 and 11 August 2022. He is now satisfied with the application proposals subject to an off-site scheme being secured to offset any shortfall.

A financial monitoring contribution to ensure long term performance of BNG based on the April 2022 Cabinet report will need to be included in the S106.

(iii) Habitat Mitigation against recreational impact on protected areas and species

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 accordance with Local Plan policy the applicants have put forward a range of on-site ANRG areas to provide areas of recreation for dog walkers including a range of pathways and woodland walks as well as a main off lead exercise area measuring some 60m x 80m with a suitable fence enclosure to keep dogs in and prevent uncontrolled access onto the main carriageway. The site will also form part of a wider strategic network of access including linkages with other parts of Site 17 to the north both at the Tinkers Cross end and the Ford 1 end of the development. Linkages with and improvements to public rights of way network will provide good quality dog walking opportunities linking to both Site 16 to the south and Site 18 to the north both of which will provide further extensive ANRG opportunities. In this regard the proposals comply with policy and are sufficient to offset the potential for harmful impact on protected areas within the New Forest National Park. At this point it should be noted that the Cranborne Chase AONB Partnership have raised similar impact issues, but the provision of financial contributions cannot be supported as there is no policy requirement to do so. In any event the points made above will deflect visits away from the AONB it is considered.

Policy also requires that all development involving additional dwellings makes a contribution towards New Forest Access Management and Visitor Management Costs (the New Forest People and Wildlife Ranger service). This contribution cannot be calculated exactly due the outline nature of the application; a precise contribution will be calculated through the submission of reserved matters. What is important is that the required mitigation contribution is secured through a Section

106 legal agreement. Payment based on the precise dwelling mix can then be taken at Reserved Matters stage.

Finally, of the above Access Management and Visitor Management costs there is an element which requires that all additional dwellings make a contribution towards monitoring the recreational impacts of development on the New Forest European sites. This contribution is currently sought at a flat rate of £68 per dwelling, and included in the contribution noted above.

(iv) Air Quality mitigation

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<sub>x</sub>, 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.

The applicant will be required to contribute towards a District wide monitoring programme as part of the S106 contributions in the event of a permission being granted. The current contribution is set at a rate of £91 per dwelling = £31,122.00.

(v) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).



With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable to be offset. Such a project has now been secured (see below).

#### Applicant's phosphate mitigation scheme

The applicants have now brought forward their own phosphate migration scheme which involves taking an established fish farm at Bickton out of production and revoking any Environment Agency licenses to operate. A standalone Section 106 Agreement has now secured this new scheme which also has the blessing of Natural England and the Environment Agency.

As there is now a 'Project' the Council can use a Grampian style condition and again grant planning permissions within the Avon Valley including the whole of Fordingbridge for residential development. The applicant can use this new scheme to demonstrate Phosphate credit to discharge the Grampian condition. It should be noted that this applicant is not linked to the Bickton Fish Farm project and the applicant could come forward with credit from other project in the future. The Bickton Fish Farm project did not require planning permission.

### **E) FLOOD RISK, SURFACE, AND FOUL WATER DRAINAGE**

#### **(i) Flood risk**

The majority of the site lies in flood zone 1. This covers all the intended house building zones on the site which will not therefore be at risk from river flooding. However, the river corridor lies within flood zone 3 and this is the area affected by the proposed river bridge and road works. The larger site is subject to flooding from both the river and surface water due to the underlying geology. This requires any new bridge and associated works to be accompanied by compensatory flood overflow areas as well as a detailed surface water drainage strategy. The Environment Agency are concerned with fluvial flood risk whereas the Hampshire Local Lead Flood Authority are concerned with surface water drainage and flood risk.

The proposals provide a new bridge set at a height appropriate above the river to avoid future impedance to flows and together with flood zone compensatory shallow basins either side of the bridge are considered by the Environment Agency to be acceptable subject to condition which includes reference to the submitted documents which includes a framework CEMP to be further detailed at Reserved Matters stage to include for the overall mana agent of the construction works on site and the monitoring of those works to prevent any pollution into the river and other watercourses.

(ii) Surface water

HCC LLFA have considered the detailed surface water management scheme. This takes the form of a series of shallow SuDS basins to take surface water that may be displaced by building works and other run off from the dwellings and hard surfaced areas with preferably a series of swales to filter that run off prior to it entering into the basins. The basins themselves need also to fulfil a biodiversity and amenity function so will not take the form of deep steep sided ponds but rather a series of shallow depressions and land scrapes in line with best practice issued by the government. None of these surface water basins are intended to be wet all year round apart from the larger basin to the north of the main access road specifically designated as natural wetland. None of the drainage basin areas will need to be fenced either. The strategy is shown on plan dated 12 August 2022 and with further illustrative details set out in the Design and Access Statement dated 28 June 2022. HCC are satisfied that the strategy is acceptable subject to condition. Your officers are also content that the illustrative details set out in the DAS will form attractive areas with a multiple use allowing them to be used for biodiversity and amenity as well as surface water overflows. All the basins will need to be conditioned as part of the Reserved Matters approval.

(iii) Foul water

Wessex Water is the sewerage undertaker responsible for the foul sewer network in Fordingbridge. In general, the northern part of Fordingbridge drains via a gravity foul sewer network which takes flows through the centre of the town, eventually discharging to the Fordingbridge Waste Water Treatment Works (WWTW) at the southern end of Frog Lane. This includes the properties located to the south-east of Site 17. One potential point of connection – the sewer located in Whitsbury Road – has recently been extended northwards as far as the access to Augustus Park, adjacent to the proposed site access. WW has advised that the existing sewer network has limited capacity and that engineering works to increase the capacity of the network through Fordingbridge would be constrained by the sewer routes, which pass through the town centre. Works to these sewers would require significant traffic management. A new strategic sewer network taking foul flows from the new development to the north of Fordingbridge westwards via a series of gravity sewers, pumping stations and rising mains from SS18 through SS17, and then south through SS16. South of SS16 a new pumping station would direct flows to the WWTW. This strategic solution would bypass the existing sewer network in Fordingbridge and therefore avoid the need for extensive sewer upgrade works within the town itself. WW subsequently confirmed that budget is provided for the strategic sewer in the WW AMP7 investment period from 2022/23 to 2025/26.

WW's strategy is based on the installation of two new storage tanks and pump facilities if required to be installed at key locations to manage flows from new development and avoid a negative impact to the existing network from new development. One storage location would be at Whitsbury Road in the vicinity of the Augustus Park and SS17 access and would manage flows from SS18, Augustus Park and the Tinkers Cross site. The second storage location would be at Station Road and would manage flows from sites SS16 and SS17. There would also be an option for the storage at Whitsbury Road to be sized to manage flows from SS17.

Local Plan policy SS17 requires the developers of Strategic Sites to work cooperatively with each other and with Wessex Water to deliver a suitable foul sewer connection to the Fordingbridge treatment works. A memorandum of understanding has now been signed by all the Fordingbridge developers to ensure that the required cooperation is in place.

To support the development of the NFDC Local Plan Review, WW carried out network modelling to test the impact of the proposed development to the north of Fordingbridge and develop a strategic sewer scheme proposal to serve the allocated sites.

The applicant's agent WSP met with WW in March 2017 to discuss the proposals for the Augustus Park development (145 homes) located to the east of Whitsbury Road. As this site would be developed before a strategic sewer could be funded and constructed it was agreed that an interim gravity connection would be made to the existing WW foul sewer in Whitsbury Road. It was also agreed that the new foul sewer through Augustus Park would be designed and constructed to accommodate foul flows from potential future development to the north, now confirmed as SS18. The sewer through Augustus Park therefore forms the first part of the strategic sewer infrastructure.

The applicant's preferred option is that the on-site foul drainage network will drain by gravity to a new holding tank located in the east of the site. And from there to the existing Whitsbury Road foul sewer. The proposed storage is expected to receive flows via an overflow from the foul sewer during times of high flow in the sewer network. It would then discharge flows back to the sewer at a controlled rate.

Wessex Water have now confirmed the original plan for a pumping station is no longer needed with gravity being sufficient. The holding tank will ensure that there is no overloading of the existing Whitsbury Road sewer at times of peak flow. Wessex Water are content with the storage tank details subject to final details being approved.

## **F) IMPACT ON SETTING OF LISTED BUILDINGS**

The only Listed Building (designated heritage asset) that is affected by the proposed development is that relating to the Listed Buildings at Forres Sandle Manor School which is located to the southwest alongside Marl Lane.

The Historic England List entry describes the building in brief as a middle-sized country house now school. C17 core, remodelled c1900, extended early C20. Brick with stone dressings, later parts are rendered with mock- framing on 1st floor, old plain tile roofs

Section 66(1) of the Listed Buildings and Conservation Areas 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.

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) 2021.

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.

The application is accompanied by a detailed Heritage Assessment which identifies that there are several heritage assets in relatively proximity to the application site,

whose setting could be affected by the proposed development. Although there are no designated heritage assets recorded on the site, the Heritage Assets that could be affected by the proposed development because of changes to their setting are those based on the Forres Sandle Manor School which is itself incorporates the old Manor House. The open land to the south and east form part of the setting of the former house. This has to an extent been partly impact by new school playing field structures and other buildings. Marl Lane separates the school site from the development site. The building of the railway has also compromised the former setting of these heritage assets.

The Conservation Officer has assessed the development as causing less than substantial harm to the setting of the Listed Buildings at the school. In this regard he considers the development site is too close to Marl Lane and that with some pulling back in this area the setting of the heritage assets could be better protected.

In response Officers can confirm that there is a reasonable gap between the southern edge of the housing development and Marl Lane. The intervisibility between the building zones and the school is limited because of land forms and existing screening. Further tree planting in the bottom SW corner of the site coupled with a low and loose density and arrangement of housing in this SW corner will alleviate to an extent any setting impact. The setting of the heritage assets is however a wider appreciation rather than simply a visual relationship between the development and the heritage asset. Walking on Marl Lane at present provides a rural walk which will change with the new development. That said the new development is set back from the Lane and this must be balanced against the overall public benefits of the development.

### **Policy balance**

Paragraph 199 of the NPPF makes it clear that when considering any harm to a heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 200 of the NPPF makes it clear that any harm to a heritage asset requires clear and convincing justification, whilst Paragraph 202 of the NPPF advises that in the case of less than substantial harm, the harm should be weighed against the public benefits of the proposal. No harm is identified and therefore these policies are not engaged

The applicants consider their proposals would deliver significant public benefit comprising: delivering the Local Plan the creation of an exceptional quality of built and natural environment; the creation of a sustainable community that delivers new homes. The applicant's position is noted. Your officers would add to the public benefits in terms of releasing further opportunities for economic benefits during the building period, support for local business, and new recreational opportunities to enjoy the large areas of new POS and ANRG released by the development.

In summary, the impact on heritage assets is very balanced, as there are some benefits and a degree of harm. The balancing exercise, as set out in both local plan policy and the NPPF, together with the statutory test will be applied at the end of the assessment under the Planning Balance and Conclusion section.

## **G) ENVIRONMENTAL PROTECTION**

### **(i) Contaminated land**

The comments of the NFDC EHO confirm there are no overriding issues with regard to contaminated land, subject to standard contaminated land condition being imposed to deal with unexpected contamination should this be encountered on the

site.

(ii) Noise, dust, and light pollution

The Council has assessed the impact of the development in regard to noise and dust pollution.

Noise impact has been evaluated from the development in isolation and also the cumulative impact of all committed development in the Fordingbridge area. A number of receptors were used to measure and model potential noise from additional traffic in particular throughout the town. Noise will be created in two ways, first by construction works, and secondly through increased operational noise once occupation has taken place. The EHO is satisfied that construction noise can be mitigated through a construction environmental management plan (CEMP) governing noise limitations. With regard to operational noise there will be traffic noise emanating from the road but other noise impacts will be limited due to the distance of the new dwellings from existing dwellings. Road noise can be mitigated in this case through additional landscaping without the need for any baffling or acoustic fencing alongside the road or the nearby estate boundary. As for the wider impact on noise in the area the EHO considers these increases will be negligible and not significant.

With regard to light pollution this will be thorough additional street lighting to light the new roundabout, bridge and road works and additional lighting on the houses themselves. The latter can be dealt with at reserved matters whilst the impact of road infrastructure lighting can be mitigated by using the latest lighting technology. The impact on dark skies is covered elsewhere in this report as is the impact of lighting on ecological receptors.

(iii) Air quality impact

The submitted air quality assessment (ref: A11338/7.0 June 2022) models the potential impact on local air quality from different developmental scenarios from both the SS17 and SS18 proposed developments. The impacts are assessed in terms of the potential impact from vehicle emissions from the operation of the proposed development(s) (nitrogen dioxide and particulate matter) and construction operations (dust / particulate matter) on site and on the local road network. The air quality assessment considers a number of developmental and phasing scenarios and takes into account the cumulative impact from other proposed development sites in the vicinity of Fordingbridge. All model outputs are predicted for the year 2025 for comparison purposes rather than 2036 once all developments are predicted to be completed because of the likely drop in air pollution through a ban on petrol and diesel vehicles sales after 2030. This leads to a more conservative view (worst case scenario) if 2025 is chosen as a base year.

The Council's EHO has carefully assessed air quality impact arising from additional motor vehicles but considers there to be no reasons not to grant planning permission subject to conditions covering a dust management plan during construction phase (to be included as part of the CEMP referred to above).

Changes in development phases will however trigger a re-assessment at reserved matters stage or separately via consideration of the applicant's separate application under Site 18.

## **H) RESIDENTIAL AMENITY IMPACT**

Members will note that a number of objections raise matters of concern regarding a loss of amenity. The Town Council in their comments also refer to a loss of quality of life. The most immediate impact from the new development will be a loss of outlook across an open greenfield site from the adjoining estate which currently

forms the built up edge of the town on the south side of Whitsbury Road. That however is not a material planning consideration. The land is clearly allocated for development and consequently the loss of the greenfield site is unavoidable and already agreed in principle. The following matters can however be taken into account.

(i) Road impact – noise and lighting

The new access road will run close to a small number of properties on the eastern boundary of the site. This new road will impact on their loss of outlook, create additional road noise and street lighting. With regard to outlook this is dealt with above. Regarding noise the EHO is satisfied that road noise will not be so great as to warrant acoustic fencing or some other type of noise attenuation. Physical restrictions on the access road are designed to reduce traffic speeds on the main approach road into and out of the site. On lighting the latest amended plans move some of the planned light standards further away. Such lighting is limited and will be up to improved standards to prevent undue light pollution. Other lighting impact will arise from car headlights and again this has been minimised by moving the road away, and allowing space for further screen planting along the boundary. The adjoining residents will however enjoy the fact that the first 500 metres of the access road has no housing alongside it. The rural nature of this part of the site will change to a road corridor rather than a new estate development.

(ii) Loss of outlook

Clearly this will be the main impact on those local residents who border the site and currently enjoy a green field view. Whilst loss of outlook is not a planning matter such loss will be tempered by significant retention of existing tree groups and woodland and a significant number of new trees to be planted. In addition, the impact of the new development has been reduced by moving the first elements of housing further away from those residents.

(iii) Loss of Privacy

There will be no loss of privacy from direct overlooking between new dwellings and existing dwellings. There may be some privacy loss caused by increased pedestrian and cycleway use close to the eastern boundary, but this is not at such a level as to warrant a refusal of permission. The benefits of new access routes for pedestrians, dog walkers and cyclists far outweigh any consequential loss of privacy to a small number of dwellings.

(iv) Impact of foul pumping station

The applicants have now confirmed the pumping station is no longer required. This has removed the objectors concerns.

Overall, therefore the impact on local residential amenities is considered to be proportionate in nature bearing in mind the site has been allocated in an adopted Local Plan and will be developed. Any harmful impact has been considerably lessened given the site layout. The wider public amenity impact has been covered under landscape impact above. The proposal is considered to be in line with policy ENV3 which seeks to safeguard residential amenities.

## **I) MINERAL SAFEGUARDING**

Policies STR1 and STR9 both advocate sustainable development, and the re-use of minerals that might be found on the site will be part of that requirement. The County Council's response confirms it would be uneconomic to excavate all minerals on

site prior to development of the housing site but they do suggest a condition requiring a scheme to be drawn up to show how any minerals found can be re-used which could limit the amount of material brought in or removed from the site thereby benefiting construction traffic movement figures.

## **J) AFFORDABLE HOUSING AND PROPOSED HOUSING MIX/TENURES**

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

### Application housing mix and policy background

The policies of the Local Plan seek to ensure that new residential development provides a mix and choice of homes by type, size, tenure and cost. Current evidence suggests that there is a need for a greater proportion of new stock to be smaller-to-medium-sized homes (particularly so in the affordable housing tenures). A table within the Local Plan (Figure 6.1) sets out the need for different house types within the District.

Whilst the application is in outline at present the applicants in their affordable housing viability assessment have provided the following as a likely mix of units. This gives the total number of dwellings as 342.

- 30 x 1 bed flats
- 34 x 2 bed flats
- 76 x 2 bed houses
- 150 x 3 bed houses
- 52 x 4 bed houses

This equates to the following housing mix which looks reasonable when set against Local Plan Policy HOU1 which seeks to provide a greater percentage of smaller to medium size homes.

- 41 % 1-2 bed units
- 44% 3 bed units
- 15% 4 bed units

It is considered important that the mix of development reasonably reflects the identified objectively assessed housing need across the district. Based upon the indicative details provided, the proposal would provide a good number of flats and smaller dwellings which meets the aspirations of the local plan to provide smaller homes but still providing a slightly higher proportion of 3 bed family homes. Overall 85% of the proposed mix is for smaller or family homes with only 15% larger homes.

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) with the remaining 30% of units to be intermediate/shared equity homes. (Shared ownership falls into this latter category).

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.

The introduction of First Homes postdates the adoption of the Local Plan but they are now officially recognised as an affordable housing product by Government who have recently published new guidance on First Homes. The Council have followed

this with their own guidance adopted in June 2022.

*(Officer explanatory note - First Homes is a new Government scheme designed to help local first-time buyers and key workers onto the property ladder, by offering homes at a discount of 30% compared to the market price. Whilst the discounts will apply to the homes forever, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold, the price paid after discount currently set at £250k outside London will rise with inflation etc. The Government guidance allows LPAs to develop and adopt their own criterion on such matters as the level of discount, and any local occupancy requirements. An NFDC First Homes Guidance Note has now been published setting out national requirements and local requirements relating to eligibility criterion etc. Government Guidance goes on to state that where First Homes are provided, they should be at a proportion of 25% of the affordable housing offer with the other 75% of affordable units being based on the Local Plan policy requirements of the LPA).*

Policy HOU2 therefore requires that the development should provide

- 171 units as affordable with
- 120 dwellings being split equally between social and affordable rent, and
- 51 units provided on a shared equity basis as intermediate.

Policy HOU1 further sets out a suggested mix for affordable rental and shared ownership based on further study carried out as part of the exercise to identify objectively assessed need.

To ensure that affordable homes address the requirements of the Local Plan local connection mechanisms will be sought for all tenures. Legal undertakings will also be required to ensure the homes for affordable rent and social rent, and where appropriate shared ownership is secured in perpetuity, and will be delivered by New Forest District Council (as a Registered Provider of Social Housing), or an approved Registered Provider partner.

#### Applicant's viability assessment and first offer

Where developers cannot deliver the level of affordable housing set by policy, they need to submit a financial viability assessment (FVA) to demonstrate why they cannot make the development viable if the policy level of affordable housing is delivered.

The applicant's in their submitted viability assessment confirm that the proposed development is not policy compliant principally due to the significant abnormal costs of bringing the site forward e.g., cost of road infrastructure, phosphate mitigation and education and other S106 contributions. These and other costs according to their appraisal account for nearly £31m. Not all these costs were accounted for in the Local Plan viability assessment.

The applicant's viability assessment (see web site dated 30 June 2022) has carried out a series of scenarios based on different levels of affordable homes and tenures. The optimum they say that can be achieved provides for the following mix which includes First Homes

- 17 First Homes x 2 bed
- 14 Affordable Rent x 1 bed
- 23 Affordable Rent x 2 bed
- 16 Shared ownership x 1 bed

Total number of affordable units = 53 + 17 First Homes =70

This is equivalent to 20% with First Homes included.



The proposal fails policy requirements in four ways

- Does not comply with 50% requirement
- Does not comply with housing mix
- Does not comply with housing tenures
- Does not comply with guidance on First Homes

The Council has appointed its own independent viability advisor to consider the detailed appraisal which also analyses construction costs, suggested profit levels, suggested revenues from sales along with other variables. Their initial advice considers that there is room to negotiate on land values, profit levels and the ultimate number of affordable units, and that costs are not yet fixed and agreed.

### Second Revised Offer

Following an initial assessment of this original offer the applicants have met with officers and the viability consultant and following negotiation have provided a revised offer set out as follows with three different scenarios with a varying mix.

- 50% affordable (171 units) based on 48 First Homes and 123 Shared ownership
- 30% affordable (103 units) based on 26 First Homes, 24 affordable rent and 53 shared ownership
- 25% affordable (85 units) based on 21 First Homes, 32 affordable rent and 32 shared ownership.

Excluding the 50% offer as it includes no affordable rent and too many First Homes, the other offers also skew the provision to smaller 1 and 2 bed apartments with only 6no. 3 bed family homes.

### Third Revised Offer

Following further discussions with your officers and viability consultant the applicants have now provided a new offer which provides the following mix and numbers. They have been asked to look at the Local Plan policy advice and adjust the mix so that there are more 3 bed home included.

30% affordable (103 units) split as follows

**First Homes** - 26 units all as 2 bed homes

**Affordable Rent** 16 units

- 7x 1 bed apartments,
- 4 x 2 bed apartments
- 5x 3 bed homes

**Shared ownership** 61 units

- 23 x 1 bed apartments,
- 18x 2 bed apartments
- 20 x 3 bed homes

The Council's viability consultant has provided further detailed comments in his appraisal of the applicant's position (available to view on web site dated September 2022).

## Officer comments

This is a highly complex application which has resulted in a number of potential scenarios being provided setting out affordable housing and what can be achieved taking into account (as is required by Government Policy and Local Policy) the key costs of infrastructure and S106 contributions to bring the development forward, together with land costs, revenues achieved, profit levels, contingency costs etc.

Judging the offers made and looking carefully at tenure split and housing mix it is considered that the applicant has fairly represented the high costs and fairly set out other revenues achieved and profit levels expected particularly taking into account the current high risk associated with doing so exacerbated by current economic circumstances.

Whilst the third offer now put forward does not meet with policy aspirations it does however represent a fair position and provides for 103 affordable units with a reasonable tenure and size split which recognises local housing need. All affordable dwellings will be subject to restrictions imposed by a Section 106 agreement which provides for long term retention of these units as affordable homes and not just for first occupiers. The latest tenure mix and proportions between 1,2 and 3 bed homes is also considered to be more in line with policy tenure mix proportions i.e. equal split between 1,2 and 3 bed homes.

## **K) TOWN COUNCIL OBJECTIONS AND REBUTTAL**

Whilst the views of the Town Council are noted and respected the comments below should be taken into consideration for each of their numbered points and weighed against the objections set out. Officer's comments in italics below each sub heading.

### **1 Link Road first before any development of Site 17**

*The technical evidence submitted by the applicants and assessed by the Highway Authority do not support this view, and they have not required such a condition to be imposed. Construction traffic can be managed in terms of timings and routes through the town by condition. The Link Road will be constructed as part of Site 18 applications and that proposal will be considered separately by Committee and options for conditions and timings of the Link Road can be considered then. It is not a reasonable condition to impose on Site 17 that no works take place until a Link Road that is the subject of a separate application is completed.*

### **2 Traffic impact disagreement with Highway Authority**

*Up to date modelling has now taken place which has been accepted by the Highway Authority. Modelling of traffic is complex with a number of alternative access roads available for traffic so not all traffic will travel through the Town Centre. The extent of any delays is also important and must be borne in mind. The time of delays at key junctions is relatively small when compared with much busier centres. There is no alternative expert evidence submitted by the Town Council to set aside the views of the Highway Authority. The reference to Site 16 is now outdated by updated traffic flow evidence.*

*The site is well located within walking distance of both schools and with improvements to key routes pedestrian and cycling links to school there is*

*no evidence to support this view. A condition will be imposed to restrict construction traffic during peak times.*

### **3 Traffic impact and lack of sustainable transport measures**

*The report above and the S106 requirements set out below a range of sustainable transport measures. The site is well located in relation to schools and is within walking distance of a range of facilities. The site is already allocated, and this allocation took into account the position of the site and its relationship to the town.*

### **4 Construction traffic impact**

*A construction traffic management plan can be conditioned – this can include preventing construction traffic accessing the site around peak school drop off and pick up times. It is not agreed by the Highway Authority that no routes through the town are suitable for construction traffic. A routeing plan will form part of the above condition. It is not possible to manage and control traffic post development other than through physical interventions which the Highway Authority do not consider to be needed.*

### **5 Quantum of POS and ANRG is insufficient**

*The proposal is compliant with Local Plan policy and policy governing ANRG. The quality of such areas is also in line with Local Plan and SPD advice. The site provides sufficient ANRG for its own development as well as space to compensate fully for the lost SANG land relating to the Augustus Park Ford 1 development. SANG replacement will be a first phase and open before any road works start and ANRG will also be prioritised to occur prior to first occupation as per phasing of the residential element that may be approved. Formal open space was never intended to be provided on this site but on site 16 and 18 instead. Other alternatives to that are now being considered to realise such new facilities as soon as possible.*

### **6 Health and education infrastructure**

*Healthcare facilities are not within the purview of the District Council LPA but are matters for central government funding. The full education contribution required by the Local Education Authority would be included. It is a matter for the LEA to bring forward proposals and use the money contributed by this site and other strategic sites.*

### **7 Ecological damage to this important greenspace**

*The proposal can fulfil BNG requirements and all the important elements of SINC and woodland areas are being protected and not developed. The principle of development here is long established by the Local Plan allocation. Conditions will ensure protected species and trees to be retained are not harmed. The Council's ecologist is satisfied the proposals are acceptable. Anecdotal comments are insufficient to set this aside.*

### **8 Impact on quality of life for local residents**

*Whilst there will be short term disruption during construction the quality of life argument needs to be balanced against the availability of larger areas of POS and ANRG for all to enjoy, and new much needed housing some of which is affordable fulfilling government and local plan policy. The*

*development will also support short term employment opportunities and longer term sustainability of town centre businesses, as well as new formal recreational facilities for the town.*

## **9 Number and enforcement of conditions**

*It is not unusual for a large number of planning conditions on a complex scheme of this size. Monitoring is now more robust on those conditions with staff resources now available to do so. The combination of planning conditions and S106 obligations are an effective means of control. Best practice allows for whatever conditions and S106 obligations are necessary to make the development acceptable. All conditions meet the tests of being necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. The S106 adds further strength to those conditions with a Court injunction against any breach available to remedy such a breach if required in the public interest.*

## **10 Phosphate mitigation needs further explanation**

*The specific Project has enabled the Council to now grant planning permission with Grampian style conditions. Natural England have agreed the phosphate mitigation scheme and the detailed S106 agreement already in place covers a wide range of management issues covering the site. The specific phosphate project is not part of this application and therefore any views about the project is not material to the consideration of this application.*

## **11 Sewerage infrastructure inadequate and pumping station concerns**

*The applicants have set out their strategy document (Foul Drainage Statement dated 14/01/2021 on the web site), based on the updated strategy of Wessex Water. There is an agreed timetable for Wessex Water to provide an upgrade of the Fordingbridge Sewage works. Recent Government statements also underline that they will legally require future sewage works improvement. There is no evidence that the current proposals which are supported by Wessex Water will not be able to deal with foul outflows. The on site storage tank will be sized to regulate peak flows. The pumping station has now been deleted from the scheme.*

## **L) SECTION 106 REQUIREMENTS**

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 and would seek to deliver the following benefits:

- **Affordable Housing** – provision of affordable housing including future monitoring costs, as set out in the applicant's 3<sup>rd</sup> revised offer detailed in this report
- **Education** - financial contribution of £1,471,592 towards expansion of Fordingbridge Junior and Infants School payable to Hampshire CC.
- **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. Monitoring charges. 30-year minimum time

span for BNG on site. BNG to cover whole of development site and other areas within the application site currently designated as SINC

- **ANRG provision and maintenance** and long-term management/maintenance plan, monitoring costs and requirement – potentially privately managed. Structure of management company. Failure safeguards. If managed by Council, then maintenance contributions TBC.
- **SINC enhancement and maintenance scheme** – as per the ANRG clauses above with contribution level TBC
- **POS provision and maintenance including play spaces** – triggers for implementation, management arrangements to ensure long term public access and proper management and maintenance of those areas. If to be adopted by the Council, future maintenance financial contributions TBC, and monitoring costs
- **Monitoring charges** – as set out in the April 2022 Cabinet paper relating to affordable housing , BNG, POS, and ANRG
- **Formal open space (playing pitches and infrastructure)** contribution towards off-site formal open space and new playing facilities for the town to be confirmed. £1000 per dwelling = £342k.
- **Internal roads not to be adopted** – management company arrangement etc potentially a County Council bond.
- **Provision of on-site drainage** – management company to look after on-site drainage including SuDS basins and any underground equipment within POS areas if not publicly adopted.
- **Air quality assessment** monitoring contribution of £91 per dwelling = £31,122 in line with Local Plan policy.
- **Sustainable travel improvements** including new bus stop(s) on Whitsbury Road, provision of hourly bus service and re-routing of bus service to Whitsbury Road through link road if available at point of commencement for Site 17
- **Highway works** for new junction, roundabout and bridge works and associated highway works– under S278 Highways Act agreement
- **Puddleslosh Lane improvements** – localised improvements to the surface of Puddleslosh Lane along its length to remove pot holes in particular. Costed scheme to be drawn up and secured through S106 agreement with works to be carried out by Hampshire County Council Highways or Countryside team with funding met by applicant
- **Provision of a full Residential Travel Plan** with bond, monitoring fees and approval fees so as to encourage more sustainable forms of transport other than the private motor car.

## 11 CONCLUSION AND PLANNING BALANCE

The development proposal before Members has come forward as a result of the adopted Local Plan allocation. The proposal has garnered a significant number of local objections as well as an objection from Fordingbridge Town Council. However, many of those objections cover matters of principle which the allocation of the site in the Local Plan makes non material. Other objections submitted are not

supported by the technical advice of consultees such as the Highway Authority, Environment Agency, Water Authority and Local Flood Risk Authority. No substantive alternative evidence has been submitted to set aside the views of statutory consultees. The loss of the attractive greenfield site will undoubtedly change and have an impact on local character, but this must be balanced against allocation of the site and the aspirations to deliver new housing including an element of affordable housing.

The tilted balance as set out in the NPPF does apply in this case as the Council cannot demonstrate a 5 year supply of housing land. The tilted balance sets out a presumption in favour of sustainable development and that greater weight should be afforded to the delivery of new housing unless other harmful impacts outweigh that presumption. In this case Officers consider the balance is in favour of permission.

The development will have an impact on the setting of a designated heritage asset, but this must be set against the considerable public benefits both in economic and social terms.

The ecological impact of the development including that relating to habitat mitigation and protected species has been carefully considered by officers and statutory consultees. The impact on ecological matters of importance is assessed that subject to conditions the development will not result in harm to protected species or areas. The proposal indeed brings forward opportunities for greater protection and further public appreciation of fauna and flora within the site. The Council has carried out an Appropriate Assessment under the Habitat Regulations (as amended) at this stage and concluded that the impact of additional phosphorous entering the River Avon will cause harm but that a scheme of mitigation can be brought forward to neutralise such harm.

The development has evolved since its submission and whilst the earlier scheme for 403 dwellings was not considered to be acceptable for a number of reasons the reduced scheme of 342 supported by a good quality Design and Access Statement and the other submitted plans showing a quality greenspace environment which retains all landscape features of importance weighs considerably in favour of a permission. There is considered to be no overriding wider landscape impact and harm arising from the development on the protected areas of the New Forest National Park and the Cranborne Chase AONB.

The Council has had careful regard to the submitted Environmental Impact Assessment. Plans and reports with their conclusions have been amended following discussions with officers and these amendments have been the subject of a further round of consultations and consideration of any comments made by statutory and other consultees and interested 3<sup>rd</sup> parties. The Council considers that the environmental impact of the development proposed has been properly framed and that officers judgment on the impacts is that the development is acceptable subject to conditions and a S106 Agreement.

The Council has had regard to the quantum of affordable housing now secured as part of this development. The number of units or mix/tenure does not comply with Local Plan policy aspirations but given the significant infrastructure and other costs which are borne by the scheme a reduction in the amount of affordable housing is warranted. The proposal does deliver a reasonable amount of affordable housing however against a background of a pressing need and very difficult economic circumstances.

Overall given there are no technical objections to the proposal coupled with the benefits including those centred on sustainable development as set out in this report the proposal is considered to be generally in line with local and national policy and guidance and recommended for approval subject to conditions and the applicant first entering into a Section 106 agreement to deliver the benefits as set out above.

## 12 OTHER CONSIDERATIONS

### 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 as well as the wider public interest. In this case it is considered that the protection of the rights and freedoms of the applicant and the wider public interest 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 Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in Section (L) of this report; such agreement to be completed by end of April 2023.
- (ii) the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Executive Head of Planning, Regeneration and Economy, having regard to the continuing Section 106 discussions.

## **Proposed Conditions:**

### **1. Time Limit for Approval of Reserved Matters**

The first application for the approval of Reserved Matters shall be made within a period of three years from the date of this permission. All subsequent Reserved Matters applications shall be submitted no later than 3 years from the date of the approval of the first reserved matters application.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Time Limit for Commencement of Development**

The development shall be begun no later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **3. Development phasing plan**

Prior to the commencement of any part of the development including any site clearance and demolition works, a detailed phasing plan, the number of reserved matters phases and including all on and offsite works, including all highway and drainage infrastructure works, green infrastructure works, 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 hereby permitted or to be permitted as part of future phases.

### **4. Reserved Matters Details**

In respect of each phase of development, no development shall commence until the layout, scale and appearance of the development, and the landscaping of the site (herein referred to as the reserved matters, as well as any outstanding conditions set out below), insofar as they relate to that phase of development, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).



## 5. **Approved plans**

The Reserved Matters shall fully accord with the following plans comprising:

- Site Location Plan PP005 rev B
- TOR-PP001 SS17 rev G – Land use and landscape
- TOR-PP002 SS17 rev E – Building heights
- TOR-PP004 SS17 rev E – Access and movement

The Reserved Matters and means of access details shall be in accordance with the following plans subject to final approval of the details shown therein

- TOR SK030 masterplan
- TOR-PP003 SS17 rev J – Density
- CSA/3560/108 rev E – ANRG Strategy Plan
- CSA/3560/107 rev C – ANRG Biodiversity Net Gain
- TOR SK104 Ford 1 replacement SANG plan
- TOR-LA/PL/002 rev M – SS17 Roundabout access Landscape Plan
- ITB12264-GA-305 rev X - Site access road alignment
- ITB12264-GA-341 rev C - Long section
- 70061334-WSP-17-DR-C-501 P06 –Flood Compensation
- 70061334-WSP-17-DR-C-502 P07 – Indicative FW Storage Layout
- 70061334-WSP-17-DR-C-506 P05 –Development Access Levels
- 70061334-WSP-17-DR-C-611 - P06 – Southern Access & Wetland Area Layout
- DR WS 0001 rev P04 Surface water drainage strategy

Reason: To ensure the development is carried out in accordance with the approved plans and in line with other plans submitted which are subject to final approval in consultation with statutory consultees, and to ensure that the approved plans are based on high standards of urban design to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context in accordance with Local Plan Policy ENV3.

## 6. **Dwelling Numbers & Development Mix**

The development hereby permitted shall not exceed 342 dwellings.

The detailed designs for the approved development shall accord with the following residential mix, or as otherwise may be agreed through the approval of reserved matters:

- 30 x 1 bed flats
- 34 x 2 bed flats
- 76 x 2 bed houses
- 150 x 3 bed houses
- 52 x 4 bed houses

Reason: This reflects the application submission and the basis for affordable housing, and is the basis on which the required level of mitigation has been assessed. The Local Planning Authority would wish to properly consider any mix that does not reflect this submitted mix to ensure that housing needs are adequately met, and noting that a material change to the residential mix will affect the level of mitigation that would be necessary to offset the development's impacts, and this may not necessarily be achievable.

## 7. **Site Levels**

Prior to the commencement of development in any phase of development, details of levels, including finished floor levels for all buildings, existing and proposed levels of public open space areas (including ANRG), and the existing and proposed site contours for that phase, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that the development takes appropriate account of, and is responsive to, existing changes in levels across the site.

## 8. **Connectivity To The Wider Strategic Site**

No development shall take place until a plan and details showing the locations where pedestrian connections will be made/secured to the immediately adjacent land to the north (Tinkers Cross and Ford 1 SANG) that is allocated for development or completed through Policy Strategic Site 17 of the Local Plan 2016-2036 Part One: Planning Strategy and saved Local Plan Part 2 2014. The approved connection / pedestrian access points including any necessary bridges across the river, shall thereafter be provided to link with the connections referred to above and made available before first occupation.

Reason: The application site forms one part of a Strategic Site allocation, and in the interests of securing accessible and joined-up green infrastructure it is essential that there is appropriate connectivity between the different parts of the Strategic Site.

## 9. **Contaminated land**

During any (site clearance, removal of floor slab and) foundation excavations a suitably qualified contaminated land consultant shall carry out a **watching brief** with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to 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 water, 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 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

#### 10. **Construction Environmental Management Plan**

Prior to the commencement of development within each phase of development, 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.
- A public communication strategy, including a complaints procedure.
- A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- A Noise Management Plan with noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Any 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 or security lighting that is installed.
- Details of storage and disposal of waste on site.
- A construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site.
- Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The construction of the development in each respective phase shall thereafter be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of existing and proposed (post occupation) residential properties and in accordance with policy ENV3 of the Local Plan

#### 11. **Construction: Hours of Operation**

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0700 hours and 1830 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless in the case of any emergency works that may be required urgently.

Reason: To safeguard residential amenities.

## 12. Noise levels post occupation

Prior to the commencement of each phase of the residential development, a full stage 2 Acoustic Design Statement (ADS) incorporating the four key elements of good acoustic design in accordance with *PPG: Planning and Noise 2017 'Professional Practice Guidance on Planning and Noise for new residential development'* shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the designated minimum standards stated. The scheme shall be approved in writing by the Local Planning Authority and the approved scheme shall be implemented, maintained and retained.

Reason: To safeguard the amenities of future occupiers in accordance with LP Policy ENV3

## 13. Flood Risk

The development permitted shall be carried out in accordance with the submitted documents and the following mitigation measures detailed within:

1. 420m<sup>3</sup> of compensatory flood plain storage is provided as set out in Technical Note 1334-WSP-17-TN-DI-00001 Rev P03 and drawing Ref. 70061334-WSP-17-DR-C-501 Rev.P06 by WSP dated June 2022 and reference tables therein.
2. Ground level raising and proposed bund for the wetland creation is located outside of the floodplain. There shall be no raising of existing ground levels in the floodplain.
3. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.
4. The new bridge soffit level is 32.00 mAOD which is more than 600mm above the post-development flood level 100yr 40%cc of 30.80 mAOD.

The mitigation measures shall be fully implemented in accordance with the phasing arrangements embodied within the scheme. Excavation of the compensation area must be complete before development/infilling commences to ensure that floodplain capacity is maintained during construction of the development.

Prior to commencement of the first dwelling on the site the details and mechanism for future maintenance of all flood compensation and flood storage areas shall be submitted to and agreed in writing with the LPA, in consultation with the Environment Agency. Future maintenance shall be implemented as per the details of the scheme so agreed and maintained as such thereafter.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To also reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of flood plain storage.

**14. Foul storage tank details**

Prior to the commencement of any part of the works to install the sewage storage tank and any associated infrastructure, full details of the final design for the foul sewage storage tank and associated infrastructure shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Wessex Water Authority. The development shall only be carried out in accordance with the approved details and agreed phasing plan and maintained as such thereafter.

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

**15. Surface water drainage**

No development shall begin on a phase until a detailed surface water drainage scheme for that phase, based on the principles within the Flood Risk Assessment & Surface Water Drainage Strategy ref: 70061334-WSP-17-DOC-FRA-0001, has been submitted and approved in writing by the Local Planning Authority.

The submitted details should include:

- (a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- (b) Infiltration test results undertaken in accordance with BRE365 (2016 methodology) and a groundwater assessment between autumn and spring, providing a representative assessment of those locations where infiltration features are proposed.
- (c) Drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
- (d) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.
- (e) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
- (f) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- (g) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;

- (a). Maintenance schedules for each drainage feature type and ownership.
- (b). Details of protection measures.

Reason: To ensure the development site is served by an adequate surface water drainage arrangement and that such details as may be approved are fully implemented and maintained to comply with Local Plan policy ENV 3 and CCC1

**16. Construction Traffic Management Plan**

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 including times of deliveries to avoid peak school pick up and drop off, the turning of delivery vehicles within the confines of the site, lorry routeing 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 interests of highway safety.

**17. Final details of road infrastructure**

Prior to the commencement of each phase of the development, including any elements of site clearance, the final details of the design for all new road infrastructure works and access roads (including foot & cycle paths, pedestrian cycle crossing points) as set out in principle on drawing ITB12264-GA-305 rev X for the main access, to be submitted for approval by the local planning authority in consultation with the local highway authority. No dwellings shall be occupied until the approved details have been fully implemented in accordance with the agreed phasing plan.

Reason: In the interest of highway safety and to meet the access needs of the development

**18. Car & Cycle Parking**

Details of the car and cycle parking that is to be provided in association with each residential phase of development shall be provided with the submission of Reserved Matters to the Local Planning Authority for its written approval, and, prior to the occupation of each dwelling the approved car and cycle parking arrangements for each plot shall have been provided in accordance with the approved plans, and thereafter retained for their intended purpose at all times.

Reason: To ensure that appropriate levels of car and cycle parking are delivered in association with the development.

19. **Travel Plan**

Prior to the construction above damp proof course level of each phase of the development, a Full Travel Plan based on the principles set out in the Framework Travel Plan (Ref: i-Transport Residential Travel Plan: SJ/BB/SG/ITB11397-008A) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the approved Full Travel Plan has been implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that sustainable modes of travel are duly promoted.

20. **Sustainable transport links**

Prior to the commencement of any part of the development full details of all pedestrian and vehicular transport links including all footways, cycleways, paths, boardwalks and river crossing points shall be submitted to and agreed in writing with the Local Planning Authority and implemented in accordance with the details of the phasing plan that may be agreed.

Reason: To ensure a satisfactory form of development is carried out compliant with Local Plan Policy ENV3

21. **Vehicle cleaning**

Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

22. **Waste Collection Strategy**

All applications for the approval of reserved matters relating to occupiable buildings shall be accompanied by a waste collection strategy in relation to the relevant phase. The development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory form of development compliant with Local Plan policy ENV3

23. **Incidental mineral extraction**

Prior to commencement of any part of the development hereby approved the following details shall be submitted to and agreed in writing with the LPA, which may be included within a construction management plan or similar.

- a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA.

The development shall be carried out in accordance with the details so agreed.

Reason: In the interests of utilising any mineral deposits which could be used on the site as part of the construction works and in accordance with Local Plan Policies STR1 and STR9

#### 24. **Electric Vehicle Charging Points**

For each reserved matters application where buildings or car parking spaces are proposed, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve that part of the development, shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details.

Reason: In the interests of sustainability and to ensure that opportunities for the provision of electrical charging points are maximised in accordance with policy expectations.

#### 25. **High Speed Fibre Broadband**

Prior to the occupation of each dwelling in the development hereby approved, the necessary infrastructure required to enable high speed fibre broadband connections shall be provided within the site up to property thresholds, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with local and national planning policy.

#### 26. **Framework for lifespan of ecological reports:**

Where the approved development is to proceed in a series of phases in excess of 2 years from the date of this permission, further supplementary ecological surveys updates shall be undertaken and submitted to the LPA to inform the preparation and implementation of corresponding phases of ecological mitigation measures. This should have regard to CIEEM's April 2019 Advice Note on the lifespan of ecological reports. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guideline. The development shall not be carried out other than in compliance with any survey findings and mitigation measures required.

Reason: To ensure the development is in accordance with advice and other legislation governing protected species and in accordance with Local Plan Part Two policy DM2 and Local Plan Policy STR1



27. **Great Crested Newt Licence and Mitigation:**

Vegetation clearance, earthworks or activity likely to cause harm to great crested newt within 250m of Pond 6 shall not in any circumstances commence until the LPA has been provided with a Great Crested Newt Mitigation Strategy and one of either:

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the development is in accordance with advice and other legislation governing protected species and in accordance with Local Plan Part Two policy DM2 and Local Plan Policy STR1

28. **Bats & Lighting:**

No development shall take place until a “site wide sensitive lighting design strategy for biodiversity” in line with BCT / ILP Guidance Note 08/18 ‘Bats and artificial lighting in the UK’ for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important commuting routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed including on or within the curtilage of any dwelling without prior consent from the local planning authority, the details of which shall be submitted as part of any reserved matters application(s).

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to ecological interests and the site’s rural edge context in accordance with Local Plan Part Two policy DM2 and Local Plan Policy STR1

29. **Badger pre-construction survey:**

Prior to the commencement of any construction work on site, including any site clearance, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and a Method Statement for Badgers during Construction shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in full accordance with the approved Method Statement.

Reason: In the interests of protected species in accordance with Local Plan Part Two policy DM2 and Local Plan Policy STR1

30. **Reptiles – Addressing information gap:**

Prior to the commencement of any construction work on site including any site clearance, an updated reptile survey shall be undertaken by a suitably qualified and experienced ecologist including those areas which were inaccessible previously. The results of this and any updated mitigation measures required shall be submitted to the Local Planning Authority for written approval". The development shall not be carried out other than in strict accordance with the mitigation measures so approved, unless otherwise agreed in writing with the LPA beforehand.

Reason: In the interests of protected species in accordance with Local Plan Part Two policy DM2 and Local Plan policy STR1

31. **BNG net gain- securing 10% uplift**

The first residential unit of the development hereby approved shall not be occupied until details of a package of on-site supplemented if necessary off-site of Biodiversity Net Gain (BNG) has been submitted to, and approved in writing by, the LPA. This package, whether on or off site or a combination of the two, should secure the identified 10% BNG arising from the development and include:

- i. a calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 3.0 Calculation July 2021 (or a metric based on the latest guidance);
- ii. details of the BNG project including its location;
- iii. a timetable for the provision of the BNG project;
- iv. details of the management of the BNG project
- v. details of the future monitoring of the BNG project in perpetuity. The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.

Reason: To ensure Biodiversity Net Gain is secured as part of the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management), NFDC interim Biodiversity Guidance and the Environment Act 2021.

32. **Biodiversity Net Gain: Additional Statement**

For each Reserved Matters application, an additional Biodiversity Net Gain Statement shall be submitted to the Local Planning Authority for its written approval. The additional Statement shall include a recalculation of the biodiversity impact of the proposed development, having regard to any changes in the habitats type or condition of the habitats present, and any changes resulting from the detailed layout of the development and the level / nature of the on-site mitigation measures.

Reason: Due to the outline nature of the application and the illustrative nature of much of the supporting information, it is considered necessary to ensure the detailed designs will deliver a minimum 10% uplift (together if necessary, with any off-site provision) in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

33. **BNG Monitoring and Management Plan**

Prior to the occupation of the first dwelling a Biodiversity Net Gain (BNG) Monitoring and Management Plan shall be submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years from commencement). The Plan shall incorporate the requirements set out in the informative note at the end of this permission. The Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA as a minimum in years 2, 5, 10, 20 and 30 following first commencement. The development shall be completed in accordance with the BNG Monitoring and Management Plan prior to the occupation of the last dwelling on the site.

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

34. **Ecological Measures (Opportunities for Birds / Bats / Invertebrates)**

All dwellings / development plots hereby approved shall incorporate a mixture of bird nesting box (including nesting opportunities for swifts and house sparrows), bat box or bat roosting provision, and enhancements for invertebrates such as bee bricks, the precise details of which shall be submitted with each Reserved Matters application where new buildings are proposed. The submitted details shall comprise a mix of these measures and shall be provided in accordance with the approved details before the house / plot where the measures are to be incorporated is first occupied.

As a minimum 75% of all dwellings (257) shall include a bird box, and 25% (86) of all dwellings shall include a bat box, with all dwellings provided with bee bricks. In addition, unless otherwise agreed in writing with the LPA, nest boxes for dipper species and grey wagtail shall be incorporated in the new road river bridge.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered in accordance with Local Plan Part Two policy DM2 and Local Plan policy STR1.

35. **Landscape & Ecological Enhancement, Mitigation and Management Plan**

Prior to the commencement of development within each phase of development, a detailed Landscape and Ecological Enhancement, Mitigation and Management Plan for that phase shall be submitted to and agreed in writing by the local planning authority. The Plan for that phase shall be broadly in accordance with the outline ecological mitigation and enhancement measures detailed within the Ecological Impact Assessment and outline Biodiversity Mitigation and Enhancement Plan or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority. The Plan shall include (but not be limited to):

- details of all habitat and species-related avoidance and mitigation measures (e.g. timings, methods, responsibilities);
- plans of, and details describing, all habitat impacts and measures to compensate impacts (e.g. location, methods of establishment, responsibilities, care and maintenance);
- plans and details of all habitat and species-related enhancement measures (e.g. location, methods, responsibilities, care and maintenance);
- a programme of ongoing ecological monitoring and management.

The development shall be implemented and thereafter maintained and managed in accordance with the approved details.

Reason: To ensure that the landscape and ecological interest of the development site is maintained, enhanced, and managed in a way that will secure long-term landscape and ecological benefits in accordance with Local Plan Part Two policy DM2 and Local Plan policy STR1.

36. **Protection of Trees: Adherence to Approved Arboricultural Statement**

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Protection Plan reference HDA 969.1/03b and Tree Survey Report and Arboricultural Impact Assessment dated March 2022 - Ref: 969.1, or such other variation (as may be considered necessary by the Local Planning Authority and) that is agreed in writing by the Local Planning Authority

Reason: To safeguard trees and natural features which are important to the visual amenities of the area in accordance with Local Plan policies ENV3 and STR1

**37. Protection of Trees: Submission of additional details**

No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority:

1. The arrangements to be taken for the protection of trees and hedges on the site as identified for protection in the approved plans.
2. A method statement and engineering drawings for the installation for sewers, drains, roads, paths within the root protection areas of trees identified for protection within the approved plans.

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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

**38. Notice to tree officer**

Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days' notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

**39. Final landscape details for each phase**

Prior to the commencement of any part of the development (including any site clearance or demolition works), a detailed landscape masterplan and all final landscape details (planting and hard landscape), for each phase of development including the first phase of road and drainage infrastructure works shall be submitted to and agreed in writing with the LPA. This shall follow an approved landscape framework to be agreed.

This scheme shall include:

- (a) the details of existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) details of all tree pits and root barrier protection systems
- (f) all drainage runs, pipeways, culverts and other underground services in proximity to tree planting
- (g) a method and programme for its implementation and the means to provide for its future maintenance.
- (h) A landscape masterplan which shall include a detailed phasing plan for all landscape works.

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

40. **Maintenance of landscaping**

The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed framework, masterplan, details, management and maintenance plans and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March). If any planted areas fail or trees and shrubs die or 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 establishment period, all planting, shall then be maintained in accordance with the long-term landscape 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 appearance and character of the development and area and to comply with New Forest Local Plan policy ENV3

41. **Lighting Cranborne Chase AONB And Dark Skies**

Prior to the installation of any street or highway lighting or lighting to be placed on any dwellings on the site full 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 in consultation where necessary with the Highway Authority. 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

42. **Street furniture, play equipment, information boards**

For each phase of the Reserved Matters applications a detailed specification of all new play equipment and street furniture to be provided within each phase including any facilities such as benches, bins, interpretation boards in connection with ANRG, SINC or POS areas, together with a specification for illustration and interpretation boards relating to the ecological value of the SINC and adjoining Sweatfords Water area shall be submitted to and agreed

in writing with the LPA. There shall be a minimum of two ANRG boards and two boards in relation to the SINC in positions to be agreed with the LPA.

The details and facilities 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, and other facilities in connection with the use of the ANRG and SINC shall be kept available for the public use in perpetuity and maintained in accordance with any provisions set out in other conditions or as part of any Section 106 Agreement accompanying the application.

Reason: In the interests of the proper provision, design and retention of play facilities and other public and ecological interest areas to serve the development in accordance with saved Core Strategy policy CS7 and Local Plan Policies ENV 3 and ENV13

#### **43. Permitted Development Restrictions**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that order, no access, vehicular or pedestrian, other than that shown on the approved plan shall be formed to the site from either Puddleslosh Lane or Marl Lane. In the event that the main site access is closed and strictly only for any emergency access that may be required the details of this and its securing and closure during non-emergency periods shall be submitted to and agreed in writing with the LPA as part of the Reserved Matters conditions listed above.

Reason: In the interests of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

#### **44. Water Efficiency and phosphate mitigation**

The development hereby approved shall not be occupied unless

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;

A proposal 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.;

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 the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

**Further Information:**

Stephen Belli

Telephone: 023 8028 5430



NFD



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
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Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

September 2022

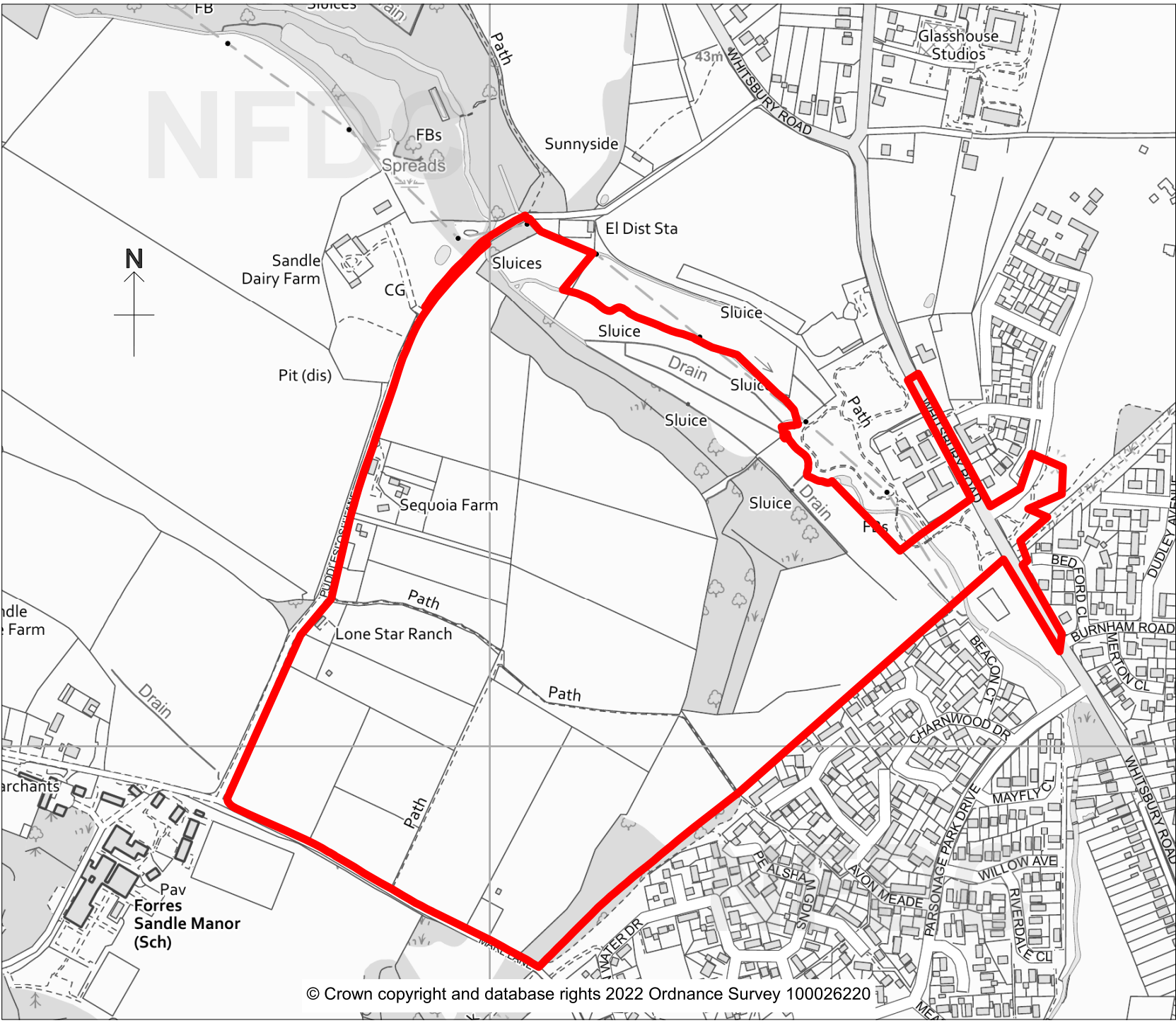
Land to West of Whitsbury Road  
Fordingbridge

21/10052

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the internet, it will not be to  
scale.

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Planning Committee 14 September 2022

**Application Number:** 19/11321 Variation / Removal of Condition

**Site:** PLOT 1, GORDLETON INDUSTRIAL PARK, HANNAH WAY,  
PENNINGTON, LYMINGTON SO41 8JD  
(PROPOSED LEGAL AGREEMENT)

**Development:** Variation of condition 19 of Planning Permission 16/10885 - not  
able to achieve BREEAM "Excellent" rating due to various  
constraints

**Applicant:** Temple Bar Development (Hampshire) Ltd

**Agent:** Simpson Hilder Associates

**Target Date:** 23/01/2020

**Case Officer:** Jim Bennett

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## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The Principle of Development
- 2) Consideration of development standards
- 3) Delivery of measures to be secured by Section 106 agreement

This matter is before Committee as the BREEAM standards and terms of the Section 106 agreement originally secured under ref. 13/11033 differ from those agreed by Committee on 12th February 2014. Members are therefore requested to support the revised BREEAM standard and consider the proposed changes to the previous S106, as outlined below.

## 2 THE SITE

The site is a 3.5 hectare area of flat and relatively open grassland to the south of Gordleton Industrial Estate, separated from the existing industrial buildings by a landscaped bund. A bund is also in situ along the southern boundary of the site, which lies within an area of open countryside designated as Green Belt. The site is unallocated, but benefits from outline and reserved matters planning approvals to construct industrial buildings on the land. The applicant has recently completed development on Plot 1, following receipt of the requisite approvals.

## 3 THE PROPOSED DEVELOPMENT

The purpose of the current application is to seek variation of condition number 19 applied to the outline approval under ref. 16/10885, in order to allow the development to achieve a 'very good' BREEAM standard rather than 'excellent'.

It should be noted that Plot 1 approved under ref. 16/10885 and previously under 13/11033 has been implemented and occupied following approval of reserved matters under ref. 19/10565.

This application also provides the Local Planning Authority with the opportunity to revisit the requirements that were included within the existing Section 106 agreement.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/10786 Construct 3 buildings for industrial, storage and business use (Use Classes B1, B2, & B8) (Details of appearance development granted by Outline Permission 13/11033) and varied by 16/10885			Application registered
19/10565 Construct buildings for industrial, storage and business use (classes B1,B2,B8) (Details of Appearance development granted by Outline Permission 13/11033 and varied by 16/10885)	29/08/2019	Granted Subject to Decided Conditions	
19/10226 Variation of condition 2 of Planning Permission 13/11033 to allow amended plan 6421.157A to allow amended cladding and door/window positions	16/04/2019	Withdrawn by Applicant	Withdrawn
16/10885 Variation of Condition 2, 12, 17 & 19 of Planning Permission 13/11033 to allow new wording in order to commence work on roads & landscaping	19/09/2016	Granted Subject to Decided Conditions	
13/11033 Construct buildings for industrial, storage and business use (Use Classes B1, B2, & B8) (Outline Application with details only of access, layout and scale)	13/06/2014	Granted Subject to Decided Conditions	

#### 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

##### **Local Plan Part 1**

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ECON1: Employment land and development

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

##### **Local Plan Part 2 Sites and Development Management Development Plan Document**

None

##### **Supplementary Planning Guidance And Documents**

Hampshire County Council's Transport Contributions Policy (Oct 2007)

### **Constraints**

Planning Agreement  
Plan Area

### **Plan Policy Designations**

Green Belt  
Countryside

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Advice**

NPPF Chap 6 - Building a strong, competitive economy  
NPPF Chap 12: Achieving well designed places  
NPPF Chap 13 - Protecting Green Belt Land

## **7 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council** - PAR1: Recommend Permission.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received:

New Forest National Park Authority - No objections

Southern Water - No objections

HCC Highways - No objections

Southern Gas Networks - Give informatives

*Comments in full are available on website.*

## **10 REPRESENTATIONS RECEIVED**

None

## **11 OFFICER COMMENTS**

### **Introduction**

The purpose of the current application is to seek variation of condition number 19 applied to the outline approval under ref. 16/10885, in order to allow the development to achieve a 'very good' BREEAM standard rather than 'excellent'. It also presents an opportunity to secure measures identified by the Section 106 agreement in 2014, which were omitted from the 2016 Section 73 (variation) application.

## **Relevant Considerations**

### The Principle of Development

It should be noted that Plot 1 approved under outline ref. 16/10885 and previously under 13/11033 has been implemented and occupied following approval of reserved matters under ref. 19/10565. The principle of the form of development proposed is therefore acceptable.

The only matters for consideration now are whether it is acceptable for the development to achieve BREEAM 'very good' rather than 'excellent' and whether the full terms of the Section 106 agreement associated with outline ref. 13/11033 are still necessary and reasonable.

### Consideration of development standards

Condition no. 19 of outline planning permission 16/10885 requires the development to meet BREEAM excellent standard, as then required by Policy CS4 of the Core Strategy and Policy IMPL2 of the Local Plan Part 1. These policies require new commercial developments over 1000 sq.m to achieve BREEAM 'excellent' standard. A BREEAM Pre-assessment Report has been submitted with the application which indicates that the buildings would achieve a 'very good' rating (62%), rather than the 'excellent' standard (70%).

The Pre-Assessment states that the requirements for a BREEAM Excellent rating cannot be achieved by the proposed development, largely down to the location of the development and disproportionate costs associated with achieving credits for a development of this nature, ie portal framed industrial buildings. From the Local Planning Authority's perspective, it is acknowledged that achieving the 'Excellent' standard in portal framed buildings, intended for industrial purposes has proved problematic in the past, although each case must be considered on its own merits. In this instance the design team have demonstrated that a significant number of credits amounting to 62.3% can be achieved, equating to a comfortable 'very good' BREEAM rating. The LPA concurs with the conclusions of the BREEAM statement, which states that the development can achieve 62.3%, where 'excellent' is 70%. The lower end of 'very good' is 55%, so the proposal makes a good effort at achieving excellent and is well above the lower end of 'very good'.

### Delivery of measures to be secured by Section 106 agreement

As a Section 73 variation application, if the Council is minded to approve the applicant's request, any approval will result in a new planning permission which will be subject to similar conditions as 16/10885. The proposal will also need to be subject to a revised Section 106 agreement to ensure that the benefits identified by the original outline approval are delivered.

The legal position is that when determining a s.73 application, the local planning authority is required to consider, amongst other things, whether it wishes to impose the same or different conditions and the same or different s.106 obligations to those imposed on the original consent. It is a matter for the planning authority to decide on the planning obligations to be imposed and the Council has the ability to amend these, provided they meet the tests listed within the legislation.

A s106 agreement was completed in respect of the original outline approval under ref. 13/11033, which secured the following measures:

- The land directly to the south of the proposal site to be transferred to New Forest District Council as an open area to be used only for purposes appropriate to the Green Belt, as defined by paragraph 89 of the National Planning Policy Framework.
- To secure mitigation measures in the form of off-site highway works to be delivered, the developer having first entered into a Section 278 Agreement with HCC. The S.278 highway works would be:
  - Footway link between the site access and bus stop on south side of Sway Road;
  - Sway Road/Ramley Road junction improvement shown on drawing no. 120393/A/08 Rev B;
  - Sway Road/Mount Pleasant Lane junction improvement shown on drawing no. 120393/A/03 Rev A;
  - Sway Road kerb re-alignment at Little Orchard Corner shown on drawing no. 120393/A/10.

A subsequent application to vary the original outline was made under ref. 16/10885, but unfortunately, the above measures were not secured by a Section 106 agreement. The development approved under 16/10885 was therefore able to come forward without delivering the benefits identified by the original s.106.

A second variation of the outline application was made under ref. 19/11321 (current application), primarily to address the BREEAM matter, but which also provided an opportunity to secure the highway works. The applicant has agreed to enter into a new s.106, but following extensive negotiations, there is an impasse over the land to the south of the development site.

The impasse relates to the condition of the land and in particular, the potential for the land to be contaminated and any future liability that may arise. The original agreement covenanted that the land would be transferred in a clean condition to the Council.

The applicant is seeking to alter the terms of the agreement and are proposing that the risk of contamination on the land be passed to the Council together with an indemnity policy for 5 years. The Council is advised that to take ownership and responsibility for the land, without confirmation that there is no contamination would not be acceptable.

The discussions around the transfer of the land has required officers to consider whether the gifting of the land to the Council is reasonable or necessary in order for the development to be brought forward. In this instance Section 122 of the Community Infrastructure Levy Regulations provides clear advice on the limitation of the use of planning obligations and identify the 3 relevant tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

The transfer of the land to the council was originally intended to assist with maintaining a strategic gap in the Green Belt, through Council ownership. This was not based upon any policy requirement, but was identified by the officer as a benefit that could be achieved. It is considered that this objective will still be

achieved as any further development would be the subject of a planning application and will be considered against all policies, including those specific to the Green Belt.

Most importantly the highway improvements, to make the industrial development on this site acceptable will be delivered in full, which is considered by officers to be of greatest importance here.

On balance, officers consider the highway improvements are necessary to make the development acceptable, but that the Council's control of the land to the south is not necessary. Consequently Members are requested to agree to variation of the s.106 agreement to exclude the land clause, but to retain the highway clause to allow those works to come forward.

If Members are minded to accept the recommendation, the varied s.106 agreement may be completed under delegated authority.

## **12 CONCLUSION ON THE PLANNING BALANCE**

The principle of industrial development has previously been established on this site by the outline permission, the only matters to consider are whether BREEAM excellent needs to be achieved and whether the s.106 can be varied.

On balance it is considered that sufficient evidence and information has been put forward by the applicant to demonstrate why BREEAM excellent cannot be achieved and that the development would make good use of available land to bring significant benefits to the local economy in terms of new employment opportunities and highway improvements, which weighs in its favour.

Furthermore, it is considered that the transfer of the land at the rear, into the ownership of the council is not necessary to make this development acceptable and therefore it would be unreasonable to require this through a legal agreement.

Accordingly the proposal is recommended for approval, subject to conditions.

## **13 RECOMMENDATION**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by of a planning obligation entered into by way of a Section 106 Agreement to secure the highway improvements.
- ii) the imposition of the conditions set out below.



## Proposed Conditions:

1. The development permitted shall be constructed and maintained in accordance with the following approved plans:

6421 101 (Site Location Plan)  
6421.165A (Block Plan)  
6421.CL1 (Concept Site Plan)  
BREEAM Report by Scott White and Hookins dated 18/10/2019

Reason: To ensure satisfactory provision of the development.

2. The development shall only be implemented in accordance with the agreed details of the means of disposal of surface water from the site outlined in the GTA Civils letter dated 20 December 2017 (ref 6105/2.7) previously agreed under ref.16/10885, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

3. The development shall only be implemented in accordance with the agreed details of the future maintenance of the drainage system approved under condition 5 above, being those previously agreed under ref.16/10885, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

4. If unexpected contamination is found, 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 condition 7 (relating to the reporting of unexpected contamination) has been complied with in relation to that contamination.

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 Part 1 for the New Forest District outside the National Park.

5. The development shall only be implemented in accordance with the investigation and risk assessment incorporated within the Ground Investigation Report dated July 2014 undertaken by Geo-Environmental, previously agreed under ref.16/10885, which establishes that the potential pollutant linkages have a low / negligible risk to human health or the environment for the proposed use of the site and therefore that a remediation scheme is not required.

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 Part 1 for the New Forest District outside the National Park.

6. Any approved remediation scheme must be carried out in accordance with its terms prior to occupation of each unit within the development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in any 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 Part 1 for the New Forest District outside the National Park.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which 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 Part 1 for the New Forest District outside the National Park.

8. The development shall only be implemented in accordance with the street lighting layout shown on drawing no. 6421.120 and incorporating 6m high DW Windsor Kirium Pro lighting columns, to control light spillage from that part of the development, which was previously agreed under ref.16/10885. The scheme shall not exceed the obtrusive light limitations for Environmental Zone E2 as stated in the 'Institution of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light' 2005.

Reason: To safeguard the visual amenities of the area / the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

9. No goods, plant, or machinery shall be stored in the open on the site and no work shall be undertaken outside the buildings without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

10. The level of noise emitted from the site as measured at the boundary of the closest residential properties in the specified direction shall not exceed the values in the table below:

<u>Plant Noise Limit LAeq (dBA)</u>	<u>Daytime LAeq 1hr</u>	<u>Evening LAeq 1hr</u>	<u>Night LAeq 5 mins Receptor</u>
Dwellings to the west and north	35	33	30
Dwellings to the east	36	31	30

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

11. The development shall only be implemented in accordance with the method statement for ecological enhancement measures, as outlined in the Ecological Method Statement for Gordleton Industrial Park prepared by Lyndsay Carrington Ecological Services and dated October 2017, which was previously agreed under ref.16/10885.

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

12. The development shall only be implemented in accordance with the ecological mitigation scheme for protected species on and around the site, as outlined in the Ecological Method Statement for Gordleton Industrial Park prepared by Lyndsay Carrington Ecological Services and dated October 2017, previously agreed under ref.16/10885.

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

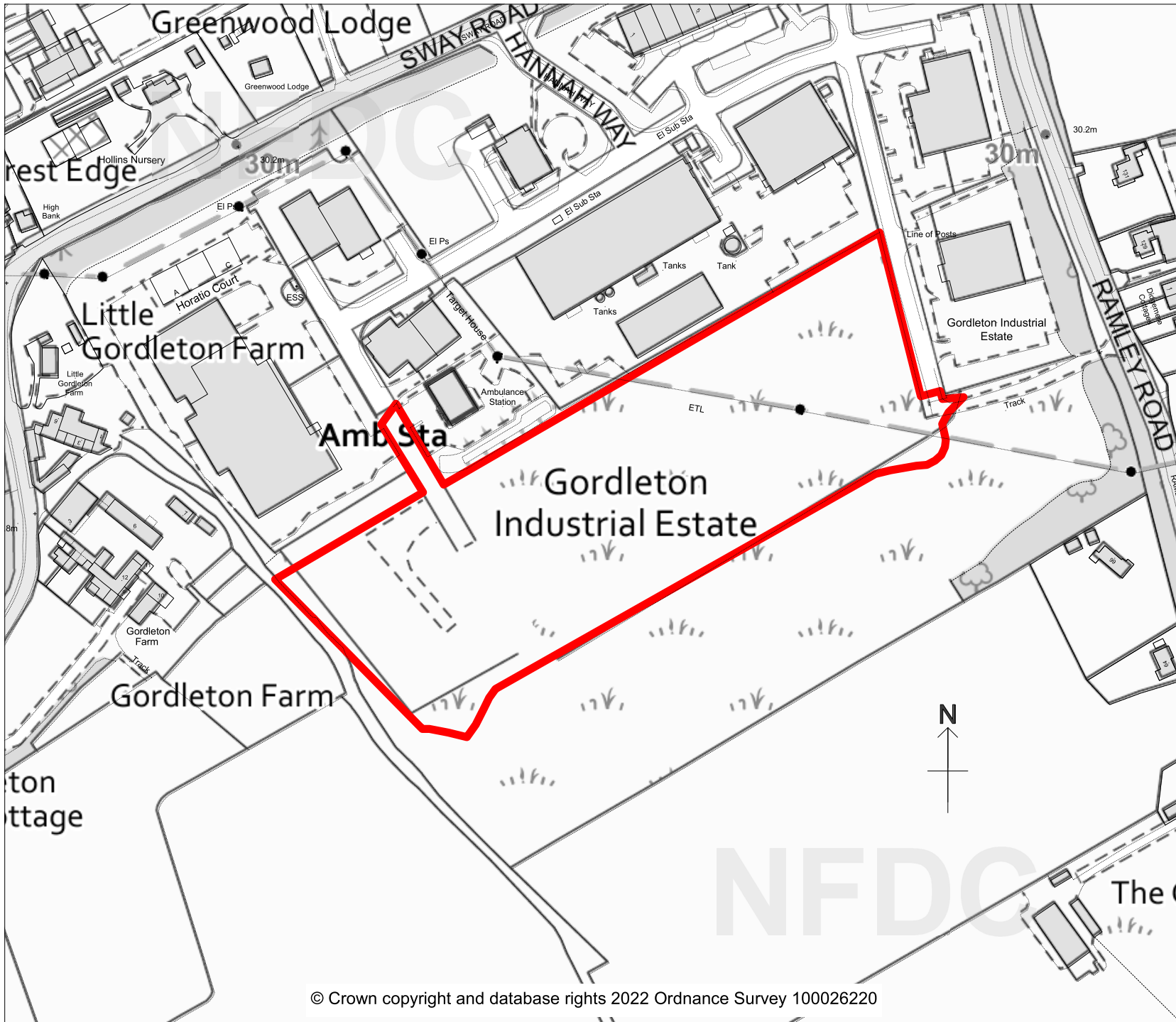
13. The development shall be implemented and thereafter operated in accordance with the Framework Travel Plan previously agreed under ref.16/10885.
- Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access and in the interests of highway safety, in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest District outside the National Park.
14. With the exception of Plot 1 shown on drawing no. 6421.165A (Block Plan) no other individual unit within the development hereby approved shall exceed an internal floor area of 288 sq. m.
- Reason: In order to control heavy goods vehicle movements to and from the site, in the interests of highway safety, in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest District outside the National Park.
15. All buildings will be required to achieve a BREEAM 'very good' standard as outlined within the BREEAM Report by Scott White and Hookins dated 18/10/2019. Other than Plot 1, prior to the commencement of work on each building an interim certificate shall have been submitted to and approved in writing by the Local Planning Authority. Within six months of occupation of any building on the site, a final BREEAM certificate shall have been submitted to and approved in writing by the Local Planning Authority certifying that the buildings have achieved a BREEAM 'very good' standard.
- Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy IMPL2 of the Local Plan Part 2 for the New Forest District outside the National Park.
16. Deliveries shall only be permitted between the hours of 07:00 hours and 19:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturdays with no deliveries permitted on Sundays or Bank Holidays.
- Reason: In the interest of the amenity of surrounding neighbouring residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.
17. All external works (hard and soft landscape) shall be carried out in accordance with the approved scheme of landscaping outlined on drawing numbers L90 300, L90 301, L90 302, L90 303, L90 304, L90 305 and details (previously agreed under ref.16/10885). These works shall be carried out in the first planting and seeding seasons following the completion of each plot within the development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority. Any trees or plants within a plot which die, are removed or become seriously damaged or diseased within five years of the date of their planting, shall be replaced in the next planting season with others of similar size or species, unless the LPA gives written consent to any variation.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park.

**Further Information:**

Jim Bennett

Telephone: 023 8028 5443



# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
 Executive Head of Planning,  
 Regeneration and Economy  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

September 2022

Plot 1 Gordleton Industrial Park  
 Hannah Way  
 Pennington, Lymington  
 19/11321

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 the internet, it will not be to  
 scale.

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Planning Committee 14 September 2022

**Application Number:** 21/10668 Full Planning Permission

**Site:** 2 NURSERY ROAD, RINGWOOD BH24 1NG

**Development:** Demolish existing outbuildings; conversion of front building to 2 bed cottage; erection of 6 No 2 bed houses (7 dwellings in total); parking

**Applicant:** PC Crutcher Trust

**Agent:** Anders Roberts & Assoc

**Target Date:** 07/07/2021

**Case Officer:** Judith Garrity

**Extension Date:** 14/10/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Design, site layout, impact on local character and appearance and conservation area impact
- 3) Residential Amenity issues
- 4) Highways and parking matters
- 5) Ecology, Biodiversity Net gain and Habitats mitigation.

This application is to be considered by Planning Committee due to a contrary Town Council view.

## 2 SITE DESCRIPTION

The site is 0.13ha in size of an irregular shape and is flat and gravelled. It is surrounded to all boundaries by existing development which is mainly residential in character. Access to the site is provided from Nursery Road with a set back wall to provide visibility. Glimpses of the existing buildings on the application site are possible between buildings on Hightown Road which curves around the site.

Residential properties are located along Nursery Road, which is a narrow single track cul de sac. These properties are 2 storey and mainly of a traditional form, most of which are of original construction. On the west side of the road are some more recently built residential properties. On Hightown Road are a mix of residential houses and flats adjoining the site and a commercial garage opposite the Nursery Road access. The Railway Inn public house with pub garden also adjoins the site.

The frontage building is of a small scale being single storey with front dormers reflective of original development on Nursery Road, with clay tiles and pleasing details. The rear dormer was added later. It is set forward of No 4. To the rear of this building is a single storey workshop under a corrugated roof which runs along the boundary with 4 Nursery Road.

The site is currently used for employment purposes with offices in the frontage building and the remainder of the site used as a contractors yard.

A silver birch tree is located on the frontage of the site and there are a number of trees on or adjoining the site include to the rear of the Hightown Road properties and the Railway Inn public house.

### **3 PROPOSED DEVELOPMENT**

The proposals seek full planning permission for redevelopment for 7 no 2 bedroom dwellings. The development seeks to convert the existing frontage building to a dwelling (Plot 1). There would be a new detached dwelling to the rear of this retained building (Plot 2); 2 no. storey dwellings in a terrace to the rear (Plots 3 and 4) and 3 dwellings in a terraced at the entrance to the site (Plots 5 – 7). Plot 7 would front Nursery Road with plots 5 and 6 fronting the access into the site.

Ten unallocated parking spaces would be provided with access from Nursery Road. The silver birch tree on the boundary with Nursery Road would be removed with new tree planting is proposed within the courtyard of the site.

Amended plans have been submitted during the application process to respond identified concerns. These plans amend the layout, the design and fenestration to Plots 3 and 4; slightly relocate Plot 1 and rearrange the car parking and further new tree planting has been added. A re-consultation exercise was undertaken on these plans.

### **4 PLANNING HISTORY**

20/10666 Demolish exiting outbuildings; conversion of front buildings to 2 bed cottage; erect 6 no 3 bed houses; 1 2 bed house ( 8 dwellings in total) –  
REFUSED 21/1/02020

### **5 PLANNING POLICY AND GUIDANCE**

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

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

Policy ENV3: Design quality and local distinctiveness

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy CCC2: Safe and sustainable travel

#### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

#### **Supplementary Planning Guidance And Documents**

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPG - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness - Character Area 2

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

Waste Facilities Technical Guidance Note.

#### **Relevant Legislation**

#### **Relevant Advice**

NPPF Ch 12: Achieving well designed places

NPPF Ch.16: Conserving and enhancing the historic environment



### **Constraints**

Historic Land Use  
Aerodrome Safeguarding Zone  
SSSI IRZ  
Avon Catchment Area  
Conservation Area: Ringwood Conservation Area.

### **Plan Policy Designations**

Built-up Area

### **Constraints**

SSSI IRZ  
Historic Land Use  
Conservation Area: Ringwood Conservation Area

### **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **ORIGINAL PLANS**

#### **Ringwood Town Council:**

R(4) Recommend Refusal. The Committee had a number of concerns with the proposed development (as revised). It was considered overdevelopment of the site, with too many units for the space available, despite reducing the number of units by one. The general appearance of properties would be out of keeping and have a detrimental impact on the character of the area, as detailed in the Local Distinctiveness SPD, with most properties on Nursery Road and Hightown Road being red brick semi-detached houses, with notable gaps in the roofline. There would be a lack of amenity for the new properties, with little outdoor space and small gardens. Neighbouring properties amenities would be adversely affected in terms of overlooking, overshadowing, loss of light and privacy to a significant degree, and this would be exacerbated even more so for existing residents in the vicinity with the new layout, due to the building line being moved closer to the boundary, compared to the original plan. The parking provision is too low and contrary to NFDC Parking Standards. This would exacerbate the current issues with parking in the locality generally. No information has been provided by the applicant to indicate how flooding and drainage would be managed on site. There is no provision for the collection of waste. No detailed heritage statement has been provided nor an assessment of the impact of the development on the Conservation Area and The Railway Public House as an important building in the locality. There is a need for a noise assessment to be carried out in respect of the revised layout to assess the impact on the proposed new properties adjacent to the beer garden. It is understood the land has been used for various uses and a contaminated land survey has not been submitted. The Highway Authority's holding objection is noted and further information should be provided on the issues raised. The Committee had concerns regarding the safety of the junction of Nursery Road and Hightown Road, as the line of sight is poor. There are no pavements, nor a turning circle in Nursery Road and the road itself is extremely narrow. No ecological assessment had been provided nor biodiversity enhancement measures. A construction management statement would be required from the applicant in advance of any works, should development be allowed. There is no phosphate mitigation strategy.

## AMENDED PLANS

### Ringwood Town Council:

R(4) Recommend refusal. Committee members were not convinced that some of the previous objections had been addressed and concerns remain with the proposed development. It was considered overdevelopment of the site, with too many units for the space available, despite reducing the number of units by one. The general appearance of properties would be out of keeping and have a detrimental impact on the character of the area, as detailed in the Local Distinctiveness SPD, with most properties on Nursery Road and Hightown Road being red brick semi-detached houses, with notable gaps in the roofline. There would be a lack of amenity for the new properties, with little outdoor space and small gardens. Neighbouring properties amenities would be adversely affected in terms of overlooking, overshadowing, loss of light and privacy to a significant degree, and this would be exacerbated even more so for existing residents in the vicinity with the new layout, due to the building line being moved closer to the boundary, compared to the original plan. The parking provision is too low and contrary to NFDC Parking Standards. This would exacerbate the current issues with parking in the locality generally. No information has been provided by the applicant to indicate how flooding and drainage would be managed on site. There is no provision for the collection of waste. No detailed heritage statement has been provided nor an assessment of the impact of the development on the Conservation Area and The Railway Public House as an important building in the locality. There is a need for a noise assessment to be carried out in respect of the revised layout to assess the impact on the proposed new properties adjacent to the beer garden. It is understood the land has been used for various uses and a contaminated land survey has not been submitted. The Committee had concerns regarding the safety of the junction of Nursery Road and Hightown Road, as the line of sight is poor. There are no pavements, nor a turning circle in Nursery Road and the road itself is extremely narrow. A construction management statement would be required from the applicant in advance of any works, should development be allowed. There is no phosphate mitigation strategy. There are concerns about the safe removal of the underground slurry tank.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Conservation Officer:** No objection subject to conditions.

**Ecologist:** No objection to the updated ecological information submitted subject to condition.

**HCC Highways:** No objection raised. Comment that no cycle storage has been indicated. Parking is for LPA to consider.

**NFDC Environmental Health (Pollution),** The submitted noise impact assessment has not fully addressed the impact. There could be noise and dust during the construction phase, so a CEMP is required.

**Environmental Health Contaminated Land,** No objection in principle subject to conditions due to historic underground fuel tank on the site.

**NFDC Tree Team:** No objection subject to condition(s)

**Wessex Water:** No objections, offer advice

**NFDC Building Control:** No adverse comments.

**Ringwood Society:** Request conditions.

**SGN:** Offer advice

**SSE:** Offer advice

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against:

Original Plans: 39 comments.

Amended Plans: 28 comments

**Original Plans:** Against - 39 comments

### Summary:

#### Highways and parking:

- Nursery Road is in poor condition, it is narrow and there is no parking.
- Lack of adequate parking provision made on site.
- Lack of visibility at junction with Hightown Road
- Restricted access to site from Nursery Road.
- Parking pressure on Hightown Road with 2 hour waiting and lack of turning spaces with reliance on driveways to turn.
- Highway congestion and parking pressures from Pub, industrial estate and school drop off.
- Pedestrian safety at junction, including school children.
- Lack of pavements on Nursery Road.
- Concern about access deliveries, construction parking and emergency vehicles.
- Increase in traffic flow in and out of Nursery Road.
- Restrictions on access during construction works.
- Suggestion to increase width of Nursery Road along site frontage

#### Amenity impacts

- Loss of light and sunlight to Hightown Road properties in late afternoon and early evening
- Overshadowing, loss of light and dominant impact due to proximity and ridge heights of plot 3 and 4.
- Plot 3 and 4 closer to rear boundary having greater impact on light and privacy.
- Overlooking from rear facing windows in Plot 3 and 4 and close proximity which is made worse by new application plans.
- Conflict and objections due to noise from pub.
- Noise complaints are likely due to the relationship of site boundary to pub.
- Need for a noise assessment
- Noise, disturbance and dust during construction.

### Design and layout

- Little change since the previous refused scheme to address objections.
- Overdevelopment - worse than scheme previously refused.
- Detrimental impact on the conservation area
- Proposals are out of keeping with Ringwood
- Scale of development.
- Height of ridges and width of plots 3 and 4 affects the skyline

### Trees and wildlife

- Greater impact on trees
- Impact on local wildlife including bats and hedgehogs.
- Impact on wildlife corridor

### Other issues

- Bin store not provided/ location of bin store is contrived
- Impact on drainage and increased flood risk as yard acts as a soakaway.
- Lack of infrastructure
- Contaminated site
- Deterioration in condition of Nursery Road and who is responsible for repairs
- Do not need more houses.
- 2 bed properties would not meet the housing need in Ringwood
- Negative impact on health and mental wellbeing of residents
- No liaison with neighbouring properties prior to the revised submission.

### **Amended Plans:** Against - 28 comments

### Summary:

#### Highways and parking

- Traffic and car parking concerns
- Nursery Road is narrow with no pavements or turning space
- Site access is narrow and dangerous
- Concerns about the narrowing of Nursery Road at the entrance to development
- Access is dangerous to pedestrians and school children
- Lack of visibility at the junction with Hightown Road
- Access for emergency vehicles
- Contractors parking issues

#### Amenity issues

- Size and height of development would make it very imposing
- Too close to boundaries with dominant impact
- Need to consider the lower level of Hightown Road properties
- Loss of sunlight and impact on natural daylight due to high roofs particularly with new trees proposed in rear gardens.
- Bricked up windows in rear of plot 3 and 4 would have more dominance due to continuous brick elevation.
- Loss of privacy.
- Closure of boundaries with build development
- Blocked windows could be reinstated
- Effect on outlook
- Noise, dust and disturbance.
- Impact on business due to proximity of the residential properties (Railway Inn Pub)
- light pollution

### Design and layout

- Only minor changes made by the amended plans
- Overdevelopment and out of character
- Scale of the development
- Density of development contrary to Ringwood Local Distinctiveness SPD

### Environmental Issues

- Effect on wildlife
- Object to loss of silver birch tree
- Effect on watercourse and ancient brook on site
- Excess run off and drainage issues could cause flooding and waterlogging to gardens.
- EIA should be required
- How is a CEMP implemented?

### Other matters

- Effect of construction works on existing properties with possible subsidence
- No liaison with the developer and local community
- Planning application filed incorrectly.
- Impact on local infrastructure
- Damaging impact on local community
- Condition of road and potential damage could lead to compensation claims (non-planning matter)
- Bin collection point unacceptable
- Need answers to questions raised prior to committee
- Effect on mental health

## **10 PLANNING ASSESSMENT**

### Introduction:

This application follows a refusal in October 2020 for 8 dwelling on the site. This application was refused under delegated powers for the following 5 reasons

*1. The site is located in a sensitive location within the Ringwood Conservation Area, and a detailed heritage assessment has not been submitted. The proposed development, by reason of its layout, disproportionate size and scale, its height, massing, depth and proportions would be over dominant within the street scenes of Nursery Road and Hightown Road. It would be out of scale with the existing character of traditionally proportioned properties and would erode key distinctive gaps between existing buildings. Furthermore, the rear terrace would appear cramped within the site due to its size, scale and proximity to the side boundaries, adding to this unacceptable impact. As a result, the development would have an detrimental impact on the character and local distinctiveness of the area and would fail to improve the character and quality the Ringwood Conservation Area, leading to less than substantial harm to the setting of the Ringwood Conservation Area and non-designated heritage assets. There are no public benefits identified that weigh against this harm. As such, the proposed development would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy, Policy DM1 of the Local Plan Part 2, the Ringwood Local Distinctiveness Supplementary Planning Document, and Chapter 16 of the National Planning Policy Framework (NPPF), failing the tests of paragraph 189.*

*2. The proposed development by reason of its layout, height and massing, and consequent relationship with adjoining residential properties would lead to harmful impacts on reasonable amenity by reason of overlooking, loss of light and over dominant impact. Furthermore, the layout would not safeguard reasonable levels of*

*amenity for prospective and adjoining occupiers, by reason of the close proximity of car parking and manoeuvring space to amenity areas, leading to the potential for noise and disturbance. As such, this would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.*

*3. The proposed development is located in an area where parking problems currently exist. The shortfall of parking provision on the site would lead to an additional demand for parking in the vicinity of the site, which would exacerbate existing pressures for on street car parking and consequently lead to an unacceptable and harmful impact on highway safety. As such, this would be contrary to Policy CCC2 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.*

*4. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, and the New Forest Ramsar site, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.*

*5. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in new units of residential accommodation which will potentially have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), the Avon Valley Special Protection Area and the River Avon Ramsar site. A precautionary approach is required to be adopted and, in this case, an Appropriate Assessment has been carried out, with it not being possible to rule out adverse impacts on the integrity of the SAC, SPA and Ramsar site. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that, 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 Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District (outside of the National Park).*

The changes made in the current submission can be summarised as follows:

- Reduction in the number of dwellings (8 to 7)
- Reduction in size of dwellings proposed - now all 2 bed units. (Previously 6 no. 3 bed and 2 no. 2 bed)
- Provision of 10 unallocated parking spaces with a more limited parking shortfall (½ space shortfall).
- Amendments to the layout and design, to include a reduced gable depth and re-orientation of Plot 7 to fronting Nursery Road

The following planning assessment needs to consider whether the revised proposals have addressed the concerns set out in the previous reasons of refusal and if so whether the revised scheme is acceptable so that planning permission can be approved on the site. Within this context the relevant considerations are:

- 1) Principle of development
- 2) Design, site layout, impact on local character and appearance and conservation area impact.
- 3) Residential Amenity

- 4) Highways and parking matters
- 5) Ecology, Biodiversity net gain and Habitats mitigation.

#### Principle of Development

Although located in the built up area where development is acceptable in principle, given the existing use of the site as a contractor's yard, Policy ECON2 - which seeks to retain employment uses- needs to be considered.

Policy ECON2 (ii) provides for the loss of employment uses if it is demonstrated that it is no longer suitable for continued use or viable to refurbish the buildings for an alternative employment use. Proportionate evidence is required to show that the condition of the building makes it unsuitable and/or the site has been actively marketed for employment use on unrestricted terms for a minimum of 12 months. No marketing has been undertaken, but as part of the previous application, justification was submitted for the loss of this use based on the limited number of part time employees, the seasonality of the use and advances in technology. The rear sheds are in very poor condition and would need work to bring them into good repair in the near future. Furthermore, the site is surrounded by residential development on all sides and has a poor access for alternative employment uses. These factors, together with the poor state of the existing buildings, would require considerable investment to be able to continue a viable employment use on the site, thereby leading to a conclusion that the loss of the existing use can be justified.

The principle of residential development on this site was considered to be acceptable as part of the previously refused application and the acceptability of residential use on the site has not changed. Assessment of the relevant material considerations are set out below:

#### Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. . In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

#### Design, site layout and impact on character and appearance of area and Conservation Area impact

The application site is located in the Ringwood Conservation Area and the existing frontage building – which is proposed to be converted - is considered to be a Non-designated Heritage Asset (NDHA). An assessment must therefore be made against the NPPF and relevant policy guidance as both a designated and non-designated heritage asset.

Planning (Listed Buildings and Conservation Areas) Act 1990 places the following statutory duty on Local Planning Authorities. Section 72 - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. The Framework states that the significance of the asset should be considered in a proportionate way in order to understand the potential impact of the proposals on significance. Where a development proposal will lead to less than substantial harm this should be weighed against the public benefits of the proposals including seeking its optimum viable use.

NPPF Para 195 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset in order to avoid or mitigate any conflict between the heritage assets conservation and any aspect of the proposal.

NPPF Para 197 sets out the considerations a LPA must take into account in determining applications, including the desirability of sustaining and enhancing significance; the positive contribution the asset makes to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF Para 203 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account and where there is a direct or indirect impact a balanced judgement should be made on the scale of any harm or loss to the significance of that asset.

The impact of the proposal on the character and appearance of the area also needs consideration under the provisions of Policy ENV3 and Chapter 12 of the NPPF which relates to achieving well designed places.

The site is located in Area 2 of the Ringwood Local Distinctiveness SPD. Character Area 2 is the Victorian/Edwardian quarter and is located within walking distance of the town centre. Nursery Road is specifically referenced in Para 4.2.6 - 4.2.7 where the SPD refers to the line of red brick dwellings that exhibit a consistency of roof forms and decorative buff brickwork features. The SPD refers to the recent infilling at Towngate Mews, indicating that this has brought a strong sense of enclosure and surveillance to the street. Hightown Road properties adjoin the boundaries of the application site, which the SPD refers to as being characterised by a collection of older buildings with a tight rhythm along the terrace, rich decoration, a variety of materials and architectural details. Properties to the north of the application site are identified as larger gardens or groups of tranquil garden space.

Previous concerns were expressed about the layout, size, scale, height, massing, depth and proportions of the dwellings and that the proposals would be over dominant within the street scenes of Nursery Road and Hightown Road. The proposals were considered to be out of scale with the existing character and would erode key distinctive gaps between existing buildings. Objections were also made to the cramped appearance of the rear terrace due to its size, scale and proximity to the side boundaries, adding to this unacceptable impact.

In addressing these concerns, the layout has been changed, the number of units reduced along with the size of the properties. The overall scale and depth of the buildings has also been reduced. Street scene elevation have been submitted to demonstrate how the development would integrate within its setting without harming it. The properties on Plot 3 and 4 would provide a backdrop to the remainder of the development on the site, not appearing to be over dominant within the street scene of Nursery Road, from Hightown Road or in wider views around the site. Furthermore, the proposed development would be of a traditional design, scale and form with detailing including timber windows, chimneys and string courses. In this respect the proposals are acceptable in terms of their form and quality which would improve the character of the site within its setting.

The Conservation Officer has been consulted and raises no objection to the current proposals. He considered that the scheme now begins to take the opportunities available for improving the character and quality of the site and the Ringwood



Conservation Area. The planning officer concurs with this view and considered that that the current proposals overcome the previous design and heritage concerns. As such less than substantial harm would not result, and proposals comply with Policy DM1 and NPPF.

The layout on the site with a central courtyard including landscaping and tree planting responds to previous concerns. The dwellings would enclose this courtyard with a strong frontage to it with parking tucked between and to the side of the proposed dwellings. The character of the courtyard area would be acceptable with parking not being over dominant and a number of street trees and planted areas incorporated within it to soften its appearance. This arrangement enhances the appearance of the overall development ensuring that the new planting would make a positive contribution and the parking would not predominate views into the courtyard.

The proposed dwellings would have private rear gardens along with small private frontages. In the case of Plot 1 - 4 rear gardens are more limited in depth but are relatively wide. As such they would provide for an appropriate level of amenity for prospective occupiers within this close knit urban area. The addition of garden trees will contribute to the pleasant setting for these gardens and as they mature will also provide wider public amenity value area. Provision for bin collections is made in a convenient location close to Nursery Road to the rear of Plots 6 and 7. It is however considered that permitted development rights should be removed safeguard garden areas from being diminished by extensions/outbuildings, to protect adjoining residents from any consequent amenity impacts that could result and also to retain the design integrity of the development. Subject to this condition the proposals are acceptable.

Overall, proposed development in design, form and layout would be acceptable within the Ringwood Conservation area, respect the designated and non-designated heritage assets and accord with Local Policy and the Ringwood Distinctiveness SPD.

#### Highway safety, access and parking

Nursery Road is a narrow unmade single width road; however, the existing access is considered to be appropriate for the development and the level of traffic generated by the proposed development is not material when considered against either the existing employment use on the site or in isolation.

HCC Highways have raised no objection to the parking provision on site, and this is a matter for the LPA to consider. In making this assessment the characteristics of the site and existing pressures on car parking need careful consideration. Revised parking standards were adopted in April 2022. Although the site is located relatively close to the town centre is it not located within the main town centre of Ringwood

It is proposed to provide 10 parking spaces for the 7 dwellings on the site. All of the spaces would be unallocated and as the dwellings are small 2 bedroom units this would give a parking requirement of 10 ½ spaces.

The current proposals would therefore result in a parking shortfall of ½ space. This very limited shortfall can be justified in this location, in the interests of achieving a site layout that achieves an appropriate balance between hard and soft landscaping within its courtyard and judged in the context of its location and the need to deliver housing this limited parking shortfall is acceptable.

Parking concerns have been raised in third party representations, with comments made that demand for parking particularly acute at evenings and weekends. During the day, spaces are used by nearby employment uses and at school drop off/pick up times. Whilst acknowledging this, the very limited parking shortfall would not lead to unacceptable additional pressures on parking on nearby roads and or lead to unacceptable and harmful impact on highway safety. For reference, the previous refusal for 8 dwellings on the site provided 11 unallocated spaces with a shortfall 3.4 parking spaces.

It should be noted that Policy IMPL2 related to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles and details would be secured by a planning condition

### Residential amenity

Policy ENV3 states that new development shall not have unacceptable impacts on the residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution. Also, proposed development would provide sufficient private open space arrangements for occupiers of the existing and proposed dwellings.

This is an irregularly shaped site which is surrounded by existing mainly residential properties. As such, there are a number of neighbouring residential properties that would be affected by the proposal.

The previous refused application was considered to have unacceptable amenity impacts due to its layout, height and massing, leading to harmful amenity impacts by reason of overlooking, loss of light and over dominant impact. Concerns were also expressed about the close proximity of car parking and manoeuvring spaces to boundaries and amenity areas due to the potential for noise and disturbance.

The existing properties to Hightown Road adjoin the eastern boundary of the site and would be relatively close to Plots 3 and 4. These two proposed dwellings would have rear gardens of between 8.5 and 6.5 metres long. The separation distances to these Hightown Road properties would be between 14 and 16 metres which is less than the 21m that is usually sought. In addition, existing properties on Hightown Road are at a slightly lower level, and some gardens are relatively narrow and contain outbuildings, patios and private amenity space with an aspect towards the site boundary.

When compared to the refused scheme, the rear gardens proposed were between 11 and 7 metres and the separation distances to Hightown Road properties would have been a little over 16 metres in some cases.

Whilst these rear garden depths and separation distances have been reduced since the previously refused application, the number of dwellings proposed to the rear has also been reduced to 2. Furthermore, there would only be 2 rear facing first floor windows serving ensuite bathrooms and a condition is proposed to ensure that they are obscurely glazed. Consequently, the potential for harmful overlooking and resultant loss of privacy would be limited.

Plots 3 and 4 would be located to the north-west of existing properties on Hightown Road. Concern was previously expressed about dominant impact and loss of light due to the height and width of the rear terrace which would have filled almost the entire rear boundary when viewed from Hightown Road properties.

In the current scheme, the width of the block has been reduced and layout has been amended so that the footprints have a slight "V shape" that is orientated away from the rear boundary. The overall width of the built form would be 18 m (a reduction of 3 m compared to 21m in the previous scheme). There would be a separation of 3.8 m from the northern boundary and 4.5m from the southern boundary (compared to a 1.2 m and 3 m from these respective boundaries on the refused scheme). The proposed ridge height would remain as 7.7 m with a ridge length of 12.5 m with hips to both ends.

This length is reduced by 7.5m compared to the refused scheme where there was a ridge length of 21 m with gables at both ends

Whilst the height of the ridges are the same as previously proposed, changes have been made to Plots 3 and 4 particularly with respect to boundary separation, ridge length and roof form. As a consequence, the impact is considered to be acceptable and would ensure that any loss of light to adjoining gardens would be limited.

It is acknowledged that the outlook from Hightown Road properties would change as a result of this development. However, given the existing open aspect over the contactors yard, it is not considered that these new dwellings would have a harmful or over dominant impact on the outlook from the rear of properties on Hightown Road.

No.11 Barrow Mews is located to the north-west of the site and has a very small garden which is angled to its rear boundary rear and conservatory. The new development would replace existing workshop buildings on the site that are located close to this boundary but the existing buildings are predominantly single storey. The refused scheme was considered unacceptable due to its proximity to this property leading to a loss of light, overlooking and over dominant impact.

The proposed properties on Plots 3 and 4 are set back slightly within their plots compared to the refused scheme which changes the relationship with the boundary with No 11. Plot 3 is the closest dwelling to No 11 but it would be set away from the common boundary by a minimum of 3.5 metres. This gap was 1.2m in the refused scheme and therefore this would result in a more spacious relationship. Furthermore, Plot 3 would be of a shallower depth of 5.4 m compared to the refused proposals of a 9.6m depth.

There would be a separation distance of 9.8m from the north eastern rear corner of No. 11 and Plot 3 but this is an angled and offset relationship. Whilst there would be an impact on light to this property in the afternoon, the increased separation from the boundary, the shallower depth of the property and its hipped roof form would make this acceptable and would not lead to unacceptable loss of light or dominant impact.

With respect to potential for overlooking, the closest rear window in Plot 3 would serve an ensuite bathroom and there would be no first floor windows in the side facing elevation. Additional windows can be controlled by condition and as such this makes the proposals acceptable.

No 4 Nursery Road adjoins the application site to its northern boundary. The front of Plots 3 and 4 would be separated from the rear of No 4 Nursery Road by 20 m. There would be first floor bedroom window in this front elevation, but the outlook would be slightly oblique and there is an acceptable separation so the potential for mutual overlooking is limited and impact on amenity is acceptable.

Plot 2 would face the side boundary of No 4 Nursery Road and would be separated from this boundary by a minimum of 6.6 m. This dwelling would replace the existing workshop building that directly adjoins the whole of this residential boundary. Due to its orientation to the south of No 4 there could be some impact on light, but when considered in the context of existing relationships, the separation would mitigate this to an acceptable degree. There would be no rear facing first floor windows in Plot 2 as rooms have a front aspect only and so no overlooking or loss of privacy would result.

An acceptable relationship would be provided between the converted frontage building (Plot 1) and Plot 2. Although rear amenity space of only 5.8 m deep is provided the first floor bedroom windows would look towards the blank flank elevation and the rearmost part of the garden of Plot 2 making the relationship acceptable in a tight knit urban area were a level of mutual overlooking will naturally occur.

Plot 7 (fronting Nursery Road) would address the road frontage on Nursery Road and the relationship to existing properties on Nursery Road and Hightown Road is acceptable with respect to amenity impacts.

To the southern boundary of the site are properties on Hightown Road, some of which are divided into flats. Amenity space to these existing Hightown Road properties is limited and some of these properties have rear patios and balcony space. Amendments have been made to the layout since the previous refusal to address the relationship to the southern boundary to ensure that there would be no dominant impact on adjoining properties or their outside amenity areas.

The proposed development would have its most direct relationship with No 1 and No 1a Nursery Road. Plot 5-7 would be located to the north of these properties so impact on light would be acceptable and there would be minimum depth of 8.5 m would be provided from the southern boundary (Plot 7) increasing to 12 m (Plot 5). There are a number of rear facing first floor windows in Plots 5 - 7 but given the separation of over 20m no unacceptable loss of privacy or other amenity impacts would not result.

The courtyard layout provides an acceptable relationship between parking and manoeuvring areas which would respect the amenity of both the adjoining properties and prospective residents. Whilst parking space P1 is located next to the flank wall of Plot 2 this elevation has no fenestration and separated from the property on Plot 1 by approximately 3 m. Parking spaces P5 and P6 abut Plot 2 and 3 and No 4 Nursery Road and the manoeuvring areas also adjoin the boundary with No 4. However these areas are located next to the rear most part of the side boundary of No 4 and replace existing workshop buildings. These relationships are acceptable particularly in the context of the previous use of the site.

Part of the eastern and southern boundary of the site abuts the Railway Inn where there is a pub garden with children's play equipment. There is potential for this existing use to lead to noise and disturbance for future residents. A noise impact assessment has been submitted to quantify this impact, which is generally acceptable although further details would be required to provide a full assessment. Despite this, the pub garden has existed for some time within a close knit urban area, and close to residential properties. The relationship with the new development would not be particularly different from the relationship with existing properties on Hightown Road where a boundary to the pub garden already exists. An objection on this basis could not therefore be substantiated.

It is inevitable that the redevelopment of this commercial site within a built up area will have some impact upon the amenity of adjoining properties. However, it is considered that the amended scheme has resulted in satisfactory relationships with adjoining properties and is acceptable in terms of amenity impacts and as such would comply with Policy ENV3.

#### Landscape impact and trees

This site is within the Ringwood Conservation area and therefore all trees with a stem diameter greater than 75mm at 1.5m above ground level are protected. There is one Silver Birch tree within the site frontage to Nursery Road which offers a good level of amenity to the surrounding area which would be removed a part of the current proposals. A number of trees that are growing in adjoining properties could also be affected by the proposal. An Arboricultural Impact Assessment and Method Statement has been submitted. Overall, the Silver Birch tree, does have higher individual importance due to the relatively reduced tree cover in this area, however the tree is fairly young, and its loss could be relatively quickly replaced through planting advanced nursery stock and replacing this tree with a silver birch that will front Nursery Road.

Eleven new trees are shown in on the submitted plans, with seven of these trees shown to be within the private garden plots.

The proposed planting within the site would mitigate the loss of the silver birch tree, ensure a pleasant landscape setting to the courtyard and rear gardens and assist to increase the overall tree cover in this area of Ringwood and add to biodiversity in the area.

#### Ecology

##### On Site Biodiversity, protected species and Biodiversity Net Gain

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy, Government advice and emerging legislation all require an enhancement to on site biodiversity wherever possible.

The Biodiversity Report, including a bat survey has been undertaken. Although these surveys were undertaken in June 2021 it is not considered necessary to update them following the delay in determination of the planning application. The report identifies the presence of a day roost for low numbers of common and soprano pipistrelle bats. The proposed development results in the disturbance/destruction of known roosts where a licence is required. As identified within the Biodiversity Report, a European Protected Species (EPS) licence from Natural England will be required prior to any works commencing. There is no reason to suggest that a licence would not be issued.

If the works are carried out in accordance with the submitted Biodiversity Report no objection is raised. Bird and bat boxes have been indicated on the submitted plans and their provision and retention along with the identified mitigation and enhancement measures can be secured by a condition.

#### Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development' Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the

potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of Electric Vehicle charging points, low carbon heating solutions and no installation of solid fuel appliances.

### Habitat Mitigation

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, 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 will enter into a Section 106 legal agreement to secure the required habitat mitigation contribution.

### Air Quality monitoring 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<sub>x</sub>, 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. In this case, the applicant will enter into a Section 106 legal agreement, to secure the required air quality monitoring and mitigation contribution.

### Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw,

notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

#### Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- Habitat's mitigation - non infrastructure: £ 4123
- Habitat's mitigation - infrastructure: £ 26390
- Air Quality monitoring: £ 637

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
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Dwelling houses	553	298	255	255	£80/sqm	£26,127.69 *
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Subtotal:	£26,127.69
Relief:	£0.00
Total Payable:	£26,127.69

## 11 CONCLUSION

The amended proposals are considered to address the previous reasons for refusal. They would respect the amenity of existing residential properties and would be of an appropriate scale form and quality in the conservation area. The marginal parking shortfall can be accepted given the other site constraints. This scheme would provide new homes on previously developed land in a sustainable location within one of the districts largest's settlements and would make a valuable contribution towards the Council's housing land supply.

A legal agreement is required to secure habitat mitigation and air quality and suitable projects are now place to secure mitigation against impacts on phosphate levels in the River Avon and this mitigation can be secured by a Grampian condition. As such, subject to the planning conditions set out below the proposals are considered to be acceptable and so planning permission is recommended.

## 12 OTHER CONSIDERATIONS

Matters raised by third parties have been considered and addressed in the planning assessment.

Consideration of effect of construction works on existing properties, possible subsidence, the effect of the development on the condition of road, and potential compensation claims are civil matters that cannot be considered as part of the planning process. The lack of liaison between the developer and local community is not a requirement for a development of this scale. However, a full consultation exercise has been undertaken on the current planning application and the concerns raised by third parties have been considered in reaching this recommendation.

## 13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a S.106 Agreement or unilateral undertaking to secure Air Quality Monitoring and Recreational Habitat Mitigation and
- ii) the imposition of the conditions set out below

### **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:

9315/200 E Proposed site and block plan;  
9315/201 D Proposed Unit 1 Conversion of existing building -plans and elevations;  
9315/202 C Proposed Unit 2 Floor plans and elevations;  
9315/203 G Proposed Units 3 and 4 Floor plans and elevations;  
9315/204 D Proposed Units 5,6 and 7 Floor Plans and Elevations  
9315/205 D Street scene

Reason: To ensure satisfactory provision of the development.



3. Before development commences, samples or exact details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) facing and roofing materials,
- b) rainwater goods,
- c) chimney pots

The development shall only be implemented in accordance with the approved details and thereafter retained as such.

Reason: To ensure an acceptable appearance of the buildings, to protect the character of the Conservation Area in accordance with in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management). for the New Forest District outside of the National Park.

4. Before development commences, a sample panel of brickwork and wall capping showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To protect the character of the Conservation Area in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. No works shall take place other than demolition and site preparation unless the following details (elevation and sections) have been submitted to, and approved in writing by the Local Planning Authority.

- 1) Joinery details including timber window; timber doors, and porch details
- 2) Details of Chimneys, eaves, verges, and string courses
- 3) All external flues, ducts, vents and pipes showing exact locations with no flues ducts and vents to be placed on the front elevations of the approved dwellings.

Development shall only take place in accordance with those details which have been approved and thereafter retained as such.

Reason: To ensure the development is undertaken in an appropriate manner, protect the character of the Conservation Area in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A , B or C of Part 1 of Schedule 2 to the Order, outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In order to ensure that the quality of the overall development is retained and the amenity of adjoining residents are not adversely affected in view of the limited size of the site, its physical characteristics and location in the Ringwood Conservation Area in accordance with to Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy and Policy DM1 of the Local Plan Part 2 Development Management for the New Forest District outside the National Park.

7. No first floor windows other than those hereby approved shall be inserted into the rear or side elevations of dwellings on Plots 2, 3 and 4 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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. The first floor windows on the rear (east) elevation of the approved dwelling on Plots 3 and 4 shall be :

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the windows shall be retained as such in perpetuity.

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.

9. No works shall commence on site unless and until a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) new planting of 11 trees that should be of advanced nursery stock;
- (d) areas for hard surfacing and the materials to be used;
- (e) other means of enclosure;
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest outside of the National Park.

11. The development hereby approved shall be undertaken in strict accordance with the submitted Biodiversity report (dated 6 June 2021) unless otherwise first agreed in writing with the Local Planning Authority. Any works that impact on the bat roost(s) (day roost for common pipistrelle and soprano pipistrelle) identified in the Biodiversity Report undertaken by Philip Smith (Dated 6th June 2021) shall not commence unless either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) the relevant licensing body confirms in writing that does not consider that the specified activity/development will require a licence.

The specified biodiversity enhancements in the Biodiversity report in the form of bat enhancement features, bird nesting features, hedgehog highways, bee bricks and flowers with pollen bearing capability shall be undertaken. The bird and bat features shall be provided as indicated on the approved plan. All the specified biodiversity enhancements shall be implemented prior to first occupation of the dwellings hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

12. The development hereby permitted shall not be occupied until the spaces shown on plan 9315/200 E for the parking of vehicles have been provided. The spaces shown on plan 9315/200 E for the parking of vehicles shall be provided on an unallocated basis and retained and kept available for the parking of vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made for the approved development in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 14 to 17 have been complied with.

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 condition 15 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. Where contamination has been identified, a detailed remediation scheme 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.

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 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. Where a remediation scheme has been approved in accordance with condition 15, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. 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 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

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 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

18. Before first occupation of the dwelling(s) hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before the approved dwelling(s) have been occupied and shall thereafter be retained in accordance with the approved details.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

19. No development shall take place (including demolition and site preparation) until, a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- i) Development contacts, roles and responsibilities
- ii) Public communication strategy, including a complaints procedure.
- iii) Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- iv) Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- v) Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- vi) Details of parking and traffic management measures.
- vii) Measures to control light spill and glare from any flood lighting and security lighting installed.
- viii) Pest control
- ix) Hours of working on site
- x) Measures to avoid the inadvertent entrapment of wildlife during construction.

The approved details shall be implemented throughout the duration of construction phase of development. The development shall only be carried out in accordance with the CEMP so approved.

Reason: To ensure that the development is carried out in an appropriate manner in the interests of residential amenity and highway safety given the location of the site and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest District outside of the National Park.

20. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

21. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) 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.

Reason: In order to ensure that the drainage arrangements are appropriate and 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 and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

22. The development hereby approved shall not be occupied unless

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;

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:

- (a) 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;
- (b) 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) , in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan and Policy ENV1 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

23. Before development commences, 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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.



24. Prior development above DPC level details shall be submitted to the Local Planning Authority of secure cycle storage facilities for each of the dwelling hereby approved these details to be agreed in writing with the Local Planning Authority. The cycle storage facilities as approved to be provided prior to first occupation of the dwellings hereby approved and thereafter retained for that purpose.

Reason: To ensure adequate provision is made of cycle storage on the site in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

Judith Garrity

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# New Forest DISTRICT COUNCIL

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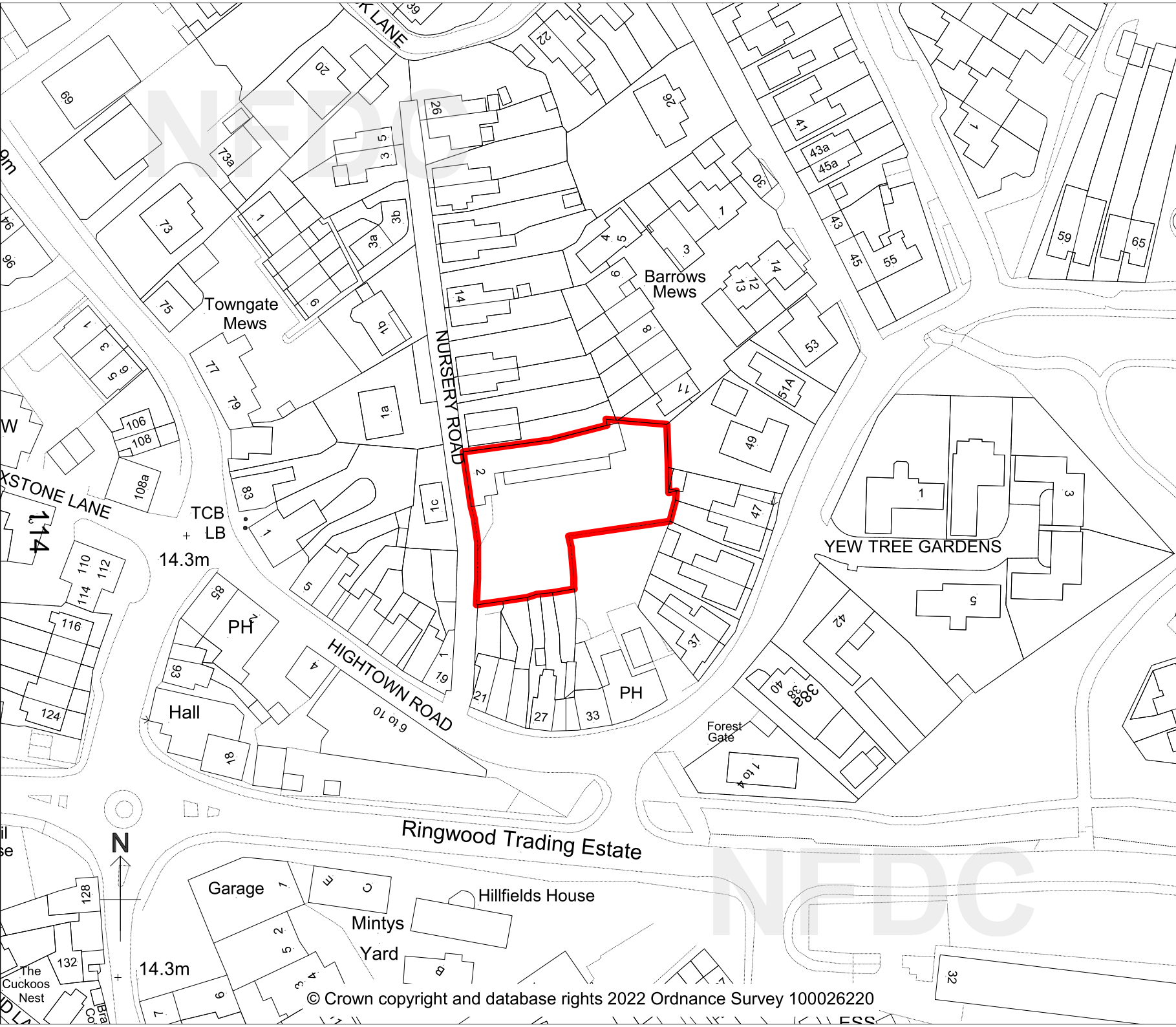
## PLANNING COMMITTEE

September 2022

2 NURSERY ROAD  
RINGWOOD  
BH24 1NG  
21/10668

Scale 1:1250

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



Planning Committee 14 September 2022

**Application Number:** 21/11530 Full Planning Permission

**Site:** LAND ADJOINING 2A, HIGHFIELD ROAD, RINGWOOD

**Development:** 3 Detached houses with associated parking and landscaping

**Applicant:** Mr Lambert

**Agent:** Ken Parke Planning Consultants

**Target Date:** 07/01/2022

**Case Officer:** Vivienne Baxter

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Ecology/bio-diversity

This application is to be considered by Committee because of a contrary Town Council view.

## 2 SITE DESCRIPTION

The site lies within the built up area of Ringwood. It is a predominantly residential area although the lawful use of the site is commercial (builder's yard) and there are offices adjacent to the site to the south. The site is fenced off from the road with timber fencing and close boarded double gates recessed from Highfield Road.

Much of the site is overgrown although there are several structures within the plot, mainly grouped close to the access point. Part of the site is identified as being 'an area of tranquil garden space' within the Ringwood Local Distinctiveness SPD.

There are bungalows to the north of the site, 2/3 storey houses to the south fronting Southampton Road and terraced 2-storey houses and an associated flat roofed garage building to the rear (east) of the site.

## 3 PROPOSED DEVELOPMENT

The proposal entails the provision of one 3-bed and two 4-bed detached houses with two parking spaces each and three further spaces for visitors. Access would be located in a similar position to the existing vehicular access.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
14/11270 2 houses; 2 carports; access from Georgian Close	11/11/2014	Refused	Decided

09/94682 Office & workshop; demolition of existing	03/12/2009	Granted Subject to Conditions	Decided
07/89430 Office and workshop; demolition of existing workshops	30/03/2007	Granted Subject to Conditions	Decided
01/73486 Erection of offices, workshop (demolish existing workshops and stores)	11/03/2002	Granted Subject to Conditions	Decided
96/NFDC/59505 Offices, gges & parking - extn of time on pp 48186	22/08/1996	Granted Subject to Conditions	Decided
91/NFDC/48186 Erect offices and garage with parking (demolish existing)	02/10/1991	Granted Subject to Conditions	Decided
91/NFDC/47553 Erect offices & workshop with parking (demolish existing)	11/07/1991	Withdrawn by Applicant	Withdrawn
83/NFDC/24055 Office/reception block with attached workshop.	27/05/1983	Granted Subject to Conditions	Decided
83/NFDC/23467 Change of use from builders workshop and yard to lawnmower repairs.	04/03/1983	Granted Subject to Conditions	Decided
NFDC/76/04224/ADV Sign.	24/02/1976	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC2: Safe and sustainable travel

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy STR1: Achieving Sustainable Development

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

### **Supplementary Planning Guidance And Documents**

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality

SPD - Ringwood Local Distinctiveness

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

### **Relevant Advice** (from what??)

Chap 12: Achieving well designed places

### **Constraints**

SSSI IRZ Residential  
Avon Catchment Area  
Aerodrome Safeguarding Zone

### **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Ringwood Town Council**

R(4) Recommend refusal. The proposal would result in overdevelopment of the plot, with a cramped and poor layout, and would be out of character in the locality. The site positively contributes to the wider character of the area as land forming part of the larger garden spaces or groups of tranquil garden space as identified in the Ringwood Local Distinctiveness SPD. Parking provision is contrary to NFDC Parking Standards. It would have a negative impact on local ecology and decrease biodiversity, and it is noted that the applicant does not intend to follow HGBI and NE guidelines relating to the capture of slow worms.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Ecologist:** no objection subject to conditions

**HCC Highways:** no objection and advise of HCC works necessary

## **9 REPRESENTATIONS RECEIVED**

Several representations have been received from one local resident concerned with the following issues:

- *loss of parking for adjacent offices*
- *inaccurate boundary*
- *half the site is valuable green space*
- *access for delivery and service vehicles hasn't been addressed*
- *access would be out of character*
- *broad summary of views*
- *cramped development*
- *noise and disturbance due to drive*

## **10 PLANNING ASSESSMENT**

### **Principle of Development**

In principle, there are no objections to the provision of new residential development within the built up area. However, this is subject to there being no material impact on the character and appearance of the area, the residential amenities currently enjoyed by adjoining occupiers or highway safety. These matters are discussed below.

It is noted that part of the site is within an area identified in the Ringwood Local Distinctiveness Supplementary Planning Document as green tranquil garden space.

This designation extends south to the rear gardens of Southampton Road properties and north within Highfield Road. Having regard to this, it should also be noted that the lawful use of most of the site is as a builders yard. Were this use to be applied more intensively, as it could be without further permission, there would be a break in the tranquil garden area. The SPD goes on to advise that if development is permitted, the design should ensure that rear garden boundaries are not visible and this would be the case here. Furthermore, as the rear of the site is immediately adjacent to the turning head for Georgian Close, the two dwellings proposed to the rear of the site do not appear contextually inappropriate.

#### Design, site layout and impact on local character and appearance of area

Highfield Road consists mainly of detached properties with front gardens, although the adjacent offices at no.2 conflict with this pattern with the entrance lobby situated at the back of the pavement. The site is presently at odds with the general pattern of development having close boarded fencing at the back of the pavement. As the site is wide enough for an additional frontage dwelling, not only would it bridge the gap between no.2, a two storey office building of domestic proportions and no.4, a bungalow, but it would create a frontage to the site. This would be more in keeping with the character of the area.

The proposed frontage dwelling would have eaves at a height between those on the adjacent dwelling and offices and a set back similar to the bungalow. This would provide a small front garden area and space for two cars.. Many properties in the road have large hard standings to their frontages accommodating several vehicles and the proposal would fit in with the general pattern of development. The first floor window would also reflect a bungalow two doors away which has been extended in the roof space and has a large dormer element to its front elevation. The retention of the access albeit altered, would have a limited impact on the street scene.

To the rear of the site is the turning head at the end of the Georgian Close cul-de-sac. Georgian Close consists of two storey terraced houses at its southern end adjacent to the site and there is also a block of garages abutting the eastern boundary of the site. Given the adjacent built form, which also includes a three storey house fronting Southampton Road, it is not considered that the two dwellings proposed to the rear are out of context in this location. In visual terms, they have a relationship with both Georgian Close and Southampton Road properties, typical of a suburban area such as this.

As stated above, although this rear part of the site is within a tranquil green space area, intensification of the existing lawful use would disrupt this in any case. Proper management of the vegetation would also disrupt the level of greenery and neither of these matters would require planning permission. It should further be noted that the proposed layout is such that any further intrusion into the tranquil green space would not be possible.

In terms of the design of the proposed dwellings, features which are apparent in the local area, such as pitched roof dormer windows, roof lights, half hipped roof forms and bay windows are included in the dwellings enabling the dwellings to sit comfortably in their surroundings.

#### Residential amenity

The frontage dwelling would have several roof lights in its north facing roof slope which would face the roof slope of no.2. The two lower ones would serve a ground

floor room and would not impact on privacy whilst the three upper roof lights would serve bedrooms and an ensuite. Both bedrooms would have other windows to the front and rear of the proposed dwelling and as such, the upper row of roof lights could be obscure glazed in order to maintain privacy for the adjoining dwelling.

Plot 3 to the rear would have first floor dormers facing towards the rear of 83, Southampton Road although the distances (22m) are such that overlooking would not be of particular concern. The proposed roof lights in the northern elevation would be in excess of 1.7m above ground level and would face the blank roof slope of plot 2 and as such, there would be no amenity issues.

Plot 2 to the rear of the frontage dwelling would have a first floor outlook towards the turning head at the end of Georgian Close. This window would be at right angles to the front bedroom windows of no.8 reflecting a typical arrangement in suburban areas. The front of plot 2 would face towards the rear elevation of plot 1 at a distance of slightly less than 20m. However, between the two properties would be the garden to plot 1, the parking area to plot 2 and a boundary wall with planting, including a tree, indicated. Given that this arrangement would affect new and not existing residential amenity, together with the fact that it is a front/rear relationship, it is not considered that future occupiers would be significantly affected by this relationship.

Plot 2 would be sited around 4m from the front corner of no.8 Georgian Close. At present, there is significant screening between the existing property and the site although it is likely that much of this would be trimmed or removed in order to construct the new dwellings. At first floor level, the proposed window for bedroom 2 would be around 7m from the front window to no.8. The angle between them however would be quite oblique and unlikely to result in significant harm to residential amenity. A landscaping condition requiring more specific details of how the intervening vegetation would be managed is considered appropriate as the tree protection plan does not include all vegetation along this boundary simply indicating that two trees would be removed.

#### Highway safety, access and parking

The proposal involves slight alterations to the location of the existing access point and an extension to the drop kerb along Highfield Road. The Highway Authority is satisfied that this is appropriate for a development of this size together with the provisions for turning and refuse collection points within the site.

With regard to parking provision, the recommended standard suggests 3 spaces for each 4-bed house and 2.5 spaces for the 3-bed house. The plan shows each house would have 2 on plot parking spaces with the shortfall of spaces provided as visitor spaces. Given the recommended standards for fully communal parking would be 6.1 spaces, it is considered that the parking provision is acceptable in this sustainable location.

#### On Site Biodiversity and Ecology

The application has been supported with an ecological report which provides details of appropriate mitigation measures following survey work undertaken. The survey concluded that the site is of limited botanical interest but has a low population of slow worms. The existing structures on site have the potential to support nesting birds and whilst there was no evidence of bat roosts, it is likely that bats and other mammals use the site for foraging purposes.

The report concludes that the habitats on site are limited to site or local value only and subject to reptile mitigation, new bat features on the proposed dwellings and the provision of native planting within the landscaping scheme, the proposal would result in a net gain for bio-diversity. This view is reflected by the ecologist who has requested a condition requiring compliance with the mitigation measures identified in the ecological report.

#### Air Quality

The recently adopted Supplementary Planning Document requires new development to incorporate measures. These include charging points for vehicles, design to reduce exposure of residents to pollution and other measures such as the type of heating to be used. The detail of the measures will be secured through a planning condition.

### **Habitat Mitigation and off-site recreational impact**

#### Habitat Mitigation

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, 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 has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

#### Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs).



Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget and for this reason. Such a project has now been secured and a Grampian style condition can be imposed that can secure the appropriate level of phosphate mitigation.

#### Developer Contributions

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 NOx, 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.

As part of the development, the following will be secured via a Section 106 agreement:

- Air Quality Monitoring
- Habitat Mitigation
- Habitat Mitigation Monitoring

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	452.18		452.18	452.18	£80/sqm	£46,191.93 *

Subtotal:	£46,191.93
Relief:	£0.00
Total Payable:	£46,191.93

## 11 CONCLUSION

The proposal would make good use of an otherwise under utilised site within a residential area in Ringwood, contributing to the delivery of new homes within the district. Subject to appropriate conditions, the new dwellings would not adversely affect residential amenity and would be contextually appropriate in their setting. Adequate parking is provided as part of the scheme which will include improvements to the access provisions for the site. Approval is therefore recommended.

## 12 OTHER CONSIDERATIONS

A local resident has raised concerns about the loss of parking for the adjacent office building although it is understood from the agent that his building does not currently benefit from any off road parking provision. Whilst applications across the current site and that of the offices have previously included parking for the office building within the current part of the site, those applications have not been implemented.

## 13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure air quality monitoring, habitat mitigation and habitat mitigation monitoring and
- (ii) the imposition of the conditions set out below.

### 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:

LP.01 rev.A - location plan  
SL.01 rev.D - site layout  
SS.01 rev.A - site section  
P1.e1 rev.A - plot 1 elevations 1 of 2  
P1.e2 rev.A - plot 1 elevations 2 of 2  
P1.p rev.A - plot 1 floor plans  
P2.e1 rev.C - plot 2 elevations 1 of 2  
P2.e2 rev.C - plot 2 elevations 2 of 2  
P2.p rev.C - plot 2 floor plans  
P3.e1 rev.A - plot 3 elevations 1 of 2  
P3.e2 rev.A - plot 3 elevations 2 of 2  
P3.p rev.A - plot 3 floor plans  
Planning, Design and Access Statement October 2021  
Ecological Report November 2021  
Arboricultural assessment and method statement incorporating drawing 21119-1 - Tree protection plan

Reason: To ensure satisfactory provision of the development.

3. Before development or any site clearance commences, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development commences, 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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Before commencement of development above damp proof course level, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building 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.

6. The works hereby approved shall be undertaken in strict accordance with the Ecological Report dated 3rd November 2021. In addition to this, the following details shall be submitted to for approval in writing by the Local Planning Authority:

- 1) a reptile translocation report detailing the trapping effort, the full capture details and also detailing all receptor site enhancement works undertaken and details of the type and location of the bat/bird boxes.

The development shall be undertaken in accordance with the approved details prior to the occupation of the first dwelling.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

7. The development hereby permitted shall not be occupied until the spaces shown on plan SL01 rev.D for the parking of motor vehicles have been provided. The spaces shown on plan SL01 rev.D for the parking of motor vehicles shall be retained and kept available for the parking] 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 Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

9. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) 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.

Reason: In order to ensure that the drainage arrangements are appropriate and 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 and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. The first floor rooflights on the north elevation of plot 1 shall be obscurely glazed, and non-opening at all times unless the parts that can be opened are more than 1.7m above the floor. The windows shall be retained as such in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring property 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.

11. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason: To protect the amenities of the area 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plots, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

13. The development hereby approved shall not be occupied unless
- 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;

- 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:
  - (a) 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.;
  - (b) 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 the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



# New Forest DISTRICT COUNCIL

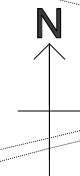
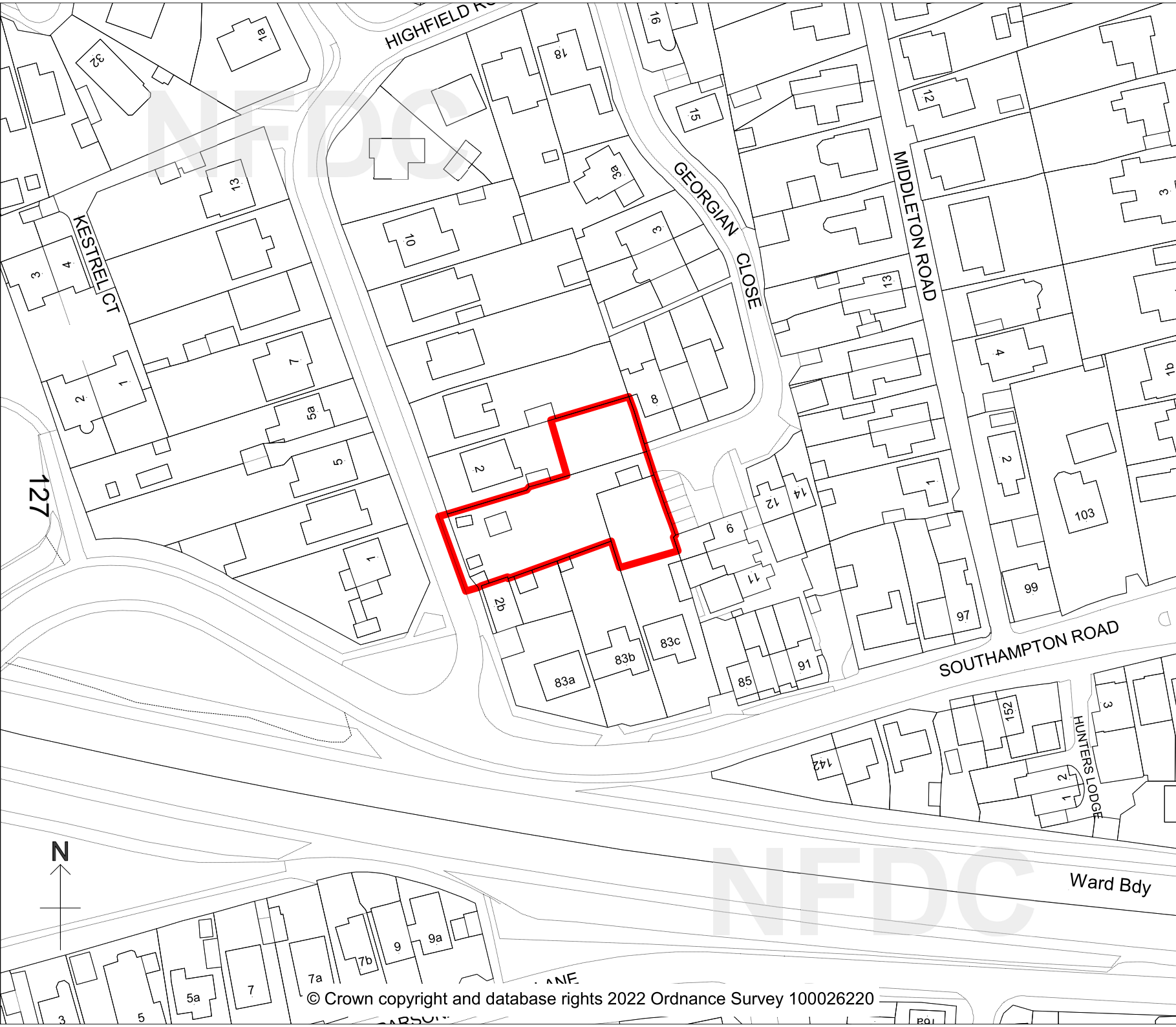
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Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

September 2022

LAND ADJOINING 2A  
HIGHFIELD ROAD  
RINGWOOD  
21/11530



Scale 1:1250

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

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Planning Committee 14 September 2022

**Application Number:** 22/10148 Full Planning Permission

**Site:** 2 PARK ROAD, FORDINGBRIDGE SP6 1EQ (NB: PROPOSED LEGAL AGREEMENT)

**Development:** 4 detached dwellings with associated garages/parking and landscaping

**Applicant:** Northshore Companies Ltd

**Agent:** Chapman Lily Planning Ltd

**Target Date:** 08/04/2022

**Case Officer:** Vivienne Baxter

**Extension Date:** 16/09/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Ecology/bio-diversity

This application is to be considered by Committee because of a contrary Town Council view.

## 2 SITE DESCRIPTION

The site lies within the built up area of Fordingbridge in a residential area. Park Road is characterised by two storey detached and semi-detached houses although the site itself is significantly larger than other plots and the existing dwelling is of a more recent, 1950s construction and set at an angle on the plot with a flat roofed garage structure attached.

Although the boundary is marked by a dwarf wall and brick piers with timber fence panels between, substantial vegetation is visible behind this both along the boundary and within the plot. This vegetation forms part of the character of the plot which is a mature landscaped garden with vegetable garden separated by a hedge to the north west.

## 3 PROPOSED DEVELOPMENT

The proposal entails the demolition of the existing buildings on site and the provision of two pairs of semi-detached houses each comprising sitting room, WC, utility room and open plan kitchen, dining, living room at ground floor level with 4 bedrooms (2 en suite) and a family bathroom at first floor level. Each dwelling would benefit from a single garage in addition to at least two tandem parking spaces each. New accesses would be provided adjacent to 6 Park Road and 23, Salisbury Road and the existing access would be altered to provide a joint drive for plots 2 and 3.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11194 Erect 3 pairs of semi detached units (total of 6 properties); associated parking and landscaping; demolish existing property	08/11/2021	Withdrawn by Applicant	Withdrawn
02/76538 House and detached garage	15/01/2003	Granted Subject to Conditions	Decided
84/NFDC/26785 6ft high boundary wall and fence.	25/06/1984	Granted Subject to Conditions	Decided
78/NFDC/09611 Alterations and additions.	15/03/1978	Granted	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC2: Safe and sustainable travel

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

##### **Local Plan Part 2: Sites and Development Management 2014**

##### **Supplementary Planning Guidance And Documents**

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

##### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

##### **Relevant Advice**

Chap 12: Achieving well designed places

##### **Constraints**

SSSI IRZ Residential

Aerodrome Safeguarding Zone

Avon Catchment Area

Meteorological Safeguarding

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### **Fordingbridge Town Council**

Recommend REFUSAL under PAR4 as it is an overdevelopment of the site and the application would further increase the problems with parking along Park Road.

## **Fordingbridge Town Council**

Recommend REFUSAL under PAR4 as it is an overdevelopment of the site and would cause issues with parking due to the additional number of vehicles associated with this application, the plans for tandem parking and the already busy parked roads.

### **7 COUNCILLOR COMMENTS**

No comments received

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Ecologist:** no objection subject to compliance with report

**HCC Highways:** no objections in principle, advise of additional requirements

### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received to the initial submission.

- doesn't dress previous parking concerns
- overdevelopment
- profit led development
- road is already unsafe for children due to parking
- doesn't enhance the area
- loss of vegetation and wildlife
- negative impact on air quality and phosphate discharge
- overlooking to the north of the site
- adjoining garden has much wildlife including protected species
- garden should be preserved as a wildlife corridor
- Park Road is over parked by non residents
- additional access points will create additional hazards
- drives too narrow, garages won't be parked in
- flooding occurs at the opposite end of Park Road

Following amendments to the scheme, the following comments have been received:

- changes don't address parking problems
- area is already densely populated
- road isn't safe as lorries use it as a cut through
- excessive overdevelopment
- no consideration of visual impact for residents
- no turning space
- providing semi-detached instead of detached houses just makes the buildings bigger

For: 0

Against: 6 households

### **10 PLANNING ASSESSMENT**

#### Principle of Development

In principle, there are no objections to the provision of new residential accommodation within the built up area. However, consideration also has to be given to the impact of such a proposal on the surrounding area in terms of both

visual and residential amenity, the highway implications of new access provisions and the impact of new residential accommodation on European designated sites.

### Design, site layout and impact on local character and appearance of area

#### *Design*

The detailing proposed on the dwellings has clearly referenced other properties in the area and includes decorative ridge tiles and verges, window arches and projecting bays with pitched roofs over. In addition to this, the design of plot 4 reflects its position on the corner of the site having a side bay window and entrance canopy. This level of detailing is welcomed.

#### *Site layout*

Aside from the site itself, there is a rhythm to the building line of this side of Park Road with properties being set behind a small front garden area of around 5m. Boundaries are comprised of low brick walls, often with hedging behind. Where properties benefit from a vehicular access, it is to the side of the dwelling. The proposal reflects this character with all dwellings being set back behind a small front garden area of at least 4.8m in depth. The front boundary is not detailed on the plans but this could be conditioned to ensure something contextually appropriate for Park Road. The dwellings would not have parking to their frontage but space is provided to the side of each property, in line with other drives in Park Road. The combined access provisions for plots 2 and 3 is not ideal although it is not considered sufficient to warrant refusal of the scheme for this reason alone.

#### *Local character and appearance*

Although the existing boundary treatment to the site is a combination of brick wall/piers and fence panels, there is a substantial amount of vegetation - much of it overgrown - behind this which provides a verdant setting for the existing dwelling. Whilst there are elements of the proposal which do not directly accord with other properties in Park Road, it is considered that two pairs of semi-detached houses work well on this plot which is presently a modern property completely at odds with the local area. The plot widths are comparable to others and the spacing between the proposed buildings is greater resulting in a more spacious character than elsewhere along Park Road.

### Residential amenity

The proposal includes first floor bedroom windows in the northern elevation to each dwelling and those relating to plots 3 and 4 would look towards the flank wall of no.23 Salisbury Road which is quite close to the boundary. This property has a single obscure glazed window in its southern elevation which is understood to serve the stairwell. This window would be approximately 13m from the proposed dwellings and there is a mature hedge in excess of 3m along the common boundary. The existing dwelling, albeit at a different angle to the proposed, is at a similar distance from this dwelling and includes two first floor windows. It is not considered that the relationship of the proposed dwellings to the existing dwelling to the north would give rise to unacceptable living conditions.

Plots 1 and 2 would be a little over 50m from the rear of 1, Alexander Road and although plot 2 would have the garden of 23, Salisbury Road immediately behind it, the 11m length of the proposed garden to plot 2 would ensure a good level of amenity is maintained for the adjoining property.

Having regard to the future amenity of occupants, plots 2 and 3 each have side windows which face the other. At first floor level, plot 2 has a bathroom window which would be obscure glazed. Downstairs, whilst ground floor windows do not

usually give rise to overlooking issues in view of the likely boundary separation, the layout of this scheme is such that there would not be any boundary definition between the parking areas resulting in the kitchen window for plot 3 being almost directly opposite the living area window for plot 2. Whilst both these windows are secondary windows, they would be 5.6m apart with a double width drive between them, it is considered appropriate to require obscure glazing in order to maintain a good level of amenity.

#### Highway safety, access and parking

There have been many objections locally in relation to the parking issues currently experienced along Park Road which is largely devoid of parking restrictions although there are double yellow lines along the Salisbury Road frontage which extend around the corner into Park Road just beyond the existing access point into the site. Through traffic is sign posted at the western end of Park Road directing traffic from Whitsbury Road along Park Road in view of one way restrictions to the eastern section of Green Lane to the south and this results in much through traffic as well as additional cars being parked in order to avoid paying car park charges in The Bartons car park which is nearby.

However, Park Road is not classified and planning permission would not be required in order to provide additional vehicular access points to the site (although it should be noted that a drop kerb application to the Highway Authority would be required). At present, given the current restrictions outside the property, it is possible to park up to four vehicles outside the site at present. Were the development to go ahead, it is likely that three of these spaces would be lost. Whilst this is unfortunate, it should be noted that the public highway is for the passing and repassing of traffic rather than the provision of parking spaces.

The application is supported with details of appropriate visibility splays for each access point and on this basis, the Highway Authority has not raised any objection to the proposal.

The recommended parking provision for 4 bedroomed houses is 3 spaces each where provided on plot. The application achieves this and in addition, the layout of plots 2 and 3 would enable further cars to be parked on the respective drives. Concern has been expressed about the lack of turning facilities for the new dwellings, In this respect, it is noted that the other dwellings along Park Road do not have any turning facilities either and the Highway Authority has not raised any issues about the inability to turn around on site. As such, it would be difficult to warrant refusal for the application for this reason.

#### Ecology, On Site Biodiversity and protected species

The application has been supported with an ecological assessment which found no evidence of protected species on site although it has potential for nesting birds and as a foraging habitat for bats. In order to protect these habitats and others, the report recommends a variety of measures including site clearance outside of the nesting season, minimal external lighting, provision for bat roosts, hedgehog friendly fences, fruit trees and other native planting within the landscaping scheme.

The concern in respect of the loss of vegetation has been noted although at the time of the officer's site visit, much of the greenery was ornamental planting and in parts of the site, in particular to the north of the dwelling, brambles and other undergrowth had become very overgrown. The ecological appraisal has also noted the presence of an invasive species which is recommended for removal. There are no trees on site which are worthy of protection.

The proposal would retain good sized gardens for each dwelling and within these areas, there is adequate space to provide landscaping to help provide the necessary bio-diversity together with bee, bird and bat provision within the dwellings themselves. The ecologist has considered the measures identified in the ecological appraisal and is satisfied that the proposal would be acceptable in terms of ecology and bio-diversity.

## **Habitat Mitigation and off-site recreational impact**

### Habitat Mitigation

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, 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 has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

### Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget and for this reason.

Such a project has now been secured and a Grampian style condition can be imposed that can secure the appropriate level of phosphate mitigation.

### Developer Contributions

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 NOx, 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.

As part of the development, the following will/has been secured via a Section 106 agreement:

- Air Quality Monitoring
- Habitat Mitigation
- Habitat Mitigation Monitoring

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	696.42	193.9	502.52	502.52	£80/sqm	£51,334.35 *

Subtotal:	£51,334.35
Relief:	£0.00
Total Payable:	£51,334.35

## 11 CONCLUSION

The proposal would provide 4 new homes within an established residential area without harming the character or appearance of the area or adversely impacting on the residential amenities currently enjoyed by adjoining occupiers. The access provisions have been accepted by the Highway Authority and adequate parking can be provided.

## 12 OTHER CONSIDERATIONS

One resident raised a concern about flooding at the opposite end of Park Road. This area of flooding is recognised within the New Forest Strategic Flood Risk Assessment as surface water flooding but it does not extend within 120m of the site. The site does not fall within any identified Flood Risk Zone. A drainage condition is recommended requiring the developer to deal with surface water drainage in an appropriate manner.

## 13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Air Quality Monitoring, Habitat Mitigation and Habitat Mitigation Monitoring and
- ii) the imposition of the conditions set out below.

### 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:

9495/200 rev.A - site block, location plan and DRA  
9495/201 rev.A - plots 1 & 2 floor plans & elevations  
9495/202 rev.A - plots 3 & 4 floor plans & elevations  
9495/203 rev.A - street scene, garage plans & existing plans  
9495/204 rev.B - plots 1 & 2 visibility splays plan  
9495/205 rev.B - plots 3 & 4 visibility splays plan  
Design and Access Statement version 1 dated February 2022  
Ecological Assessment Report dated 13th December 2021

Reason: To ensure satisfactory provision of the development.

3. Before development commences, 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 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development including site clearance commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) other means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.



No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. 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:
  - (a) 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.;
  - (b) 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 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.

6. Before development above damp proof course commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building 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.

7. The works hereby approved shall be undertaken in strict accordance with the Ecological Assessment Report dated 13th December 2021 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

8. The development hereby permitted shall not be occupied until the spaces shown on plan 9495/200 rev.A for the parking and garaging of motor vehicles [and cycles] have been provided. The spaces shown on plan 9495/200 rev.A for the 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 Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

10. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shaded orange on the approved plan number 9495/200 rev.A.

Reason: In the interest of highway safety and 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.

11. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) 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.

Reason: In order to ensure that the drainage arrangements are appropriate and 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 and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

12. The first floor bathroom windows to the side elevations of plots 1 and 2 and the ground floor windows to the side elevations of plots 2 and 3 shall be obscurely glazed, and the windows shall be retained as such in perpetuity.

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.

**Further Information:**

Vivienne Baxter

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# New Forest DISTRICT COUNCIL

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Claire Upton-Brown  
Executive Head of Planning,  
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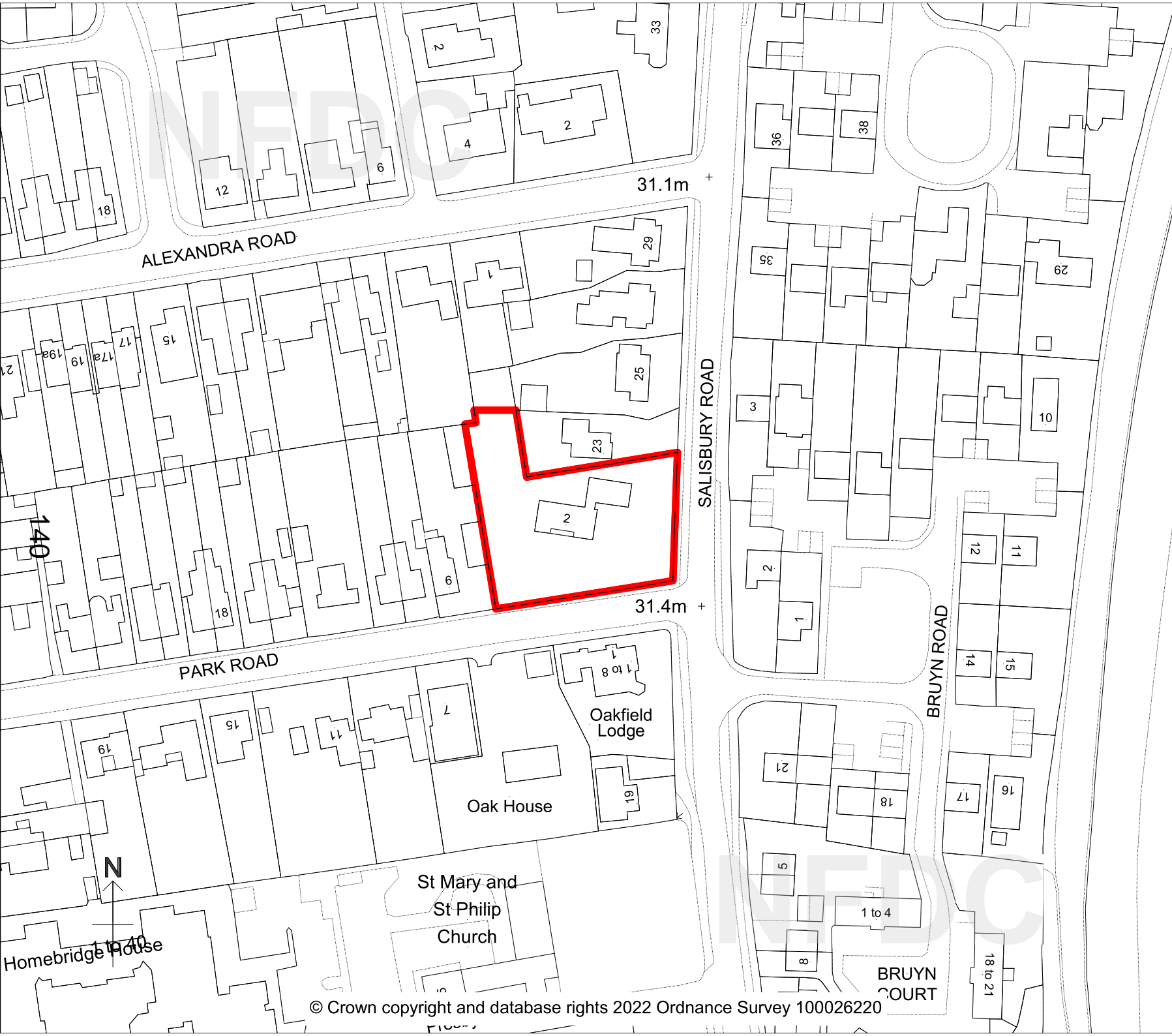
## PLANNING COMMITTEE

September 2022

2 PARK ROAD  
FORDINGBRIDGE  
SP6 1EQ  
22/10148

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scale.



Planning Committee 14 September 2022

**Application Number:** 22/10838 Full Planning Permission

**Site:** MWINGO, GREEN LANE, BLACKFIELD, FAWLEY SO45 1YG

**Development:** Single-storey rear extension

**Applicant:** Mr Pester

**Agent:** Building Plans & Estimating

**Target Date:** 08/09/2022

**Case Officer:** John Fanning

**Extension Date:** 19/09/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The impact on the character and appearance of the dwelling
- 2) The impact on the amenities of neighbouring occupiers

This application is to be considered by Committee because the application has been recommended for approval contrary to a PAR4 objection by Fawley Parish Council.

## 2 SITE DESCRIPTION

The site is situated within the defined built up area but forms part of a wedge of residential development situated between two areas of open space to the east and west. The property fronts onto Green Lane to the east which appears to be a private, gravelled road, with Walker's Lane South running to the rear.

The surrounding built development primarily consists of detached residential properties with a mix of different residential designs and forms including both bungalows and two-storey development.

## 3 PROPOSED DEVELOPMENT

The application proposes a single storey extension to the rear of an existing bungalow. It is noted that the property appears to have previously had an extension to the rear shown on the submitted plans however at the time of the site visit this structure had been demolished in its entirety.

The application proposes extending the main bulk of the bungalow by 7m, matching the dual-pitch roof form in terms of ridge and eaves.

## 4 PLANNING HISTORY

None relevant

## 5 PLANNING POLICY AND GUIDANCE

**Local Plan 2016-2036 Part 1: Planning Strategy**

ENV3: Design quality and local distinctiveness

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

Plan Area

### **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Fawley Parish Council**

We recommend refusal as we consider this proposal would result in considerable visual intrusion to the neighbouring property (Pine View).

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **HCC Rights of Way**

Rights of Way appear to be unaffected. No objection.

## **9 REPRESENTATIONS RECEIVED**

Three sets of representations were received, one in favour and two against. The following represents a summary of the points raised:

### **For**

- Support for modernisation of family dwelling
- Existing narrow gap between dwellings minimises overshadowing
- Permitted development extension would have similar impact

### **Against**

- The height, proximity and depth of the proposed extension would severely impact on the outlook and natural light available for side facing windows on a neighbouring property
- New side facing windows on the property would interlock with existing windows on neighbouring property and prove harmful to the privacy of neighbouring property
- Development would be situated in close proximity to boundary and would potentially cause damage to the building or its footings

## **10 PLANNING ASSESSMENT**

In addition to the single storey rear extension the plans identify some other alterations to the layout of the property including the installation of a new side facing window within the existing building. It is noted that this would fall within the permitted development rights of the dwelling and as such does not fall within the remit of this application.

## Character and appearance

The application proposes the continuation of the additional roof form to the rear. The plot itself is long with a substantial garden both to the front and rear. While the depth of extension is substantial, taking into account the mix of built form in the surrounding area, the size of the plot and the extension of the existing roof form it is not felt that the proposal would harmful impact the overall character or appearance of the surrounding area or prove harmful to the appearance of the existing building in its context.

## Amenity

There is a small set back from the immediate boundary on both sides but the existing dwelling takes up the majority of the site width, with the proposed development more than doubling the depth of development on the plot.

It is considered that the site retains sufficient amenity space for the needs of the existing occupiers. While some concern is raised that the existing bedroom to the rear of the property will be served by a side facing window with poor outlook it is noted that the situation could be undertaken without the need for planning permission and as such it is not considered an objection can reasonably be raised in this regard.

In relation to the property to the south, the existing building already projects further to the rear and this relationship would be further extended by the proposal. On balance, taking into account the reduction in height towards the boundary and the orientation of the property it is not considered that the proposal would represent an overbearing or overshadowing form of development even with the additional depth of extension.

It is considered that the proposal would have a more substantial impact on the property to the north. This property extends to a similar depth as the proposed extension sought under this application. Unfortunately this property has a number of side facing windows which rely on outlook over their neighbours garden (the application site).

At present there is a low level boundary running between the two properties which allows outlook from these windows, though it is noted that the applicant could (without the need for planning permission) erect a 2m boundary treatment along this boundary which would substantially restrict the available outlook. The more eastern of these windows is positioned roughly level with the existing rear wall of the property and serves as the sole window for a habitable room. The more western window is situated another few metres down serving a kitchen/dining area, which is also served by a window and partially glazed door to the rear of the property.

Taking into account the position of these windows and their relation to the proposed development as well as the orientation of the properties, with the application site being situated to the south, it is considered that the proposed development would potentially have a substantial impact on the available outlook from these windows in the context of the existing situation.

There exists a permitted development right to extend up to 4m to the rear, though the massing of a potential development of this kind would be set somewhat lower than the current proposal in terms of maximum ridge height. The neighbour has raised particular concern in relation to the potential overshadowing impacts of the proposed development.

It is accepted that the proposed development will have an impact on the available outlook and light available to the side facing windows on the neighbouring property. The more rearward of the two windows does retain alternate outlook to the rear so it is considered the most substantial impact would fall on the more easterly of the two windows. However it is also noted that this is the window that would be most significantly impacted by a potential permitted development extension.

It is considered that the proposal must be considered in the context of mitigating factors that the applicant could introduce without the need for planning permission. While there would be additional depth and massing it is considered that the potential additional impact beyond a situation where the applicant were to implement a 2m high boundary treatment and/or permitted development extension with regard to the creation of an overbearing or overshadowing impact are not considered to rise to the level of material harm sufficient to justify the refusal of the application.

The proposal would introduce the potential for additional massing in the roof form of the property, which taking into account the additional depth of projection would potentially exacerbate this relationship and cause an additional overbearing form of development. As such it is considered reasonable to impose a condition restricting against further permitted development extension of the roof form.

For the reasons outlined above, while it is considered that the proposed development would potentially have an impact on the amenities of the neighbouring residence, it is considered that the additional harm above that of the introduction of a permitted development fence or extension would not rise to the degree of material harm sufficient to justify refusing this application.

## **11 CONCLUSION**

For the reasons outlined above the application is considered to have an acceptable impact on the overall character and appearance of the host dwelling within the surrounding area. While the relationship with the neighbouring property to the south is considered unfortunate it is not considered that the application could reasonably be refused on this basis. As such the application is recommended for conditional approval.

## **12 OTHER CONSIDERATIONS**

N/A

## **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:

(Site location plan) Received 14.07.22

(Block/site plan) Received 14.07.22

(Existing elevations and floor plan) Received 14.07.22

(Proposed elevations and floor plan) Received 14.07.22

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no additions to the roof form of the extension hereby approved which are approved by Class B of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

**Further Information:**

John Fanning

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# New Forest DISTRICT COUNCIL

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SO43 7PA

## PLANNING COMMITTEE

September 2022

MWINGO, GREEN LANE  
BLACKFIELD, FAWLEY  
SO45 1YG  
22/10838

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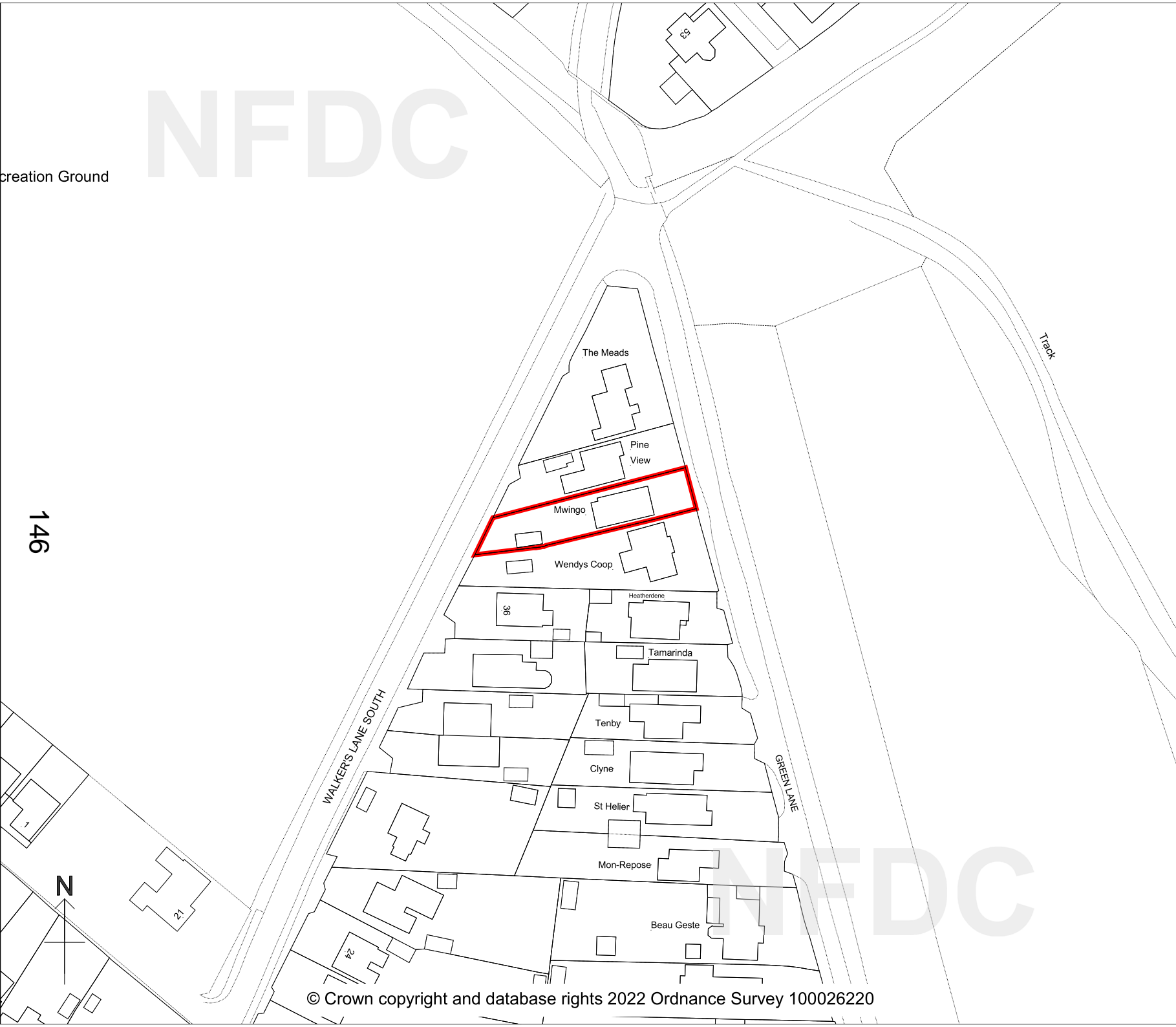
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# NFDC

Creation Ground

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Planning Committee 14 September 2022

**Application Number:** 22/10878 Full Planning Permission

**Site:** 169 WATER LANE, TOTTON SO40 3GU

**Development:** Single-storey rear extension; ramped access with verge crossing  
& dropped kerb

**Applicant:** NFDC Strategic Housing

**Agent:**

**Target Date:** 19/09/2022

**Case Officer:** John Fanning

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on parking and highway safety
- 2) Impact on character and amenity

This application is to be considered by Committee because the application has been submitted by New Forest District Council as an applicant.

## 2 SITE DESCRIPTION

The application site is a mid-terrace residential property situated within the Totton built up area. The surrounding area is residential in nature with a mix of dwelling types. Water Lane is a classified road with properties typically well set back from the main highway, with the application site having a substantial area of verge between the highway and the front of the plot.

## 3 THE PROPOSED DEVELOPMENT

The application has been submitted by New Forest District Council for a dropped kerb, hard surfacing across the verge and hard surfacing to the front of the site in order to facilitate vehicle parking. The application also includes a single storey rear extension to the rear.

## 4 PLANNING HISTORY

None relevant

## 5 POLICY CONTEXT

In addition to the aims and objectives of the NPPF are:

**Local Plan 2016-2036 Part 1: Planning Strategy**

ENV3: Design quality and local distinctiveness

**Supplementary Planning Guidance**

Parking Standards Supplementary Planning Document

## **Relevant Advice**

Chap 12: Achieving well designed places

## **Constraints**

Plan Area

## **Plan Policy Designations**

Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Totton & Eling Town Council**

Similar dropped kerb and vehicular access have been installed nearby. The rear extension is at ground floor level therefore should have limited impact on neighbouring properties.

RECOMMENDATION PAR1: We recommend PERMISSION, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

The following is a summary of the representations received:

### **HCC Highways**

Other nearby properties have similar access arrangements, no objection raised to loss of on-road parking in context of on-site parking provision. Noted that separate consent required from HCC as Local Highway Authority. Condition recommended to ensure access is installed prior to use of hard surfacing for vehicular access.

*Comments in full are available on website.*

## **9 REPRESENTATIONS RECEIVED**

No representations received

## **10 OFFICER COMMENTS**

The application consists of two disparate elements - alterations to the front to facilitate vehicular access and parking and a single storey extension to the rear.

### **Vehicular access**

At present there is a lay-by to the front of the property providing on-road parking. The application proposes dropping part of the kerb within the lay-by, the laying of hard standing across the verge and hard standing (with drainage) to the site frontage.

It is considered that there are three key issues in assessing this element of the proposal - the impact on parking provision, highways safety and visual character.

Regarding parking provision, the application provides one space for the dwelling but would also remove some existing on-road parking provision. On balance it is not considered that any objection is raised in principle to this.

Hampshire County Councils highways team were consulted on the application and raised no objection in terms of highways safety. A condition was requested restricting against any works on site until such time as the dropped kerb and access over the verge were installed. It is considered preventing works until that point would be overly onerous however a condition restricting the use of the hard surfacing within the plot for vehicular storage until those elements are implemented is considered reasonable.

The proposed works would be visually prominent in the context of the surrounding street scene. Several other properties along the frontage already have similar accesses over the same stretch of verge. It is noted that the hard surfacing within the boundary of the dwelling itself would typically fall within the permitted development rights of residential dwellings provided the surface water run-off is addressed. On balance while the surrounding area is well vegetated and the proliferation of hard surfacing for car parking does have some impact on the visual amenity of the area, it is not felt that the proposal would result in such material harm to the character of the dwelling as to justify refusing the application on this basis.

#### Single storey rear extension

The application has included details of a proposed single storey rear extension to the rear. Considering the scale and design of the proposed extension and the relationship with neighbouring properties that the proposed extension would not create a harmful form of development in terms of the creation of an overbearing or overshadowing impact on neighbouring occupiers. The site retains sufficient amenity space for the occupiers of the host dwelling and is not otherwise considered to prove harmful to the character or appearance of the host dwelling.

## **11 CONCLUSION**

For the reasons outlined above it is considered that the proposed works would not prove harmful to the amenities or character of the dwelling in the context of the surrounding area and neighbouring properties. As such the application is recommended for conditional approval.

## **12 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:

(Site plan) Received 25/7/22

(Site location plan) Received 25/7/22

(Block plan) Received 25/7/22

Drg No: 01-04/22 (Existing elevations) Received 25/7/22

Drg No: 02-04/22 (Existing elevations) Received 25/7/22

Drg No: 03-04/22 (Proposed elevations) Received 25/7/22

Drg No: 04-04/22 (Proposed floor plans) Received 25/7/22

Reason: To ensure satisfactory provision of the development.

3. The hard surfacing to the frontage of the property shall not be used for the storage of vehicles until the access (including the footway/verge crossing) has been constructed in accordance with the plans hereby approved.

Reason: To provide satisfactory access and in the interests of highways safety.

**Further Information:**

John Fanning

Telephone: 023 8028 5962



# New Forest

DISTRICT COUNCIL

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Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

September 2022

169 WATER LANE  
TOTTON  
SO40 3GU  
22/10878

Scale 1:1250

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



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Planning Committee 14 September 2022

**Application Number:** 22/10746 Full Planning Permission

**Site:** 9A BELSTONE ROAD, TOTTON SO40 8DY

**Development:** Construction of four houses with associated access, parking and landscaping; demolition of the existing building

**Applicant:** Mr & Mrs Radford

**Agent:** Spruce Town Planning Ltd

**Target Date:** 19/08/2022

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Landscape impact and trees
- 4) Highway safety, access and parking
- 5) Residential amenity
- 6) Air quality
- 7) Ecology

This application is to be considered by Committee due to the PAR4 recommendation of refusal received from Totton and Eling Town Council.

## 2 SITE DESCRIPTION

The application relates to number 9A Belstone Road, Totton. The site currently consists of a detached two storey dwellinghouse of traditional construction.

The house occupies a generous corner plot whereby the residential curtilage extends to approx. 928 sq.m (0.1 ha). The site has an existing vehicle access point onto the turning head at the end of Belstone Road and has neighbouring dwellings to the north and east.

To the west is a stream/ditch with a belt of trees and a cricket ground beyond. To the south is the Weymouth to London main railway line. The site is level and does not contain any significant landscaping.

## 3 PROPOSED DEVELOPMENT

The application seeks planning permission to demolish the existing building and construct two pairs of semi-detached houses (3x 3-bed and 1x 2-bed) with associated access, parking and landscaping.

The application therefore proposes a net increase of 3 x dwellings within the site.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
80/NFDC/17142 Alterations and extension to living room, toilet/lobby and bathroom over.	24/07/1980	Granted Subject to Conditions	Decided
XX/NFR/16763 Dwelling.	08/11/1972	Refused	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

##### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

##### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

##### **Relevant Advice**

NPPF Para.126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF Para.130: The National Planning Policy Framework 2021 Chapter 12 "Achieving well designed places" requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

##### **Constraints**

Plan Area

##### **Plan Policy Designations**

Built-up Area

#### 6 TOWN COUNCIL COMMENTS

##### **Totton & Eling Town Council**

The location of the development is at the end of a very small cul-de-sac, the addition of four new dwellings in this location is over-intensification. The increase of vehicle movements in and out of the road would impact local residents.

Whilst 7 parking spaces have been proposed, in line with parking standards, any additional off road parking would be limited. Whilst the dwellings would meet housing need overall the site would be over developed and cramped.

RECOMMENDATION - PAR4: We recommend REFUSAL, for the reasons listed.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **HCC Highways**

No Highway objection. Informative re undertaking works to the Highway requested.

### **Environmental Health (Pollution)**

Providing appropriate mitigation measures are implemented, it is expected that any noise impact from railway noise can be suitably controlled to within guideline levels and therefore a condition to this effect is requested.

### **NFDC Tree Team**

No objection Subject to a condition

### **NFDC Ecologist**

Preliminary Ecological Assessment received - results of further survey/monitoring in respect of Badgers being undertaken.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Twenty seven representations from third parties were received. All of the representations received were in objection to the proposal. Grounds for objection include:

- additional traffic generation
- disturbance to existing residents during construction
- insufficient space for construction traffic/vehicles
- overdevelopment/development too dense
- insufficient parking provision/exacerbation of existing parking issues in the road
- drainage concerns
- loss of the existing house as a characterful property
- design of proposed houses not in keeping with surrounding area
- overlooking/loss of privacy

For: 0

Against: 27

## **10 PLANNING ASSESSMENT**

### Principle of Development

The site is within the designated 'built-up' area of Totton, where development can be considered acceptable in principle, subject to accordance with the relevant policies of the Local Plan and relevant local and national planning policy guidance, however

the benefits of any proposal in terms of new housing provision must be carefully weighed against any potential harm caused.

Policy STR3 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the New Forest National Park sets out the strategy for locating new development and aims to locate and direct new development to accessible locations that help to sustain the vitality and viability of the towns and villages of the Plan Area as the focal points of commercial activity and community life, and as safe, attractive and accessible locations to use and visit.

Policy STR4 provides a settlement hierarchy which identifies three tiers of settlements and sets out the nature and scale of development that would be appropriate for each type of settlement. Totton is identified as a tier (i) Town which offers access to a wider range of employment, facilities and services. Tier (i) Towns are identified as being the most sustainable locations for large-scale residential, retail, leisure, cultural and business development to improve their self-containment and to support and consolidate their local service offer.

In these respects, the proposed development is considered acceptable in principle, subject to accordance with the other relevant policies of the Development Plan and other relevant local and national planning policy and other guidance (as considered further below).

#### Design, site layout and impact on local character and appearance of area

Adopted local plan policy ENV3 deals with Design quality and local distinctiveness and requires that all development should achieve 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 that are:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

In particular, ENV3 requires that new development will:

- i. Create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features; and
- ii. Avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity;

Belstone road is a residential cul-de-sac comprising 12 mostly early-mid twentieth century dwellings of a variety of forms and designs, including detached and semi-detached. Number 9a is a detached two storey house that has a more narrow profile than is typical of other dwellings on the road. The existing house is of generally pleasant appearance, is occupied and appears to be in good condition, but it is not considered to be of such architectural or other heritage related merit as to warrant preservation in its own right, nor is it considered intrinsic to the existing character of the surrounding street.

The demolition and removal of the existing house is required to facilitate a suitable and appropriate width and form of access to the relatively generous garden curtilage (extending to approx. 928 sq.m (0.1 ha) within the site.

The proposed redevelopment of the site consists of the construction of two pairs of semi-detached houses (3x 3-bed and 1x 2-bed) with associated access, parking and landscaping. The proposal therefore constitutes a net increase of 3 x dwellings within the site.

From the perspective of the existing street scene in Belstone Road, the new dwellings would be set well back from the road (by approx. 20 metres) and would as a consequence not be prominent visually. The proposed new dwellings would be of traditional construction and appearance, being of two storey form with brick and render facing elevations under tiled roofs.

The proposed development will provide an access driveway to the front (north) from Belstone Road with 8 parking spaces and a hard-surfaced turning area bounded with areas of landscaping and planting either side of the entrance point and within the site frontage as indicated in the proposed plans.

The form and scale of the proposed dwellings is considered appropriate relative to the size/area of the site and would not be discordant with the scale and character of existing dwellings within the surrounding area.

Each of the four proposed dwellings would be provided with associated parking at the front and a proportionate area of private garden/outdoor amenity space at the rear (south).

The proposed redevelopment of the site is considered to constitute an appropriate form of development having regard to the area of the site and the relationship and impact(s) on the character of the surrounding area.

#### Landscape impact and trees

The site as it currently exists forms the garden of number 9a Belstone Road. The site is a corner plot extending to the south and west and is notably significantly larger than other residential curtilages within Belstone Road. The site is generally flat, sloping gradually to the south, and grassed with an area of patio to the immediate rear of the house. The boundaries consist of timber panel fencing to the eastern side boundary (with number 9), post and wire fencing that is behind hedging and trees to the south and west boundaries. The partial northern boundary with the side garden of number 10 Belstone Road is a timber panel fence, beyond which there is a mature Laurel hedge.

Beyond the southern boundary is the railway line. Beyond the western boundary is a wide ditch and the Totton and Eling Cricket Club ground with very large mature trees to the immediate west of the site (see Tree officer comments below).

By reason of the well screened nature of the application site, it is considered the proposed development would not have adverse landscape/visual amenity within the wider surrounding area.

#### **Trees**

The Council's Tree officer has visited the site and assessed the proposals with respect to potential impacts on trees. her assessment is as follows:

*'There are no trees within this site that are considered a constraint to development. However, off site, adjacent to the western boundary is a linear group of trees that mainly consist of Oaks that do contribute to the verdant character of the area.*

*To support this application the Alderwood Consulting Ltd, Arboricultural Impact Assessment Report Ref: D2213AIAa dated 7th June 2022 has been submitted. This shows the trees to the west of the site are on the opposite side of a drainage ditch.*

*This will impact the root distribution and spread of these trees and is likely to act as a root barrier. It is unlikely there will be significant roots from these trees encroaching the site and therefore there is no requirement for specialist foundations or surfaces within the site. The submitted Tree Protection Plan AC01a shows the location of the tree protection fencing along the site boundary. This should act as sufficient protection for the trees.*

*The mature trees are to the west of the proposed dwellings, the gardens to the proposed properties will be south facing and therefore the trees should not unduly shade the site. However, it is feasible to the branches from the Oak trees will encroach the site and parking areas proposed in the north west corner. There could be future conflict with trees dropping debris, such as leaves, small twigs, acorns and sap on vehicles. To prevent conflict between residents and the trees use of car ports is recommended.*

*Overall, I have no objections on tree grounds subject to the conditions below.'*

#### Highway safety, access and parking

##### **Parking**

Belstone road is a residential cul-de-sac comprising 12 dwellings. The cul-de-sac is accessed via its junction with the A336 Ringwood Road at its northern end.

The application proposes the demolition and removal of the existing house to facilitate a suitable and appropriate width and form of access to the site. The proposed development will provide an access driveway to the front (north) from Belstone Road with 8 parking spaces and a hard-surfaced turning area bounded with areas of landscaping and planting either side of the entrance point and within the site frontage as indicated in the proposed plans.

Many of the concerns raised in third party representations and by the Town Council have regard to traffic generation, exacerbation of existing on street parking issues within Belstone Road, and concerns with regard to the level of parking provision proposed within the site. However, the proposed development would provide 8 parking spaces, which is in excess of the Council's recently adopted revised Parking Standards SPD (adopted 6th April 2022) makes a requirement for 7.2 shared on-site parking spaces for a development of 1 x two bed and 3 x three bed dwellings.

The proposed development is thereby accordant with the Council's recently revised adopted parking standards.

##### **Highway safety**

Other concerns have been raised in respect of Highway safety and the potential for issues relating to traffic movements within Belstone Road and at the junction with Ringwood Road.

Hampshire County Council Highways (as Highway authority) have been consulted on the application and, following confirmation of the dimensions of the proposed new access to the site, are content to raise no Highway objection to the proposal.

As the development meets the required on-site parking standards and has received a consultation response of no Highway objection from the Highway authority, the proposal is considered acceptable in terms of Highway safety, access and parking provision.

Matters of potential disruption during the construction period can be addressed via the agreement of a Construction Environment Management Plan (CEMP) by condition.

The provision of EV charging points and cycle storage facilities for the development in accordance with local plan policies ENV2 and ENV3.

### Residential amenity

The application proposes an increase in the number of dwellings within the site, therefore the impact(s) of the proposal on the amenity of the occupiers of existing neighbouring dwellings has been carefully considered. The closest neighbouring dwellings are at number 9 Belstone Road to the immediate east and number 10 Belstone Road to the immediate north.

#### **Number 9 Belstone road**

The neighbouring house at 9 Belstone Road is a detached two storey dwelling that is separated from the existing house at 9a by a narrow gap of approx. 1 metre. Number 9 does not have any doors, windows or other openings within its west facing side elevation. The rear garden of number 9 is separated from the application site by a timber panel fence of approx. 1.6m height. The rear garden of number 9a slopes gradually away to the south.

The proposed new dwellings consist of 2 x pairs of two storey semi-detached houses that are set back within the site by approximately 20m from the road and are therefore set to the rear of the line of existing houses along the south side of Belstone Road. Consequently there is a sensitivity with respect to the potential for overlooking of the rear elevations and rear gardens of number 9 and other properties along the south side of Belstone Road from front (north facing) first floor windows and east facing side first floor windows - in particular from the closest proposed new dwelling (plot 4).

Plot 4 has been designed to be of smaller scale than the other three proposed units, with a subservient roof height (eaves and ridge) and only a single small casement window within the east facing side elevation at first floor level. this window is to be obscure glazed (secured by a condition) and serves a bathroom.

The front facing first floor window of plot 4 serves a bedroom. This window is relatively small and is set away from the eastern side of the building, so that views from this window would be primarily towards the front parking area and access to the site. However, there would be a potential view at an acute angle from this window towards the rear facing elevation of number 9. To address this and to protect the amenity of the occupiers of number 9, an amended window design has been submitted (drawing reference PL03\_REV A) whereby the casement window has been amended to an 'oriel' style window with a triangular outward projection so that the north east facing glazing (i.e. that orientated towards the rear of number 9) is obscure glazed in perpetuity (to be secured by a planning condition).

In all other respects, it is considered that by reason of the distance, orientation and general relationship between the proposed development (and with particular regard to proposed plot 4), the proposed development would not have undue adverse impacts on the amenity of the occupiers of number 9, or other adjacent houses to the east.

### **Number 10 Belstone Road**

The application site has a boundary with the side garden of number 10 (constituting the majority of the northern boundary of the application site). The boundary consists of a timber panel fence and (on the side of number 10) a mature Laurel hedge.

The existing detached single storey garage building within the application site is to be demolished and the area of the south of the shared boundary is to be set out to provide parking and turning for the application site as detailed in the proposed drawings.

Of the proposed new dwellings, plots 1 and 2 would be located directly to the south of the curtilage of number 10. The distance between the front facing elevations of plots 1 and 2 and the side boundary with number 10 would be approximately 12 metres and the distance between the proposed plots 1 and 2 and the south facing side elevation of the house at number 10 would be approximately 22 metres.

By reason of the distance, relationship and the presence of existing substantial boundary screening between the application site and number 10 Belstone Road, it is considered the proposed development would not result in undue adverse impacts on the amenity of the occupiers of number 10, such as overlooking or overshadowing.

### Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In the case of an application for less than 10 dwellings, an air quality statement rather than an air quality assessment will be required. The air quality statement should include a statement confirming 3 mitigation measures to be implemented as part of the development from the list detailed in Appendix 1. In this case, an air quality statement can be required to be submitted via a planning condition.

### Ecology

#### **Habitat Mitigation**

##### a) Managing 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, but that the adverse impacts would be avoided if the planning permission were to mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution could be secured through a S106 legal agreement or a Unilateral Undertaking.

**b) Nitrate neutrality and impact on the Solent SPA and SACs**

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. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget.

For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

**Managing Air Quality**

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). 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.

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. An appropriate contribution can be secured through a S106 legal agreement or a Unilateral Undertaking.

**Biodiversity net gain**

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2.

The applicant has submitted a Preliminary Ecological Assessment (Ecosupport, dated 24th August 2022) within which a scheme of mitigation and enhancement measures to provide BNG is provided. The scheme of mitigation and enhancement for BNG is considered acceptable and in accordance with the Council's Ecology and Biodiversity Net Gain – Interim Advice and Information Note and can be secured by a planning condition.

#### Developer Contributions

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

- Infrastructure contribution of £14,964
- Non-infrastructure contribution of £2,215
- Bird Aware Solent contribution of £2,033
- Air quality monitoring contribution of £273

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	364.4		364.4	364.4	£80/sqm	£37,224.86 *

Subtotal:	£37,224.86
Relief:	£0.00
Total Payable:	£37,224.86

## 11 CONCLUSION

Subject to the provision of appropriate contributions with respect to habitats mitigation (to be secured via S106 or unilateral undertaking) and appropriate mitigation and enhancements on site for biodiversity net gain, the proposed development would provide an increase in the provision of houses in a sustainable town centre location in accordance with the adopted strategy and policies of the local plan. The proposal would not have adverse impacts on the character of the area or with respect to the amenity of neighbours.

The proposal accords with the Council's adopted parking Strategy SDP and would not have detrimental impacts with respect to Highway safety.

## 12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate contributions with respect to habitats mitigation (as set out in the officer report to Committee), and
- ii) the imposition of the conditions set out below.

**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:

PL01 REV B (dated 09.08.22) AMENDED SITE LOCATION & BLOCK PLANS  
PL03 REV A (dated 08.08.22) AMENDED FLOOR PLANS & ELEVATIONS  
NOISE IMPACT ASSESSMENT  
ARBORICULTURAL IMPACT ASSESSMENT  
PRELIMINARY ECLOGICAL ASSESSMENT (Ecosupport, dated 24.08.22)

Reason: To ensure satisfactory provision of the development.

3. Before development commences above ground level, exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the development 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.

4. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

5. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) 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.

Reason: In order to ensure that the drainage arrangements are appropriate and 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 and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. Before the development (any new dwelling) is first occupied, details of a scheme for the appropriate provision of cycle storage shall be submitted to and agreed in writing by the local planning authority. The approved cycle storage provision shall be provided for each dwelling prior to first occupation and shall thereafter be retained for its intended purpose at all times.

Reason: To ensure adequate cycle parking provision, and in the interests of sustainable development.

7. Before development commences above ground level, an air quality statement setting out a minimum of three mitigation measures (as detailed within Appendix 1 of the Council's Air Quality Assessments in New Development Supplementary Planning Document (SPD) shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed air quality mitigation measures.

Reason: In the interests of amenity and public health, in accordance with the provisions of the Council's Air Quality Assessments in New Development SPD.

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; and

(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) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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. Before development commences above ground level, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) details of any existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) the treatment of the boundaries of the site and other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place above ground level unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. Development shall be carried out in accordance with the recommendations for biodiversity mitigation and opportunities for enhancement set out within Section 6 of the submitted Preliminary Ecological Appraisal (Ecosupport, dated 24th August 2022).

Reason: To ensure provision for biodiversity net gain for the development, in accordance with the Council's Ecology and Biodiversity Net Gain - Interim Advice and Information Note (July 2021).

11. 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 Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust
- Noise Management Plan (NMP) including details of noise reduction measures, the type of equipment to be used and their hours of operation
- Details of waste management, including confirmation that no waste will be burnt on the site

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 agreed CEMP.

Reason: In the interests of public health and amenity, in accordance with the provisions of policies CCC1 and ENV3 of the local plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

12. The development hereby permitted shall not be occupied until the spaces shown on plans PL 01 Rev.B for the parking of motor vehicles have been provided. The spaces shown on the above plans for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the approved dwellings at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

13. The trees/hedges on and adjacent to the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement (Alderwood Consulting Ltd, Arboricultural Impact Assessment Report, dated 7th June 2022).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

14. The noise mitigation measures outlined within the submitted Noise Impact Assessment undertaken by Impact Acoustics Ltd (ref: IMP7166-1) in relation to the minimum performance values for glazing, ventilation, walls, ceilings, as well any boundary fencing, shall be implemented prior to first occupation and thereafter maintained as such at all times.

Reason: In the interests of amenity and in accordance with the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

15. The first floor bathroom window(s) on the east facing side elevation of plot 4 shall be:

- (i) obscurely glazed, and
- (ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor,

and the window(s) shall be retained as such in perpetuity.

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.

16. The north east facing glazing of the first floor bedroom window on the front (north) elevation of the approved plot 4 shall be permanently glazed with obscured glass (for the avoidance of doubt, this requirement does not apply to the north west facing glazing within this window).

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.

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# New Forest DISTRICT COUNCIL

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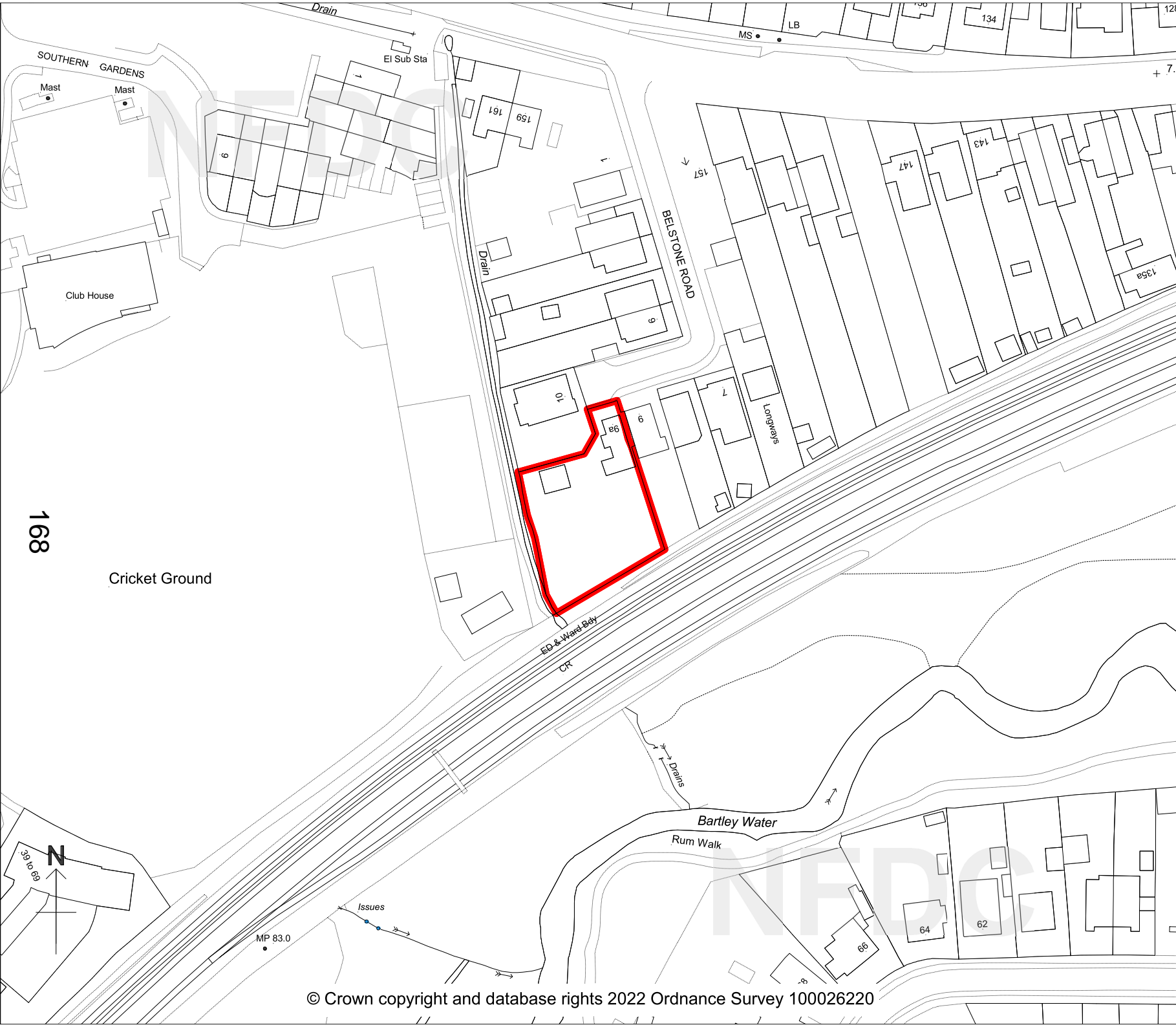
## PLANNING COMMITTEE

September 2022

9A BELSTONE ROAD  
TOTTON  
SO40 8DY  
22/10746

Scale 1:1250

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scale.



168

Cricket Ground



Planning Committee 14 September 2022

**Application Number:** 21/11633 Full Planning Permission

**Site:** AMPRESS PARK, AMPRESS LANE, LYMINGTON SO41 8LW

**Development:** Use of Buildings A, B and C (Granted by Permission 10/95414) from B1 and B2 use (restricted by Section 106 Agreement dated 12/06/12 in relation to land at Bridge Road, Lymington and land at Ampress Park) to uses within classes B2, B8 & E.

**Applicant:** Redrow Homes Limited

**Agent:** Ken Parke Planning Consultants

**Target Date:** 01/02/2022

**Case Officer:** James Gilfillan

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning history
- 2) Economic impact, employment and town centre vitality
- 3) Highway Safety

This application is to be considered by Committee because of the objection from Lymington & Pennington Town Council

## 2 SITE DESCRIPTION

The site is in the centre of a modern industrial employment estate on the north edge of Lymington. The estate has a mix of size buildings and uses, including a petrol station, warehouses, offices and manufacturing, including New Forest Ice Cream and Lymington Hospital.

The estate is relatively modern in design and appearance largely being developed since the mid 2000's.

The application site is occupied by a 'horseshoe' cluster of employment units around a courtyard of parking. The horseshoe is made up of three buildings, those on the east and west are small workshop style with high ceilings, the one along the north edge are small office units over 2 floors.

The buildings are completed to a shell, but have not been fitted out internally or brought in to use.

They were provided as start up units with 'easy in-easy out' short term lease arrangements for uses in classes B1 (offices, light industry etc. and B2 (general industry) of the 1987 use classes order.

### 3 PROPOSED DEVELOPMENT

Use of Buildings A, B and C (Granted by Permission 10/95414) from B1 and B2 use (restricted by Section 106 Agreement dated 12/06/12 in relation to land at Bridge Road, Lymington and land at Ampress Park) to uses within classes B2, B8 & E.

Class E was introduced in 2020 revisions to the Use Classes Order and provides a broader Commercial, Business and Service Use Class, taking in uses that were formerly divided in to different classifications. Class E uses include:

- Retail;
- Restaurant, Cafe;
- Financial and professional business services;
- Indoor Sport, recreation and fitness;
- Provision of medical or health services;
- Creche;
- Offices, Research and Development, Industrial processes, that can be carried out in a residential area without detriment to its amenity.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
11/97849 Mixed use development comprised: 168 dwellings; restaurant; retail/commercial space (Use Class A1 & A2) boat club; art gallery (Use Class D1); jetty with pontoon; access alterations; pedestrian bridge over railway; riverside walkway; car parking; landscaping; drainage (Former Webbs Chicken Factory)	14/06/2012	Grant with conditions	Decided
10/95414 26 offices (1 building) (Use Class B1); 12 workshops (2 buildings) (Use Classes B1 & B2); Industrial Unit (1 building) (Use Classes B1, B2 and B8); associated external works	31/08/2010	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development

Policy STR6: Sustainable economic growth

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ECON5: Retail development and other main town centre uses

#### **Local Plan Part 2: Sites and Development Management 2014**

LYM07: Ampress Park, Southampton Road

#### **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

#### **Relevant Advice**

National Planning Policy Framework 2021

#### **Constraints**

SSSI IRZ Water Supply

SSSI IRZ Wind and Solar Energy

SSSI IRZ Waste  
SSSI IRZ Residential  
SSSI IRZ Rural Non Residential  
SSSI IRZ Rural Residential  
SSSI IRZ Minerals Oil and Gas  
Aerodrome Safeguarding Zone  
Groundwater Protection Zone  
Planning Agreement  
Plan Area  
SSSI IRZ Compost  
SSSI IRZ Discharges  
SSSI IRZ Infrastructure  
SSSI IRZ Air Pollution  
SSSI IRZ All Consultations  
SSSI IRZ Combustion

### **Plan Policy Designations**

Employment  
Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Lymington & Pennington Town Council:** PAR4: Recommend Refusal.

- The access road is private and unadopted.
- Councillors agreed it is crucial to preserve the commercial and industrial use class; to maintain the equilibrium of the Town.
- It is recommended the applicant applies to have the Section 106 condition nullified.
- Councillors agreed it is crucial that Ampress Park should be retained as a business park and not become a retail park.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Environmental Health Contaminated Land:** No objection, the nature of the proposals have no bearing on ground conditions

**HCC Highways:** No Objection, unlikely that the range of uses permissible by Class E would generate additional traffic movements over and above the approved B1 mix of uses to prejudice highway or pedestrian safety, subject to preventing occupation by retail uses.

## **9 REPRESENTATIONS RECEIVED**

2 Letters of representation have been received.

1 objects due to the lack of marketing and advertisement on site to highlight who to approach for information about potential occupancy

1 supports for the benefit for local businesses and the economy bringing these empty unused units in to use.

## 10 PLANNING ASSESSMENT

### Principle of Development

The existing buildings were constructed in accordance with the 2010 permission described above. The units formed part of the justification for the erection of housing led development on the former Webbs factory, known as Lymington Shores, mitigating the loss of the employment space.

The buildings were secured by a legal agreement, requiring them to be substantially completed before occupation of the 150th residential unit. Substantial completion has been reached - however the buildings have not been brought into use.

At the time of approving the Webbs Factory redevelopment it was considered appropriate to manage the industrial units in such a way that they were beneficial to small businesses likely to be starting up, or moving in to such industrial premises for the first time.

The S106 included several requirements to ensure that they units were constructed and managed to be attractive to/suitable for small/starter businesses. The requirements are;

- Units shall be between 80Sq.m and 240Sq.m, and variations from the original size are permissible within that tolerance;
- No more than 560Sq.m to be used for B8 uses (Storage and distribution);
- For 5 years from the start date the units shall only be let on monthly licences;
- Undertake a Financial Review, after 2yrs operation of the first 1000Sq.m, of the viability of the site operating in accordance with the above clauses. Should it be demonstrated and agreed by the Council, Redrow and the operator of Ampress Park, that the site is unviable to continue operating in accordance with the above provisions then they would be accepted as being of no effect.

The Lymington Shores agreement also secured obligations in respect of;

- Affordable Housing;
- Footbridge and lift;
- Sustainable transport contribution
- Highway works;
- Commercial, restaurant and gallery units;
- Lymington Rowing Club;
- Open Space and footpaths:

These obligations would continue to be secured using an amended S106.

This application seeks planning permission to use the buildings for Class B1, B2 & E uses and remove the management restrictions that are in place. The applicant has stated that these amendments are necessary to enable the buildings to be brought into use and has provided a justification as to why the existing controls are responsible for the units not having been brought into use.

The rationale that the fit out of each unit being bespoke to users and therefore undeliverable without an identified end user is not considered a reasonable justification, as the fit out would not be revised each time a tenant changes and a generic fit out would have been sufficient for the nature of start up businesses the site was designed to serve. Although the cost of completing this work against uncertainty of occupation is clearly a risk that would suppress viability.

The short term lease arrangements giving 'easy in and easy out' for occupiers is shown to operate successfully in other locations, such as the Council operated New Forest Enterprise Centre at Rushington, and concerns over the lack of security of

tenure are not compelling either, but the churn of tenants and consequential management of changes or continued tenancies would have implications for viability.

The principle of the application has significant merit. The resultant scheme would still deliver employment generating uses, largely wealth creation and likely to be symbiotic with surrounding uses and businesses.

The supporting commercial review of the viability of the scheme demonstrates that should the site be fitted out and occupancy occur, it is likely that a review undertaken after 2 years, as required by the S.106, would demonstrate it was not viable to continue and the relevant provisions would be removed from the land charges register.

Local Plan part 2 policy LYM7: Ampress Park, identifies the site should include provision for managed workspaces designed to meet the needs of business start-ups and small local firms. In the time since this development was first considered appropriate to mitigate for the loss of employment at Webbs Chicken factory at Lymington Shores, the technology used by small and start up office based businesses has evolved dramatically.

That policy remains part of the Development Plan. The proposed change of use sought, without the imposition of the obligations of the 2012 legal agreement, would not preclude business start ups or local firms and would still make provision for employment, including significantly greater proportion of wealth generating businesses for the wider economy than the chicken factory would have contributed.

#### Economic impact, employment and town centre vitality.

The buildings are currently empty and have never been brought into use.

The employment generated on site would however be significant. Whilst it is very difficult to present a number of jobs that would be created, due to the uncertainties about the proportions of uses likely, or comparison with the number that could have been generated had the original start up/incubator units been occupied. The evidence relating to the viability of the original scheme suggests it would be unlikely to have delivered the amount of employment that is likely to come forward if the site is released from the obligations of the existing S.106 agreement.

Regardless of the number of employees who may work on the site, it is clear that enabling the site to be brought into use, would generate employment not currently present on site, with the positive benefits of additional spend by employees in nearby shops, services and facilities.

The NPPF at para 81 directs significant weight should be placed on the need to support economic growth and productivity.

Fundamentally this application promotes the use of land in an established employment area for employment use and is therefore in accordance with Local Plan policy ECON1.

The recently created Use Class 'E' Commercial, Business and Service, includes a variety of town centre uses, such as shops, restaurants, medical services and creche. It also includes offices, research and development and 'light' industrial. In the event the site were occupied as offices, light industrial or R&D, there is no condition on the original planning consent preventing conversion to other class E uses, albeit tenancy would be limited by the S.106 obligations.

Whilst the views of the Town Council regarding protecting the town centre are merited, it would be inappropriate to resist the direction of travel imposed by the Government in respect of the flexibility of uses to make efficient use of land and buildings.

However in recognition of the approach defined by ECON5 the applicant has accepted the imposition of a condition preventing occupation by retail shops. This also has implications for car parking, covered below. In supporting this application with such a condition, the Council retains greater control over the range of uses that could occupy the site than it does at present.

#### Highway safety, access and parking

There would be no changes to the access arrangements or the type of vehicle movements generated. The employment park is capable of accommodating the type of large vehicles that the proposed changes to the uses may generate.

The amount of parking on the site would be sufficient for the range of uses that might be attracted across Use Class E, except in the scenario when the entire site was used for retail purposes. Whilst the layout and arrangement of the buildings does not lend itself to single large retail use, the applicant has indicated a willingness to accept imposition of a condition preventing occupation by retail premises.

The representation from the Town Council does not provide any technical evidence or assessment as to what the concern is about the private ownership of the access roads, or why that should render the scheme unacceptable, or why this application has any different impacts from the consented but vacant scheme. As such, little weight can be applied to this objection.

The site would bring additional employment opportunities with easy walking and cycling distances of existing residential areas. The plans do not suggest sufficient cycle storage facilities have been provided to comply with current SPD requirements. Nor are any electric vehicle charging points provided for staff, business vehicles or customers. Both matters could be addressed by conditions, in order to enhance the provision towards sustainable and clean forms of transport.

As such, and as indicated in the response from Hampshire CC as highway authority, there would be no reason to resist the development on highway grounds.

#### Character and Appearance

The scheme does not propose to make any physical alterations to the appearance of the site, thereby preserving the current appearance of the buildings and their contribution to the character of the estate. Signage would require advert consent.

The mix of uses possible within Class E, would have an impact on the nature of customers and potentially introduce social, community and town centre type characteristics. Such a shift would be largely contained within the courtyard of buildings on the site and would not be detrimental to the entire area or prejudice the ability of the surrounding sites to continue operating as existing.

#### Residential amenity

The proposed change of use would allow uses and occupation with potential to generate nuisance and disturbance equivalent to the existing consent. Furthermore this is an established, designated employment site, where nuisance generating uses should be directed. The amenity of neighbours close to the site, across the railway line, would be preserved.

### Ecology

Since the development was approved and built the requirement to deliver on site bio-diversity enhancement has been established. Whilst this application does not propose any physical alterations to the buildings, which are already in situ, some landscape enhancements in the parking courtyard are shown on the submitted plans, that would contribute to the character and appearance of the site and bio-diversity..

### Other matters

In all other respects, matters of archaeology, drainage, flood risk, construction disturbance and contamination, have been implemented or dealt with by way of the construction works undertaken on site.

### **Heads of Terms**

Deed of Variation to confirm:

- Schedule 5 to the original 2012 agreement would not be enforceable against the land.
- This permission would not fetter the remaining obligations of the 2012 agreement.

## **11 CONCLUSION**

The proposal would bring this underused site in the urban area in to more optimal and flexible use, generating employment and delivering economic and environmental benefits for the town and district.

Conditions regarding the use can preserve the vitality and viability of Lymington High street and Town centre.

The proposal would comply with the development plan and would deliver sustainable development.

## **12 RECOMMENDATION**

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion, within 6 months of the date of this resolution, of a planning obligation entered into by way of a Section 106 Agreement to secure a deed of variation to the 2012 S.106 agreement.
- ii) the imposition of the conditions set out below

BUT, in the event that the Agreement is not completed, Executive Head of Planning, Regeneration and Economy to **REFUSE PERMISSION** as the proposal is only acceptable on the basis that a s106 deed of variation is entered into.

### Conditions to be attached to any consent:

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:

Location Plan 1:1250 received 07/12/21  
Proposed Site Plan and Landscaping Drg No:100 received 07/12/21  
Blocks A&B plans Drg No:101 received 07/12/21  
Block C Plans Drg No:102 received 07/12/21  
Elevations 1of 2 Drg No:103 received 07/12/21  
Elevations 2of 2 Drg No:104 received 07/12/21  
Roof Plan Drg No:105 received 07/12/21.

Reason: To ensure satisfactory provision of the development.

3. Before first occupation of the buildings hereby approved, a scheme for the installation of charging points for electric vehicles to serve the development shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and amended and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used for uses falling within class B2, B8 and Class E of the use classes order only and for no other use purposes, whatsoever, including any Class E retail uses of the Town and Country Planning (Use Classes) Order 1987 as amended or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To reflect the character and nature of the site within a designated employment area, its out of town centre location and availability of parking and in accordance with Policies STR1, ECON1, ECON2, ECON5 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020



5. All planting, seeding or turfing as shown on the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. Prior to occupation of any units in Blocks A and B, the equivalent of 1 sheffield style cycle rack per unit to be formed in those blocks shall be installed on the site, close to the entrance to the respective unit. The racks shall thereafter be retained.

Reason: In the interests of encouraging cycling, reducing reliance on motor vehicles, air quality and sustainability and in accordance with STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the adopted Parking Standards SPD 2022.

7. Prior to the commencement of use of any building, the Cycle and Bin stores shown on the approved plans shall be installed and available for use. They shall thereafter be maintained and retained for those uses.

Reason: In order to make appropriate provision for the respective storage of waste and cycles and to preserve on site highway safety and appearance, encourage cycling and sustainability and in accordance with policies STR1, ENV3 & CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2022 and the adopted Parking Standards SPD 2022.

**Further Information:**

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# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

September 2022

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