

NOTICE OF MEETING

Meeting:	PLANNING COMMITTEE
Date and Time:	WEDNESDAY, 9 AUGUST 2023, AT 9.00 AM
Place:	COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA
Enquiries to:	Email: joe.tyler@nfdc.gov.uk Tel: 023 8028 5982

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

Kate Ryan
Chief Executive

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This agenda can be viewed online (<https://democracy.newforest.gov.uk>).

It can also be made available on audio tape, in Braille and large print.

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 12 July 2023 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) **Former Police Station, Southampton Road, Lymington (Application No. 23/10282) (Pages 5 - 60)**

Redevelopment of the site to form 32no. retirement apartments including communal facilities, access, car parking and landscaping; demolition of existing building.

RECOMMENDED:

Delegated Authority be given to the Development Management – Service Manager to **GRANT PERMISSION** subject to conditions.

(b) **SS18 Land North of Augustus Avenue and West of the A338 Salisbury Road, North of Burgate (Application No. 23/10518) (Pages 61 - 96)**

Construction of link road from August Avenue to the A338, forming part of the SS18 allocated site, including landscaping, permanent and temporary drainage infrastructure, and other associated infrastructure (enabling early delivery of the highways infrastructure of hybrid application reference 21/11237).

RECOMMENDED:

Grant subject to conditions.

(c) **Land to West of Whitsbury Road, Fordingbridge (Application No. 21/10052) (Pages 97 - 166)**

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:

That the Committee allow a further four-month period until 22 December 2023 to allow for the completion of the S106 Agreement and the subsequent issuing of the Planning Permission.

(d) **14 Parsonage Barn Lane, Ringwood (Application No. 23/10662) (Pages 167 - 176)**

Conversion of 7-bedroom hostel into 5 flats to provide temporary accommodation; fenestration alterations, associated landscaping, parking, cycle and bin store.

RECOMMENDED:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to conditions.

(e) **14 Matley Gardens, Totton (Application No. 23/10618) (Pages 177 - 182)**

First floor side extension with partial garage conversion; fenestration alterations, single-storey rear extension to replace existing conservatory.

RECOMMENDED:

Grant subject to conditions.

(f) **54 Crawte Avenue, Holbury, Fawley (Application No. 23/10554) (Pages 183 - 188)**

Rebuild and extend to the front of the existing garage.

RECOMMENDED:

Grant subject to conditions.

(g) **Land at Crow Arch Lane and Crow Lane, Crow, Ringwood (Application No. 23/10040) (Pages 189 - 196)**

Totem sign (non-illuminated) (Application for Advertising Consent)

RECOMMENDED:

Grant advertisement consent.

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

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)
Barry Rickman (Vice-Chairman)
Hilary Brand
Kate Crisell
Philip Dowd
Matthew Hartmann
David Hawkins

Councillors:

Dave Penny
Joe Reilly
Janet Richards
John Sleep
Malcolm Wade
Phil Woods

Planning Committee 09 August 2023

Application Number: 23/10282 Full Planning Permission
Site: FORMER POLICE STATION, SOUTHAMPTON ROAD,
LYMINGTON SO41 9GH
Development: Redevelopment of the site to form 32no. Retirement
apartments including communal facilities, access, car parking
& landscaping; demolition of existing building
Applicant: Churchill Retirement Living
Agent: Planning Issues Ltd
Target Date: 16/06/2023
Case Officer: Warren Simmonds
Officer Recommendation: Service Man Planning Grant
Reason for Referral to Committee: This application is to be considered by Committee because of
the PAR4 recommendation of refusal received from Lymington
and Pennington Town Council.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development sustainability and wider policy implications including affordable housing and other development related contributions.
2. The need for new homes, and this type of housing
3. Impact on local character, appearance and setting of designated Heritage Assets, including matters relating to site layout and design
4. Highway access/egress and parking
5. Impact on local residential amenities
6. Surface water drainage
7. Air quality
8. Biodiversity on-site and off-site ecological mitigation
9. Nitrate neutrality and potential ecological harm

A copy of the recent appeal decision is appended to this report.

2 SITE DESCRIPTION

The application relates to the former Police Station, located on the western side of Southampton Road, between Queen Elizabeth Avenue to the north, and Eastern Road to the south.

The application site forms an approximately rectangular parcel of land of approximately 0.22 hectares in area. The application site is relatively flat, although is set approximately 200mm higher than Southampton Road. The eastern boundary along the main road is set back from the pavement beyond a grass verge and currently marked by a low wooden picket fence.

The roadside boundary with Queen Elizabeth Avenue currently consists of a wide grassed verge (set behind the pavement) low picket fence with occasional shrub planting, and trees (mature trees towards Southampton Road, less mature extending to the west).

The southern (internal) boundary between the site and the adjacent block of flats at Buckland House comprises a brick wall, which it appears also provides a retaining function as the land to the south is set approximately 200-300mm lower than the general proposal site level.

To the west of the site is The Old Police House (now a private dwelling), the internal boundary between the sites comprises partially of an approx 1m tall brick wall on which a close board wooden fence is attached and in other areas the rear walls of existing police garage buildings.

3 PROPOSED DEVELOPMENT

The application seeks permission for the redevelopment of the site to form 32no. retirement living apartments including communal facilities, access, car parking and landscaping, as detailed in the submitted application documents. The mix of the proposed development comprise 21no. one bedroom apartments and 11no. two bedroom apartments.

A vehicular access is proposed from Queen Elizabeth Avenue, creating a new vehicular and pedestrian access (the existing access to Southampton Road from the site is to be closed up and pedestrian footpath and grass verge to be constructed).

The proposed development will provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking.

The proposed development is 2.5-3.5 storeys in height under pitched roofs. The third floor is located within the roof space as dormered accommodation. The external facing materials proposed comprise of brick and render.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
23/10494 Demolition Prior Notification Application for demolition of former police station and rear garages	26/05/2023	Details not required to be approved	Decided	
22/11402 Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping	23/01/2023	Withdrawn by Applicant	Withdrawn	
21/10938 Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping	10/12/2021	Refused	Appeal Decided	Appeal Dismissed

03/77391 Installation of 1 airwave collinear antenna mounted on existing pole	01/04/2003	Granted Subject to Conditions	Decided
XX/LYB/09582 Erection of garage and cycle shed and alterations to store.	02/11/1964	Granted	Decided
XX/LYB/00844 Erection of a police station, dwelling house, garages and kennels.	21/03/1951	Granted	Decided
XX/LYB/00347 Use of land for police station.	20/07/1949	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy ECON1: Employment land and development
Policy ECON2: Retention of employment sites and consideration of alternative uses
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy HOU1: Housing type, size, tenure and choice
Policy HOU3: Residential accommodation for older people
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy STR1: Achieving Sustainable Development
Policy STR3: The strategy for locating new development
Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy STR8: Community services, Infrastructure and facilities

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
SPD - Lymington Local Distinctiveness
SPG - Lymington - A Conservation Area Appraisal
SPD - Parking Standards
Ecology and Biodiversity Net Gain – Interim Advice and Information Note

Relevant Advice

NPPF July 2021

Constraints

Plan Area
Conservation Area: Lymington Conservation Area
Tree Preservation Order: TPO/0006/15/G2
Plan Policy Designations

Built-up Area

6 TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

PAR 4: Recommend Refusal:

- The proposed development is contrary to Local Plan policies STR1, ENV3, HOU1 and DM1(saved policy) and does not comprise sustainable development.
- The Town does not need any further open market elderly persons accommodation. It is already well-provided for and is more than meeting local needs. This is giving rise to an imbalance in the provision of housing to the detriment of other areas of need and in particular affordable housing.
- The proposed scheme would have a detrimental impact on the character of the area, on the setting of the Lymington Conservation Area and would result in the loss of trees, which are important local features. It would also result in a poor level of amenity for residents of existing properties and of the new development and would lead to an increase of on street-parking.
- The purported benefits of the development do not outweigh the harm arising from it.
- Contrary to the applicants view it is not "an agreed principle that affordable housing will not be provided on the site?. The applicant was aware of the fundamental Local Plan requirement for developments of 10 or more dwellings to provide affordable housing. They should, therefore, have made any necessary financial provision for this in their offer to purchase the site.
- The off-site contribution in lieu of providing affordable housing has now been withdrawn in its entirety. The basis of the viability calculations and in particular the requirement for an unrealistic and unreasonable 20% profit margin is not accepted.
- The applicant says they have secured nutrient mitigation on land, which is part of a Natural England approved scheme based at Kings Manor in the Isle of White. No further information has been provided, but if this scheme involves removing land from agricultural production it will be strongly opposed by the Town Council.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Consultees

HCC Surface Water

No objection to the amended surface water drainage strategy

Hampshire Fire & Rescue Service

Standard letter of advice received re access for fire fighting and fire protection

HCC Highways

No objection subject to conditions

HCC Countryside Services

General comments re public rights of way (PROW)

NFDC Conservation

No objection subject to appropriate conditions being imposed.

NFDC Ecologist

Comments re habitats mitigation, biodiversity net gain (BNG) and protected species. Conditions recommended.

NFDC Environmental Health Contaminated Land

No objection subject to conditions

NFDC Environmental Health (Pollution)

It is noted that the application is very similar in nature to that submitted in 2021 (ref: 21/10938) - to the extent that a number of reports have been re-submitted as part of the current application, including the noise impact assessment. As such, Environmental Health (Pollution) would reiterate the comments made in respect of the previous application- no objection is raised subject to conditions being applied to any granted permission.

NFDC Landscape Team

Comments provided with respect to site context, landscaping and design.

NFDC Tree Team

No Objection Subject to Condition(s)

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 1

Against: 41

Broad summary of views:

- Excessive scale, out of character,
- Insufficient outdoor space,
- Insufficient affordable housing provision,
- Development should provide housing for young people,
- Insufficient parking provision,
- No need for additional retirement homes in the area,
- Amenity impacts for neighbours (overlooking, overshadowing, noise, odours from bins),
- Highway safety,
- Adverse impact on trees,
- Existing buildings should be retained for their own architectural merit

10 PLANNING ASSESSMENT

Recent Planning Appeal Decision APP/B1740/W/21/3289313

A significant material consideration to the determination of this application is the recent appeal decision following the Council's refusal of planning application 21/10938 (Appeal reference APP/B1740/W/21/3289313). The appeal decision (dated 18th November 2022) followed an Appeal Inquiry held on 26, 27, 28, 29 April and 3 May 2022.

A copy of this decision is appended to the report.

The Inspector's conclusions are of particular relevance to this application as the current application effectively represents a direct resubmission of the previous appeal scheme, with no material revisions or amendments.

The only differences between the previous appeal scheme and the current application are:

- For the current application the applicant has provided evidence that Churchill Retirement Living have entered into formal contract and thereby secured the required level of nutrient mitigation for the development proposal.
- For the current application the accepted developer contribution towards off-site affordable housing has been amended to £300,000 (see report below).

Principle of development and housing policy assessment

a) General principle

The settlement hierarchy as set out within the adopted local plan provides a guideline to where new development proposals of different types and scales can best be accommodated in a sustainable way, taking into account existing facilities and future potential.

The towns and villages in the Plan Area have been classified into a settlement hierarchy based on the availability within the settlement, or ease of access to, the following services, potentially reducing the need to travel:

- Shops and 'high street' facilities
- Schools, health and community facilities
- Proximity to employment locations and main settlements
- Public transport

The settlement hierarchy identifies three tiers of settlements and sets out the nature and scale of development that would be appropriate for each type of settlement.

Development which is not in accordance with the settlement hierarchy will normally be resisted. The town of Lymington is identified as being within the top tier of the settlement hierarchy (local plan policy STR4 refers) whereby such settlements offer access to a wider range of employment, facilities and services. They are 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. The site of the proposed development is therefore considered to be within an inherently sustainable location where, in the broadest of planning policy contexts, the principle of development can be considered acceptable, subject to accordance with relevant local and national planning policy and guidance.

In respect of the potential for the continued use of the application site as an employment use, officers note the buildings/site is vacant and accept the former Police Station and does not readily lend itself to conversion to offices or other businesses uses and therefore not viable for continued use for employment use. Furthermore, when it was operational as a police station, it could not be said the site/use offered a supporting service to businesses or to the workforce in the local area and the general configuration and condition of the building renders it unsuitable for any other realistic employment use. It is noted that the property was marketed openly by Lambert Smith Hamptons in 2018, however all of the interest generated

was for traditional residential or retirement development schemes and no employment related users were interested in acquiring the site.

The former Police Station use, under the parameters of the Local Plan Part 1 is not considered to fall within the definition of 'community facilities'. Paragraph 4.34 of the Local Plan Part 1 sets out that community facilities are sports and leisure facilities, community centres, libraries, places of worship, crematoria and burial space. Notwithstanding this, it is noted that rather than being lost, the Police Station use has been relocated to a new location within Lymington.

b) 5-year housing land supply

The Council cannot demonstrate a five-year supply of deliverable housing land. 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).

c) Affordable Housing

Policy HOU2 now requires developments outside the Waterside area of 11 dwellings or over to provide 50% affordable housing on site with a tenure mix target of 70% affordable rent and 30% intermediate or affordable home ownership including shared ownership.

The NPPF provides a wider definition of affordable housing which includes discount market sales and starter homes.

There are two ways in which affordable housing is normally realised i.e. on-site delivery or off-site financial contribution to acquire a serviced plot. The applicants have stated that on-site provision is not possible because of the particular housing model for assisted living. This has been previously accepted for the proposed redevelopment of the site (planning reference 21/10938) and on other similar schemes within the Council's area (and across the country). The principle of off-site affordable housing provision in the form of an off-site financial contribution is accepted in this case.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. Vacant Building Credit (VBC) is a consideration in this case and reduces the affordable housing requirement for the proposed development from 50% to 39.5% (equating to 12.64 units of affordable housing).

The applicant has submitted a report on affordable housing and viability for the development. This report highlights how changes in build cost inflation since late 2021 (i.e. the time of the previous application) and a potentially deteriorating market have affected the viability of the proposal to provide an off-site contribution towards affordable housing. The viability of the proposal and the applicant's viability report have been independently assessed by Bruton Knowles Chartered Surveyors on behalf of the Council. Following a thorough assessment it is considered reasonable for the Council to accept a financial contribution of £300,000 towards the provision of off-site affordable housing.

d) Older person housing needs

The Local Plan expresses an evidence based approach which indicates that the Council's area includes a population which is ageing and likely to be in need of older person accommodation both in terms of specialist housing and purpose designed housing types that allow occupiers to maintain their independence. The Plan states it is likely that over the plan period up to 2036 an increase of 12,800 persons will be over the age of 75. Policy HOU3 encourages housing types designed to be suitable for older persons be included in development proposals where appropriate, along with more specialist extra care and C2 care home type facilities. The supporting text to the policy states the significant need in this sector is likely to be more towards specialist care rather than the type of sheltered accommodation proposed here but nevertheless officers have no evidence to rebut the applicant's proposal.

The evidence for Older Persons housing need comes from the Report for New Forest District Council 'Demographic Projections' (JGC Consulting, July 2017) and the NFDC Local Plan Review Topic Paper SD16 Housing Mix (October 2018). The data shows that New Forest (in line with other areas) is expected to see a notable increase in the older person population with the total number of people aged 55 and over expected to increase by 28% over 20 years to 2036. Topic Paper SD16 highlights a projected need for specialist housing for older persons (2016-36) in the south of the District of 952 bed spaces (and a total projected need of 3,146 across the Plan Area).

One of the main issues identified by the Inspector in the Appeal Inquiry was whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people.

The Inspector Permission noted that planning consent was granted for 44 retirement living apartments at Stanford Hill in 2021 and construction is underway. He opined that, even taking the Knights Lodge and Stanford Hill schemes into account, the proposed development for 32 apartments at the former police station would not result in an over provision of comparable specialised housing for older people within the town, given the scale of the need identified.

The Inspector concluded that the appeal scheme would offer a specialised form of accommodation that is an important part of the mix of housing required to meet the diverse needs of the ageing local population. It also has the potential to reduce the instances of people living in accommodation that is poorly suited to their needs or moving to higher support settings (such as extra care housing and registered care homes) than they require. Consequently, he concluded that the proposal would contribute appropriately to addressing the diversity of housing needs of local people and, taking all of these matters into consideration, he was satisfied that the proposed development complies with Policy HOU1 of the LP Part One, insofar as it seeks to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost.

Design, site layout and impact on local character and appearance of area

The Council has a range of policy advice covering design, local distinctiveness and local impact. Policy plan policy ENV3 and the Lymington Local Distinctiveness SPD are key considerations in this case along with Section 12 of the NPPF and the more recent Government Design Guidance.

The proposed development takes the form of a predominantly L-shaped development situated approximately centrally within the site, with access off Queen Elizabeth Avenue to the north west with an internal driveway running southwards across the rear of the site to a rectangular parking area at the south west corner.

The proposed main building is of three storey form, with third floor dormered accommodation provided within the roof. The building includes attached two storey elements to the rear (west), also with dormered accommodation within the roof - reading as a three storey element from the western perspective. The materials proposed for the main building consist predominantly of Weston Red multi brick, with areas of coloured render (brick on edge lintel features) under a dark coloured concrete tile roof.

The proposed building, whilst larger than the existing buildings it would replace, is considered to be of a generally appropriate scale, mass and design within the context of the application site and surrounding area, and to propose appropriate external facing materials and finishes. In terms of form, the proposed building carries through a comparable eaves and roof height to that of the modern apartment building (Buckland House) situated to the immediate south. The proposed building is wider in form than the adjoining apartments, however this is considered commensurate with the larger plot size of the application site.

The scale and mass of the proposed building are mitigated by the principal facing elevations being set away from the roadside boundaries of Southampton Road and Queen Elizabeth Avenue, and are further mitigated in terms of the visual impact of the proposal on the surrounding area by reason of the retained mature trees along the length of the eastern boundary with Southampton Road and partially along the northern boundary with Queen Elizabeth Avenue.

The Police Station as a Non-Designated Heritage Asset

The existing Police Station buildings are considered to constitute a non-designated heritage asset (NDHA). As such, its loss will need to be assessed against paragraph 203 of the NPPF 2021 in relation to non-designated heritage assets, whereby the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the proposal is for total loss of the asset this sits at the highest end of the harm scale and as such the benefits of any scheme should be equally balanced.

In October 2021, Historic England decided not to add the building to the List of Buildings of Special Architectural or Historic Interest. The building was not found to demonstrate a high level of architectural interest or national historic interest, nor was any group value identified.

Moreover, as noted by the Planning Inspector, the identification of the appeal site on the Council's brownfield land register for the provision of approximately 20 dwellings appears to be incompatible with the argument that the former police station is of such heritage value that it should be retained.

In this case, the proposed redevelopment of the site is for the provision of housing, in a context where (i) the Council is currently unable to demonstrate a 5 year housing supply (see above), and (ii) there is an existing and projected demonstrably pressing need (see above) for the type of housing being proposed. It is therefore considered in this case that these matters are sufficient to justify the loss of the existing buildings constituting a NDHA.

Impacts on the listed buildings along Southampton Road

While there are some changes in longer views it is not felt that this causes any meaningful degree of harm to the setting of the listed buildings which forms part of their significance. The Conservation officer did previously consider this matter and has not raised any objections on this basis.

Impacts on the setting of the adjacent Conservation Area

The Council in assessing and determining proposals should have regard to the affect of the proposal on the character, appearance and setting of designated heritage assets (in this case the adjacent Lymington Conservation Area, located to the immediate south of the application site).

The Conservation officer has provided the following comments:

'This application follows on from a previous submission and having gone through a Public Inquiry appeal. Previous concerns were expressed by the conservation team on the loss of the non-designated heritage asset and some more minor impacts on views gained to and from the Lymington Conservation Area. The previous conservation and design reasons for refusal used these matters in part but added further design and conservation matters beyond the teams original concerns. The appeal decision did not find that these concerns were sufficient to refuse the application.'

In light of this appeal decision I would therefore raise no further concerns in relation to the proposal.

I would suggest a robust set of conditions covering materials, details and landscape should be applied to any consent given. It would also be worth considering a photographic recording of this non-designated heritage asset in light of its proposed total loss.'

As noted by the Planning Inspector, though it would be visible from viewpoints within the Conservation Area on Southampton Road and to the rear on Eastern Road, the proposed building would not appear discordant with the development immediately surrounding it. Buckland House and Farringford Court exhibit similarities to the proposed development in respect of their height, mass and residential character.

Overall, the proposed development would not degrade the historic or architectural significance of the Lymington Conservation Area as a whole; it would have a neutral effect. Consequently, it is concluded that there would be no harm to the setting of the Conservation Area as a designated heritage asset.

Landscape impact and trees

Landscape impact

The proposed building, whilst larger than the existing buildings it would replace, is considered to be of a generally appropriate scale, mass and design within the context of the application site and surrounding area, and proposes appropriate external facing materials and finishes. In terms of form, the proposed building carries through a comparable eaves and roof height to that of the modern apartment building (Buckland House) situated to the immediate south. The proposed building is wider in form than the adjoining apartments, however this is considered commensurate with the larger plot size of the application site.

The scale and mass of the proposed building are mitigated by the principal facing elevations being set away from the roadside boundaries of Southampton Road and Queen Elizabeth Avenue, and are further mitigated in terms of the visual impact of the proposal on the surrounding area by reason of the retained mature trees along the length of the eastern boundary with Southampton Road and partially along the northern boundary with Queen Elizabeth Avenue.

In these respects the proposal is considered acceptable in terms of landscape impact within the street scene and within the context of the character of the surrounding area.

Impact upon Trees

The site of the Police Station, Southampton Road, Lymington is subject to a Tree Preservation Order (TPO/0006/15) and includes 2 groups of trees. These groups consist of 5 Silver Maples that are situated on the front eastern boundary marked as G1 within the TPO and 2 Silver Maples and 1 Cedar tree that are situated on the northern boundary towards Queen Elizabeth Avenue and marked as G2 within the TPO.

The applicant has submitted an Arboricultural assessment & method statement (Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy, dated 5th December 2022 ref: 18327-AA2-PB).

The comments of the Council's tree officer are as follows:

'Situated on the eastern boundary of this site is a group of 5x Silver Maple trees that are protected by G1 of Tree Preservation Order 06/15. Along the northern boundary a group consisting of 2x Silver Maples and a Cedar tree within G2 of Tree Preservation Order 06/15. These trees contribute to the amenity of the area and are considered a constraint to development.

To support this application an Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy, dated 5th December 2022 ref: 18327-AA2-PB has been submitted. In this document the trees on site have been identified and categorized, using the method set out in BS5837:2012. Broadly I agree with the assessment of these trees.

Four trees will be removed to facilitate this development, identified as T10 & G12 within the submitted report. Overall, these trees are graded 'C' trees and of small stature. Given the retention of the larger trees on site the impact of these losses will not significantly affect the overall amenity/screening to the site.

In a similar scheme previously submitted for this site I objected on tree grounds due to the proximity of the proposed building to the protected trees. I had concerns regarding future encroachment to the building, shading/obstruction of windows concerns from future residents of perceived threat of failure from the trees which could result in pressure to remove or prune the trees to an extent that they no longer provide any significant amenity. However, during an appeal for the site it was determined by the appeal inspector that these trees could be managed through pruning and my objection did not stand.

On this basis I have no objections on tree grounds subject to the conditions'

In these respects, the proposal is considered acceptable in terms of impact(s) on trees.

Highway safety, access and parking

Hampshire County Council as the relevant Highway Authority have provided a consultation response which identifies the good existing pedestrian and cycle links to the town centre, together with bus links and the availability of rail links from the town to the wider surrounding area. The Highway Authority accept the Trip generation data submitted with the application, and accept the proposed access arrangements for the site (with comments and advice in respect of servicing (bins) and emergency vehicular access to the site).

The Highway Authority requested additional survey data which has been subsequently provided by the applicant and passed on to HCC. The further/final comments of HCC Highways in relation to this proposal are 'No objection'. In respect of parking provision for the proposed development, the Council's adopted Parking Standards Supplementary Planning Document (SPD), outlines a requirement in respect of older people's housing (active elderly with warden control) for 1 car parking space per residential unit (with an additional 1 space per unit for cycle parking or parking for mobility scooters).

Whilst the proposed development would provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking and is therefore significantly less than the standards set out within the SPD, it is material to the consideration of the proposals that the site of the proposed development is located within an inherently sustainable location close to Lymington town centre with its wide range of services and facilities, accessible via a generally flat and level walk, and there are a good range of public transport links within and beyond the locality and surrounding area. In this respect it is considered that, by reason of the particularly sustainable location of the proposed development, a reduced level of on-site parking provision can be considered acceptable in this case.

In considering these issues during the appeal, the Inspector concluded:

'I conclude that the proposed development would make adequate provision for on-site car parking and that residential amenity would be safeguarded. There is an element of conflict with the Parking Standards SPD (adopted April 2022) in the sense that the appeal proposal provides a lower level of on-site parking than recommended for housing for the active elderly. However, the level of provision is justified in this case by the accessible location of the site and the evidenced lack of parking stress in its immediate vicinity. As a result, I have found that sufficient car parking would be provided. Accordingly, I find no conflict with the SPD or with Policy CCC2 of the LP Part One, which seeks the provision of sufficient car and cycle parking in accordance with the adopted SPD.'

Residential amenity

The application site is within the built-up area of the settlement of Lymington, where new development can be considered acceptable in principle, subject to accordance with the policies of the Development Plan and other relevant local and national planning policy guidance. The immediately surrounding area is predominantly residential and therefore a residential use of the application site can be considered a compatible use in principle.

Local plan policy ENV3 deals with design quality, local distinctiveness and has regard to the impact(s) of development on the amenity of adjoining occupiers and uses. In particular, policy ENV3 requires new development to 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.

In respect of the existing dwellings surrounding the application site, the most sensitive in terms of amenity impacts are considered to be the apartment at Buckland House to the south and the dwelling known as The Old Police House to the rear (west). Impacts on other dwellings to the north and east are mitigated substantially by the separation distance to the site (separated by roads) and the mitigating impact of retained mature trees along the east and (partial) north boundaries.

It is considered the main proposed building is set-in within the site boundaries sufficiently far to avoid the undue overshadowing of the adjacent Buckland House (which is on the south side) and The Old Police House and would not have an unduly overbearing impact on these adjoining properties.

In terms of overlooking, from the perspective of Buckland House the south facing elevation of the proposed building is formed by two distinct elements - the closest element to the southern boundary is approximately 4.2m from the shared boundary and approx. 6.3m from the north facing elevation of Buckland House. This element of the building is of three storey height but has limited fenestration above ground floor level (1x kitchen window on each of the first and second floors), and other glazing serving internal communal corridors which can be conditioned to be fitted with obscure glazing to preserve the amenity of adjoining occupiers. The more western element of the south facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 17.3m) and is behind (to the west) of the Buckland House apartments. It is considered the separation distance and relationship between the proposed building and the Buckland House apartments is sufficient that no undue overlooking would result.

From the perspective of The Old Police House, the west facing elevation of the proposed building is staggered in distance from the shared western boundary, increasing from approx. 7m at its closest on the northern end, then setting back sequentially to approx. 10m and finally 24m at the southern end. The closest elements (7m distant and 10m distant from the western boundary) at the northern end of the west facing elevation have no windows above ground floor level, except for glazing to provide light to internal communal corridors (which can be conditioned to be obscure glazed). The more southern element of the west facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 24m). It is considered the separation distance and relationship between the proposed building and The Old Police House is sufficient that no undue overlooking would result.

Along the western boundary of the site are proposed bin store and substation. The proposed cycle/mobility scooter store is located to the immediate west of the proposed main building. By reason of their modest single storey scale these outbuildings and substation are not considered likely to result in undue amenity impacts.

A Noise Assessment (24 Acoustics, 27th August 2021) has been submitted by the applicant to demonstrate that road traffic noise and noise from the proposed substation would not have undue amenity impacts on future occupiers (and existing adjoining neighbours). The Noise Assessment concluded that the proposed electrical substation would present a very low risk of disturbance and performance specifications have been provided for acoustic double-glazing and ventilation to habitable rooms in the proposed apartments to mitigate traffic noise.

The Council's Environmental Health Officer (EHO) notes in his consultation response that any noise generated from the substation is predicted to be substantially below the existing background sound level and therefore no specific mitigation is required to control noise.

The impact of traffic noise from adjacent roads upon the development is predicted to be significant and likely to exceed desirable internal noise criteria for the new dwellings; therefore mitigation has been proposed which includes minimum specifications for glazing and ventilation on façades along the roadside, to protect the amenity of intended occupiers.

The EHO considers that providing the proposed mitigation measures are implemented, it is expected that desirable internal noise levels could be achieved. Accordingly, the EHO recommends that a suitable planning is attached to any granted permission requiring that proposed measures are implemented in full prior to first occupation.

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. Where necessary to enable development to take place, appropriate mitigation measures will be required, the document contains suggested mitigation measures.

In this case, it is appropriate to require the submission of air quality mitigation measures through the imposition of a planning condition.

Ecology

On site protected species

The applicant has submitted an Ecological Appraisal for the site (Tetra Tech, June 2021) and a subsequent Bat Emergence Survey report (Tetra Tech, 23.08.2021) which recorded that during the survey no emergences or other roosting activity was observed and consequently the buildings are considered unlikely to support roosting bats. The report concluded that no further mitigation or actions are required in terms of bats.

The report(s) also put forward a scheme of ecological enhancements which, subject to the conditions recommended by the Council's Ecologist, will ensure the development achieves a suitable level of Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG)

BNG essentially is measured using a DEFRA metric as the site currently exists. It is then re-measured in accordance with a development proposal. The site as developed needs to show a 10% net gain in biodiversity value over the site as exists and undeveloped. This can be achieved in a number of ways such as planting and introduction of bird and bat boxes for example. This concept has been recently introduced through the Environment Bill, and more recently through the new Local Plan and Cabinet Report of July this year which requires schemes of this size to

demonstrate BNG. This has pre-empted the Environment Bill enshrining the need to demonstrate BNG into law. Policy STR1 of the Local Plan refers.

Habitat mitigation and off-site recreational impact

Recreational impact from the occupiers on protected areas and species can be managed by a S106 legal agreement or Unilateral Undertaking offering to pay the appropriate contributions. The applicants have agreed to do so in the event of an approval recommendation. Subject to a S106 legal agreement or Unilateral Undertaking being submitted in the event of any appeal no objections are raised.

Nitrate neutrality and impact on Solent SAC and SPAs

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 which includes an element of new residential overnight accommodation would adversely affect the integrity of the Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4 September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

Following the dismissal of the previous appeal on, in effect, the single matter of surety of the availability of nutrient mitigation in respect of nitrates, the applicant has provided evidence that Churchill Retirement Living have entered into formal contract with BCM who operate the Kings Manor nutrient mitigation scheme (recognised and accredited by Natural England and the Partnership for South Hampshire).

Since the consideration at appeal of the previous scheme under 21/10938 there are now many mitigation schemes running in the Solent through which developers can buy mitigation credits and these are utilised by many approved schemes within the district. There is a good supply of nitrogen credits across the Solent and, in entering into a contract with BCM to purchase the required quantum of nitrate mitigation credits, it is considered the applicant has demonstrably secured the required level of nutrient mitigation for the development proposal - thereby overcoming the appeal Inspector's previous concerns. To ensure the required mitigation is provided, a Grampian style condition is proposed.

Developer Contributions

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

- Infrastructure contribution of £113,707
- Non-infrastructure contribution of £17,078
- Bird Aware Solent contribution of £16,332
- Air quality monitoring contribution of £3,296

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	2882	0	2882	2882	£80/sqm	£314,803.08 *

Subtotal:	£314,803.08
Relief:	£0.00
Total Payable:	£314,803.08

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is: Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

11 CONCLUSION

The proposed development is considered acceptable in principle in that it would provide 32 new homes for older people (for which there is a clear, demonstrable need) in a sustainable town centre location, and would make an appropriate (financial) contribution towards the provision of affordable housing in the area.

The impacts of the scheme were considered by an Inspector at a recent Planning Inquiry and it was concluded that the proposal was acceptable on balance in terms of its scale, mass and appearance and its consequent impact on the existing character of the surrounding area (and adjacent Conservation area) and would not result in undue/detrimental impacts in, terms of amenity, environmental/ecological assets, highway safety, or other material considerations relevant to the proposal.

In these respects the proposed development is considered accordant with relevant local plan policies and national planning policy and guidance

12 RECOMMENDATION

Delegated Authority be given to the Development Management - Service Manager to **GRANT PERMISSION** subject to:

- i) the prior completion by the applicant/land owner of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitats mitigation contributions (as identified in the officer report) and an appropriate contribution towards the off-site provision of affordable housing; 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:

10109LY-PA10	PROPOSED OUTBUILDING AND SUBSTATION
PA01 D	PROPOSED SITE PLAN
PA02 A	PROPOSED GROUND FLOOR PLAN
PA03 B	PROPOSED FIRST FLOOR PLAN
PA06 A	PROPOSED ROOF PLAN
PA08	PROPOSED ELEVATION 2
PA09 A	PROPOSED ELEVATION 3
PA07	PROPOSED ELEVATION 1
PA04 A	PROPOSED SECOND FLOOR PLAN
PA05 A	PROPOSED THIRD FLOOR PLAN
PA00	SITE LOCATION PLAN
18327-411	TREE PROTECTION PLAN
LY01 01	EXISTING FLOOR PLANS
JBA21183SK02 REV	BLANDSCAPE STRATEGY
ARBORICULTURAL IMPACT & METHOD STATEMENT	
BAT REPORT	
ECOLOGICAL APPRAISAL	
ARCHAEOLOGICAL DESK STUDY	
HERITAGE STATEMENT	
AMENDED SURFACE DRAINAGE STRATEGY(dated 03.05.23)	
TRANSPORT STATEMENT	
TREE PROTECTION PLAN	
NOISE ASSESSMENT (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021)	

Reason: To ensure satisfactory provision of the development.

3. No development shall take place, (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall include scaled drawings illustrating the provision for:

- 1) The parking of site operatives' and visitors' vehicles;
- 2) Loading and unloading of plant and materials;
- 3) Management of construction traffic and access routes;
- 4) Details of construction access and construction vehicle tracking;
- 5) Storage of plant and materials used in constructing the development;
- 6) Details of the method of cleaning wheels and chassis of all HGVs, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction.

The agreed CMS shall then be adhered to for the duration of construction of the development hereby permitted.

Reason: In the interests of amenity and Highway safety, in accordance with the provisions of local plan policy ENV3.

4. Prior to demolition of the existing building(s) at the site, the tree protective measures recommended by the Barrell Tree Consultancy Arboricultural Assessment and Method Statement (reference: 18327AAJB dated 28 May 2021) and the Tree Protection Plan (reference: 18327-3) shall be installed and thereafter retained for the duration of the construction period for the development hereby approved. No fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance 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. Development shall accord with the submitted details of external materials to be used in external facing walls, roofs, doors and windows, unless otherwise approved in writing by the local planning authority.

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

6. Before development (other than demolition) 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the 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.
8. Prior to occupation of the development hereby approved the parking spaces, access(es), manoeuvring space, visibility splays, bin store and cycle/motorised scooter store (with electric charging points) shown on the approved plans shall be provided. The parking spaces shall be retained and kept available for the parking of residents and their visitors only.
- Reason: In the interests of amenity and Highway safety, in accordance with policies ENV3 and IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.
9. The first floor and second floor window(s)/openings serving internal corridors within south and west facing elevations of the approved building shall be permanently glazed with obscured glass.
- Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
10. The building shall not be first occupied until
- (a) details of the treatment of the southern and western boundaries have been approved in writing by the Local Planning Authority, and
- (b) these means of enclosure/details have been implemented in accordance with the details thus approved.
- Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.
11. The sheltered apartments comprising the development hereby permitted shall only be occupied by persons of sixty years or over, and the spouse or partner of such a person and in the event of the death of such person, the spouse or partner of such person shall be permitted to remain within the retirement apartments irrespective of whether they are aged sixty years or over.

Reason: To ensure that occupancy is in accordance with the approved details and identified need and to ensure that the parking provision is sufficient to meet the demand of this type of use thereby complying with the Parking Standards SPD and Policy HOU3 and of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. Before development commences, a detailed scheme 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.

13. 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 the development hereby approved. The submitted details shall include:
- a. Maintenance schedules for each drainage feature type and ownership;
 - b. Details of and timescales for implementation of protection measures;

The agreed maintenance and protection measures shall be implemented thereafter in accordance with the approved details, schedules and timescales.

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.

14. The rating noise level from the proposed substation, determined in accordance with the requirements of BS 4142: 2014 + A1:2019 *Methods for rating and assessing industrial and commercial sound* shall not exceed the prevailing representative background noise level by more than minus 10 dB in any external amenity space or at the nearest habitable room window (under free-field conditions) at The Old Police House or any apartment at Buckland House.

Reason: In the interests of amenity, in accordance with local plan policy ENV3.

15. No construction works above damp proof course level shall take place until a Biodiversity Net Gain (BNG) Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The management plan should include:
- Methods and timetable for delivering BNG;
 - Responsibilities for delivering BNG – during and after construction;
 - Description of the habitats to be managed;
 - Clear timed and measurable objectives in the short, medium, and long-term for BNG - Detail objectives for all habitats (target condition);
 - A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
 - Details for a formal review process when objectives are not fully reached / roles and responsibilities;

The agreed BNG and management plan shall be implemented and maintained in accordance with the agreed timescales and schedules unless otherwise agreed in writing with the local planning authority.

Reason: To ensure biodiversity net gain for the development, in accordance with local plan policy ENV1, saved local plan policy DM2 and the aims and objectives of the NPPF.

16. No clearance of vegetation clearance (e.g. trees, shrubs and scrub) or building demolition that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation/building for active birds' nests immediately before the vegetation is cleared or works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest(s) on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

17. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the LPA for the inclusion of integral Swift Bricks within the building(s). The agreed scheme shall show the number, specification of the Swift Bricks and where they will be located, together with a timetable for implementation and commitment to being installed.

Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral Swift Bricks have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

18. Prior to first occupation of any flat, electric vehicle charging points shall be installed in accordance with a scheme that shall have been submitted to and approved in writing by the LPA. The approved scheme shall be retained and maintained in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure suitable provision is made for Electric vehicle charging, in accordance with the requirements of Policy IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

19. Before development commences above ground level, an Air Quality Assessment, to include details of appropriate mitigation, 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.

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

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

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

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.

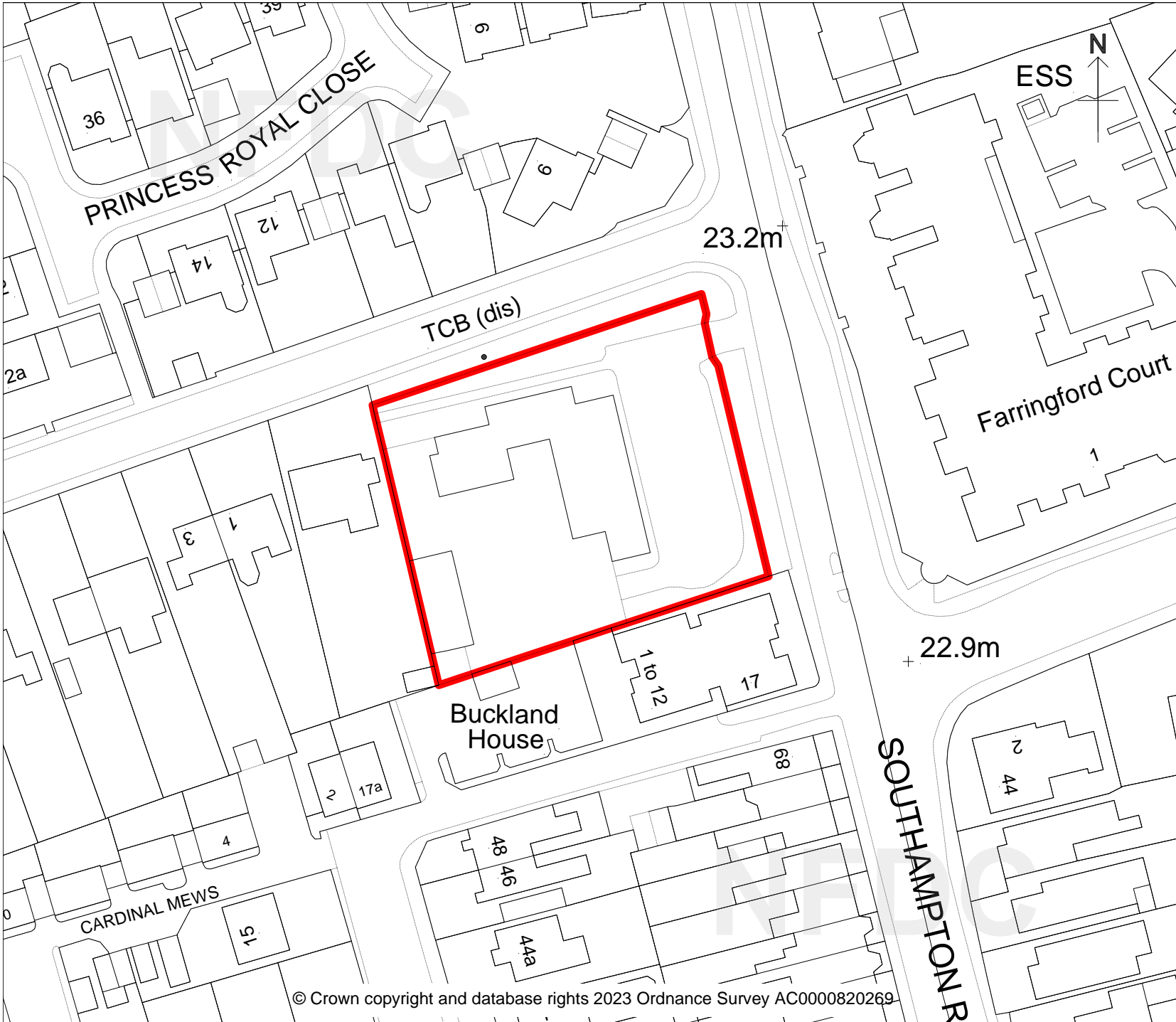
21. Before development commences above ground level;
- (a) details of the treatment of all boundaries of the site shall be submitted to the local planning authority and approved in writing, and
 - (b) those means of enclosure shall be implemented in accordance with the details thus approved before the building is first occupied.

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.

Further Information:

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New Forest

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 SO43 7PA

PLANNING COMMITTEE

August 2023

Former Police Station
 Southampton Road
 Lymington
 23/10282

Scale 1:800

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

Appeal Decision

Inquiry held on 26, 27, 28, 29 April and 3 May 2022

Site visit made on 28 April 2022

by Jessica Powis BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/B1740/W/21/3289313
Former Lymington Police Station, Southampton Road,
Lymington, SO41 9GH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of New Forest District Council.
 - The application Ref 21/10938, dated 18 June 2021, was refused by notice dated 10 December 2021.
 - The development proposed is demolition of existing building and redevelopment of the site to form 32no. retirement apartments including communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised site plan (ref: 10109LY-PA01C) was submitted during the course of the appeal. The plan sought to provide space for on-site manoeuvring by emergency vehicles. The revised plan was the subject of further consultation prior to the Inquiry opening and I was provided with a copy of the responses. Having considered the responses, and having regard to the modest extent of the revisions, I am satisfied that no party would be prejudiced by my decision to accept the revised site plan.
3. During the Inquiry, it emerged that the Council had recently adopted (6 April 2022) an updated Parking Standards Supplementary Planning Document (SPD) (CD-31). It was agreed between the parties that as a result, the 2012 version of the SPD (CD-30) had been superseded.
4. Shortly after the Inquiry closed, late submissions were received from Hampshire County Council in relation to the drafting of a proposed condition relating to surface water drainage matters. I sought the views of the main parties on that submission but since the appeal is dismissed for other reasons, I have not reached a finding on the condition. Also after the Inquiry closed, and by prior agreement, I received a completed section 106 agreement containing planning obligations relating to a number of matters. This is considered in my reasoning below.

5. The Council accepts¹ that it cannot demonstrate a five year supply of deliverable housing sites. It is common ground that for the period 2021/22 to 2025/26, there is a housing land supply of approximately 3.07 years, a shortfall of 809 dwellings.
6. The Council's decision on the application included reasons for refusal relating to the effects on European designated sites and the provision of off-site affordable housing. During the course of the appeal, the Council withdrew its objections with regard to these matters on the basis that the proposed development could be made acceptable in these respects through the imposition of conditions and planning obligations. The affordable housing matters are dealt with in a later section of this decision.
7. In terms of the effects on European sites, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). As such, I am required to carry out an Appropriate Assessment of the proposed development in circumstances where it would be likely to have significant effects on European sites, alone or in combination with other plans or projects.
8. Therefore, despite the Council's withdrawal of objections on habitats matters, and in light of the Written Ministerial Statement (WMS) on 'Improving Water Quality and Tackling Nutrient Pollution'² and the Chief Planning Officer Letter³ on the same subject, I sought the views of the parties after the closure of the Inquiry about the use of a 'Grampian' condition to secure mitigation of the effects of nitrate discharge on European sites in the Solent.
9. Since my findings in respect of habitats effects have proven to be determinative, this matter forms a main issue in the appeal.

Main Issues

10. The main issues in this appeal are:
 - whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people;
 - the effect of the scale and massing of the proposal on the character and appearance of the area, with particular regard to the setting of the Lymington Conservation Area, and effects on non-designated heritage assets;
 - the effect of the proposal on protected trees on the site;
 - whether or not the proposal would make adequate provision for on-site parking and turning areas for emergency service vehicles;
 - the effect of the proposal on the living conditions of future occupiers, in terms of the provision of outdoor amenity space; and
 - the effect of the proposal on European sites.

¹ Statement of Common Ground, para. 8.4 (CD-56)

² Statement made by George Eustice MP (20 July 2022)

³ 'Nutrient Neutrality and Habitats Regulations Assessment Update' (21 July 2022)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093278/Chief_Planner_Letter_with_Nutrient_Neutrality_and_HRA_Update_-_July_2022.pdf

Reasons

Appeal Site and Proposed Development

11. The appeal site occupies a corner plot at the junction of Southampton Road and Queen Elizabeth Avenue, to the north of Lymington town centre. The existing L-shaped building and garages were constructed in approximately 1952 for use as Lymington Police Station. The site is now unoccupied.
12. The proposed development would involve the demolition of the existing buildings and their replacement with a single building comprising 32 retirement living apartments together with communal facilities, landscaping and parking.

Main Issue 1: Whether the Proposal Addresses Local Housing Needs

13. The Council's first reason for refusal alleged that the proposed development would not deliver sustainable development or create a mixed and balanced community and would therefore be contrary to Policy HOU1 of the Local Plan 2016-2036 Part One ('LP Part One', adopted July 2020). Before the Inquiry opened, the Council stated that having reflected on the evidence, it would not be defending the grounds relating to a mixed and balanced community and would no longer be alleging conflict with Policy HOU1. Its objection on sustainable development grounds remained and is dealt with under the overall planning balance in a later section of this decision.
14. At the Inquiry, the Council confirmed⁴ its view that there is a demonstrated need for housing for older people in the south of the New Forest district and that the proposal would contribute to meeting that need. This position was informed by the identification within the LP Part One of a 12,800 person increase in the population aged over 75 up to 2036, resulting in a significant need for new specialist accommodation for older people district-wide. The projected need for this accommodation in the south of the district, based on the Council's demographic projections and housing mix analysis undertaken for the Local Plan review⁵, was estimated to be around 952 units over the plan period (to 2036), of which 318 would be of the type proposed by the appeal development. These figures were agreed between the parties (CD-56).
15. The Planning Practice Guidance⁶ ('the Guidance') describes some of the broad categories of specialist housing for older people, based on the level of support or care services provided. The proposed development falls within the category of 'retirement living or sheltered housing' and would include a lounge, guest suite and communal gardens with a house manager on site during office hours. The apartments would be available to purchase on the open market with a service charge to cover maintenance and upkeep.
16. Notwithstanding the Council's withdrawal of its objection, concerns about the need for the proposed development in Lymington formed a clear theme in the representations of interested parties, and a petition at the application stage attracting approximately 1410 signatures indicated the strength of feeling amongst the local community. Lymington and Pennington Town Council⁷ (LPTC), The Lymington Society⁸, the New Forest West Labour Party and local

⁴ Paragraph 3 of ID-12 and paragraph 6.2 of CD-56

⁵ Paragraph 8.8 and 8.9 of CD-56

⁶ PPG Paragraph 010 Reference ID: 63-010-20190626

⁷ ID-4

⁸ ID-5, ID-7

- individuals expressed a view that there is an over-provision of older people's housing in the town at the expense of housing for younger people and families, leading to an erosion of the mixed character of the town's population.
17. It is clear that as a district, the New Forest has a considerably older population than the national average, with people aged 65 and over comprising 29.7% of the population in 2020⁹. This is projected to increase over the coming two decades, reaching around 37.4% of the district's population by 2040.
 18. It is noteworthy that within these figures is a projected increase in the population within the district that is aged over 85, from 4.82% in 2020 to 7.89% in 2040⁹. This will inevitably lead to a diverse range of needs in terms of specialised accommodation to help older people adapt to living with mobility difficulties, conditions such as dementia, or requiring help with domestic and self-care tasks. The high levels of owner-occupation among older people in the district (cited by the appellant as approximately 86.12% for those aged 65-74, declining to 82.56% for those aged 85 and over¹⁰) also indicate a need for market housing that accommodates these varied needs.
 19. I have not been presented with any estimate of the number of units of specialised housing for older people that is likely to be required in Lymington itself, but have seen no evidence to challenge the figures agreed between the Council and the appellant (952 units over the period to 2036, of which 318 units would be of the type proposed in the appeal scheme) which apply to the south of the district. The New Forest district boundary is tightly drawn around the main settlements in the south of the district, with Lymington and New Milton being the only two towns falling within the top tier of the settlement hierarchy identified as a focus for new development in Policy STR4 of LP Part One. It is therefore reasonable to expect that Lymington will play an important role in accommodating the need arising in the south of the district.
 20. Whilst I note the argument that providing additional older people's housing in Lymington could attract more older people into the area, the above analysis offers compelling evidence that whether or not this was the case, a strong need is very likely to arise from the existing population in the local area. I acknowledge that there may also be high levels of need for other types of housing, such as affordable housing and housing for younger people and families, in the town. However, I must determine the application in front of me on its merits.
 21. I have paid close attention to evidence from a number of parties about the current level of supply and vacancy rates of comparable specialised accommodation in Lymington. Various figures have been quoted based on property website searches and data from local estate agents, including in submissions from LPTC¹¹ and The Lymington Society¹². I note that some of the vacancy figures include properties that are not directly comparable to the appeal scheme because they offer a different category of care or support, for example Farringford Court (extra care) and Bucklers Mews, Pyrford Gardens and Lynewood Court (age-restricted housing). As a result, it is not possible to derive precise or reliable vacancy levels from these figures.

⁹ APOE-11, section 4.

¹⁰ APOE-11, section 6

¹¹ In ID-4 and in oral and written representations of LPTC

¹² In ID-7 and the oral and written representations of The Lymington Society

22. The appellant's efforts to do so¹³ give a gross vacancy rate of between 8% and 14% for comparable properties in Lymington. The appellant acknowledges that the upper end of this range is higher than industry averages but it attributes this to slower than anticipated sales rates at the Knights Lodge scheme (19 of 44 apartments are not yet occupied) as a result of restrictions associated with the Covid-19 pandemic. I do not consider this analysis to be unreasonable.
23. Permission was granted for 44 retirement living apartments at Stanford Hill in 2021 and construction is underway. The Stanford Hill site is located a short distance to the south of the appeal site and will offer a similar type of property. However, Stanford Hill aside, I note the appellant's analysis¹⁴ that comparable developments in Lymington have been provided at a rate of approximately 2.9 units per annum in the period 1995 to date, compared with provision at an average rate of approximately 10.6 units per annum in the period 1978 to 1994.
24. Consequently, even taking the Knights Lodge and Stanford Hill schemes into account, I do not consider that the proposed development would result in an overprovision of comparable specialised housing for older people within the town, given the scale of the need identified above.
25. I recognise that retirement housing of the type proposed may not be attractive to all older people, many of whom might prefer to live within a neighbourhood with a more mixed demographic. However, I equally consider that the appeal scheme would offer benefits that make it attractive to some older people, for example through the availability of shared facilities, a house manager and opportunities for social interaction.
26. In my view, the appeal scheme would offer a specialised form of accommodation that is an important part of the mix of housing required to meet the diverse needs of the ageing local population. It also has the potential to reduce the instances of people living in accommodation that is poorly suited to their needs or moving to higher support settings (such as extra care housing and registered care homes) than they require. Consequently, I conclude that the proposal would contribute appropriately to addressing the diversity of housing needs of local people.
27. Taking all of these matters into consideration, I am satisfied that the proposed development complies with Policy HOU1 of the LP Part One, insofar as it seeks to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost.

Main Issue 2: Effect on Local Character and Heritage Assets

Non-Designated Heritage Assets

28. The former police station which currently occupies the appeal site is agreed¹⁵ to be a non-designated heritage asset due to its historic and architectural interest. The main building is a two-storey red brick structure with a broadly L-shaped plan built in the neo-Georgian style. It is a relatively unaltered example of a purpose-built mid-century police station, comprising a simple façade, casement windows and hipped, red clay pantile roof. The building has some local historic

¹³ ID-11

¹⁴ ID-11

¹⁵ Paragraph 8.14 of CD-56

interest as an example of the development and history of the Hampshire Constabulary. Its setting comprises the surrounding yards, garaging and parts of Southampton Road, Queen Elizabeth Avenue and Eastern Road.

29. The proposed development would necessitate the total loss of the former police station. Paragraph 203 of the National Planning Policy Framework ('the Framework') states that the effect of an application on the significance of a non-designated heritage should be taken into account in determining the application.
30. In October 2021, Historic England decided not to add the building to the List of Buildings of Special Architectural or Historic Interest (CD-61). The building was not found to demonstrate a high level of architectural interest or national historic interest, nor was any group value identified. While local interest in the heritage value of the building is evident in the submissions of the Council, The Lymington Society and other local residents, the former police station is not identified as an important unlisted building in the Lymington Conservation Area Appraisal (CAA) (July 2002)¹⁶ or as an important building or street frontage in the Lymington Local Distinctiveness Supplementary Planning Document (SPD) (February 2011)¹⁷.
31. Moreover, the identification of the appeal site on the Council's brownfield land register for the provision of approximately 20 dwellings appears to be incompatible with the argument that the former police station is of such heritage value that it should be retained. I saw on my visit that the number of residential units anticipated within the brownfield land register could not realistically be achieved through retention and conversion of the existing buildings; they simply do not comprise adequate floorspace.
32. Taking account of all of the evidence, including my own observations on site, I consider that the building holds limited historic interest and, whilst a well-executed and preserved example of its type, particular architectural interest in terms of rarity or special quality has not been demonstrated. This leads me to find that the former police station is of low heritage significance. The appeal proposal would lead to the complete loss of the asset, which equates to the highest level of harm.
33. To the immediate west of the appeal site addressing Queen Elizabeth Avenue is the Old Police House, now a dwelling in private ownership. The appellant disputes the Council's position that the Old Police House should also be treated as a non-designated heritage asset.
34. The Old Police House is a two-storey dwelling exhibiting the same red brick construction and hipped pantile roof as the former police station. There is a pleasing symmetry in the fenestration on the front façade, with a centrally positioned doorway within a sandstone portico.
35. The records suggest that the Old Police House was designed by the same architect as the former police station and constructed at the same time. The two buildings are situated in close proximity to one another. Read in conjunction with the former police station, the Old Police House holds some historical interest and has some group value. However, the two buildings are now clearly separated by fencing and function independently of one another. A

¹⁶ Map 7 of CD-33

¹⁷ Character Area 1: Town Centre map of CD-32

number of alterations and extensions have been made to the rear of the Old Police House that somewhat undermine its architectural interest. Overall, I consider it to be of low heritage significance.

36. The former police station lies within the setting of the Old Police House. The loss of the former police station would undoubtedly cause harm to the setting of the Old Police House, which takes its principal value from its close historical, architectural and physical association with the former police station. Without the former police station, the Old Police House would be less legible in its context. In my estimation, the proposed development would give rise to a moderate level of harm to the Old Police House.
37. In this sense, the appeal proposal conflicts with Policy DM1 of the LP Part Two which expects that development proposals will conserve and enhance heritage assets, with particular regard to local character and setting, amongst other things.
38. As required by paragraph 203 of the Framework, the direct and indirect effects of the appeal proposal on the significance of these non-designated heritage assets is carried forward into my overall judgement on the planning balance set out later in this decision.

Local Character and Designated Heritage Assets

39. The appeal site sits amongst principally residential development to the north of the town centre. It is bounded along its eastern edge by the A337 Southampton Road which is a main vehicular route into the town. This contributes to the urban character of the locality. The former police station building, set back from the road by a front parking area, signals the previous civic use of the appeal site. Mature trees along the north and east boundaries give the site a pleasant, verdant quality.
40. The appeal site is outside of, but adjacent to, the Lymington Conservation Area and as a matter of common ground falls within its setting¹⁸. In conducting my assessment of the effects on the Conservation Area, I have paid close attention to the good practice advice¹⁹ from Historic England.
41. The Lymington Conservation Area encompasses an area around the core of the historic town together with the quayside and river frontage to the east. Its significance is derived from its role as an important port dating back to the 12th and 13th centuries and used to export salt extracted locally, the industry upon which Lymington's prosperity was based. The Conservation Area Appraisal (July 2002)²⁰ describes how the town's medieval structure has remained largely unaltered to the present day, meaning that the historical development of the town is highly legible. The town's growth in the late 18th and 19th centuries is also evident in the wealth of buildings of varied historical and architectural interest.
42. The appeal site lies immediately beyond the north-western boundary of the Conservation Area²¹. This part of Southampton Road marks a point of arrival

¹⁸ Section 3.3 of CD-14

¹⁹ Historic England Good Practice Advice Note 2 (GPA2)(2015) and Good Practice Advice Note 3 (GPA3)(2017)

²⁰ CD-33

²¹ Map 7 of the CAA (CD-33)

- into the Conservation Area and is therefore a sensitive setting location from which the Conservation Area is experienced.
43. Due to their pronounced set back from Southampton Road and the presence of the established trees along the northern and eastern boundaries, the existing buildings on the appeal site are not prominent in the local townscape. Whilst the former police station has value in its own right as a non-designated heritage asset as discussed above, it does not contribute materially to the legibility or appreciation of the Conservation Area. Overall, it makes a neutral contribution to the setting of the Conservation Area and as such, its loss would not cause harm to the Conservation Area's significance.
 44. The proposed development would replace the existing police station buildings with a taller building with a wider span and modern residential character. The proposed building would comprise three storeys together with dormered accommodation in the roof level, stepping down to two storeys with dormered roof accommodation along the Queen Elizabeth Avenue elevation. It would be set further forward than the existing building and would occupy a considerably larger footprint within its plot.
 45. The area to the north of the junction of Eastern Road and Avenue Road with Southampton Road marks a transition point between small-scale, close-knit terraced housing within the Conservation Area to the south and coarser-grained residential development outside of the Conservation Area to the north. This change in density and character of the built form moving north along Southampton Road is described in the Lymington Local Distinctiveness SPD (adopted February 2011) wherein the appeal site sits within Character Area 1: Town Centre. At this junction, the existing developments of Buckland House and Farringford Court stand at greater scale than the surrounding built form and serve to somewhat punctuate the edge of the Conservation Area.
 46. Though it would be visible from viewpoints within the Conservation Area on Southampton Road and to the rear on Eastern Road, the proposed building would not appear discordant with the development immediately surrounding it. Buckland House and Farringford Court exhibit similarities to the appeal development in their height, mass and residential character. The proposal would not diminish or overpower the loose 'gateway' effect created by the corner structure of Buckland House and the corner 'tower' of Farringford Court.
 47. In this sense, the proposal would not undermine the sense of arrival into the Conservation Area. Neither would its scale or mass be so incongruous as to detract from the rich historic quality of the terraced houses along the western side of Southampton Road that characterise development in the 'Western Zone' of the Conservation Area. Overall, the proposed development would not degrade the historic or architectural significance of the Lymington Conservation Area as a whole; it would have a neutral effect.
 48. Consequently, I conclude that there would be no harm to the setting of the Conservation Area as a designated heritage asset. In this sense, the appeal proposal would comply with Policy DM1 of the Local Plan Part Two: Sites and Development Management ('LP Part Two', adopted 14 April 2014) insofar as it seeks to conserve and enhance the historic environment and heritage assets. It would also accord with the requirement of the Framework to give great weight to the conservation of the significance of designated heritage assets.

49. Considering the effect on the character and appearance of the site and surrounding area more widely, for the reasons set out above I find the proposed development to be an acceptable design response to the site. I have found that the height of the building would not be excessive in the site context and the massing would not undermine local distinctiveness. The proposal broadly conforms with the design guidelines set out within the Lymington Local Distinctiveness SPD (2011).
50. I therefore conclude that the scale and massing of the proposal would not have an adverse effect on the character and appearance of the site and surrounding area. There would be no conflict with Policy ENV3 of the LP Part One to the extent that it requires high quality design that contributes positively to local distinctiveness and enhances the character and identity of the locality, including through good architecture.
51. Furthermore, the proposal would satisfy the requirements of the Framework to create high quality buildings and places which reflect local design policies. It would also accord with the ten characteristics of well-designed places set out in the National Design Guide (January 2021).

Main Issue 3: Effect on Protected Trees

52. There are eight trees on the appeal site that are subject to a Tree Preservation Order (TPO) (No. TPO/0006/15). The trees fall into two groups:
- G1, which consists of five silver maples (tree numbers T2-T6) running along Southampton Road; and,
 - G2, which consists of two silver maples and one cedar (tree numbers T7-T9) on Queen Elizabeth Avenue.
53. The trees were donated by The Lymington Society and planted as part of a commemorative community planting scheme in 1980. The parties agree²² that Trees T4 and T5 (both maples) are currently 'C grade' trees, meaning that they are of low quality with a remaining life expectancy of at least 10 years, with the remainder categorised as 'B grade', meaning they are of moderate quality with a remaining life expectancy of at least 20 years. The Council considers that in the current site context the trees have the potential to mature and be considered 'A grade' trees in the future.
54. The trees are of a substantial height and prominence, together forming an important landscape feature in the streetscene. In my view, they make a positive contribution to the character and quality of the area in the vicinity of the site, most notably along Southampton Road and Queen Elizabeth Avenue.
55. It is common ground between the main parties that the construction of the proposed development would not harm the protected trees, subject to the imposition of a condition that controls tree protective and construction measures. However, the Council alleges that once constructed and occupied, the proximity of the proposed building would prevent the trees from growing to their natural size and form and would be likely to give rise to pruning and ultimately potential loss of the trees, to the detriment of the amenity of the

²² Section 4 of NPOE-3

area. These concerns were echoed by interested parties including LPTC²³ and The Lymington Society²⁴.

56. The proposed building would sit approximately 6 metres from each of the trees, with the exception of T7 which would be at a greater distance due to its position in the north-eastern corner of the site. Six metres is the root protection area (RPA) radius identified for the cedar, with RPA radii of between 3 and 5.4 metres identified for the silver maples. So, the foundations of the proposed building would be in relatively close proximity to the root systems of the trees in some parts of the site and it is possible that this could form a barrier to future root growth and penetration, potentially affecting the stability and growth prospects of the trees.
57. That said, the building would be outside of the RPAs. Moreover, the removal of the current hardstanding in the vicinity of the trees and its replacement with soft landscaping would be likely to improve aeration and porosity of the ground which could promote root intensification. On balance, I do not consider that the proposed building would cause harm to the root systems of the protected trees such that their vitality would be adversely affected.
58. Nonetheless, above ground level the relationship between the building and the protected trees would be relatively close. There would be the potential for shading of some internal and external spaces, seasonal nuisance (such as blocked gutters and slippery footpaths as a result of fallen leaves) and safety concerns from future occupiers²⁵. All of these factors are likely to lead to future pressure to manage the growth of the trees through pruning.
59. The appellant acknowledges that the minimum separation distance between trees and buildings is widely accepted to be approximately 2 metres. In the immediate term, Tree T9 (cedar) would need to undergo crown spread reduction to create space for construction and achieve the appropriate separation distance from the building once occupied²⁶. I note that these pruning works would be limited to the southern side of the tree and would involve the reduction in the length of branches by 2-3 metres. On this basis, I am satisfied that this pruning event in isolation would have a very limited effect on the contribution that the tree makes to the character of the area.
60. No other pruning works are identified as required to accommodate the appeal scheme. However, all eight of the protected trees are assessed as 'maturing'²⁷ and it is common ground that they have not yet reached their full height or canopy spread. By the Council's analysis²⁸, if the trees were to achieve their full potential in terms of crown spread, there would be significant interaction with the proposed building along its eastern elevation and part of its northern elevation.
61. As the trees continue to grow and spread, the appellant accepts that regular pruning on an approximately three-yearly cycle could be required to maintain the necessary separation distance from the building. Whilst there is some evidence of pruning having taken place around 2008, it is accepted that cyclical

²³ ID-4

²⁴ ID-5

²⁵ As described in BS5837:2012 and NFDC Tree Protection and Development Guidance 2020 (CD-39)

²⁶ Arboricultural assessment and method statement (CD-15)

²⁷ Appendix 2 of CD-15

²⁸ Appendix 4 of NPOE-3

pruning would represent a material change in the level of intervention with the trees compared with the previous use of the site. Although some pruning may have been necessary had the previous use of the site continued, it is clear that a change to residential use at much closer proximity to the trees would give rise to a greater need for intervention.

62. This greater level of intervention has the potential to leave the trees more vulnerable to pathogens leading to disease or poor growth. However, having regard to the established nature and condition of the trees, the characteristics of their species and the modest scale of the cyclical pruning works that might be required, I have seen no evidence to indicate that future intervention works would be likely to lead to serious disease in the trees in this case. For the same reasons, there is a very low likelihood of any of the protected trees being lost altogether as a result of disease arising from future pruning works required for the appeal scheme. Consequently, I do not consider that the proposed development would conflict with paragraph 131 of the Framework which promotes the retention of trees wherever possible.
63. Cyclical pruning of the protected trees could affect their ability to realise their natural shape and form. However, having regard to the likely scale and frequency of the intervention, this would not have a deleterious effect on the height, shape or appearance of the trees. In the context of the appeal site, it is my judgement that the contribution that the trees make to the character and quality of the surrounding area would not be adversely affected as a consequence of the proposed development. Moreover, any future works to the protected trees would require consent under the TPO regime. This process would ensure that any works are justified in light of the amenity value of the tree in question.
64. For these reasons, I conclude that there would be no conflict with Policy ENV3 of the LP Part One to the extent that it requires new buildings to be sympathetic to the environment and their context in relation to adjoining landscape features. The appeal scheme would also comply with Policy ENV4 of the LP Part One insofar as it seeks the retention and/or enhancement of landscape features that contribute to distinctive character within settlements, including trees.

Main Issue 4: Adequacy of Parking and Turning Areas

65. The revised site plan (ref: 10109LY-PA01C) sought to address concerns that there would be insufficient space for on-site manoeuvring by emergency vehicles. At the Inquiry, the Council agreed²⁹ that so long as the turning area indicated on the revised site plan was kept clear, adequate space would be available for ambulances to turn on site.
66. On the basis of the revised site plan, I am content that there would be adequate space for ambulances and light goods vehicles to turn within the site and exit in a forward gear. The retention of the turning space can be controlled via planning condition. It is unlikely that there would be sufficient space for larger vehicles such as community buses, coaches, refuse trucks and fire engines to manoeuvre within the site but such vehicles could service the site in a satisfactory manner from Queen Elizabeth Avenue.

²⁹ Paragraph 22 of ID-12

67. Turning to the provision of on-site car parking, the appeal scheme provides a total of 12 parking spaces for use by future residents, staff and visitors. During the Inquiry, draft condition wording³⁰ was agreed between the parties to secure the inclusion of two disabled parking spaces as part of this provision.
68. The adopted Parking Standards SPD (CD-31) sets out the recommended car parking standards for the various types of development. Table 9 (Annex 1) of the SPD recommends that housing for the active elderly with warden control provides one parking space per unit of accommodation, equating to a recommendation of 32 spaces for the proposed development. The SPD is clear³¹ that in town centre locations, a reduced car parking provision is acceptable where the site is well served by public and active modes of travel, and where the proposal would not exacerbate parking pressure in the local area.
69. The appeal site falls just outside of the town centre boundary denoted on the relevant map in Annex 2 of the SPD but is a short and level walk from the facilities and services of the town centre. There is a doctor's surgery approximately 450 metres away, and a bank, post office, food shops, pharmacy and library within 850 metres³². A bus stop is approximately 90 metres from the site on Southampton Road, providing hourly services between Lymington, Lyndhurst and Southampton, plus a local service to Pennington, Hordle and New Milton. Bus links to Bournemouth and Christchurch are also available from the Sports Ground, a short walk from the site to the east of Southampton Road. Although more likely to be used by staff and visitors than residents, there are good cycle links to the town centre and railway station. As such, the site is in an accessible location which is likely to reduce the reliance of future residents on the private car.
70. The appellant's analysis of parking levels at a number of other Churchill Retirement Living (CRL) schemes identifies an average parking demand of 0.28 spaces per apartment, which would equate to a total of 9 spaces for the appeal scheme. It submits that 12 spaces are proposed to accommodate for situations above this average. On this basis, the appeal scheme would provide 0.37 parking spaces per unit. The Council contests this analysis on the basis that looking at parking levels at other CRL sites across the south of England is not the most appropriate way to ascertain parking demand for the appeal scheme.
71. Car ownership data from the 2011 census³³ indicates that the appeal site is situated in an area in which 81% of people aged 65 and over own one or more vehicles. According to the Council's analysis, this is higher than car ownership levels in the other CRL schemes quoted by the appellant³⁴. However, I note that the census data is based on middle output areas which for the appeal site covers a large area of the rural New Forest. It is reasonable to expect that car ownership levels within the town of Lymington would be lower than the average for its middle output area since the town offers greater opportunity to access facilities via non-car modes. This is supported by the breakdown of car ownership by ward presented in Annex 3 of the SPD.

³⁰ ID-9

³¹ Principles PS1, PS2 and PS13 of the SPD

³² CD-19

³³ Appendix A of NPOE-6

³⁴ Figure 1.1 of NPOE-6

72. Other relevant considerations are the demographics and personal circumstances of typical purchasers of retirement living schemes. Whilst available to residents aged 60 and over, the average age at first purchase is estimated to be around 79³⁵, with anecdotal evidence from the partially-occupied Knights Lodge scheme in Lymington indicating an average resident age of 83. Moves into this type of scheme tend to be driven by a need to down-size domestically, for greater support to continue living independently and by a medical or other need to give up driving. Given these factors, the census car ownership data, which simply categorises the older population as 'aged 65 and over', should be applied with caution.
73. The Council highlighted an application³⁶ for an extension to car parking at the Hubert Lodge scheme in Hythe as an example of under-provision in other recent CRL schemes. Since consent for the car park extension was granted, the Hubert Lodge scheme provides parking at a ratio of between 0.39 (by the appellant's calculation) and 0.44 (by the Council's calculation) spaces per unit, which is greater than proposed for the appeal scheme.
74. On that specific case, the appellant argues that the original level of parking was found to be acceptable at appeal and the rationale for the extension was that it would be an inexpensive way to maintain additional land acquired as the main construction started. I have not been provided with full details of the parking extension application and it is therefore not possible to know unequivocally why the four additional spaces were applied for. For this reason, it does not necessarily demonstrate that the CRL methodology for calculating parking demand is flawed.
75. I have noted the Council's submissions about parking at the Farringford Court and Belmore Lodge developments spilling over onto surrounding roads. I observed these developments as part of my site visit. Farringford Court provides 'extra care' accommodation, meaning that staffing levels are considerably higher than for the appeal scheme (estimated at 8-10 members of staff per shift versus 1 house manager within office hours for the appeal development). Belmore Lodge is a residential and nursing home which due to the needs of residents and staffing levels means that it is also not directly comparable to the scheme before me. No evidence was presented of parking shortages or their effects at existing CRL sites where there are similar ratios of provision to that proposed for the appeal scheme.
76. Taking all of these matters into account, I consider that the appellant's assessment of parking demand for the appeal scheme is reasonably founded. The parking ratio is at the lower end of provision promoted by CRL, but given the highly accessible location of the site, this is justified.
77. In the scenario that demand exceeded the spaces provided, the parties agree that the most likely result would be overspill parking on Queen Elizabeth Avenue, which is a residential street with sections of unrestricted parking. On my visits, I saw that most houses on Queen Elizabeth Avenue have off-street parking in the form of driveways and garages and a considerable proportion of on-street parking spaces were unoccupied.

³⁵ Homes for Later Living (September 2019) 'Healthier and Happier' (APOE-4)

³⁶ ID-1

78. A parking survey³⁷ was undertaken in March 2022 which found, amongst other things, that between 35% and 42% of the total unrestricted spaces available in Queen Elizabeth Avenue (26) were occupied and none of the single yellow line spaces. I am content that the methodology for the survey is robust and the findings are consistent with my observations on site over a number of days. The survey concluded that no roads within a 200 metre walking distance of the appeal site currently experience parking stress. Whilst the survey and my visits were undertaken on weekdays, I have not seen any evidence to indicate that the situation would be materially different at a weekend.
79. Approximately 15-17 unrestricted spaces were found at the time of the survey to be unoccupied in Queen Elizabeth Avenue, in addition to 33 single yellow line spaces, which is a fair reflection of my observations on site. This leads me to find that even in the scenario that parking demand was at the level envisaged by the SPD before adjusting to account for location (32 spaces, one per unit of accommodation), there would be sufficient space within the existing on-street parking provision together with the 12 on-site spaces to meet all of the demand.
80. Given the above, I consider that the proposed development would not harm residential amenity or local character in Queen Elizabeth Avenue insofar as on-street parking is concerned. Since there is no existing parking stress, and even worst-case estimates of parking demand could be accommodated on-street, there would also be no environmental harm as a result of emissions from an increased number of vehicles seeking parking spaces or navigating the local road network.
81. The Council did not allege any specific highway safety harm as a result of overspill parking but this was a concern expressed by some local residents, particularly at school drop off and collection times when Queen Elizabeth Avenue is used by children on scooters and parents with buggies. I visited the site at times used by school traffic and saw some evidence of this. Due to its limited width, and the need for vehicles to wait for oncoming vehicles to pass, speeds during my visit were low and drivers relatively vigilant. Since the existing unrestricted parking areas have the capacity to accommodate any overspill parking, the proposal would be unlikely to give rise to unsafe parking behaviours such as double parking or parking on double yellow lines. Therefore in my view, the level of any potential overspill parking would not be such that it would present an elevated highway safety risk to pedestrians or other road users.
82. For the reasons set out above, I conclude that the proposed development would make adequate provision for on-site car parking and that residential amenity would be safeguarded. There is an element of conflict with the Parking Standards SPD (adopted April 2022) in the sense that the appeal proposal provides a lower level of on-site parking than recommended for housing for the active elderly. However, the level of provision is justified in this case by the accessible location of the site and the evidenced lack of parking stress in its immediate vicinity. As a result, I have found that sufficient car parking would be provided. Accordingly, I find no conflict with the SPD or with Policy CCC2 of the LP Part One, which seeks the provision of sufficient car and cycle parking in accordance with the adopted SPD.

³⁷ Appendix 9 of APOE-9

83. Furthermore, the appeal scheme would accord with Policy ENV3 of the LP Part One insofar as it requires new development to integrate sufficient car parking spaces so that realistic needs are met in a manner that is not prejudicial to the character and quality of the street, highway safety, emergency or service access or to pedestrian convenience and comfort.
84. In arriving at this view, I have had regard to the Council's view that though desirable in their own right, the provision of disabled parking spaces would be at a cost to general resident parking. Principle PS6 of the SPD advocates the provision of suitable parking spaces for people with disabilities and the supporting text (paragraph 8.3) recognises that residential developments for elderly persons may require relatively higher provision of disabled spaces. On balance therefore, I consider it important that dedicated provision is made within the site for disabled parking, since there is a high likelihood that it would be required.

Main Issue 5: Outdoor Amenity Space

85. The outdoor amenity space serving the proposed development would take the form of landscaped gardens running along the northern, eastern and part of the southern edges of the site. Paved areas for outdoor seating would be incorporated, including a communal patio and a small number of private patios immediately outside some ground floor apartments. There would also be modest private balconies on the first and second floors on the south and west elevations of the building.
86. There is no locally-prescribed standard for the quantum of external amenity space to be provided. The proposed amenity areas and patios would cover an area of approximately 839 m², which would represent approximately 38.3% of the total site area (2,189 m²). As a proportion of site area, this would sit toward the lower end of amenity space provision in other local schemes cited in evidence³⁸, although not markedly so (provision ranging between 34.3% and 44.2% of the total site area).
87. 'Retirement Living Explained: A Guide for Planning and Design Professionals' (2017)³⁹ stresses that specialist housing for older people should seek to provide quality amenity space, stating that '*quantity is less important where there is a shared garden*'. The proposed scheme does not allow for any expansive lawned areas; the gardens are principally linear in form. However, I am mindful that external amenity space in retirement living schemes is typically used for sitting out and for its aesthetic value and interest, rather than for active play or recreation. The HAPPI Report⁴⁰ (2009) highlights that housing for older people should enable '*enough space for tables and chairs as well as plants*'.
88. Examples⁴¹ of other developments delivered by the appellant demonstrate how creative design and planting of smaller or irregularly-shaped spaces can contribute to a high quality environment. The examples also illustrate how delivering and maintaining good quality landscaping schemes forms an important part of the overall package being presented to potential buyers. The

³⁸ APOE-13, Section 6

³⁹ APOE-6

⁴⁰ 'Housing for our Ageing Population: Panel for Innovation'

⁴¹ APOE-13, Section 3

Landscape Strategy Masterplan⁴² shows the attention that has been paid to achieving a visually appealing and functional external area. Delivery of a well-designed landscaping scheme that follows the principles of the masterplan can be secured by condition.

89. The focus of the external space would be the communal patio area in the south-eastern part of the site. This would sit close to the adjacent Buckland House, which is a three-storey building with windows on its northern elevation. During my site inspection, I saw that due to the position of the windows and the oblique angles involved, there is very limited scope for overlooking of the external amenity space from windows on Buckland House. The attractiveness of the external space would therefore not be compromised by overlooking.
90. There is the potential for shading of the proposed patio area by Buckland House due to its height and proximity, which the Council estimates to be approximately 6.09 metres away at its closest point. Submitted evidence⁴³ derived from SUN-Calc and aerial photographs indicate that the patio would be affected by shading from Buckland House. Anecdotal evidence presented at the Inquiry from experience on other similar schemes suggests a lower demand for direct sunlight in gardens, with some residents preferring to seek out natural shade.
91. Having visited the site in the late afternoon in April, I found that the location of the proposed patio was not sunny, but did not feel overly gloomy or so shaded as to deter its use. The patio area would be situated approximately between the two ridge peaks of Buckland House which would assist with the availability of daylight throughout the day. The lawned area to the west of the proposed patio, although modest in size, would receive more direct sunlight, especially in the afternoons.
92. There would also be shading of the external amenity areas in the east and north of the site by the proposed building and existing protected trees. This would be more significant in the spring and summer when the trees are in leaf. However, even then it would be a dappled shade and the trees are not so dense as to prevent a reasonable amount of daylight from reaching the amenity areas.
93. Since much of the amenity space would adjoin Southampton Road, there would be some traffic noise, although the existing line of trees and proposed boundary planting would help to form a natural buffer from the road. Given the urban context of the site, where some element of traffic noise is to be expected, this noise would not be detrimental to the residents' enjoyment of the external space. For the same reasons, I do not consider that the proximity of the gardens to the on-site car park would lead to unacceptable disturbance to their enjoyment.
94. Having considered all of the evidence, I conclude that the proposal would have no harmful effects on the living conditions of future occupiers in terms of the provision of outdoor amenity space. Consequently, the proposal would be consistent with the aims of Policy ENV3 of the LP Part One as it relates to achieving high quality design that contributes positively to quality of life by creating spaces that are visually appealing and enjoyable to be in, and avoids

⁴² CD-18

⁴³ Appendix JRG 5 and JRG 6 of NPOE-1

adverse impacts on residential amenity including through unacceptable overlooking and shading.

95. There would also be no conflict with the Framework's aims to promote healthy, inclusive and safe communities and achieve well-designed places. In addition, the proposal would accord with the National Design Guide (January 2021)⁴⁴ insofar as it seeks the provision of good quality external environments that support the health and well-being of their users.

Main Issue 6: Effect on European Sites

Procedural Matters

96. The Council's sixth reason for refusal alleges that an adverse impact on the integrity of the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC) due to the effects of nitrate discharge could not, in the absence of a Section 106 agreement, be ruled out. However, in the Statement of Common Ground⁴⁵, it was agreed that "*the Council has imposed the wrong 'standard' reason for refusal at No.6. The issue raised by the reason included on the decision notice, can be dealt with by a condition*".
97. The parties agreed that the reason for refusal should have related to the recreational and air quality impacts of the proposed development on the European sites in the New Forest and Solent. A redrafted version of the sixth reason for refusal was provided⁴⁶.
98. Where a plan or project, either alone or in combination with other plans or projects, would be likely to give rise to significant effects on European sites, the Habitats Regulations require the competent authority to carry out an appropriate assessment before granting consent. I am the competent authority in respect of this appeal and will proceed accordingly.

European Sites and Features

99. The Statement of Common Ground identifies the following European sites as potentially affected by the proposed development:
- New Forest Special Area of Conservation;
 - New Forest Special Protection Area;
 - New Forest Ramsar site;
 - Solent and Southampton Water Special Protection Area;
 - Solent and Southampton Water Ramsar site; and,
 - Solent Maritime Special Area of Conservation.
100. The internationally important interest features of the New Forest sites are, in summary: the heaths, woodlands, water and meadow features and the habitats that they provide for species including European honey-buzzard, Hen harrier, Eurasian hobby, European nightjar, Woodlark, Dartford warbler, Wood warbler, southern damselfly and stag beetle.

⁴⁴ CD-24

⁴⁵ CD-56, paragraph 2.13

⁴⁶ Paragraph 2.14 of CD-56

101. The internationally important interest features of the Solent sites are, in summary: the estuaries, coastal lagoons, intertidal flats, reefs, grazing marsh, sandbanks, mudflats, shifting dunes and salt meadows. These features provide habitats for, amongst other things, Dark-bellied brent goose, Eurasian teal, Ringer plover, Black-tailed godwit, Mediterranean gull, Sandwich tern, Common tern, Little tern, Roseate tern and Desmoulin's whorl snail.

Likely Significant Effects

102. By creating 32 additional residential units, it is likely that the proposed development, in combination with other plans and projects, would generate additional recreational pressure on the European sites in both the New Forest and the Solent. Consequently, the appeal scheme would have a likely significant effect on these European sites as a result of recreational disturbance.
103. Similarly, the proposed development is likely to give rise to an increase in transport movements which, when considered in combination with other plans and projects, is likely to have significant effects on the New Forest SPA, SAC and Ramsar due to air quality implications.
104. Furthermore, the proposed development would generate additional wastewater discharge from the site. The consequent increase in nitrates arising from the site, in combination with other plans and projects, is likely to have significant effects on the Solent SPA, SAC and Ramsar.
105. All of these likely significant effects are acknowledged in the appellant's Ecological Appraisal⁴⁷ and the Council officer's Planning Committee report⁴⁸.

Recreational Pressure

106. A Habitats Regulations Assessment⁴⁹ of the LP Part One (adopted July 2020) found that significant effects on both the New Forest and Solent European sites as a result of recreational impacts from any additional residential development in the plan area could not be ruled out. The Council's Appropriate Assessment⁵⁰ in respect of recreational impacts of the proposed development came to the same conclusion and this was accepted by the appellant in the Statement of Common Ground⁵¹.
107. Recreational impacts arise principally from the additional recreational visits made to sensitive designated sites by residents of new dwellings. Increased recreational use of these sites can lead to greater disturbance of birds, whose feeding, nesting and breeding habitats can be interrupted by the presence of humans. The ultimate consequence of this disturbance can be increased bird mortality and reduction in bird populations. In this sense, by creating 32 new residential units the proposed development would, in combination with other plans and projects, adversely affect the integrity of the New Forest and Solent European sites.
108. The Council has produced a Supplementary Planning Document (SPD) entitled 'Mitigation for Recreational Impacts on New Forest European Sites'

⁴⁷ Section 5.1.1 of the Ecological Appraisal, Tetra Tech (June 2021)

⁴⁸ Planning Committee Report 8 December 2021 (CD-62)

⁴⁹ Habitats Regulations Assessment of New Forest District Local Plan Part 1 (January 2018)

⁵⁰ New Forest District Council Appropriate Assessment in relation to recreational impact (CD-40)

⁵¹ Paragraphs 2.14-2.15 of Statement of Common Ground (CD-56)

(adopted 5 May 2021)⁵². The SPD requires all new residential development to contribute toward mitigation measures to avoid adverse effects on the integrity of the New Forest European sites. In a similar vein, the 'Solent Recreation Mitigation Strategy' (December 2017)⁵³ produced by Bird Aware Solent sets out a range of mitigation measures to which new homes built within 5.6 km of the Solent SPA are expected to contribute financially.

109. The mitigation for these recreational impacts involves the provision of new areas of alternative natural recreational greenspace (ANRG), enhancement of existing greenspace and rights of way within settlements, access and visitor management including the employment of rangers and education initiatives, and monitoring.
110. I have been provided with a lawfully executed planning obligation (dated 4 May 2022) which secures financial contributions to access management and monitoring measures as mitigation of the effects on the New Forest European sites in accordance with Policy ENV1 of the LP Part One and the aforementioned New Forest mitigation SPD (2021). The obligation also secures financial contributions to the Bird Aware Solent project by way of mitigation of effects upon the Solent European sites, as required by the same LP policy and the aforementioned Solent mitigation strategy (2017).
111. In addition to this, an 'infrastructure' contribution for habitats mitigation is included within the obligation (Clause 8). Paragraph 2.8 of the CIL Compliance Statement⁵⁴ explains that whilst this element of the contribution is expected to be collected via a CIL payment, the Clause 8 provisions are included to cover any scenario in which no CIL is paid (for example if the development secured CIL relief). This is necessary because the adverse effects cannot be satisfactorily mitigated without it. All of the financial contributions are payable on or before the date of commencement of development.
112. The necessity for these obligations is firmly established by the development plan and supplementary documents. It is clear that they are directly related to the proposed development due to its proximity to the European sites and are fairly related to it in scale and kind, since they are calculated on a per bedroom basis with locally set occupancy rates applied. I have had regard to Natural England's written confirmation⁵⁵ that where mitigation measures are limited to collecting a funding contribution that is in line with the strategic approach agreed in the relevant SPD, then no further consultation under Regulation 63 is required. This clearly stated position allows me to conclude that the requirement for consultation⁵⁶ in relation to my appropriate assessment has been discharged.
113. Consequently, I am satisfied that the obligations meet all of the relevant legal⁵⁷ and policy⁵⁸ tests, and together secure effective mitigation of the adverse effects on integrity of the relevant European sites as a result of recreational pressure.

⁵² CD-29

⁵³ CD-37

⁵⁴ CD-59

⁵⁵ Appendix C of the Council's Appropriate Assessment for recreational impacts (CD-40)

⁵⁶ As per Regulation 63(3) of The Conservation of Habitats and Species Regulations 2017 (as amended)

⁵⁷ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁵⁸ Paragraph 57 of the Framework

Air Quality

114. In addition to this, traffic growth as a result of additional residential development has the potential to give rise to significant adverse effects on the New Forest European sites from nitrogen deposition and ammonia emanating from vehicle emissions, especially near main road corridors. Whilst the data is uncertain, the precautionary principle applies, meaning that the effects need to be closely monitored.
115. Consequently, it is possible that the proposed development could, in combination with other plans and projects, adversely affect the integrity of the New Forest European sites. Accordingly, Policy ENV1 of the LP Part One requires that all residential development makes a financial contribution toward monitoring air quality effects within the relevant European sites. The Council's interim position statement on air quality monitoring⁵⁹ explains the nature of the monitoring work and sets the contribution at £85 per dwelling (index-linked now translating to £91).
116. The completed Section 106 agreement contains provisions requiring that financial contributions are made toward air quality monitoring at a level that generally accords with the Council's interim position statement. Full payment is due on or before commencement of development.
117. Given the clear policy context, the obligations are necessary to make the development acceptable in planning terms. They are also directly related to the development, in the sense that there is a direct relationship between additional dwellings, increased vehicle movements and therefore potential effects on habitats from exhaust emissions. Being calculated as a standard tariff per dwelling, the obligations are fairly and reasonably related to the development in scale and kind.
118. As with the recreational pressure effects outlined above, I am of the view that the duty to consult with Natural England has been satisfied by its written confirmation that no additional consultation is required where there is compliance with an agreed strategic approach (CD-40). The strategic framework for this contribution is clearly established by Policy ENV1(4)(v) of the LP Part One and the Council's interim position statement (CD-34).
119. I am therefore satisfied that the Section 106 agreement is an effective mechanism for securing the monitoring required to avoid or mitigate adverse effects on the integrity of the New Forest European sites as a result of air quality impacts.

Nitrates

120. There is sound evidence that high levels of nitrogen and phosphorus input into the sensitive and important water environment in the Solent region are causing eutrophication at the Solent SPA, SAC and Ramsar sites. These nutrient inputs arise in part from wastewater discharged from housing development and result in dense mats of green algae and other effects on marine ecology which pose a risk to the conservation status of the European sites.

⁵⁹ CD-34

121. Advice from Natural England (2020)⁶⁰ states that there is uncertainty about the potential for future housing developments across the Solent region to exacerbate these impacts. It advises that one way to address this uncertainty is for all new development to achieve nutrient neutrality in order to mitigate its potential effects on the integrity of the sites. This advice applies to the proposed development due to its location within the Solent catchment area⁶¹ and the nature of development, which would result in a net increase in population and therefore have wastewater implications.
122. Following the precautionary principle, and having regard to the conservation objectives of the sites, I take the view that the proposed development, in combination with other plans and projects, would have an adverse effect on the integrity of the Solent European sites. This finding is consistent with the findings of the Council's Appropriate Assessment in respect of nitrates⁶².
123. The parties have proposed that mitigation in this case could be secured via a Grampian condition that prevents occupation of the proposed development until a mitigation package has been approved in writing by the Council that demonstrates that the additional nutrient loading generated by the proposal would not have an adverse effect on the integrity of the European sites.
124. Work is underway by the Council on a district-wide nitrate mitigation solution that would identify the level of, and options for, mitigation required for the housing development anticipated within the Local Plan. Whilst awaiting the outcome of this work, the Council has applied a Grampian condition to residential permissions, which it submits has not attracted any objection from Natural England or the Environment Agency as statutory consultees. The Council states that the condition has been applied to permissions for over a year and has not identified any problems for its subsequent discharge.
125. However, such an approach is specifically addressed in the Guidance⁶³. This sets out very clearly that a positively worded condition is unlikely to pass the test of enforceability and a negatively worded one is unlikely to be appropriate in the majority of cases. Nonetheless, it does note that in exceptional circumstances such a condition may be appropriate where there is clear evidence that the delivery of that development would otherwise be at serious risk, stating that this may apply in the case of particularly complex development schemes, and where the six tests for conditions are also met.
126. The appellant proposes to make financial contributions to an off-site nutrient mitigation scheme. Given that the appeal site is modest in size, comprises brownfield land and is located within an urban area, I am content that off-site mitigation would be appropriate in this case. However, this still requires that there is certainty and transparency about the delivery of mitigation in order to ensure that the identified potential for an adverse effect on the integrity of the European sites is not realised.
127. There are currently no strategic mitigation schemes within the district, although the appellant submitted during the Inquiry that it had a conditional contract in place to buy credits for the 'Heaton Scheme' on the Isle of Wight. The scheme involves agricultural land being taken out of use, with the

⁶⁰ Advice on Achieving Nutrient Neutrality for New Development in the Solent Region version 5 (CD-38)

⁶¹ As shown on Figure 1 of CD-38

⁶² New Forest District Council Appropriate Assessment in relation to nitrates effects (CD-40)

⁶³ PPG Paragraph 010 Reference ID: 21a-010-20190723

reduction in nitrate discharge from that land being offset against the nitrate output from the appeal scheme.

128. I note that in the Stanford Hill appeal⁶⁴, Natural England confirmed that the use of the Heaton Scheme to offset nutrients would be appropriate and a Grampian condition was imposed. However, that appeal, dating from June 2021, had anticipated that an overarching agreement relating to the wider Heaton Scheme was 'imminent'. On the basis of the evidence to this Inquiry, it has still not been delivered. Furthermore, the Stanford Hill appeal was supported by clear information about the nutrient balance, the quantum of land that would be required to mitigate the effects of the scheme, evidence that such land was available within the Heaton Scheme and proof of advanced discussions with the landowner and Isle of Wight Council about securing its delivery.
129. Following my request for further comments on the Guidance requirements after the Inquiry closed, the appellant stated⁶⁵ that it had an agreement in principle in place with another mitigation scheme referred to as 'Kings Manor', although this was not supported by evidence. I understand that Kings Manor is also on the Isle of Wight and would address the same water treatment catchment as the Heaton scheme. The appellant contends that the proposed development would discharge to the Pennington Wastewater Treatment Works in the same way as the Stanford Hill scheme and therefore that the land held within the Heaton scheme, and presumably also the Kings Manor scheme, would be appropriate to offset nitrates in the present case.
130. Mindful of Guidance about the cautious use of negatively-worded conditions, I have carefully reviewed all of the evidence on this matter. The WMS⁶⁶ and Chief Planning Officer letter (dated 21 July 2022) anticipate a nationally focussed, comprehensive response to the issue of nutrient neutrality through a statutory duty on sewerage companies to upgrade treatment works, albeit this is timetabled for 2030 and the legislation required to support it is not in place, or through a Nutrient Mitigation Scheme, developed with Natural England. This process, which proposes mitigation projects against which developers would be able to purchase 'nutrient credits' is not yet developed to a point where there can be any certainty as to its delivery or timetable. The Chief Planning Officer letter acknowledges that '*(t)o date there has been a high mitigation requirement, to achieve the necessary offsetting of nutrient pollution related to development, as well as an insufficient supply of accessible mitigation.*' While it is noted that this letter refers to the grant of conditions or obligations to secure mitigation, that is in the context of the envisaged national Nutrient Mitigation Scheme.
131. Natural England advice is silent on the question of Grampian-style conditions, although it recognises the difficulties for smaller developments and those on brownfield land in achieving nutrient neutrality. It advocates working with local planning authorities to progress strategic mitigation options that enable this scale of development to come forward. Whilst the Council in this case is progressing strategic solutions, it appears from the evidence before me that that process has not yet reached fruition. The Council's Position Statement on Nutrient Neutral Development (4 September 2019) presents an interim

⁶⁴ Appeal reference: APP/B1740/W/20/3265937

⁶⁵ PD-6

⁶⁶ 'Improving Water Quality and Tackling Nitrate Pollution' Statement made by George Eustice MP (20 July 2022)

nitrogen mitigation solution which includes suggested wording for a Grampian condition that closely reflects the wording before me.

132. Whilst I acknowledge the alignment between the Council's 2019 position statement and the proposed approach in this case, I am clear that in order to satisfy the provisions of the Habitats Regulations, the delivery of required mitigation must be certain. To my mind, any condition applied for this purpose must successfully demonstrate that the proposal meets the exceptional circumstances for negatively worded conditions identified in the Guidance⁶⁷ and must meet the tests for conditions set out in the Framework⁶⁸.
133. Notwithstanding the comments⁶⁹ from both of the main parties on the acceptability of a conditional approach, this is not a particularly complex development scheme, nor is there clear evidence that its delivery would be at serious risk without imposition of the condition such as to amount to exceptional circumstances as set out in the Guidance. With anticipated solutions to the availability of strategic sites to manage nutrients within the catchment still being developed, as well as national initiatives to support this underway but not confirmed or in place for this catchment, there is a significant risk of a delay in delivery and a clear level of uncertainty.
134. I am aware of the Council's view that the circumstances and direction of travel presented by the WMS and Chief Planning Officer letter represent exceptional circumstances, however I am not satisfied that this is the case. Even accounting for the shortfall in housing in this case, the demonstrated need for older people's housing and the financial contributions of the scheme to the provision of affordable housing, I do not consider that the exceptional circumstances anticipated by the Guidance have been demonstrated.
135. While I note that the Council and the appellant in this case appear agreed on the conditional approach, and that a previous Inspector has accepted it in relation to a different appeal, such matters are ones of fact and degree. In the present case, there is an absence of information addressing the level of anticipated nitrate discharge and therefore the amount of land that would be required to offset the effects of the proposal such that adverse effects on integrity can be avoided. There is also insufficient evidence that there is capacity within an appropriate offsetting scheme, and little certainty that such a scheme can be funded and secured within a timescale that aligns with occupation of the proposal. For these reasons, it is not possible to conclude that the proposed condition would meet the six tests set out in the Framework, particularly the tests of precision, enforceability and reasonableness.
136. I understand the Council's appetite for flexibility on mitigation, given the rapidly evolving nature of approaches to achieving nitrate neutrality and the time that would pass between consent and occupation of the scheme. However, in this particular case, I do not consider that the degree of flexibility being sought can be achieved within the bounds of the Habitats Regulations. I refer particularly to the obligations upon the competent authority imposed by Regulations 63(5) and (6) and Regulation 70(1) and the adequacy of any planning conditions or obligations proposed in that context. In my planning judgement, the evidence supporting the approach in this case is not sufficient

⁶⁷ PPG Paragraph 010 Reference ID: 21a-010-20190723

⁶⁸ Framework Paragraph 56 and PPG Paragraph 003 Reference ID: 21a-003-20190723

⁶⁹ PD-5 and PD-6

to provide the necessary level of certainty that the scale of required mitigation is understood and that an appropriate mitigation solution is secured, such that an adverse effect on integrity of the sites can be avoided. In these circumstances, it is not possible to rely on the proposed mitigation to dispel all reasonable scientific doubt as to the absence of adverse effects of the proposed development on the integrity of the European sites.

137. For these reasons, I am unable to conclude that an adverse effect on integrity of the Solent SPA, SAC and Ramsar sites as a result of nutrient discharge from the proposed development, alone or in combination with other plans or projects, can be ruled out.
138. In arriving at this conclusion, I have had regard to the decision of another Inspector to accept the use of a Grampian condition in relation to a site in Norwich⁷⁰. I note that in that case, which concerned a single dwelling, the condition applied pre-commencement, rather than pre-occupation. Whilst I accept that a different conclusion was reached in that case, decisions in relation to the adequacy of mitigation are highly fact-sensitive and this does not alter my reasoning as set out above.

Appropriate Assessment

139. The proposed development would be likely to give rise to adverse effects on the integrity of the New Forest and Solent European sites in terms of its recreational, air quality and nutrient discharge effects.
140. Policy compliant mitigation of the recreational and air quality effects can be secured by the submitted planning obligations. However, I am not satisfied that mitigation of an adverse effect on the integrity of the Solent European sites in terms of nitrates can be secured by the imposition of a condition.
141. I therefore conclude that the appeal scheme would be unacceptable in the context of the Habitats Regulations. It follows that the proposed development would fail to comply with Policy ENV1 of the LP Part One, which requires new development to mitigate its impacts on international nature conservation sites.

Other Matters

Affordable Housing

142. One of the Council's reasons for refusing the application related to the absence of an appropriate contribution toward the provision of affordable housing. However, during the course of the appeal, the parties agreed⁷¹ the sum for a financial contribution to the provision of off-site affordable housing and that this could be secured via a planning obligation.
143. A completed Section 106 agreement⁷² (dated 4 May 2022) to this effect was received shortly after the Inquiry closed, by prior agreement. Clause 3 of the s106 agreement requires that no more than sixteen of the dwellings are occupied until all affordable housing contribution payments have been made.

⁷⁰ Appeal reference: APP/L2630/W/21/3289198

⁷¹ Statement of Common Ground (CD-56)

⁷² PD-3

144. The Council has provided a CIL Compliance Statement⁷³ (12 April 2022) which sets out the justification for the affordable housing obligations. I have considered this Statement and the content of the agreement itself in the context of the tests for planning obligations contained in the Framework⁷⁴ and legislation⁷⁵.
145. I am satisfied that the obligations are necessary to secure the provision of financial contributions to affordable housing as required by Policy HOU2 of the LP Part One and the Framework. Since the appeal scheme comprises a specialised form of housing for older people, I take the view that exceptional circumstances exist in this case warranting the provision of a payment for off-site provision, as opposed to the on-site provision envisaged by the policy.
146. I am content that the obligations are directly related to the proposed development, since it comprises 32 residential dwellings. The Council's Housing Strategy (December 2018) and a statement⁷⁶ from the Council's Housing Strategy and Development Service Manager satisfactorily demonstrate how the contributions would be used to deliver affordable homes within the district.
147. I note that the offered sum falls below the target of Policy HOU2(ii) for 50% of new homes to be affordable housing. However, I have considered the Report on Affordable Housing and Viability⁷⁷ (October 2021) and agree that taking account of viability considerations, the sum is reasonably related to the development in scale and kind.
148. I find the completed Section 106 agreement to be legally sound and enforceable. Consequently, I am content that the obligations secure an appropriate contribution to the provision of affordable housing.

Effect on Living Conditions

149. Concerns were raised by local residents about the potential effects of some specific aspects of the proposed development on the living conditions of occupiers of neighbouring properties. One such concern was the potential effect of noise emitted from the proposed electricity substation on the occupiers of the adjacent Old Police House.
150. The technical noise report accompanying the appeal assessed the potential noise emitted from the substation and found that it would be substantially lower than the typical background noise levels measured at the site. A very low risk of disturbance to occupiers of neighbouring properties was predicted and I have not been presented with any evidence to dispute these findings.
151. The appellant confirmed that these conclusions would not be altered by the decision to move the substation within the site as a result of the revised site layout plan and the Council took the view that this would make no material difference to its position that no mitigation for noise would be required. On the basis of this evidence, I am satisfied that there would be no harm to the living conditions of neighbouring residents due to noise emitted from the proposed substation.

⁷³ CD-59

⁷⁴ Paragraph 57

⁷⁵ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁷⁶ Appendix 3 of CD-59

⁷⁷

152. Another matter raised by local residents was the possibility of nuisance for neighbours from odour and vermin should arrangements for refuse storage be inadequate. Having reviewed the plans and supporting information, I am content that adequate provision for refuse storage has been made and that it is possible to satisfactorily control the details of the bin store via planning condition. Consequently, there will be no harm to the living conditions of neighbouring residents as a result of odour or vermin related to refuse storage.
153. Concern was also expressed that the proposed building could, due to its height and proximity, feel overbearing, oppressive and lead to a loss of natural light and privacy for occupiers of Buckland House to the south of the site. I observed Buckland House on my site visits and considered the relationship with the proposed building.
154. The southern extent of the proposed building would sit relatively close to Buckland House. However, it would have similar eaves and ridge heights to Buckland House, meaning that it would not feel unduly tall or oppressive. Due to its L-shaped layout, there would be a greater degree of separation between the bulk of the proposed building toward the west of the site and Buckland House. For these reasons, I find that the proposed building would not feel unacceptably close or overbearing to occupiers of Buckland House and I have seen no evidence to demonstrate that there would be a loss of natural light. I am also content that there would be no harmful overlooking from windows or balconies of the proposed building due to the separation distances involved and the use of obscured glazing in windows and doors on the south and west facing elevations, which can be secured by condition.
155. Drawing these matters together, I consider that any potential effects on the living conditions of neighbours have been either mitigated by design or where necessary, can be adequately controlled through the imposition of conditions. Consequently, I find that there would be no harm to the living conditions of occupiers of neighbouring properties as a result of the proposed development.

Effect on Local Health Services

156. It was put to me that the appeal scheme could place an unacceptable pressure on local primary care services which are already at capacity due to the additional older people who would be resident in the building. However, I was not presented with any specific evidence to support this.
157. The appellant estimates on the basis of experience on other similar developments that a majority of the future residents of the scheme would already live in the local area. On this basis, a proportion of future residents would already be users of the local health services. Given this, and in light of the potential for specialist retirement housing to decrease risks to health and wellbeing, I do not find that the appeal scheme would lead to unacceptable pressure on local primary care services.

Benefits of the Proposed Development

158. It is not disputed that there is a strong need for new housing in the District and currently a shortage of housing land. Moreover, I have found that there is a clear and compelling need for specialist housing for older people in Lymington. The provision of 32 apartments to help meet this need is a benefit attracting very significant weight in favour of the proposal. The location of the

appeal site, a short level walk from the facilities of the town centre, means that it is accessible and would promote healthy communities, also weighing significantly in favour of the scheme.

159. The appeal site is previously developed land and appears on the Council's brownfield land register. Figure 2.5 of the LP Part One shows that 61% of the local plan area is subject to Framework policies that protect areas or assets of particular importance, indicating the constrained nature of the District for new greenfield housing allocations. In this context, substantial weight must be given to the value of efficiently re-using this vacant brownfield site within the settlement of Lymington for new homes, in line with paragraph 120 of the Framework.
160. In terms of its environmental benefits, the appeal scheme commits to delivering a biodiversity net gain (secured by condition) together with specific nature conservation measures such as water efficiency measures and integral swift bricks. The proposal would generate renewable energy through solar photovoltaic panels and would provide electric vehicle charging points, helping in the shift to a low carbon economy. Combined, I assign moderate weight to the environmental benefits of the appeal scheme. This is notwithstanding my findings in respect of the effects on European sites which are considered further in the Planning Balance, below.
161. During the construction period, the proposal would generate employment in the construction sector and have wider supply chain benefits. I have been referred to a report⁷⁸ which estimates that for a typical scheme of 45 retirement apartments, approximately 85 construction jobs are created. Whilst this could be expected to be lower for the appeal scheme which proposes 32 apartments and accepting that the jobs are temporary in nature, these are nonetheless material economic benefits.
162. The same report estimates that once occupied, such a retirement apartment scheme creates approximately 6.4 permanent jobs and adds £13 million in gross value added to the local area through demand for repairs and renovations, management and care and high street expenditure. I once again acknowledge that the appeal scheme would be smaller than the typical scheme to which these figures apply, and that a proportion of residents could be expected to already live and spend in the local area. Nevertheless, it is reasonable to expect that the proposed development would generate additional spending at local businesses, supporting their viability and the vibrancy of the town centre. This aligns with the Framework's aspiration⁷⁹ to building a strong, competitive economy by supporting economic growth locally. Together, I judge that the economic benefits of the appeal scheme weigh moderately in its favour.
163. A report⁸⁰ submitted in evidence makes the case that retirement apartments such as the appeal scheme can have a range of health and social benefits for individuals by allowing them to maintain their independence for longer, providing opportunities for social interaction and offering suitable accommodation that adapts to their changing needs. At the same time, by offering accommodation tailored to the needs of older people, such

⁷⁸ Homes for Later Living (February 2021) 'Silver Saviours for the High Street' (APOE-3)

⁷⁹ Paragraph 81 of the Framework

⁸⁰ Homes for Later Living (September 2019) 'Healthier and Happier' (APOE-4)

developments can offer benefits to wider society by taking pressure off public-funded institutional care facilities, home care services and disabled facilities grant funds.

164. I have also been presented with evidence⁸¹ to indicate that retirement apartments facilitate the release of under-occupied housing stock in the local area which has the potential to free up family-sized housing into the market. The proposal would also make financial contributions to the provision of off-site affordable housing contribution, secured by planning obligation, which whilst necessary to comply with the development plan would nonetheless be a social benefit. In my judgement, these social benefits carry significant weight in favour of the appeal proposal.

165. Taking account of all of the above benefits, I consider that they together carry significant weight in favour of the proposed development.

Planning Balance

Accordance with the Development Plan as a Whole

166. My assessment has found that the proposal would accord with Policies ENV3, ENV4, CCC2 and HOU1 of the LP Part One.

167. I have found that the proposed development would conflict with Policy DM1 of the LP Part Two insofar as the effects on non-designated heritage assets. The proposal would accord with Policy DM1 in respect of the effects on designated heritage assets, namely the Lymington Conservation Area.

168. The appeal scheme would fail to comply with Policy ENV1 of the LP Part One, since I have found that it would not adequately mitigate its impacts on international nature conservation sites.

169. Policy STR1 of the LP Part One which seeks to achieve sustainable development by requiring new development to make a positive social, economic and environmental contribution to local community and business life. Due to the evident conflict with Policy ENV1, the appeal development would not represent a sustainable form of development and would therefore fail to comply with Policy STR1.

170. Taking these findings together, the conflict that I have identified in relation to Policy DM1 of the LP Part Two and Policy ENV1 and STR1 of the LP Part One leads me to conclude that the proposal does not accord with the development plan as a whole.

Paragraph 11 d) Balance

171. In light of the absence of a five year supply of deliverable housing sites, it is necessary to assess the proposal against the provisions of paragraph 11 d) of the Framework.

172. Para 11 d) i. states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Framework footnote 7 sets out a list of those Framework policies to which

⁸¹ Ball, M (2011) 'Housing Markets and Independence in Old Age: Expanding the Opportunities (APOE-5)

paragraph 11 d) i. refers. Policies covered by footnote 7 of relevance to this appeal are those relating to designated heritage assets and to habitats sites.

173. I have found that there would be no harm to the significance of designated heritage assets as a result of the proposed development. However, I have been unable to rule out the possibility of an adverse effect on the integrity of the Solent European sites as a result of nitrate discharge. Paragraph 181 of the Framework affords the same level of protection as given to European sites (in this context the Solent and Southampton Water SPA and Solent Maritime SAC) to Ramsar sites (which in this context includes the Solent and Southampton Water Ramsar site). Paragraph 182 of the Framework is clear that the presumption in favour of sustainable development does not apply in these circumstances.

174. Consequently, I find that the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed in this case. The proposal does not benefit from the presumption in favour of sustainable development.

175. In light of this finding, it is not necessary to consider the proposed development against Framework paragraph 11 d) ii., since the 'tilted balance' is not engaged.

Final s38(6) Balance

176. My determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

177. I have found above that the proposal does not accord with the development plan as a whole.

178. The Framework is a material consideration which, as an expression of national Government policy, carries substantial weight. At approximately 3.07 years, the Council's current supply of deliverable housing sites falls significantly short of the five years required by the Framework. This represents a serious under provision in an area where the Council acknowledges the high level of need for housing, including specialist housing for older people.

179. However, I have also found that, due to its potential effects on European sites, the policies of the Framework that protect habitats sites provide a clear reason for refusing the proposed development. The proposal therefore does not benefit from the presumption in favour of sustainable development. This is an important material consideration in the overall s38(6) balance.

180. I therefore conclude that the decision should be taken in accordance with the development plan. Consequently, the appeal must fail.

Conclusion

181. For the reasons given above, I conclude that the appeal should be dismissed.

J Powis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White KC and Anjoli Foster	Instructed by Planning Issues
<i>They called:</i>	
Nigel Appleton BA MA (Cantab)	Executive Chairman, Contact Consulting (Oxford) Ltd
Robert Jackson BArch MArch RIBA ARB	Design Director, Planning Issues Ltd
Paul White BA(Hons) MPhil MCIfA PIEMA	Head of Heritage, Ecus Ltd
Phil Brophy HNDArb MArborA CEnv MICFor RCarborA	Arboricultural Consultant, Barrell Tree Consultancy
Jessica Lloyd BSc MSc	Principal Transport Planner, Paul Basham Associates Ltd
Matthew Shellum BA(Hons) DipTP MRTPI	Planning Director and Head of Appeals, Planning Issues Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant of Counsel	Instructed by Ian Austin, Solicitor, New Forest District Council
<i>He called:</i>	
James Gilfillan MATCP, MRTPI	Senior Development Management Officer, New Forest District Council
Jonathan Smith BA(Hons) MA PGDip HC MCIfA IHBC	Senior Director – Heritage, RPS
Hannah Chalmers Tech Cert Arb	Senior Tree Officer, New Forest District Council
Ben Chimes BSc(Hons) FCIHT	Principal Consultant, RGP Consulting Engineers Ltd

INTERESTED PARTIES:

Councillor Andy Ash-Vie	Chairman of Lymington and Pennington Town Council Planning Committee
Don Mackenzie	Chair of The Lymington Society
Bob Hull DipTP MRTPI	Representing The Lymington Society
Stuart Nundy	New Forest West Labour Party
Councillor Jacqueline England	New Forest District Councillor (Lymington Town ward) and Lymington and Pennington Town Councillor
Bronwen Bridges	Lymington resident

DOCUMENTS SUBMITTED AT THE INQUIRY

ID-1	NFDC decision notice granting permission for 4 parking spaces at Hubert Lodge and location plan
ID-2	Appellant's Opening Submissions
ID-3	Council's Opening Submissions
ID-4	Lymington and Pennington Town Council – written copy of oral submissions
ID-5	The Lymington Society – written copy of oral submissions
ID-6	NFDC Brownfield Land Register note
ID-7	The Lymington Society – Clarification note on vacancy levels (27/04/22)
ID-8	Internal layout plans for Former Lymington Police Station
ID-9	Proposed revisions to draft condition 6 together with indicative plan
ID-10	Comparison of proposed development with other consented schemes: re-presentation of APOE-13 section 6
ID-11	Note from Nigel Appleton for the Appellant in response to ID-7
ID-12	Closing Submissions on behalf of the Council
ID-13	Closing Submissions on behalf of the Appellant

DOCUMENTS SUBMITTED BY AGREEMENT AFTER THE INQUIRY

PD-1	Comments from Hampshire County Council on surface water drainage condition	3 May 2022
PD-2	Comments from Council on PD-1	5 May 2022
PD-3	Completed section 106 agreement (dated 4 May 2022)	9 May 2022
PD-4	Comments from Appellant on PD-1	12 May 2022
PD-5	Response from Council on request for views on WMS and Chief Planning Officer letter on nitrate mitigation	25 Oct 2022
PD-6	Response from appellant on request for views on WMS and Chief Planning Officer letter on nitrate mitigation	3 Nov 2022

Planning Committee 09 August 2023

Application Number: 23/10518 Full Planning Permission

Site: SS18 LAND NORTH OF AUGUSTUS AVENUE AND WEST OF THE A338 SALISBURY ROAD, NORTH OF BURGATE

Development: Construction of link road from Augustus Avenue to the A338, forming part of the SS18 allocated site, including landscaping, permanent and temporary drainage infrastructure and other associated infrastructure (enabling early delivery of the highways infrastructure of hybrid application reference 21/11237) (AMENDED REASON TO ADVERTISE)

Applicant: Pennyfarthing Homes Limited

Agent: TOR & co

Target Date: 05/09/2023

Case Officer: Stephen Belli

Officer Recommendation: Grant Subject to Conditions

Reason for Referral to Committee: Application relates to Local Plan strategic housing site

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, lighting, and construction access
- 3) Environmental health considerations
- 4) Flood risk and surface water drainage
- 5) Impact on wider and protected landscapes
- 6) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG),
- 7) Impact on setting of Listed Buildings at Fryern Court Road and Salisbury Road
- 8) Impact on residential amenities of neighbours, in terms of general amenity
- 9) Minerals safeguarding and sustainable use of minerals on site

2 SITE DESCRIPTION

The site comprises a narrow corridor of 5.4 hectares of land which forms part of the larger 35 hectares (87 acres) site contained within the earlier Site 18 application submitted by Pennyfarthing Homes under reference 21/11237 for a total of 404 new dwellings, a community hub and a new link road (see resolution of NFDC Planning Committee at their meeting on 11 January 2023). The earlier application was made in hybrid form i.e. parts of the road, and the first phase of 112 dwellings were shown in detail, with the remainder of the road and the second and third phases of residential development shown only in outline form. Reference is made in the report below as this being the 'parent' application relating to the current application.

The site comprises agricultural land situated to the north of the current built up extent of Fordingbridge.

Site 18 represents the most northerly part of the strategic site housing expansion planned for the town with sites 17 and 16 situated to the south and west. (See planning history below for details of site history and other strategic site applications). A composite plan of all three strategic sites can be seen along with the specific policies for Site 18 by following the web link set out below (see pages 161-175).

2016-2036 New Forest Local Plan

The site is bounded to the south by Footpath 83 and the applicant's earlier housing development at Augustus Park (see permission reference 17/10150); to the west by development strung alongside the unclassified public highway known as Fryern Court Road; to the north by Fryern Court Road with a short frontage of dwellings; and to the east by the Salisbury to Ringwood Road A338.

The site lies to the east of another parcel of Site 18 at Middle Burgate (see application 22/11268 for 46 dwellings) submitted by a separate developer (Mr B Currie). Further south beyond Footpath 83 lies another parcel of Site 18 currently being developed by Metis Homes under their permission 20/10228 for 63 new dwellings. The site has a short boundary with four existing dwellings fronting onto the A338 Salisbury Road with three of these dwellings currently in the ownership of the applicant with the southernmost of these dwellings in a separate ownership, and finally the site borders another dwelling in the north-eastern corner.

Currently access to the site for agricultural purposes is via Fryern Court Road along the northern boundary, with a further access point near Burgate Cross (the junction of Fryern Court Road with the A338) and a further minor access point from the east via the Fairgate Centre (an existing block of buildings in employment use fronting onto the A338 near Middle Burgate).

There are no current access points to the site from the south or west. The site adjoins the Middle Burgate site which itself enjoys a direct link to the A338 with its own vehicular access.

The southern and central parts of the site are in use for agricultural grazing purposes with the northern part of the site containing two large poultry units along with a large bank of solar panels. A further set of farm buildings lies in the north-eastern corner. The site is predominantly flat with a gentle slope upwards from the south to the north. There is little tree cover on the site but there are trees along the northern boundary with a central dividing hedgerow and some further hedgerows on the southern boundary in particular. The site contains no other buildings or distinctive features. With regard to protected landscapes Cranborne Chase AONB lies approximately 2 kms to the west, whilst the New Forest National Park boundary runs along the A338

immediately to the east of the site boundary. A group of Listed Buildings lie at the junction of Fryern Court Road and the A338 with another Listed Building just to the north of the proposed roundabout. The roundabout lies wholly outside the National Park with only some very minor highway accommodation works within the National Park boundary (these works being within the adopted public highway).

3 PROPOSED DEVELOPMENT

The proposal is for full planning permission for the construction of a two-way vehicular link road connecting Whitsbury Road and the Augustus Park development to the south with the A338 to the north-east. The site forms a narrow strip of land sufficient in width to accommodate the new road together with any necessary land raising as well as some land dedicated to a temporary drainage basins during construction and a permanent cut off drainage line to the north. The junction to the south will be formed via a narrowed single track width chicane where it crosses footpath 83 and then connecting with the existing estate road serving Augustus Park, known as Augustus Avenue. The junction to the north-east onto the A338 will be formed by a new roundabout.

The details of both junctions were included in the previous hybrid application however the element of the road in the centre part of the site was shown only in outline form. This new application follows the alignment of the road shown in the parent application but now includes the whole length of the roadway in full detail. In the southern part of the site a raised 2m high causeway running west to east was also included in the earlier application in detailed form.

The whole length of the road will be raised along its length to avoid surface water flooding. This will require the importation of fill material. The road will initially stand proud of the adjoining land but in due course all residential land parcels will also be raised to come up to the road level. This importation of fill material will happen at a later date once the road is completed.

The road is for the most part two way with a width of 6.5m with localised widening on bends, but with two restrictions in width to single track one being at the entrance to Augustus Park and the second being at a badger crossing point in the central part of the site. These localised reductions are to act as a traffic calming measure although the road is designed for a 30mph zone. A total of three bus stops in each direction are also included along the length of the road which in total measures around 1.2 kms in length. The road will be provided with a continuous footpath on its eastern side of 2m width and a footway/cycleway along the whole of its western side of 3m width. A corridor of some 4m is allowed for tree planting.

The details of the road submitted includes landscaping, drainage, ecological mitigation works and street lighting. The application also contains the position and details of internal road junctions serving the various parcels of residential and commercial land set out in outline form in the hybrid application. Those development parcels have been the subject of further detailed work by the applicants to allow them to pre plan the position of the necessary junction onto the link road.

The application is considered to be development that requires the submission of an Environmental Statement (as was the hybrid application). A Statement has been submitted covering a range of landscape, ecological, drainage and other impacts.

Amended plans

Taking into consideration some of the earlier comments made by consultees and at the suggestion of the Case Officer the application has been amended and further

details submitted together with amendments to the Environmental Statement all submitted on 29 June 2023. Those amended details have been the subject of a further round of consultations with all consulted bodies as well as a public consultation with all those 3rd parties who wrote in originally with comments. The consultation period including the required press notice expired on 28 July and all new comments received have been included in the report. Any late comments will be reported verbally at the Committee meeting.

4 PLANNING HISTORY

Several applications relating to the agricultural use of the land which are not reproduced here as they are not relevant to the current application. Other Strategic site applications submitted are listed below.

21/11237 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 112 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on-site infrastructure

Applicant: Pennyfarthing Homes

Decision: NFDC Planning Committee resolution to approve subject to a S106 agreement on 11/1/23

20/10352 Residential development scoping opinion (EIA)

Decision: Opinion given 29/05/20

14/10493 Installation of 436 solar panels and meter cabinet

Decision: Granted 09/06/14

Other Fordingbridge Strategic Site applications

Site 16

20/10522 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

Applicant: Infinite Homes

Decision Application withdrawn 22/04/22

23/10316 206 dwellings (including affordable housing provision), new pedestrian and cycle routes, landscaping, parking, public open space, Alternative Natural Recreational Greenspace, improvement of existing access, drainage and all other necessary on-site infrastructure LAND NORTH OF STATION ROAD FORDINGBRIDGE

Applicant: CALA Homes
Status: Amended plans submitted for consideration

Site 17

20/10052 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) LAND TO WEST OF, WHITSBURY ROAD, FORDINGBRIDGE

Applicant Pennyfarthing Homes

Decision 29/09/2022 – Committee resolution to approve subject to S106 being completed - still being drafted.

20/11469 Erection of 64 dwellings, change of use of land for Alternative Natural Recreational Greenspace, new accesses onto Whitsbury Road, and all necessary on-site infrastructure
LAND AT TINKERS CROSS, WHITSBURY ROAD, TINKERS CROSS, FORDINGBRIDGE SP6 1NQ

Pennyfarthing Homes

Planning Permission November 2022 and site under construction

Site 18

20/10228 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

Applicant: Metis Homes

Decision: Planning permission April 2022 and site under construction.

22/11268 Hybrid Application – (Outline) matters of access, layout and scale for approval with appearance and landscaping reserved. Development of land comprising the erection of 41 dwellings, demolition and removal of redundant agricultural structures, works to access, landscaping and provision of public open space/ANRG, and (Full) Conversion of an Existing Building to form 5 flats and a Community Use at Ground Floor Level (46 Dwellings Total) - SS 18 MIDDLE BURGATE HOUSE, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX

Applicant: Mr B Currie

Status: Awaiting amended plans

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

STR1: Achieving Sustainable Development

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

STR9: Development within a mineral safeguard area

ENV3: Design quality and local distinctiveness

ENV4: Landscape character and quality

CCC1: Safe and Healthy Communities

CCC2: Safe and Sustainable Travel

Strategic Site SS18: Land at Burgate, Fordingbridge

Local Plan Part 2 2014 Sites and Development Management Development Plan Document Saved Policies)

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity, and geodiversity

DM5: Contaminated land

Supplementary Planning Guidance and other Documents

The following links contain advice on strategic sites and ecology.

[Ecology and Biodiversity Net Gain advice note](#)

[Draft SPD Strategic Sites Masterplanning](#)

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

[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

[Environment Act 2021](#)

Section 98 and Schedule 14 – Biodiversity Net Gain

Relevant Government advice

National Planning Policy Framework July 2021 (NPPF)

Section 2 Achieving sustainable development
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

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council recommend PAR5 - we are happy to accept the decision reached by the District Council's Officers under their delegated powers.

Members noted that information is still missing from the application – HCC Surface Water have requested details on two concerns, Active Travel England have requested further assessments, HCC Rights of Way are holding objection subject to further information and Environmental Health have concerns about noise, light and air quality. While Fordingbridge Town Council have previously said they are in support of a link road in principle, the details of this application are too vague

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Active Travel England

Recommends deferral and request for further information

ATE considers that there is potential for the design of this proposed link road to contribute more towards active travel. Areas of concern are position and detailing of bus stops, cycling provision within the site, crossing points, construction traffic management plan and need to keep local footpaths open during the works.

Amended plans – following a review of the amended plans ATE make comment regarding cycling trips and connection points as well as safe crossing of the road. ATE recommend conditions to secure safe crossing points and now have no objections.

Cranborne Chase AONB Partnership

The impact of the new road on the wider AONB landscape is considered acceptable.

With regard to Dark Sky Reserve impact the LPA should satisfy itself that the appropriate Zone 1 (used in the case of protected landscapes) is used as the benchmark for assessing lighting impact from lamp standards along the road and at the roundabout. The LPA also needs to satisfy itself that light emitted from the lighting does not travel upwards and the lights are maintained in the future to Zone 1 standards.

Environment Agency

No objections

Go South Coast (More Bus) Company

The bus company responsible for the local service X3 fully supports this proposal and notes the agreed resolution to grant permission to the parent application together with a financial subsidy to assist in running costs. The company agrees with the principle of diverting the existing route to take in the new road and will need to consider further the changes in routing and timetables. Recommends that changes are made to the position of the bus stops to avoid the road being blocked in the event that two buses running in opposing directions arrives at the same time. Some other technical details also need amendments or further information. Supports the provision of three stops along the route of the new road. Fully supports this new route as a sustainable travel option serving the strategic sites.

Amended plans – note the changes made and fully endorse and support new bus stop positions and amendments made. With regard to points made by objectors it is for the LPA and the Highway Authority to assess and agree the details of the road but there is nothing shown on the road details for us to consider both the new road and Augustus Avenue is not acceptable to the bus company and the use of the road by buses. The points made by local objectors are also noted in respect of lack of privacy, but any buses will be in motion where they do pass existing dwellings and whilst the distances in a small number of cases may be below recommended standards this is far from unusual, including many on new residential developments.

NFDC Conservation

There is a duty imposed by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

I am not able to support the proposed scheme as presented for the reasons given above. The setting of the designated heritage assets must be responded to in a more responsive way. In terms of the lack of space afforded to the setting of these rural heritage assets the harm will be perceptible in views when looking towards and away from them. It is noted that the allocation and indicative link road itself causes some harm, but the adoption of a land hungry roundabout junction increases this impact. I would suggest that the dominant roundabout design leads to harm to the setting and context of the identified designated heritage assets.

At present my judgement under the NPPF is a finding of less than substantial harm to the setting of the listed buildings and their context. In particular the collection of heritage assets within Upper Burgate highlighting the most harm to LB6 Cross Cottage and LB5 Burgate Cross Farmhouse. This identified harm gives rise to a strong presumption against planning permission being granted. The presumption against planning permission is a statutory one and the authority must be conscious of the presumption in favour of preservation. It should therefore demonstrably apply that presumption to the proposal it is considering. The NPPF does allow for the public benefits of the scheme to be assessed and balanced against this harm.

NFDC Ecology

No objections to the principle or route of the new road which has been considered previously. However, there are some outstanding issues in relation to Biodiversity Net Gain and with regard to the impact on protected species. Recommends further information to cover both these elements. With regard to mitigation an updated badger survey may be needed if no development takes place before March 2024. Further information also requested to consider lighting impact on protected species. Notes

requirement for badger license to close an outlier site which lies close to the road corridor. Also notes and makes recommendation in terms of badger crossings and temporary signage.

Amended plans/further information - The ecologist comments previously raised (09/07/2023), notably in relation to the biodiversity net gain (BNG) metric and associated monitoring and management plan have been satisfactorily addressed at this stage. These BNG documents will be updated as part of future detailed design works associated with the relevant phases of development. This requirement is now stipulated within the management plan, this inclusion is welcomed. Reference is now also made in the monitoring and management plan for the intention for SS18 to accommodate additional biodiversity uplift to help deliver the 10% BNG required on SS17. This will be detailed in the submission for SS17 but should be included as appropriate in future iterations of the SS18 monitoring and management plan for transparency. I am satisfied with the proposed approach towards badger mitigation but would note that the CEMP requires update with the latest available information as agreed as part of the archaeological trenching works. Additional information has been provided with respect to lighting, for example, lux levels at the receptor locations and details of measures that have taken in the lighting design to minimise light levels and spill such as use of baffles and lighting controls. This is welcomed, however, my previous specific comment on the lack of ecological receptors placed on the causeway as part of the modelling have not however been addressed. Modelling has focused on existing ecological corridors and commuting foraging areas, rather than those that are likely to be of importance in the landscape in the future. The lighting comment on the causeway being addressed is desirable but not perhaps essential.

NFDC Environmental Health (Contaminated land)

No objections – note that some investigative work has been carried out and the site poses no significant risk to identified receptors. Recommends standard condition to deal with any unexpected contamination is applied to any approval.

NFDC Environmental Health (pollution)

Further information required:

- A detailed, site-specific CEMP which clearly outlines how noise and air quality impacts will be controlled upon identified human receptors in the vicinity of the development. Any CEMP should relate to the actual processes/ plant/ machinery that will be used during the construction process.
- A revised noise impact assessment of the traffic noise (post construction) upon the Augustus Park development and other new dwellings (SS18) located along the link road.
- Clarity is required that the same number and type of construction vehicles agreed in previous air quality assessments is now stated in the current application for the proposed link road.

NFDC Landscape

Accepted that overall impact on wider landscape has been considered under the hybrid application.

Some concerns over the landscaping scheme submitted and the quality of the LVIA. Whilst the principle of the road is already agreed some further amendments required to the landscaping proposals.

Amended plans – note the previous permission conditions on landscaping and suggest further finalised details be submitted for the road application by condition but overall, no objections.

NFDC Open Spaces

No objections in principle but some points about the details submitted and future maintenance issues that may arise in relation to tree planting, water features and paved surfaces. Also recommends that any vegetation planted for swales is followed through to improve water quality. HCC contract out maintenance on highways to the District Council it should be noted in respect of vegetation. Recommends root barriers are used for tree planting so that hard surfaces adjoining are not affected.

NFDC Trees

No proposal will not have any impact upon protected trees.. The loss of part of the central hedgerow does not contain any trees worthy of retention. The loss of part of the hedgerow can be mitigated through new landscaping. Support the comments made by the landscape officer in respect to planting proposals.

No objections overall.

Hampshire CC Countryside

Holding objection subject to submission of further details.

Notes that the road will cross Footpath 83 and further information needed on the details of this crossing point. The provision of a 3m wide cycleway is noted on the western side of the road. Would advocate a similar 3m wide provision on the eastern side to remove need for crossing movements to get to the local centre. Notes also that cycling on the footpath 83 would be illegal.

Amended plans/further information - amended information and transport assessment noted and holding objection now withdrawn

Hampshire CC Highways

There are a number of areas where further information is required as set out in this response before the Highway Authority can provide a recommendation. These are summarised below:

- Provide forecast volumes of traffic, pedestrians and cyclists that likely using the new link road in the future and using this information, should justify the width of the path and type of the crossings proposed are compliant with LTN1/20.
- Assess whether a greater crossing provision (such as a parallel or zebra crossings) should be provided between bus stops.
- Submit a Departure from Standard (DfS) application for staggered side road junctions which has gap distance below 50m.
- Review the radius of side road junctions and the design updated.
- Review the design of bus stops situated within laybys, and the design updated.
- Review visibility splays at crossings and side road junctions ensure they are not to be obstructed by stationary bus(es).
- Confirm construction traffic proposals.

Amended plans/further information – further comments now received on 20 July 2023 which confirms no objections are now raised subject to conditions some of which will require details to be approved prior to any construction works taking place

Hampshire CC Local Lead Flood Authority

No significant concerns regarding drainage but additional information is requested on flow routes of surface water and discharge rates. Recommends a condition to cover these elements.

Amended plans/further information – we have reviewed the further information and amended plans and have no further queries as the information has addressed our earlier concerns.

Hampshire CC Minerals _

HCC have already confirmed that the prior extraction of minerals on this site would not be practical but would still like to encourage opportunities for mineral extraction prior and as part of the proposed development. Recommends a condition to record the amount of any minerals viably recovered.

New Forest National Park Authority

Recognises that the Council has resolved to approve the hybrid application. There remains a statutory duty to have regard to National Park purposes and a requirement to take into account impact on National Park landscape in particular. Seeks further clarification in regard to planting, boundary treatments and lighting.

Amended plans/further information – no further comments to make

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

47 letters of objection received raising the following comments.

- Objections on grounds of principle to residential development given lack of infrastructure.
- Any new ring road or link road should run around the periphery of the new strategic development not through them.
- Query on safety of Fryern Court Road and access from roundabout
- New road will increase traffic onto A338 close to Fryern Court Road dwellings raising levels of noise and light pollution from car headlights.
- Rat running will continue and be increased along Fryern Court Road
- A338 will be busier creating tailback along Fryern Court Road
- Road will bisect wildlife corridors and prevent linkages with countryside beyond.
- Detrimental impact on wildlife and protected species
- Adverse impact on badgers and bats in particular
- Side roads will not be able to cope with the diverted X3 bus new route
- Road will create pedestrian blockages at point of roundabout with greater difficulty getting to town centre and school.
- Danger for children getting to and from school.
- Will create flood risk issues and potential issues for private waste water systems
- Road infrastructure will be harmful to character of the area and Listed Buildings
- Concerns about siting of roundabout so close to Listed Buildings both in terms of their setting but also on their physical fabric.
- Increased light pollution created by road and impact on dark skies

- Increased traffic through Augustus Park pre and post construction with noise, air quality and light pollution issues
- Loss of privacy from road used for lorries and as a bus route for residents of Augustus Park
- Safety of children playing on Augustus Park estate roads through heavy traffic.
- Safety of pets through increased traffic
- Augustus Avenue was never meant to be a through road and is substandard
- Some houses on Augustus Avenue will be extremely close to the new through road
- Residents claim properties mis-sold and through road never mentioned
- Impact on property prices from new through road
- Many residents have had to repair their properties following construction work on Augustus Park
- Construction traffic must come via the A338 and the new road starting with the roundabout and working its way southwards.
- Construction management plan is inadequate in terms of hours of restriction for deliveries and routes to be used
- No traffic calming measures in place to slow traffic during construction
- Site access prevented until 7.30 will not stop drivers waiting on local roads to access
- Time restrictions need to be widened to allow for cars leaving for work to avoid congestion with heavy lorries trying to access the site
- Mud and dirt on the roads of Augustus Park previously when it was being built will be repeated.

One letter of support as follows -

It is clear that if the development adjacent to Burgate Cross is to go ahead then the movement of traffic needs to be of primary importance and to take up the burden of smaller roads by taking it through the new development is a good idea. My only worry for the residents of the new development and perhaps Parsonage Park through to Normandy Way is that it gets used to shorten traffic through journeys to Sandleheath industrial estate.

10 PLANNING ASSESSMENT

Principle of development

The principle of a link road which links Salisbury Road A338 and Whitsbury Road has now been firmly established by the resolution of the Planning Committee to grant planning permission to the hybrid application in January 2023. This decision was based on the principles and policy in the Local Plan Strategic Site 18 Policy part ii(c) which sets out an objective of providing such a link. The concept Masterplan attached to that policy illustrated such a link and the hybrid application and current application follows that broad concept.

Objections based on highway danger and the adequacy and width of Augustus Avenue to serve and connect to Site 18 have already been considered and agreed by the Highway Authority. When the application for the Augustus Park development was approved the internal estate road was engineered and made wide enough so that it could accommodate a future link to the land to the north. The Augustus Park permission was granted in March 2018 which only just preceded the publication of the draft Local Plan for public comment in June 2018 which included both the Site 18 allocation and the potential for a link road. Whilst it was not a requirement at the time the clear intention of providing a link between Whitsbury Road and the A338 was being discussed and was certainly a matter of public knowledge before any of the dwellings on Augustus Park were built and sold.

This road construction has been brought forward earlier than initially planned as the applicants now want to press ahead with the construction of the road to allow the wider development to progress more quickly. The hybrid application required the road to be completed prior to the occupation of the 59th dwelling on phase one. This application will significantly bring the delivery of the road forward such that it is due to be completed by the end of 2024.

In terms of public benefits, the link road will also allow traffic to effectively by pass the town centre thereby relieving pressure on the existing pinch point and in doing so providing improvements in noise impact and air quality for those residents, businesses and users of the town centre. The Town Council have fully supported and pressed for the early delivery of the link road as part of the earlier applications considered above. The link road will also ease current concerns and reduce the desire for rat running using Fryern Court Road.

Highway safety considerations

Details of the road and junction

The Highway Authority have confirmed their agreement to the line of the road and arrangements for the two main junctions from Augustus Park via Augustus Avenue and from the A338. These were agreed previously and have not changed with the current application. The details of the centre section of the road and the position and spacing of junctions onto side roads to serve the development parcels is also agreed subject to minor clarifications. The position of bus stops has been amended in accordance with their comments and those of the bus company. Any outstanding matters such as side junctions can be agreed by condition.

Trip generation and distribution

These issues were considered under the parent application for the overall development of the site. The Highway Authority remain satisfied that the number of vehicles using the site and their direction of travel are acceptable subject to the link road being completed by the 59th dwelling on phase one. Bringing the link road forward is acceptable to the Highway Authority who support the principle of bringing the road forward earlier.

Road lighting

The lighting scheme for the development was designed in accordance with and taking into national guidance and standards including those applicable to sensitive areas. The design of the lighting has been undertaken in a manner such as to address three potentially conflicting needs; namely, to provide a safe environment for the movement of residents when the natural lighting levels fall and, to meet the light obstruction limitations stated within the relevant standards and guidance in order to avoid any detriment to local amenity and wildlife, and finally to satisfy the need to retain dark skies and avoid upward light pollution.

From a highway safety point of view the proposed road lighting on the main spine road through the site is considered acceptable. The position and number of lamp standards has been rationalised to reduce the number of columns overall by using 6 metre high lamp standards. The light impact on human health, ecology and protected landscapes is considered below.

With regard to the impact on the Dark Sky Reserve at Cranborne Chase the results of the lighting study indicates the lamp standards will be fitted with baffles and are designed to reduce upward light leakage. The report refers to zone E2 but in effect the results of the lighting study show the lights mean the requirements of zone E1 applicable to dark sky reserves.

Sustainable travel options

The Highway Authority have agreed the provision of a shared footway and cycleway on the western side of the road and 12 no. crossing points enabling easy access to development parcels and in particular the central community hub on the eastern side. All development parcels on the east side of the road will be provided with a pedestrian footway which extends along the eastern side of the link road with crossing points where space dictates no footway can be provided on the eastern side.

The Transport Assessment addendum has adequately addressed the matters raised and the Highway Authority raise no objections. The use of the road by a diverted X3 service between Salisbury and Ringwood, Bournemouth significantly assists in promoting sustainable transport options by new residents. The school will also benefit from a centralised stop near the community hub which will then link through the site via a new footway connecting with the improved Footpath 83 and then through the Metis Homes site at lower Burgate connecting to the school. In the short term a footpath and cycleway link connecting the A338 near Burgate Cross to run on the western side of the new roundabout will be provided and this will run southwards along the link road and connect to Footpath 83 at the junction with Augustus Park. This connection will be supplemented by a range of other walking and cycling routes through the development parcels as they are built out. Once the adjoining Middle Burgate site is complete there will be a more direct footpath link through that site and onto the Metis site to the school via dedicated footway/cycleways.

Active Travel England are a new Government body set up to oversee sustainable transport links. Whilst they initially raised objections to the application they have considered the comments of the applicant and been made aware of the wider strategic plans for Fordingbridge and the already secured footpath and bridleway improvements under earlier applications, some of which such as the improved footpath 83 are now in place. They have now withdrawn their objections and recommend conditions to achieve the sustainable links as shown in the application.

Construction Traffic

At the time of approving the earlier hybrid application, the Planning Committee resolved to approve the application in January 2023 with further details on the road to be submitted through conditions. In addition, a condition requires the road to be completed prior to the occupation of the 59th dwelling on the first phase of the housing development with construction traffic initially routed from the A338 via some residential roads to the north of the town centre linking onto Whitsbury Road and then through Augustus Park. This effectively allows construction traffic through Augustus Park up to a certain number of units being occupied. It was anticipated that from the occupation of the 59th dwelling onwards all construction traffic would access the site via the completed road direct from the A338. Members should understand that this is the agreed fall-back position regardless of their decision.

The current programme for the completion of the 59th dwelling is not due until November 2025 which is 11 to 12 months after the operation completion of the link road thus signifying the applicant's intention to use the link road as quickly as possible.

The current application Construction Traffic Management Plan (CTMP) suggests a number of options as follows –

- *Option A (Preferred Option) to construct a temporary haul road across third party land providing direct access to the A338 via the existing vehicular access serving Middle Burgate House. This will be used to create a one-way traffic system with vehicles entering via Augustus Avenue and exiting site via the haul road*
- *Option B (Non-Preferred Option) to utilise the existing highway network including the recently constructed Augustus Avenue. Although this option has been previously approved as part of the Hybrid Application 21/11237 for up to 70 two way LGV and HGV movements this is not our preferred option*

The applicant has provided the following as a means of understanding the delivery of the road -

- It is currently intended that the first section of the link from the top of Augustus Avenue to the eastern end of the causeway will be constructed between November 2023 and March 2024.
- The second section through, what we describe as Phase 4, will be constructed between April 2024 and June 2024.
- The third section, which will connect all the Phases to Salisbury Road, will be constructed between July 2024 and October 2024.
- The roundabout junction on Salisbury Road will be constructed in two halves commencing in February 2024 and being completed in the following July.
- Once the link road has been completed to operational standard (currently intended to be December 2024), all construction traffic will be diverted from the initial route whichever option that might have been. Therefore, the longest period that construction traffic will use Augustus Avenue is 12 months and not after the occupation of the 58th dwelling.

The CTMP has been the subject of further discussions and the following email from the applicant's transport consultants confirms amendments to the CTMP as follows -

We have agreed with HCC that we will prepare a minor works S278 submission for the construction access onto the A338 to deliver the works shown in principle on drawing ITB12264-GA-371. The minor works submission is required as there is a very small amount of new surfacing (3 Sq.m) and accommodation works (7 Sq.m) within the highway.

In terms of the Construction Traffic Management Plan (CTMP), we propose to amend this to set out that we will:

- *Make a S278 minor works submission to HCC for delivering the two-way construction access onto the A338*
- *As soon as this is approved we will deliver the works as quickly as possible and then use the temporary construction access for all construction traffic.*
- *Until such time as we have been able to deliver the two-way construction access onto the A338, there will be some limited use of Augustus Avenue. This would be one-way (using the existing access at Middle Burgate as an exit) or two-way in the event that the use of the exit via Middle Burgate is unavailable.*

The Highway Authority have generally agreed with the suggested amendments to the CTMP. The applicants also have in place a separate agreement to use the Middle Burgate land and access with the owner of that land. It is planned to bring all construction traffic in and out of Middle Burgate avoiding any use of Augustus Avenue

and significantly reduce any issues with noise, safety and dust that would occur if that was the only option. An update will be provided at or before the Committee meeting regarding the amended CTMP. An approved CTMP can mean that Condition 3 is no longer needed and can be deleted.

Separate legislation exists to ensure that the permission of the Highway Authority through Section 278 of the Highways Act will be required for the Middle Burgate improvement works. The Highway Authority have control over these works and the works will be required in any event for the residential access to Middle Burgate to be formed later. There are no significant environmental impacts from the improved access.

The CTMP will also contain the following requirements and safeguards -

- *To create a site compound in the ANRG / POS directly North of the link road in Phase 3 as indicated on the attached SS18 Compound Location Plan*
 - *Contractor parking*
 - *Material delivery set-down and storage*
 - *Location of site offices, welfare and first aid facilities*
- *Wheel washing will be provided either at the entrance to the haul road or at the link with Augustus Avenue as indicated on the two option Access Routes attached. This would be a "dry wheel wash similar to the attached. The advantage of these systems is that they have no moving parts so cannot breakdown in operation, they use no water, so no waste water or power so making them extremely eco-friendly.*
- *There will be various construction associated delivery vehicles visiting the site during the construction process, up to a maximum 44 tonne articulated lorry size.*
- *Access to the site , including identified vehicle routes are provided for both*
- *Options as indicated on SS18 -Access-Egress Route Plan*
- *All delivery lorries will be sheeted where they are transporting loose material such as aggregates*
- *Delivery drivers will be encouraged to use the highlighted routes as above*
- *All delivery companies shall be given the above as a written instruction prior to deliveries*
- *there is an anticipated maximum of 35 HGV movements in and 35 out movements per day during the construction process.*
- *In the event that Augustus Park has to be used all suppliers and subcontractors will be informed that deliveries are only to take place between the hours*

Both Options
07:30 – 08:30
09:30 – 15:00
16:00 – 17:00

- *All suppliers and subcontractors will be informed that no deliveries shall take place for either Option between the hours*

08:30 – 09:30

15:00 – 16:00

Assuming the temporary haul road is available as soon as possible after commencement the applicants do not however expect any restrictions on vehicle movements in and out of the Middle Burgate access albeit it is not intended that working will take place on site for 24 hours at a time. The protection of the amenity of any residents of Middle Burgate house will be protected by mutual agreement between the two party landowners.

- *A separate construction environmental management plan (CEMP) to deal with dust and construction noise shall be provided as required by planning condition and this Traffic Management Plan can be read in conjunction with that separate environmental management plan.*
- *Details of how complaints will be logged and dealt with shall be included in the CEMP*

Works are intended to start in September 2023 and conclude by end of 2024.

The applicants also state that on a general point once the S278 for Middle Burgate access is approved it will take the applicants approximately 4 weeks to construct the haul road during which time Augustus Avenue will have to be used. However, during this period the applicants will endeavour to keep vehicles movements to a minimum.

To conclude whilst there is a fall-back position allowing the use of Augustus Avenue up until the occupation of the 59th dwelling on phase 1 it now seems highly likely the applicants will pursue a more environmentally acceptable option of using Middle Burgate once the S278 Agreement has been resolved. It would be inappropriate however to impose a pre commencement condition on the submission and agreement of a S278 Agreement given the fallback position created by the parent application, and the land at Middle Burgate is not legally in the applicant's ownership. The betterment now proposed is however welcomed.

At the time of writing a revised CTMP has been received on 21 July 2023 and lodged on the web site. This has been sent out for consultation to the Highway Authority and an update will be given at or before the Committee meeting.

Environmental health considerations

Contaminated Land

A Phase I and II Geo-Environmental Site Assessment dated August 2021 undertaken by Omnia Environmental Consulting has been previously submitted for this site. The initial CSM identified plausible pollutant linkages. Therefore, a site investigation was carried out and soil analysis results showed no elevated levels of contaminants. The site is classified as CS1 for ground gas therefore no gas protection measures are necessary. In conclusion, the site poses no significant risk to the identified receptors of the site.

A standard planning condition is recommended to cover unexpected contamination during construction works.

Construction traffic

A construction and environmental management plan (CEMP) has been submitted to support the application. The CEMP is supposed to cover both environmental health considerations and ecological considerations (see below).

The Council's Environmental Protection team has confirmed their view that a detailed, site-specific CEMP which clearly outlines how noise and air quality impacts will be controlled upon identified human receptors in the vicinity of the development should be submitted. Any CEMP should relate to the actual processes/ plant/ machinery that will be used during the construction process.

At the time of writing this report the applicants are preparing a revised CEMP which can be submitted for agreement.

Air quality impacts

The applicant has submitted a number of air quality reports to support the proposed development to construct a link road through Strategic Site 18 (SS18). The reports assess the impact of the proposed development on local air quality from the construction phase of the development (from construction vehicle emissions and dust from the development site) and the operational phase.

These air quality assessments modelled a number of operating scenarios including in combination impacts with all known proposed developments, and with and without the link road.

With regards to the construction phase of the proposed developments the air quality assessments note that there is likely to be a dust impact which will require appropriate assessment and mitigation - this should be undertaken through the agreement of a Construction Environmental Management Plan (CEMP). Emission from construction vehicles on the noted routes were also assessed and determined to be acceptable, however the applicant is requested to confirm that the number and type of construction vehicles originally assessed in the June 2022 Omnia report are the same as those quoted in the current application for the link road.

It is noted that the developer is seeking alternative routes onto the construction site off the A338, rather than routing via local residential street in close proximity to the development site. Whilst air quality assessments which have been agreed advise construction traffic emissions will not significantly impact local residents living on the access routes, if there are alternative routes which remove some or all of the construction traffic away from residential streets, this would be supported by officers as this will improve local air quality for the local community.

Noise impact pre and post construction

The applicant has submitted a Noise Impact Assessment (NIA) as part of the application carried out by Omnia (ref: A11383) dated July 2022; however, this largely relates to the assessment of noise impacts associated with the wider development of the Land at Burgate (application ref: 21/11237), as opposed to specifically for the link road itself. Chapter 8 of the Environmental Statement (ES) provides further information regarding the noise impact of the link road, both pre-and post-construction (including the cumulative effects of the development as well other committed development in the wider area).

A revised noise impact assessment of the traffic noise (post construction) upon the Augustus Park development and other new dwellings (SS18) located along the link

road is required. Recommends a pre commencement condition be imposed. The use of Middle Burgate would alleviate these concerns and would be supported.

The applicants make the following points regarding the noise assessment post construction.

The principle of the development and the link road through Augustus Park has resolution to grant, and there was no objection or requirement for these additional traffic noise assessments. Therefore, we do not consider it necessary to provide a revised noise impact assessment encompassing additional receptors than that supporting the hybrid application, as these proposals would otherwise be brought forward as reserved matters. Further, at this stage without knowing the detailed layout of the adjoining parcels we wouldn't be able to undertake the assessment

Lighting and human health impact

The lighting assessment carried out by Tetra Tech Ltd (dated 12 April 2023) has appropriately considered the impact of obtrusive light upon nearby residential (human) receptors (dark skies and ecological impacts not considered by Environmental Protection) using appropriate guidance from the Institution of Lighting Professionals (ILP). The assessment highlights that the risk of the proposed scheme resulting in exceedances of either of the ILP pre-curfew or post-curfew obtrusive light limitations for Environmental Zone E1 (Dark Lighting environment) at residential receptors will be low. Consequently, the proposed lighting scheme is acceptable and a condition relating to the relevant lux levels for Environmental Zone E1 are requested.

Flood risk and surface water drainage

A flood risk assessment (FRA) was prepared for the parent application and an addendum to that assessment submitted for this road application. The Environment Agency are responsible for river and coastal flood risk whilst the County Council act as the Local Lead Flood Authority for surface water drainage and non mains river drainage matters.

No part of the site lies within flood zones 2 and 3 for river flooding but parts of the site are liable to surface water flooding, exacerbated by underlying geology and poor infiltration rates leading to a high-water table. Some surface water flooding also emanates from outside the site but flows into the site from the north. A serious flood event happened in 2014 with surface water flooding the central part of the site and the junior and infants school grounds to the south. The applicants have considered flood risk from surface water under the parent application the studies for which recommended the site be raised across all the development parcels including the road way with a particular 2m increase in levels across the central part of the site for the road leading to this part of the road being embanked on a 2m high causeway which will stand proud of the land to the north and south which is to be retained for POS and ANRG purposes. A series of swales and drainage basins was put forward in an overall drainage strategy for the main site.

Surface water flooding from north of the site was also recognised as a problem and this is to be picked up by a 'cut off drain' running east west near the northern boundary of the site discharging into the roundabout drainage system and then via controlled flow to a local ditch and then to the River Avon.

In the short term the road will be constructed on an embankment for the whole of its length with material being brought onto the site for road construction purposes. Following the road construction further material will then be brought onto the site to raise the land for the development parcels to match the level of the road. Where the

link road crosses the embankment a series of pipe culverts under the road will be created to maintain the overland flow with such flows being directed into drainage basins which will retain water at times of heaviest rainfall and in storm events.

The proposed development has been designed to manage the critical duration of the 1% annual probability rainfall event plus 40% allowance on peak rainfall intensity for climate change. Rainfall runoff from the proposed development will be infiltrated to ground within the site and attenuation will be provided to manage runoff from the design rainfall event. The new roundabout proposed on the A338 at the site access junction will drain to cellular storage below ground before discharge at a controlled rate of 2 litres per second to the existing highway drainage ditch network.

The proposal for the link road is to collect all runoff into a series of enhanced swales running alongside the highway. These will be permanent features within the highway cross-section, proposed to be adopted by Hampshire County Council under a Section 38 agreement to secure maintenance. Table 24.6 of the SUDS manual provides a series of descriptions of interception methods that can be assumed to be compliant for zero runoff for the first 5mm rainfall for 80% of events during the summer and 50% in the winter, and states that unlined swales are suitable where the impermeable surface is up to 25x the base of the vegetated surface area of the swale, providing they are flatter than 1:100 longitudinal gradient and at least 5m in length from where the highway connects. The swales will also act as a filter to improve water quality getting into groundwater from any polluted rain off from the road. The road will temporarily be served by four basins designed to attenuate surface water flows created by the road and its embankment. These basins are in the same location as the basins shown to serve the residential parcels but will be smaller just to deal with the road drainage initially.

It is possible that the first phase of residential development will run alongside the construction of the link road. That first phase will be served by further swales and a number of larger drainage basins to the north and south of the causeway. In this way the drainage for the short-term road construction set alongside the development of the first phase can happen simultaneously.

The Environment Agency raise no objections to the application.

Hampshire Lead Local Flood Authority have no objections to the road being constructed in accordance with the submitted FRA and the further information and exceedance plans submitted on 29 June 2023.

Impact on wider and protected landscapes

The site lies close to two areas of designated landscape. The New Forest National Park which has its boundary along the eastern edge of the roundabout and the A338, whilst the Cranborne Chase AONB lies approximately 2kms to the west of the site.

Whilst the overall road itself has less impact on the National Park the roundabout and the associated road infrastructure changes to the existing A338 at this point are considered to be the most marked of all the impacts on the National Park designated landscape. Both the District and the County Council have a statutory duty to take into account the impact of development on the setting of the National Park.

Before considering the impact of the roundabout in more detail however it is important to emphasise that the provision of a roundabout at this location formed part of the discussion at the time the Local Plan draft was being considered. The outcome of those discussions which included the Highway Authority, and the applicants was a preference on their part for a roundabout as opposed to a signalised junction based on

Burgate Cross. The latter would have required a larger land take and would have introduced a negative urbanising impact closer to designated heritage assets.

During the processing of the parent application the applicants have taken part in various discussions with officers which have included officers from the National Park Authority. These discussions have resulted in amended proposals which have made the roundabout a smaller feature, moved it out of the National Park area apart from some minor verge works, and have introduced as much new tree planting as possible bearing in mind the need to avoid drainage installations, street lighting and visibility splays. Drainage requirements, in particular how to deal with surface water drainage and the policy requirements for flood relief betterment, has meant that it is not possible to plant trees within the roundabout. This coupled with a need to maintain visibility through the roundabout for traffic approaching from all directions means the planting within the roundabout has to be low level and promoted more for biodiversity value rather than for screening.

The National Park Authority have raised a number of issues in their consultation response, but these have been addressed by the applicants. Any further comments will be reported verbally at the meeting. The Authority have noted the amended plans and further information and have no further comments to make

Turning to Cranborne Chase AONB again there is a statutory duty to take this protected landscape into account in planning decisions. There are two principal impacts that can arise from the road i.e. wider landscape impact and dark skies impact given the area's designation as an international Dark Skies reserve. With regard to the former the AONB have no concerns. On dark skies however they recommend that the AONB be treated in the top most sensitive category E1 for upward light leakage from lighting columns. In this case the lighting assessment concludes that the level of upward leakage of lights will be minimal and sufficient to satisfy the higher regime applicable to dark skies.

With regard to landscape impact within the site the Council's landscape officer raises no objections to the proposal and is content with the amended planting strategy and plans now put forward albeit he suggests some alternative planting for swales. It should be noted at this point that there is further room for additional planting outside the road corridor and this can be picked up as part of the assessment of individual development parcels as they come forward. There are significant constraints with regard to where trees can be planted particularly around and within the roundabout as well as along the length of the road due to the need to install surface water drainage features, lighting columns and foul drainage systems, as well as the need to maintain forward visibility around bends, and visibility around a number of side road junctions. A detailed set of planting plans has now been put forward which can form part of the permission and implemented as early as possible following the road completion. Notwithstanding the constraints listed above the applicants are still offering to plant a total of 101 new trees along the length of the new road and around the roundabout. The Council's landscape officer recommends that further details are provided on planting methods etc and this can be conditioned along with the plant species to be used in the swales.

Ecological impact

On site impact on protected species

This falls into two broad categories. First of all the impact of artificial light on protected species, and secondly the impact from construction and post construction effects on protected species. A Construction and Environmental Management Plan (CEMP) has been provided which assesses the impact on protected species in respect of both of

these elements.

Lighting associated with the operational phase of the proposed development has the potential to impact on receptors of ecological sensitivity within the vicinity of the site. The Conservation of Habitats and Species Regulations (2017) and subsequent amendments require competent authorities to review planning applications and consents that have the potential to impact on National Site Network (NSN) designated sites (e.g. Special Areas of Conservation). For the purposes of this assessment, it was determined that a number of bat species could utilise the hedgerows and trees surrounding the site for commuting/foraging purposes. In order to represent a worst-case scenario, the assessment has assumed that potential bat species on site will be highly sensitive to artificial light. The Council's Ecologist has confirmed no objections to the proposals as set out albeit he considers there may be a desire to seek lower lighting on the causeway. This does however have to be balanced with road safety. The current proposal will meet with the Highway Authority requirements and the balance here is in favour of highway safety it is considered.

A condition will be applied to ensure the development is carried out in accordance with the latest CEMP as may be updated and the latest amended reports submitted on 29 June 2023. A further condition will be added requiring an updated badger survey should the development be delayed until March 2023 as the earlier report will then be out of date.

A further condition can also be applied requiring details of temporary badger signage at key crossing points to be displayed at high risk times of the year. This usually takes the form of drop down signage to warn motorists.

Biodiversity Net Gain (BNG)

There is a need to ensure that BNG of +10% is achieved over the whole site which includes the road corridor. In this regard the BNG assessment carried out under the parent application has been re-visited. Further details and amendments were

Impact on designated Heritage Assets

The Council has a statutory duty to take into account the impact on both the fabric and wider setting of Listed Buildings classified as designated heritage assets under the legislation set out above. The Conservation Officer has maintained an objection submitted previously under the parent application particularly raising concerns with regard to the impact of the roundabout on the setting of Listed Buildings along Salisbury Road and along Fryern Court Road with the former being the most marked in terms of adverse impact. The Conservation Officer considers there to be less than substantial harm to the setting of Listed Buildings and notes the presumption against planning permission being granted unless other material considerations weigh in favour of a permission.

'This identified harm gives rise to a strong presumption against planning permission being granted. The presumption against planning permission is a statutory one and the authority must be conscious of the presumption in favour of preservation. It should therefore demonstrably apply that presumption to the proposal it is considering. The NPPF allows public benefits of the scheme to be assessed and balanced against this harm'.

Case officer comments and assessment

The principal impact of the development on heritage assets is twofold; first the impact arising from the proposed highway works on the A338 Salisbury Road and associated

infrastructure; and secondly the impact on those heritage assets arranged around Burgate Cross and on Fryern Court Road resulting from the residential element and proximity of the scheme to those heritage assets served as it will be from the new link road.

Heritage assets can be designated as in the case of listed buildings or non-designated as in the case of unlisted buildings which have some historic value and/or architectural value. In this case there six listed buildings clustered around Burgate Cross with some historic cottages interspersed between them which could be considered to be non-designated assets. There are other listed buildings in the wider area of the site but these are less directly affected by the development. The following legislative background must be considered as part of the case officer's and Committee's assessment of this proposal.

Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or it's setting etc.
S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area

- 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

The advice set out in the NPPF in Section 16 must also be taken into consideration 'inter alia'

Para 195 – 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).....'

Para 202 – '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.....'

The impact in this case on heritage assets primarily affects the setting and significance of those assets and how they are experienced and their character in that regard and how this may be affected by the development. Setting in this sense does not just include the way in which the development is seen against the heritage assets and a crude measure of the distance between the development and the heritage asset, but also how they are *experienced* in their wider setting and character. In physical terms none of the heritage assets are affected by works directly to or in close proximity except perhaps for Corner Cottage on the A338.

a) Impact of highway works _

The Conservation Officer sets out in detail his concerns regarding the impact on setting in particular on Cross Cottage and The Old Farm House, as well as more widely in respect of the listed buildings and heritage assets at Burgate Cross.

There can be no doubt that the introduction of a major new traffic junction on the A338 with a roundabout and associated highway infrastructure works will harm the setting of heritage assets. Corner Cottage in particular is the closest to the roundabout. That said the impact has now been lessened in a number of ways. The roundabout has been moved westwards and made smaller. The impact of lighting has been lessened as far as possible. The movement of the roundabout westwards has resulted in a

lower than standard visibility splays which has had to be agreed by the Highway Authority as a variation from standard. The introduction of 26 newly planted trees will alleviate some of the harm. The former proposals for retaining walls has been removed with more sympathetic low fencing. The Conservation Officer explores other harms such as wider landscape harm, but these are not supported by those expert landscape officers on this occasion. Neither are there any objections from the Highway Authority to the way in which pedestrians and cyclists are catered for.

Other alternatives to a roundabout were considered both at draft Local Plan stage and prior to this application submission. For example, a signalised junction based either at Burgate Cross or further to the south would have resulted in significant traffic signs , traffic lights and other paraphernalia directly at the junction around which most of the heritage assets are clustered or further to the south; would have interrupted the free flow of traffic; and crucially from the Highways point of view would have resulted in significantly higher maintenance costs. The Highway Authority expressed a strong preference for a roundabout which would resolve these issues.

Secondly the position of the roundabout was considered in detail with a number of scenarios tested. A move southwards or further westwards would have resulted in demolition of the dwellings immediately to the south of the roundabout which would have placed greater economic pressure on the development which is already having to take on board significant costly infrastructure works. It would also have resulted in greater earth works given the old railway line is at a reduced level to the road and would have impacted adversely on the development site itself reducing the housing yield available. The applicants prior to the submission and to ensure that visibility splays to the roundabout were protected purchased three properties along Salisbury Road all of which would have had to be demolished with any further westwards move of the roundabout away from the heritage assets. This was put to the developers, but they were not able to agree for the reasons set out above.

b) Impact on setting of Burgate Cross/Fryern Court Road _

This group of buildings was the subject of a detailed assessment in the parent application particularly as the development parcel for housing was planned to be closer to the group of designated and non-designated heritage assets than shown in the Local Plan.

For the purposes of this application however the road position has not changed, and the assessment of its impact is much more limited on the setting of these buildings. The road lies some 150 metres plus to the nearest property on Fryern Court road. Landscaping features already existing along Fryern Court Road, and these trees and hedgerows will be supplemented with structural landscaping to maintain a green buffer into the future. The way in which those properties are experienced, and their setting will be less harmed as a result.

There can be no doubt that the development will impact the setting and significance of the heritage assets at Burgate Cross and Fryern Court Road. The impact on the setting was to some extent anticipated when the site was allocated. The policy requirements set out above in particular need to be considered i.e. *Conserving and enhancing the setting of the listed buildings in Upper and Lower Burgate*. The original settlement boundary provided more of a buffer to the heritage assets and there is no doubt that area has been eroded in physical terms. However, the applicants have amended their proposals to take these matters into account and have reduced the level of harm in doing so. Similarly they have amended the roundabout junction proposals and introduced further softening through new tree planting.

Officer conclusions on balancing harm

In both cases it is therefore concluded that there is less than substantial harm to the setting and significance of the heritage assets referred to.

However, it is also necessary to balance this less than substantial harm against the wider benefits. In this regard the provision of the link road is not severable from the whole development as the former would not be built without the latter happening as well. The benefits in this case are therefore the releasing of much needed housing with a variety of sizes and tenures, an element of which is affordable, releasing and making available large new areas of public open space and ANRG, providing a new link road which will ease traffic congestion elsewhere in the town and the concomitant impact on heritage assets in that location, providing improved sustainable travel options such as local footpath improvements and a new bus service and travel plan, providing surface water betterment for the town, providing significant improvements in overall tree planting cover and landscaping of the site, increased levels of biodiversity on the site which suffers at present from an agricultural mono culture of low value, and significant levels of investment money through CIL and other S106 funding streams including £2.5m for education and £404,000 for formal playing pitch improvements.

Overall, it is considered that the public benefits arising from the scheme outweigh the less than substantial harm on this occasion.

Impact on residential amenities and commentary on public comments

The comments set out above cover a wide range of topics. Whilst in general terms the road does not cause any loss of light there are other issues raised which require some comment.

Principle of road

This has been firmly established both by the Local Plan and its policy wording but also by the resolution to grant permission to the parent application 21/11237 covering the whole site. The prospect of a wider ring road outside the strategic sites is not possible as this would require significant land assembly through multiple land owners; was not included in the Local Plan as being required; and would cause greater harm in landscape terms being more divorced from the urban development which it is intended to serve.

Traffic increase on Fryern Court Road and continued rat running on that route.

There is no evidence this would happen. It seems counter intuitive to suggest that local residents who currently use Fryern Court Road would continue to do so when there was a wider and better route available with the new road. There is no evidence either to suggest additional queuing would happen because of the new road. It is considered that Fryern Court Road would be relieved of traffic other than the much smaller number of vehicular movements from the residents who live along its length. The new estate at Tinkers Cross would come out on Whitsbury Road at a point closer to Augustus Park than Fryern Court Road and with the easier accessibility of this new road together with its two way width along its length there is a likelihood that most new residents would use this road rather than the narrower Fryern Court Road. Similarly, any new residents from the Site 17 development joining Whitsbury Road at the newly planned roundabout at the entrance to Augustus Park will use the new link road rather than detour around Fryern Court Road

One letter raises safety concerns regarding how Fryern Court Road will function when the roundabout is in place on the A338. These concerns were considered in detail by the LPA and the Highway Authority as part of the hybrid application. The Highway Authority were satisfied with the proposals for the roundabout.

Impact on wildlife

The Council's Ecologist has confirmed that he is content that the impact of the new road can be managed, and that sensitive design and lighting will not adversely impact on wildlife and protected species. It should also be noted that over 100 trees will be planted just along the road corridor. This will be supplemented by well over that figure across the whole site. The site currently has very little tree cover. Added to that the Ecologist confirms that the site as a whole will deliver over the 10% bio-diversity net gain required by the Environment Act.

Problems associated with road as a new bus route

The bus company has confirmed it is fully in support of the new route and has liaised with the Highway Authority and this Council to amend the position of bus stops and agree the details of the road. The company has assessed the potential various route alterations when leaving the link road at its junction with Whitsbury Road and the various routes possible to the Town Centre. It is confident that the side roads referred to are capable of taking the bus and that this can be confirmed at a later date. The Company are also pleased to be able to achieve a new service with a large contribution from the developer to help fund that service. A new bus service will be a significant sustainable transport option for the many new residents that live along the route including Augustus Park and Site 17 residents (which will deliver over 400 new homes). The Company and the Case Officer also strongly refute the perceived loss of privacy issues referred to by objectors. Any bus will not be stationary when travelling through Augustus Park. Buses running through urban areas very often come close to existing residential properties so this will not be unusual for the small number of properties affected.

Pedestrian linkages severed by the road

The roundabout will have crossing points included in its design. In addition, the objectors do not reference the off-road new pedestrian routes that will be created with a direct pedestrian linkage to the A338 and Fryern Court Road onto the new link road as well as through the new parkland and POS created and through the residential phases giving a much greater choice of routes and a more direct route to both schools on foot avoiding the unpleasant A338 pavement walking route at present particularly with the recent improvements of FP83 and soon to come FP84 providing a wider newly surfaced path to the Junior and Infants School. A further pedestrian linkage is also available from the A338 just to the south of Burgate Cross and to the north of Cross Cottage. The direct route from the A338 to the north of the roundabout will form part of the new road and this will take pedestrians all the way to Augustus Park via a new path and cycleway and then onto the improved FP83 which has links to both the junior and secondary schools. The footpath to the junior school (FP84) will also be widened and its surface improved as part of the first phase of the development of site 18.

Flood risk and waste treatment potential impacts

Both the Environment Agency and the Hampshire Flood Authority consider the scheme to be acceptable. The scheme in terms of surface water will deliver a betterment over the current situation in that an east to west cut off drain will intercept water coming from the north of the site and divert it via the roundabout drainage

system to a local ditch alongside the A338 and then to the River Avon

Impact on Listed Buildings

It is acknowledged there will be some harm to the setting of the Listed Buildings close to the Roundabout as well as at Burgate Cross. The less than substantial harm however is far outweighed by the overall public benefits from the new housing development listed elsewhere in this report. There is no evidence the road or roundabout will damage the fabric of Listed Buildings. Should this happen this will be a civil matter between the houseowner and the construction company. At the present time the nearest property to the roundabout will be moved further away from the traffic carriageway with a wider pavement provided.

Light pollution

There are no objections from the Council's Environmental Protection team regarding this aspect of the development and the impact of car headlights on those nearest properties. The impact on the Dark Skies National Reserve is also taken into account with the type of lighting and the spacing of columns minimising the impact. There has to be a balance here as well with ensuring the road is safe for all users and the County Council's adoption standards.

Impact on Augustus Park

The estate road into Augustus Park was specifically planned to enable the main road running into the site now known as Augustus Avenue being constructed so that it was wide enough to act as a link road to the north together with a dedicated widened footway and cycleway. The Local Plan published in 2018 predated the construction of these properties and their sale. There will clearly be an increase in traffic using Augustus Avenue post construction, but the traffic modelling carried out shows this will be perhaps less than anticipated by the objectors. The modelling includes the traffic from Augustus Park and Site 17 giving rise to less than 350 vehicles in any peak hour equating to less than 6 vehicles per minute at the crossing point into and out of Augustus Park at the junction with FP83. Construction traffic taking into account a one-way system with lorries in through Augustus Park and out through Middle Burgate will be no more than 35 lorries per day through Augustus Park. Should the Middle Burgate access be deemed acceptable by the Highway Authority following minor improvement works this construction traffic will disappear altogether. Safety of children has been taken into consideration by the Highway Authority who raised no objection previously to the use of Augustus Park when giving their recommendation on the parent application.

Construction traffic impact

The fall-back position is construction traffic is allowed in two directions up to the occupation point of the 59th dwelling on phase one. The current proposal is a betterment even without the option of two way traffic using the Middle Burgate access. As to the adequacy of the Construction Traffic Management Plan this will be combined with a Construction Environmental Management plan to deal with noise and dust as requested by the Environmental Protection team and between them there will be adequate safeguards. With regard to monitoring of construction traffic issues there is likely to be more stringent monitoring now that the Council requires monitoring fees and has employed a monitoring officer to oversee strategic site developments. Contrary to the comments made there are traffic calming measures at the entrance to Augustus Park at FP83 and a banksman will be employed by the company to oversee vehicle movements at peak periods. Time restrictions avoiding school drop off and pick up are acceptable. There are safe walking routes to school now in place through

Augustus Park and via a widened FP83 to the Burgate School without touching the new road other than at the crossing point where the road will be narrowed such that pedestrians only have to cross one carriageway. Mud and dirt on the roads of Augustus Park previously when it was being built will not be repeated. Mud on the road during the construction of Augustus Park has been an issue in the past but the applicants now intend to use a dry system which will require less water run off and will be more potentially more effective. Again, this will be monitored and complaints acted upon promptly. The use of Middle Burgate for in and out movements will remove the issue completely or reduce it significantly if one way only as lorries will enter the construction site from Augustus Park so will not be dragging dirt and mud out of a construction site.

Conclusions on local impact.

Notwithstanding the number of objections submitted officers are of the view that all material considerations have been taken into account to minimise such impact particularly during construction periods. There is now likely to be a betterment in place over the fall-back position for construction purposes. None of the other issue raised relating to wildlife, Listed Buildings and environmental impact are sufficient to withhold planning permission. Whilst there will be a change to the nature and character of the road serving Augustus Park it was built physically to act as a link road and it was publicised as such in the Local Plan prior to any of the dwellings on Augustus Park being purchased. Given the position that all statutory and internal expert consultees raise no objections there is no evidence to support the concerns raised by objectors to the extent that would warrant a refusal of permission.

Minerals 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.

The applicant however makes the following points for consideration

.....we think the minerals condition should be deleted. Through application 21/11237, it was accepted by Hampshire County Council that prior extraction was not appropriate and incidental extraction would be appropriate.

Draft condition 30 stated:

Prior to the commencement of any part of the development a method statement covering the following matters shall be submitted to and agreed in writing with the Local Planning Authority.

- *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 Minerals Planning Authority upon completion of the development"*

HCC has requested this condition again on this application. However, as part of these link road proposals, there is no excavation proposed with regard to the construction of the link road. Therefore, it is not appropriate for this condition to be imposed for this

application.

Given the above circumstances, and that material will be brought onto the site to build up the link road, officers do not recommend such a condition being imposed for the road application.

11 OTHER MATTERS

CIL contributions are not relevant to this application.

Neither is there is a requirement to carry out an Appropriate Assessment on protected landscapes and European sites outside the development site. An AA was carried out for the larger parent application covering the whole site.

There is no requirement on this occasion to seek contributions relating to other policy matters such as affordable housing, recreational impact or education which are all covered under the parent application.

There is no requirement to enter into a S106 Agreement.

12 CONCLUSION / PLANNING BALANCE

The development proposal before Members has come forward as a result of the adopted Local Plan allocation. The proposal has received a number of local objections but has qualified support from the Town Council subject to various matters being addressed. The overall principle of the link road has been established both by the policies set out in the Local Plan and by the resolution to grant the parent permission in January this year for the wider scheme.

Some of the 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 development it is acknowledged will have an impact on the setting of designated heritage assets at Burgate Cross causing less than substantial harm through the road infrastructure works, but this must be balanced against the considerable public benefits both in economic and social terms.

The ecological impact of the development including that relating to protected species has been carefully considered by officers. The impact on ecological matters of importance is assessed that subject to conditions the development will not result in harm to protected species.

Flood risk and surface water attenuation details have been submitted which are acceptable to the Environment Agency and Local Lead Flood Authority. There are no significant impacts either on the local landscape or on the wider statutorily protected landscapes of the New Forest National Park and Cranborne Chase AONB, including the international Dark Skies Reserve.

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 3rd. 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.

Overall given there are no technical objections to the proposal coupled with the principal benefit of an early delivery of a major piece of road infrastructure the proposal is considered to be in line with local and national policy and guidance and recommended for approval subject to conditions.

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:

Link Road General Arrangement (sheet 1 of 3)
1334-WSP-SR-ZZ-DR-C-001_P03

Link Road General Arrangement (sheet 2 of 3)
1334-WSP-SR-ZZ-DR-C-002_P03

Link Road General Arrangement (sheet 3 of 3)
1334-WSP-SR-ZZ-DR-C-003_P03

Link Road Drainage Design (sheet 1 of 3)
1334-WSP-SR-ZZ-DR-C-004_P02

Link Road Drainage Design (sheet 2 of 3)
1334-WSP-SR-ZZ-DR-C-005_P02

Link Road Drainage Design (sheet 3 of 3)
1334-WSP-SR-ZZ-DR-C-006_P03

Link Road Causeway Section & Elevation
1334-WSP-SR-ZZ-DR-C-008 - P01

Link Road Proposed Contours (sheet 1 of 3)
1334-WSP-SR-ZZ-DR-C-009 - P01

Link Road Proposed Contours (sheet 2 of 3)
1334-WSP-SR-ZZ-DR-C-010 - P01

Link Road Proposed Contours (sheet 3 of 3)
1334-WSP-SR-ZZ-DR-C-011_P02

Link Road Vertical Profile
 1334-WSP-SR-ZZ-DR-C-012 - P01

Planting plan 1 of 4 248920_TOR_LA_P-002revD
 Planting plan 2 of 4 248920_TOR_LA_P-003revD
 Planting plan 3 of 4 248920_TOR_LA_P-004revD
 Planting plan 4 of 4 248920_TOR_LA_P-005revD

Link Road Alignment (sheet 1 of 3) ITB12264-GA-374B
 Link Road Alignment (sheet 2 of 3) ITB12264-GA-375B
 Link Road Alignment (sheet 3 of 3) ITB12264-GA-376B

Link Road Exceedance Flow Routes 1334-WSP-SR-ZZ-DR-C-014_P01
 Link Road enhanced Swale detail 1334-WSP-SR-ZZ-DR-C-015_P01

Augustus Park Access ITB12264-GA-309H
 Visibility shadows ITB12264-GA-382

Reason: To ensure satisfactory provision of the development.

3. Prior to the commencement of development including any site clearance works, a Construction Traffic Management plan (CTMP) shall be submitted to and agreed in writing with the LPA. The development shall be carried out in accordance with CTMP so approved.

Reason: In the interests of highway safety

4. Within three months of the commencement of development the details of all bus stops including their precise location, any signage and bus stop furniture shall be submitted to and agreed in writing with the LPA in consultation with the Local Highway Authority. In addition, the details of the intended adoption body shall be submitted to and agreed in writing with the LPA within six months of the commencement of development.

All bus stop infrastructure shall be in place prior to the opening of the new road to the public.

Reason: To ensure appropriate infrastructure is in place in the interests of sustainable travel options and that future adoption is secured.

5. The development shall be carried out in accordance with the submitted Flood Risk Assessment and addendum FRA, as well as the further exceedance plan details submitted on 29 June 2023. All drainage works as proposed to serve the new road shall be completed prior to the opening of the road.

Reason: To ensure the development creates no flood risk issues in accordance with New Forest 2106-2036 Local Plan policy ENV3 and Strategic Site 18

6. Within one month of the commencement of development full details of the following shall be submitted to and agreed in writing with the LPA
- All tree and plant specification details setting out among other things, soil preparation, amelioration, planting details, tree pits and staking methods, root barriers where needed, and establishment maintenance regimes.
 - Notwithstanding the detail shown on the approved landscape plans the species of planting within the swales together with details of number of plants in each area
 - The method and mechanism for lifting the central hedgerow within the site intended to be retained, its temporary storage within the site and its transplantation in its new location
 - A detailed phasing plan showing the tree and other landscaping being completed in phases to complement the adjoining development parcel phasing as closely as possible.

All planting shall be carried out in accordance with the agreed details.

The landscaping scheme as approved together with the above details shall then be implemented in accordance with the detailed phasing plan, once each part of the link road has ceased to be used for construction vehicles, or otherwise in the first planting season following that cession of use by construction vehicles. Any trees or plants which die, become damaged or diseased within 5 years from the date of planting shall be replaced with the same species or an alternative to be agreed in writing with the LPA and subject thereafter to the same maintenance period from the date of re-planting.

Reason: In the interest of the appearance and character of the area, and biodiversity value, and in accordance with New Forest 2106-2036 Local Plan policy ENV3 and Strategic Site 18, and Policy DM2 of the 2014 Local Plan Part 2.

7. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

8. The development shall be carried out completely in accordance with terms and details set out in the construction traffic management plan as amended.

Reason: In the interests of highway safety and the safety and amenity of the general public

9. No development shall take place (including demolition, ground works, and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP for the road shall be supported by an appended Construction Ecological Management Plan (CEcMP). The approved CEMP (and accompanying CEcMP shall be adhered to and implemented throughout the construction of the road strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP shall include the following details -

- (i) The name, e-mail and direct telephone number for the site manager for that phase
- (ii) A programme of works including a plan detailing the extent of the phase to which the CEMP relates
- (iii) The type, volume and frequency of construction traffic movements
- (iv) Construction traffic routing and how will be monitored and enforced
- (vi) Measures to segregate construction traffic from other traffic utilising the site
- (vii) The origin, amount, and nature of any imported soils
- (viii) The maximum number of staff anticipated to be working on site and the number, location, and delineation of parking spaces for site operatives and visitors
- (ix) The location for the loading and unloading of plant and materials (including delivery times and swept path analysis for those vehicles
- (x) The location, security and means of storage of plant and materials used in constructing the development
- (xi) Measures to control the deposition of mud onto the local road network

(xii) Measures to control the emission of dust, dirt, noise and vibration during construction

(xiii) Measures to protect watercourses and soil from pollution

(xiv) Locations and measures to control the emissions where in situ bioremediation or soil washing takes place.

(xv) Hours and days of working on site

(xvi) A travel plan for the workforce including the promotion of car sharing

(xvii) Measures to avoid the inadvertent entrapment of wildlife during construction.

The approved details shall be implemented throughout the duration of construction in that development phase, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the development is carried out in an environmentally appropriate manner without impacting on wider amenity.

10. The development shall be carried out in accordance with the submitted CEMP as may be amended by any update in relation to the archaeological dig and badger report dated June 2023 that has now taken place and in accordance with the following amended details

- Amended BNG Monitoring and Management Plan (and associated metrics)
- Amended Phase II Badger Report
- Amended Updated Preliminary Ecological Appraisal

Reason: In the interests of protecting wildlife and to comply with policies DM2 of the Local Plan Part 2 2014 and the New Forest Local Plan 2016-2036 policy ENV3

11. The development shall be carried out in accordance with the lighting strategy submitted with no further lighting columns erected without the prior written consent of the LPA.

Reason: To ensure that all site lighting can be designed, installed and maintained such that it has no adverse impact on wildlife species of importance, the Cranborne Chase International Dark Sky Reserve, and the setting of the New Forest National Dark in accordance with New Forest Local Plan Policies DM2, ENV3 and STR2.

12. Prior to the commencement of development and before any site clearance works take place, the means of protection of all trees and hedgerows as set out in the approved Arboricultural Report dated 26/04/2023 shall be installed and maintained as such during the works. There shall be no fires lit or rubbish, soil or other materials stored within the root protection zone of any trees meant for retention as well as within any hedgerow protection areas.

Reason: In the interests of the appearance and character of the area and in accordance with Local Plan policies DM2 and ENV3.

13. If development has not commenced by March 2024, an updated badger survey is to be undertaken and a summary report detailing updated survey information and any necessary changes to the proposed mitigation strategy is to be submitted and agreed by the LPA

Reason: In the interests of protecting wildlife and to comply with policies DM2 of the Local Plan Part 2 2014 and the New Forest Local Plan 2016-2036 policy ENV3

14. Prior to the erection of any road signage the details of temporary badger warning signs (to be in place at high risk times of the year) shall be submitted to and agreed in writing with the LPA. Such signage as may be agreed shall be installed prior to the road being opened to the public and maintained as such thereafter.

Reason: In the interests of protecting wildlife and to comply with policies DM2 of the Local Plan Part 2 2014 and the New Forest Local Plan 2016-2036 policy ENV3

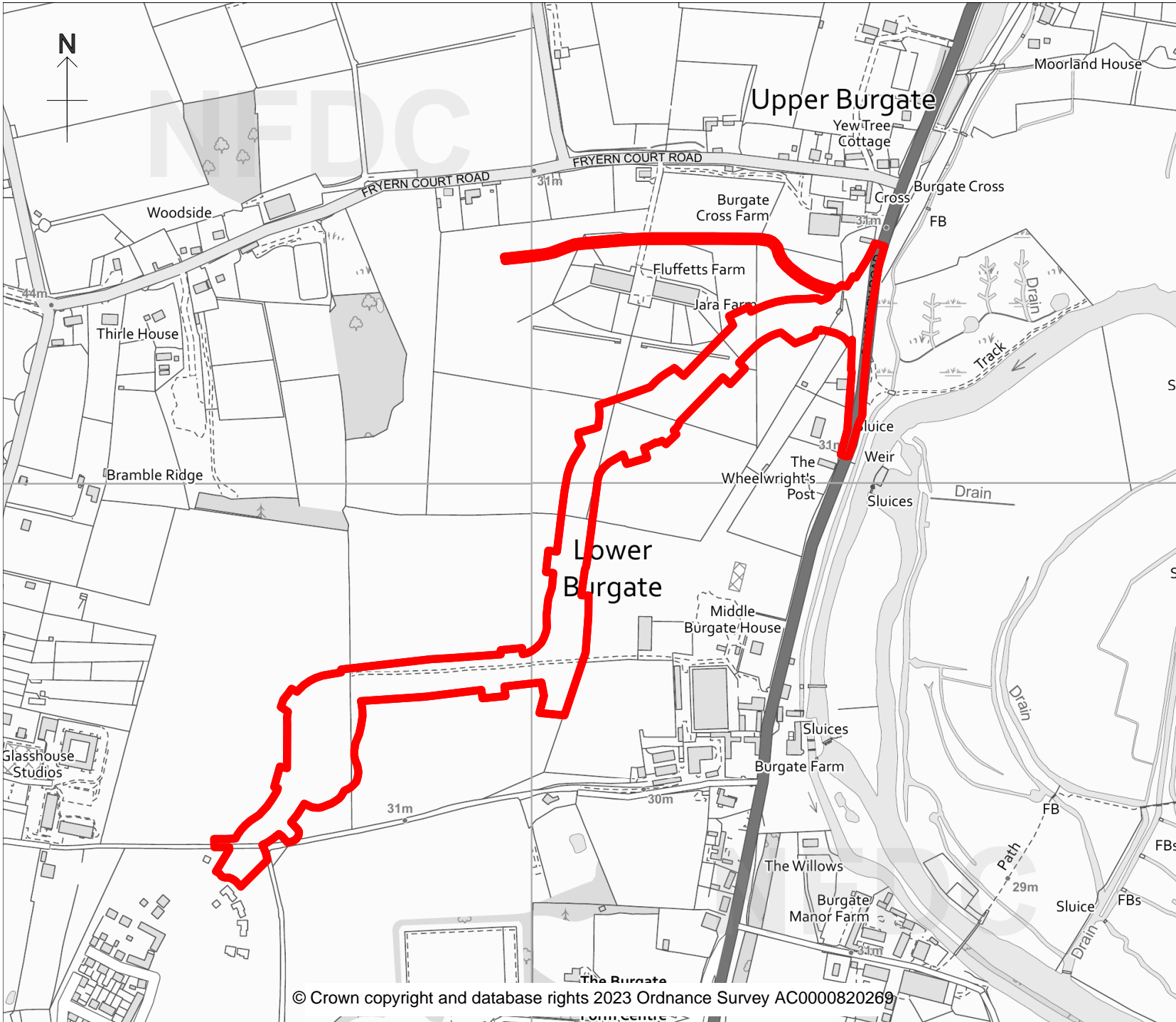
15. Prior to commencement of construction of the simple priority junctions onto the link road, the stagger distance of such junctions shall be submitted to and agreed in writing with the LPA in consultation with the Local Highway Authority.

Reason: In the interests of highway safety.

Further Information:

Stephen Belli

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New Forest DISTRICT COUNCIL

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PLANNING COMMITTEE

August 2023

SS18 Land North of Augustus Avenue
and West of the A338
Salisbury Road
23/10518

Scale 1:5834

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

Planning Committee 09 August 2023

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
Officer Recommendation:	That the Committee allow a further four-month period until 22 December 2023 to allow for the completion of the S106 Agreement and the subsequent issuing of the Planning Permission.
Reason for Referral to Committee:	To grant an extension of time to allow completion of a Section 106 agreement

INTRODUCTION AND UPDATE NOTE:

This application is presented to Committee for the second time. The previous Committee report in September 2022 is appended.

Resolution to grant consent subject to S106 and Conditions (Appendix A)

UPDATE REPORT AUGUST 2023

INTRODUCTION

Members will recall that this full planning application was considered at the Planning Committee in September 2022.

At the September 2022 Committee, the Planning Committee resolved to Delegate Authority to the Executive Head for Planning, Regeneration and Economy to grant permission subject to

- i) the completion by the end of the June 2023, of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in Section (L) of the report including amendments shown in the Update Report; and
- ii) the imposition of the conditions set out in the Committee report and the Update

Report and any additional / amended condition deemed necessary by the Executive Head for Planning, Regeneration and Economy.

The Section 106 legal agreement (in respect of those matters set out in Section (L) of the original Committee report) was not completed by the end of June 2023 and this application is brought back to Committee to allow a further four-month period to complete the S106 Agreement and issue the planning permission.

Following the resolution at the September Committee a further resolution on the application 21/11237 (404 dwellings and link road on Site 18 Land at Burgate) was made by the Committee at their meeting in January 2023 to grant permission subject to a S106 Agreement being completed by 31 January 2024.

The applicants have provided the following comment as reasons for the delay in completing the S106 and in their agreement of an extension of time to determine the application until 22 December 2023.

We are agreeable to extend the period on the basis that current resources both at the Council and within PFH are unable to deal simultaneously with the complex and lengthy process of completing Section 106 Agreements for both SS17 and SS18. Accordingly, because of the wider community benefits to be achieved through the earliest delivery of the link road, which is now the subject of a current planning application, our efforts are currently focused on achieving planning permission for SS18 in the first instance thereby expediting commencement of development. We are also mindful that with the link road in place, the construction and occupation of the houses at SS17 will be managed more easily and reduce the impact upon local residents. Under these circumstances we feel, at the present time, it prudent to allocate more time to the completion of the legal agreement relating the application for SS18.

Given the time since the original Committee resolution was passed, it is considered appropriate to provide an update to the Planning Committee before a final decision is issued. This will allow Members to consider any national and local changes to planning legislation, policy and the site that have occurred since September 2022.

POST SEPTEMBER 2022 REVIEW

Due to the length of time that has elapsed since the September 2022 Committee, officers have carried out a review of changes to legislation, policy and the site, with a view to making sure that the original Committee resolution is still sound. Relevant legislative changes, policy updates and site changes are therefore considered below. In addition, since the Committee. There have not been any significant changes to Planning Policy including SPD guidance, and national guidance or legislation.

Changes to Site Context Since September 2022

There have not been any significant changes to the site context over the last year, and the site largely remains in agricultural and woodland use and paddocks grazed by horses. Accordingly, it is considered that there has not been any changes which materially affect the Local Planning Authority's assessment of the proposed development.

Representations/consultation responses

There have been no further representations or consultee responses received since the date of the Committee.

CONCLUSION

Upon completion of the Section 106 legal agreement, the Service Manager Development Management be authorised to grant planning permission for the proposed development subject to the amended set of conditions attached to this report.

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 3rd 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)

Site 18**Land at Burgate**

20/10228

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

Planning permission granted 14 April 2022 – work commenced July 2022.

21/11237

Pennyfarthing Homes Ltd.

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

Not determined – awaiting amended plans

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 3rd 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 it's 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

- iii. *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.*

- iv. *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 ¾ 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. Officer's 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_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

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 a 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 m

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 routing 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
- **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 3rd 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 Development Management - Service Manager 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 Development Management - Service Manager, 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 - P08 – Southern Access & Wetland Area Layout
- DR WS 0001 rev P06 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

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

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

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:

12. 420m³ 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.

Reason: in the interests of the provision of acceptable foul storage and pumping station details

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.

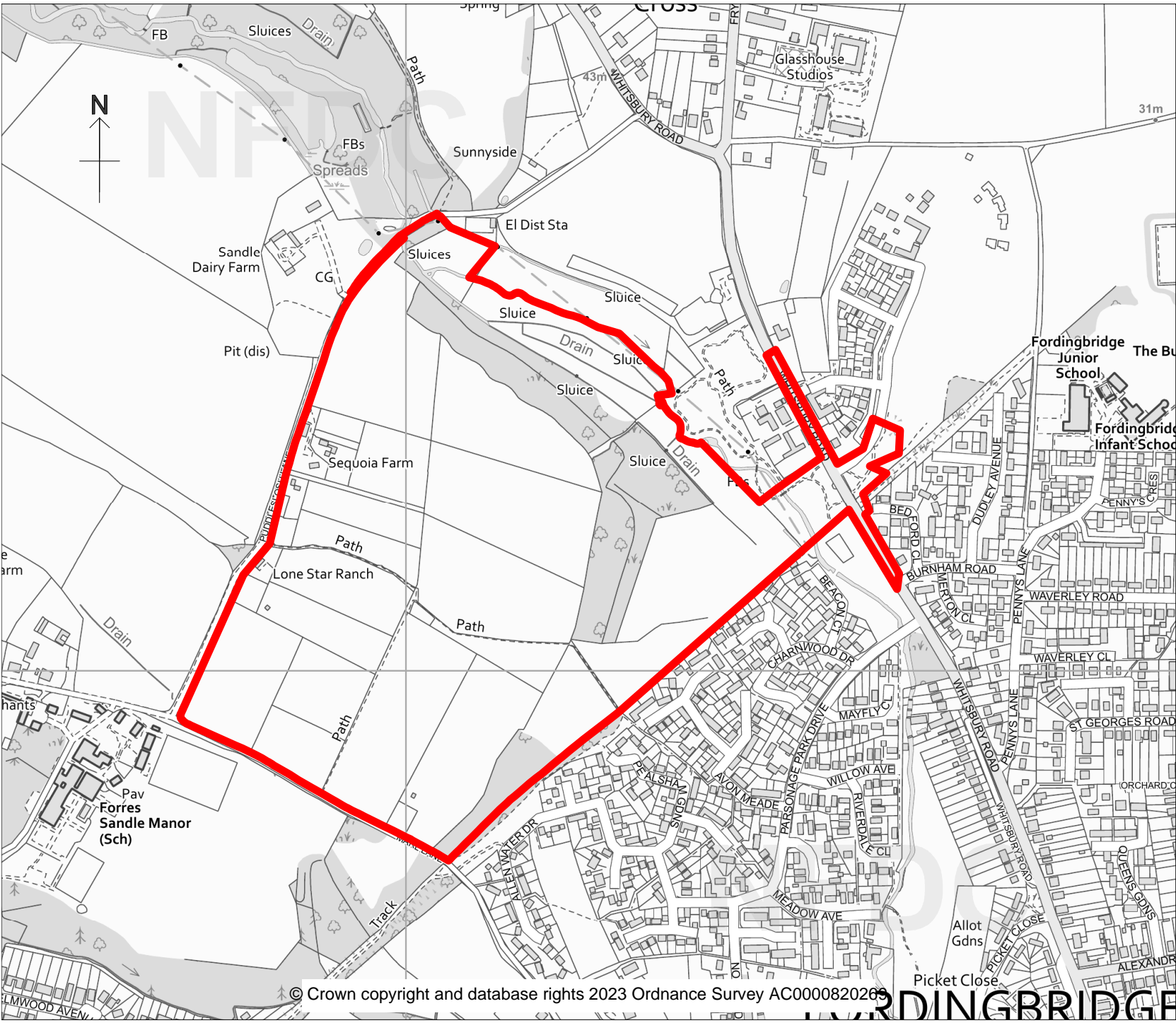
The development shall be carried out in accordance with and subject to the approved proposals.

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

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

August 2023

Land to West of Whitsbury Road
 Fordingbridge

21/10052

Scale 1:6158

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

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FORDINGBRIDGE

Planning Committee 09 August 2023

Application Number: 23/10662 Full Planning Permission

Site: 14 PARSONAGE BARN LANE, RINGWOOD BH24 1PX

Development: Conversion of 7 bedroom hostel into 5 flats to provide temporary accommodation; fenestration alterations, associated landscaping, parking, cycle and bin store

Applicant: New Forest District Council

Agent: Boulter Mossman

Target Date: 16/08/2023

Case Officer: Judith Garrity

Officer Recommendation Service Manager authorised to Grant Subject to Conditions

Reason for Referral to Committee: The application relates to a NFDC housing scheme.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Visual impact and character of the area including design and layout
- 3) Highways and parking
- 4) Habitat and phosphates mitigation

2 SITE DESCRIPTION

The application site is located on Parsonage Barn Lane. It is on a corner plot with a western boundary to Kingwood School and its eastern boundary with the access to Ringwood Leisure Centre.

The building is set back behind a wide grass verge to Parsonage Barn Lane. It is enclosed to all boundaries by close boarded fencing. Access to the Ringwood Leisure centres runs along the eastern boundary of the site and there is a detached single storey building within this adjoining site which is located close to the sites southern boundary.

On the opposite corner are residential properties on Parsonage Barn Lane and Bishops Close which are set back from the frontage

3 PROPOSED DEVELOPMENT

The current application is for the change of use of the property from a 7 bed hostel to provide 5 flats for temporary accommodation for those seeking permanent homes. This would comprise 3 no 3 bed flats and 2 no 2 bed flats.

There would be no alterations to the access. Four parking spaces would be provided on site, 2 no electric charging points, secure cycle parking and bin stores. There

would be minor fenestration alterations and associated landscaping works proposed.

The existing use as a 7 bedroom hostel does not fall within any defined 'use class' and therefore planning permission for change of use is required.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
89/NFDC/40686 Extend flat/store for 7 unit hostel for the homeless	01/06/1989	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Local Plan Part 2: Sites and Development Management 2014

None

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

SPD - Parking Standards

SPD - Ringwood Local Distinctiveness

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

R(2) Recommend refusal, but would accept the Planning Officer's decision. The Committee applaud this application in principle, in providing a much needed facility, however there were concerns that the parking provision within the site falls far short of the Parking Standards and this will have an impact on Parsonage Barn Lane, exacerbating existing parking issues.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways: No objection.

NFDC Ecologist: No concerns

NFDC Landscape : No objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Support housing needs but concerned about traffic and parking.
- Inadequate parking provision and no visitor parking on site.
- Cars currently park in bus stop
- Comments about lack on street parking and congestion given the proximity to Ringwood School.
- Landscaping area should be used to provide more parking.
- Safeguarding issues.

For: 0; Against: 4

10 PLANNING ASSESSMENT

Principle of Development

The site is located in the built up area where the principle of development is acceptable. The property is currently vacant having previously been used a 7 bed hostel by NFDC. .

The principle of the use is acceptable and is worthy of support having regard to the significant need for the type of temporary accommodation proposed.

Design, site layout and impact on local character and appearance of area

There would be minimum changes to the external appearance of the building. These changes proposed are to existing fenestration with the removal of 4 no window openings on the south, north, east and west elevations at ground and first floor, and some minor alterations to window openings on east and north elevation (ground floor) and south elevation (first floor).

These proposed changes would not adversely affect the external appearance of the building or impact on the character of the area.

The landscaping proposals show hard surfacing and soft landscaping, hedge planting, seating and boundary treatments. This is acceptable as a simple and adaptable scheme which would enhance the site. The boundary treatments have been considered in the wider context. In particular, the existing close boarded boundary fencing would be removed and replaced with hedge planting behind post and rail fencing. This would be a visual improvement to the road frontages of the site when seen within the wider street scene whilst retaining a secure and enclosed environment for residents to use.

External amenity space would be provided to the south and east of the building which is enclosed and relatively private from outside of the site. This amenity area is of a limited size but it remains is a similar space to that previously provided on the site for the 7 bed hostel. The outside space would meet the functional needs of residents would and provide an improved environment. A drying area is provided within the garden space and whilst the use of grass under these areas would help integrate this area into the amenity space more effectively the proposed gravel surface under the drying lines is more practical for this area. There is no overriding objection to this.

A bin store would be located close to the access to the site. The store would be enclosed with timber panels but it is set back behind hedge planting so that its visual impact would be acceptable. Furthermore, it would be convenient for both use and refuse collections.

Highway safety, access and parking

The conversion of the 7 bed hotels to 5 flats will result in a similar number of trips associated with the site which is acceptable in this instance and the Highway Authority have no objection to this application.

Four car parking spaces would be provided on the site. There are no specific parking standards for temporary residential accommodation although given the nature of the accommodation it is anticipated that there would be relatively low car ownership by future residents. Although the site is not located in the town centre it is close to bus stops - with one being immediately outside the site - and cycle parking would be provided on site, as such the proposed parking provision is considered acceptable.

Comments made in representations about parking issues are acknowledged however the current proposals would not significantly alter the existing situation with respect to parking and access to the site. The pressure and demand for on street parking would mainly be concentrated at school drop off and pick up times. As such harm to highway or pedestrian safety unlikely to result.

Policy IMPL2 places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicle. Two ECP along with their specification is indicated on the submitted plans (EV Box Business line 22Kwh) and the provision of these charging points prior to occupation of the flats can be secured by a planning condition.

Residential amenity

No extension are proposed to the existing building although there would be minor alterations to fenestration to reflect the new layout on the site.

No 16 Parsonage Barn Lane is separated from the eastern side boundary of the application site by approx. 28 m, this property is set away from its boundary and located behind a mature hedge and grass verge. No 22 Parsonage Barn Lane is to the south east with a separation from the site boundary of approx 20 m with a hedge along part of the boundary of the Leisure Centre access which screens it from the site.

The separation to existing residential properties would remain and the window arrangements would not be materially altered so as to increase the potential for overlooking. As such no additional overlooking or loss of privacy would result and there would be no other amenity impacts.

Ecology 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. However, this is a minor development where Biodiversity Net Gain is not a policy requirement. Ecological enhancements are to be made in the form of bird and bat boxes which

are indicated on the submitted plans. Full details of these boxes can be secured by planning condition with these enhancements be implemented prior to occupation of the flats and then retained in perpetuity.

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 no solid fuel appliances, electric car charging points are provided, and secure cycle provision will be made on the site.

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 should make the appropriate habitat mitigation contribution before any planning permission is issued

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 River Avon European sites, in view of those sites' 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 the development's phosphate impact 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.

Air Quality monitoring

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. In this case, the applicant should make the appropriate air quality monitoring contribution before any planning permission is issued.

Developer Contributions

As part of the development, the following the contributions need to be paid prior to planning consent being issued:

- a) £21,002.00 - Habitat mitigation - infrastructure contribution
- b) £3,146.00 - Habitat mitigation non- infrastructure contribution
- c) £412.00 - Air Quality monitoring contribution

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	293	293	0	0	£80/sqm	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

11 OTHER MATTERS

None.

12 CONCLUSION / PLANNING BALANCE

The proposed development is considered to be acceptable in principle in the built up area. The proposal provides urgent temporary accommodation for those in housing need. Adequate parking is provided on the site and access arrangements are acceptable. Habitat mitigation will be dealt with by a financial contribution and phosphates mitigation would be secured by a Grampian condition.

The application is therefore recommended for approval following the appropriate financial contributions being made and conditions as set out.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

i) the contributions being paid prior to planning consent being issued as follows:

- a) £21,002.00 - Habitat mitigation - infrastructure contribution
- b) £3,146.00 - Habitat mitigation non- infrastructure contribution
- c) £412.00 - Air Quality monitoring contribution

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:

Existing site plan PL01
Proposed elevation and flood plan PL02
Location, Block and existing plan PL03
Proposed site plan PL04 Rev C
Proposed hard landscaping PL05 Rev C
Proposed soft landscaping PL06 Rev C
Air Quality Statement
Design and Access Statement

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on Plan PL/04 Rev C for the parking of vehicles and cycles have been provided. The spaces shown on Plan PL/04 Rev C for the parking of vehicles and cycles shall be retained and kept available for the parking of vehicles and cycles 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.

4. All external works (hard surfacing, soft landscape and boundary treatments) shall be carried out in accordance with the approved plans and details as should on plan PL05 Rev C and PL06 Rev C within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. 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 provision of suitable landscaping scheme and to secure the long term retention of an appropriate quality of development 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. Prior to the occupation of the dwellings hereby approved, full details of ecological enhancements such as bat/bird boxes shall be submitted to, for approval in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the occupation of the first dwelling and thereafter retained in perpetuity.

Reason: In the interests of increasing biodiversity and in accordance with Policy DM2 of the Local Plan Part 2 (Sites and Development Management) for the New Forest outside of the National Park.

6. Before first occupation of the dwellings hereby approved, the scheme for the provision of infrastructure and facilities to enable the installation of two charging points for electric vehicles shall be implemented in accordance with details and specification on approved plan PL/05 Rev C. 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).

7. 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.

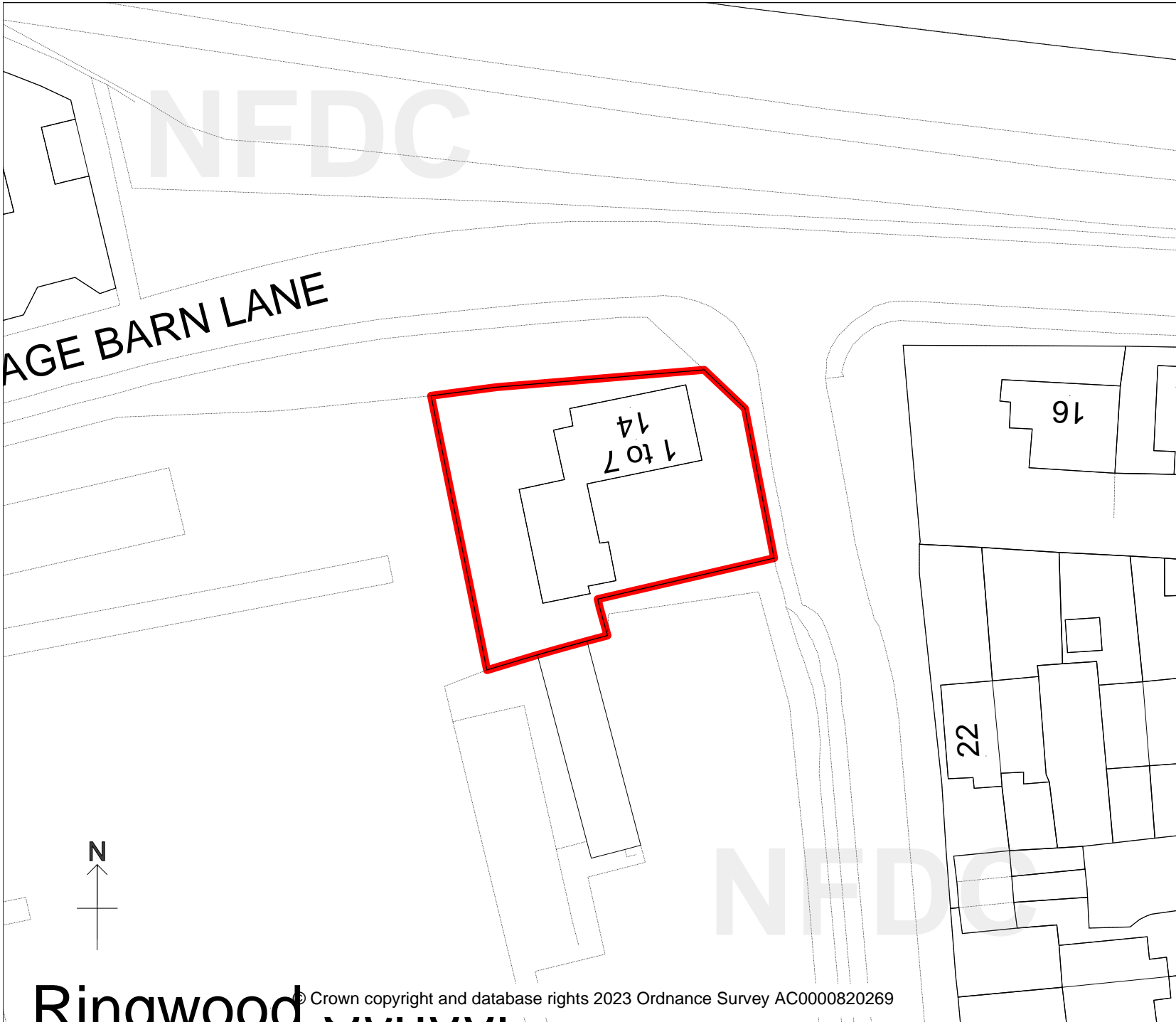
The development shall be carried out in accordance with and subject to the approved proposals.

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:

Judith Garrity

Telephone: 023 8028 5434



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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David Norris
Service Manager
Development Management
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PLANNING COMMITTEE

August 2023

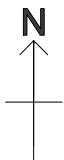
14 Parsonage Barn Lane
Ringwood

23/10662

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Planning Committee 09 August 2023

Application Number: 23/10618 Full Planning Permission

Site: 14 MATLEY GARDENS, TOTTON SO40 8EY

Development: First floor side extension with partial garage conversion; fenestration alterations; single-storey rear extension to replace existing conservatory

Applicant: Mr & Mrs Walters

Agent: J Design & Planning Ltd

Target Date: 27/07/2023

Case Officer: Jacky Dawe

Officer Recommendation Grant Subject to Conditions

Reason for Referral to Committee: This application is to be considered by Committee due to a contrary view of Councillor K Crisell

1 THE SITE

The application property is located within the Totton defined Built up Area. The area has a verdant character.

It is a detached house towards the end of a close, there is an area of trees beyond the side boundary which forms part of Totton and Eling Bowling Centre. Beyond the rear boundary is Crabbs Way. To the front of the property, it is open and ample parking available for 3 cars, in front of a double integral garage.

2 THE PROPOSED DEVELOPMENT

Permission is sought for the use of 1 garage as living accommodation and associated alterations; a single-storey rear extension, first floor side extension and a two-storey rear extension with open covered area to rear.

3 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
01/7/1992 Conservatory	10/07/2001	Granted Subject to Conditions	Decided
85/NFDC/28436 82 houses and garages with construction of parking facilities, roads and sewer.	12/06/1985	Granted Subject to Conditions	Decided
NFDC/81/20139 Residential and ancillary development.	14/05/1982	Granted Subject to Conditions	Decided

4 POLICY CONTEXT

In addition to the aims and objectives of the NPPF are:

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

5 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The plot is adjacent to open space woodland for that reason the first-floor structure should not be overbearing in the setting. Currently the property benefits from a double garage, the proposal is only a part conversion and parking would be unaffected. Overall, there should be no detrimental impact on the character and appearance of the area.

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.

6 COUNCILLOR COMMENTS

Cllr Crisell - comments that a visit to site found first floor windows would look towards front windows of the neighbouring property

7 CONSULTEE COMMENTS

No comments received

8 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 1

- overlooking - bedroom windows will overlook front of property
- over development - a large extension in a modest plot
- construction will cause problems of parking and block access to properties

9 OFFICER COMMENTS

Principle of Development

The principle of the development is acceptable in this built up area subject to relevant material considerations in accordance with policy relating to residential amenity and character and appearance of the area. These are set out below.

Neighbour Amenity

The single-storey element to the rear replaces a conservatory and is of similar proportions and so no amenity issues are raised.

The first floor element of the extension is set away from the neighbouring property and situated towards the trees along the North West side boundary. First floor rear facing windows look towards the rear boundary and beyond into Crabbs Way. Given the separation there would be no harmful overlooking.

The first floor windows which face the front look across the existing driveway and towards the front and side elevation of the property opposite across the front garden. There would be oblique views of the front of the neighbouring property however the frontage is already in the public realm. This would be a typical relationship within the built up area and allow no more intrusive views or harmful overlooking than are already possible from existing windows or the road passing those windows.

The proposal has been carefully assessed on site. Due to the spatial characteristics of the application site and the adjacent properties, the design of the proposed development, its location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would not cause unacceptable effects on the privacy, light and outlook available to the adjacent neighbours.

Character of the Area

The proposal has been designed to appear proportionate to the existing dwelling and would not appear overly prominent within the street scene or detract from the character of the area.

Parking

There would be a loss of parking associated with the conversion of part of the garage to living accommodation. However, three parking spaces are identified on the block plan and a garage space would also be retained. This parking provision is in line with the current NFDC Parking Standards which recommends 3 spaces for a 4 bedroom property. No objections are therefore made in this respect.

11 OTHER CONSIDERATIONS

Whilst some degree of noise and general disruption is inevitable when construction works take place, these are of a temporary nature and therefore cannot justify planning refusal. Furthermore, imposing a condition to limit hours of construction for a domestic extension would not be necessary or reasonable in this instance. If any associated noise and disturbance amounted to a statutory nuisance then this would be dealt with under relevant Environmental Health legislation .

12 CONCLUSION AND PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice and the views of consultees and interested third parties.

It is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene and it is recommended that planning permission be granted.

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:

449-03 = ALL PLANS

Reason: To ensure satisfactory provision of the development.

Further Information:

Jacky Dawe

Telephone: 023 8028 5447



New Forest DISTRICT COUNCIL

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

David Norris
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

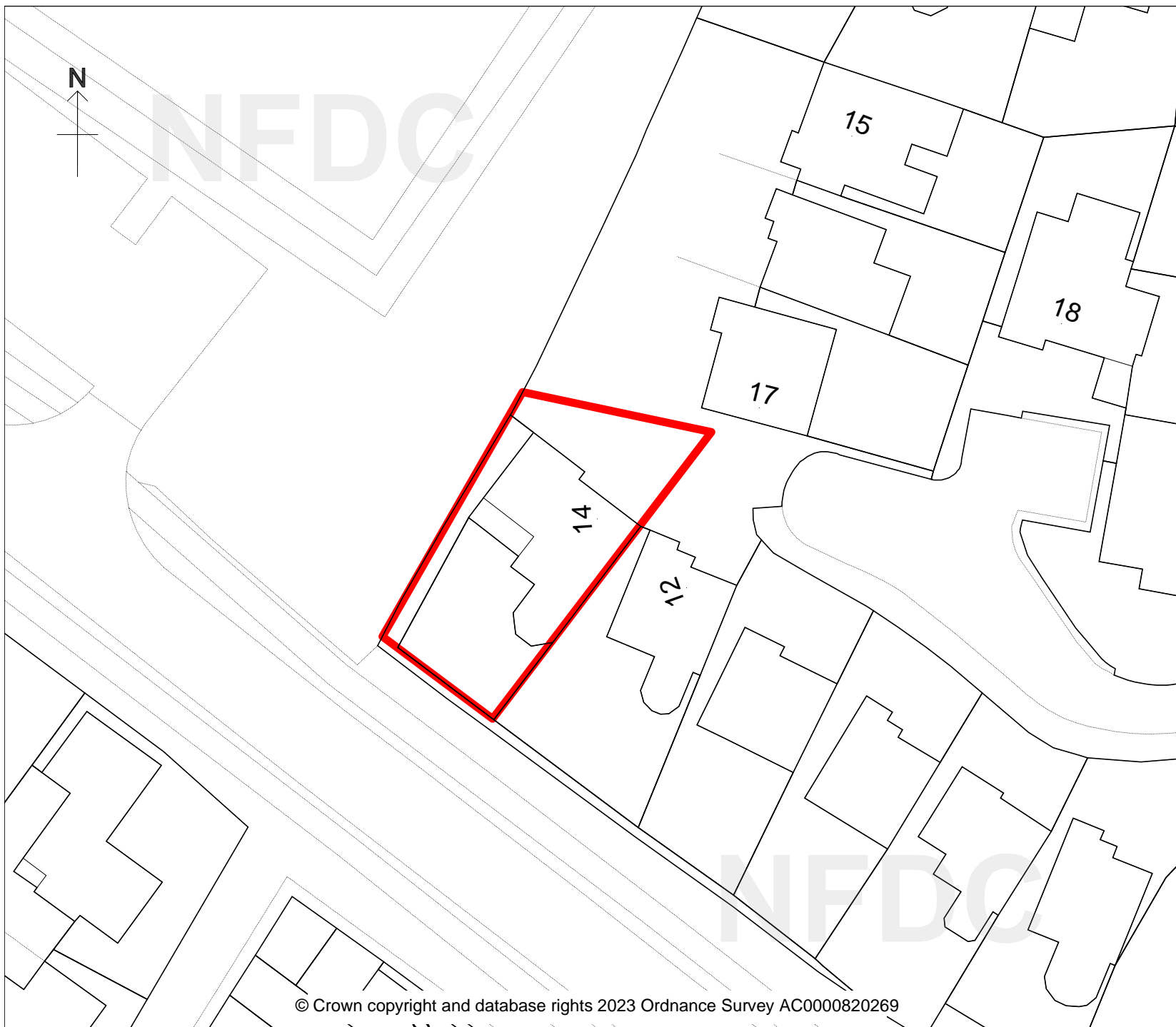
August 2023

14 Matley Gardens
Totton

23/10618

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Planning Committee 09 August 2023

Application Number: 23/10554 Full Planning Permission

Site: 54 CRAWTE AVENUE, HOLBURY, FAWLEY SO45 2GQ

Development: Rebuild and extend to the front of the existing garage

Applicant: Mr Tyler

Agent: Extension Design Building Plans Ltd

Target Date: 13/07/2023

Case Officer: Julie Parry

Officer Recommendation Grant Subject to Conditions

Reason for Referral to Committee: Contrary Parish Council View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Scale and design
- 2) Character of the area
- 3) Residential amenity

2 SITE DESCRIPTION

The application site relates to a detached bungalow within the built-up area of Holbury. The area is characterised by similar bungalows, with many having been extended at ground floor. To the side of the property there is an attached garage, and to the rear the property has been extended with a conservatory. The boundaries to the front of the property and between number 53 and the application site are defined with a low wall.

3 PROPOSED DEVELOPMENT

The application seeks planning permission to remove the garage and replace with an extension with a larger footprint; extending to both the front and rear. The height of this new addition would be slightly higher than the existing garage by 0.5 metre. The internal accommodation provided would be used as a bedroom and storage area.

Amended plans were received during the course of the application to move the extension slightly back so that less of the neighbour's side window would be affected, and to render the walls to reflect more light.

4 PLANNING HISTORY

No relevant history

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Relevant Advice

NPPF
NPPG

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend refusal due to loss of light to the neighbouring property, over crowding and out of keeping with the neighbourhood.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

None

9 REPRESENTATIONS RECEIVED

1 letter of objection has been received from the neighbour at number 53 for the following reasons:-

- Loss of light to the side windows serving the lounge
- Adverse impact on outlook from the lounge window
- Impact on the boundary wall

10 PLANNING ASSESSMENT

Principle of Development

The site is located within the built-up area, where the principle of development is acceptable. Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

Design, site layout and impact on local character and appearance of area

The proposal is to remove the existing garage and to build a side extension which would extend beyond the rear of the conservatory. The proposed extension would project forward by a further 1.98 metres than the existing garage and extend further to the rear by 1.24 metres. The resulting built form would be modest in scale and size and would be finished in a light coloured render that would be similar to the front of the bungalow.

There are a number of properties in the local area which have been extended to the side, and therefore the proposal would not appear out of keeping.

The addition has been designed as a sympathetic and proportionate addition to the existing dwelling and would not detract from the character of the area or appear overly prominent within the street scene.

Highway safety, access and parking

The proposed development would result in the loss of a garage parking space; however, with parking available to the side of the property along with on street parking, there would not be a highway safety concern.

Residential amenity

The proposed single-storey extension would be built up to the shared boundary with number 53. This neighbour has objected to the proposal in respect of the impact the proposed increase in the depth and height would have on their lounge windows on the side of their property. This neighbour's lounge has been extended to the rear and contains two side windows facing number 54, one of which is high level, along with patio doors to the rear.

The agent has confirmed that the finish of the extension would be in a light coloured render to make the development a lighter reflective finish, which would result in more light being reflected to the neighbour's windows.

The proposed extension would be in close proximity to the neighbour's side lounge window; it would be positioned 1.5 metres from the side of their property and measuring on site it would be extend across half of this neighbour's window. The increase in height for the proposed extension in comparison to the existing height would be 0.5 metres, and this would have some impact on this neighbour's second high level lounge window. Whilst it is accepted that there would be some effect on this neighbour's outlook and some loss of light, the neighbour's side windows are secondary to the large patio doors to the rear of the lounge, meaning the lounge would still have reasonable levels of light and outlook. It is also relevant to note that there is already some shading from the existing built form. Therefore, on balance, it is considered that the harm to neighbour amenity would not be to such a degree to be considered unacceptable.

The neighbour has also raised an objection in respect of the impact on their boundary wall which runs between the two properties. The side wall of the proposed extension would be built on the same line as the existing garage, which would be alongside the boundary wall and therefore would not impact on this feature.

11 CONCLUSION / PLANNING BALANCE

The application has been considered against all relevant material considerations, including the development plan, relevant legislation, policy guidance, and government advice. The views of interested third parties have been taken into account. It is considered that the proposed development would have an acceptable impact on neighbour amenity, character of the area and the street scene, and it is therefore recommended that permission be granted subject to conditions.

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:

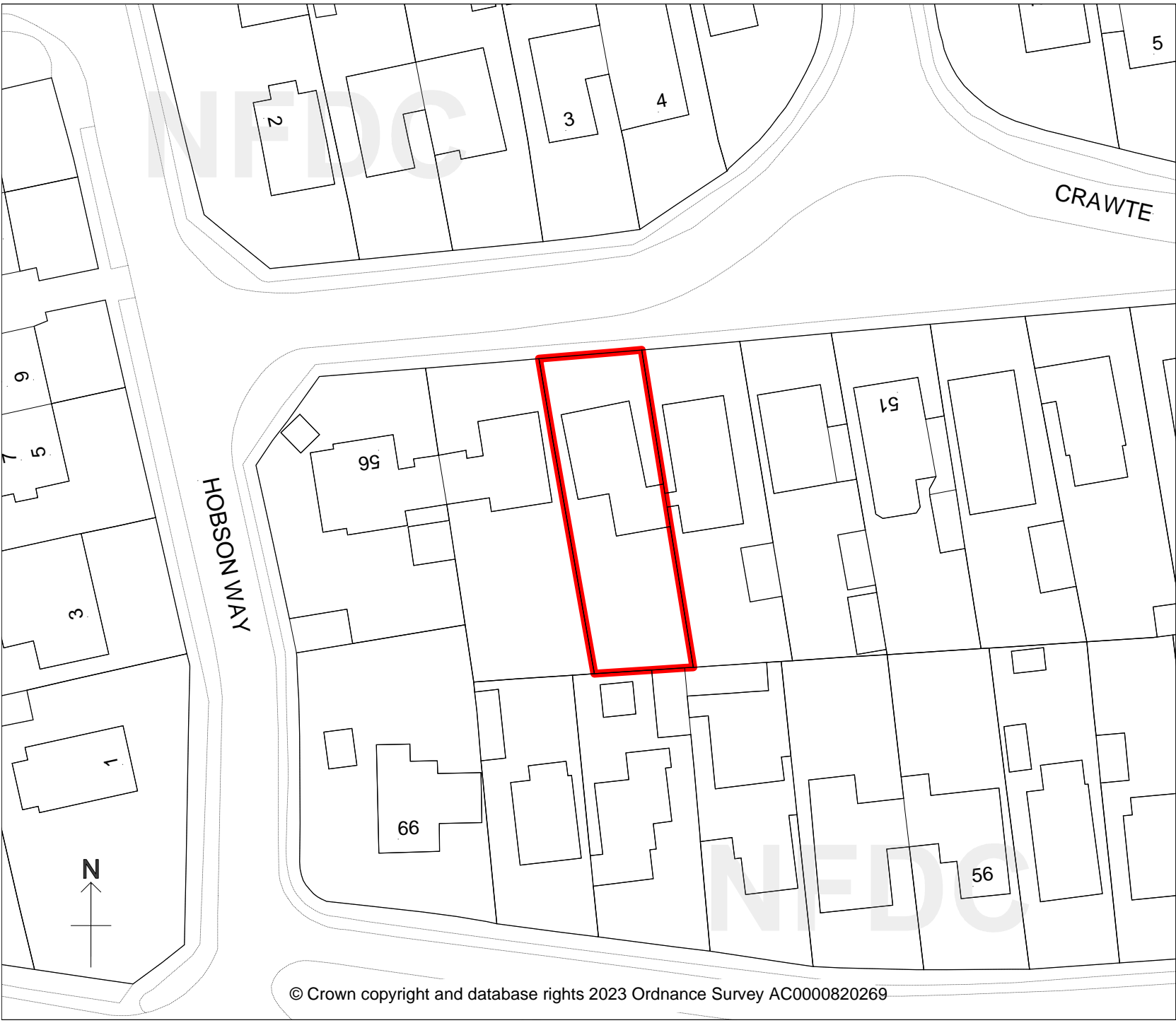
TYLE004 All Plan submitted 13th July 2023

Reason: To ensure satisfactory provision of the development.

Further Information:

Julie Parry

Telephone: 023 8028 5436



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New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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David Norris
Service Manager
Development Management
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PLANNING COMMITTEE

August 2023

54 Crawte Avenue
Holbury
Fawley
23/10554

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Planning Committee 09 August 2023

Application Number: 23/10040 Advertisement Consent

Site: LAND AT CROW ARCH LANE & CROW LANE, CROW,
RINGWOOD BH24 3DZ

Development: Totem sign (non-illuminated) (Application for Advertising Consent)

Applicant: New Forest District Council

Agent: Boyle and Summers

Target Date: 24/04/2023

Case Officer: Jessica Cooke

Officer Recommendation Grant Advertisement Consent

Reason for Referral to Committee: April 2023 Committee Deferral

Update Report

Introduction

Members will recall that this application was previously considered at the May 2023 Planning Committee.

The original Officer Report is set out in full at the end of this Update Report which described and assessed all of the main planning considerations for this application.

May 2023 Committee

Members raised concerns that the proposed single flood light to externally illuminate the advertisement sign was not solar powered. Members voted to defer this application so that alternative methods of power could be explored.

Post May 2023 Committee actions and developments

In order to respond to the issues raised by Members, the applicant has amended the application to remove the external lighting from the sign, although the proposed signage otherwise remains the same as submitted.

- Update to the description of the proposal to: 'Totem sign (non-illuminated) (Application for Advertising Consent)'
- Superseded lighting information/plans and these documents have been from the applicant's plan numbers.

Ringwood Town Council were reconsulted on the proposed amendments and raised the following objection on 7 July 2023:

Ringwood Town Council

R(2) Recommend refusal, but would accept the Planning Officer's decision. The Committee remained of the opinion that the totem sign was too big, high and overbearing.

Policy Considerations

In accordance with the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, the **only** planning considerations for Advertisement Consent are visual amenity and highway safety.

Assessment

Officers maintain that the proposed sign is of an acceptable appearance and size for its location within an existing industrial estate. The sign is 3.7m in height and would be read in the context of the industrial units which are 7.9m in height. Since the May Planning Committee, the adjacent electricity substation has been installed, adding additional built form in this location.

It is not considered there would be any overbearing impact as the closest residential properties are located approximately 90m to the north east and 104m to the east of the proposed sign and there are not considered to be any impacts on visual amenity.

The Highway Authority was not reconsulted on the proposal, however, they raised no objection to the proposal prior to the removal of the floodlight and it is not considered that the removal of the floodlight would result in any additional harm.

Conclusion

Officers carefully considered the concerns raised by Members at the May Planning Committee in respect of the proposed floodlight not being solar powered. Whilst sustainable energy production is not a consideration of the Advertisement Regulations, the applicant sought to overcome these concerns by removing the proposed floodlight.

Officers consider that the proposed development would not have an unacceptable impact on the character and appearance of the area, especially given its context adjacent to an existing Industrial Estate and a sizeable electricity substation. As such, the original recommendation still stands to grant Advertisement Consent.

ORIGINAL REPORT MAY 2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Visual Amenity
- 2) Highway safety

This application is to be considered by Committee due to it being an NFDC application and a contrary Town Council view.

2 SITE DESCRIPTION

The application site is located within the defined built-up area of Ringwood. It relates to an industrial estate off Crow Arch Lane that was developed in association with strategic site RING3 - Land west of Crow Lane, adjacent to Crow Arch Lane. It is known as the Platinum Jubilee business park/industrial estate which is served by Hopclover Way.

To the south of the site, a car park and care home which also form part of strategic site RING3 are currently under construction.

3 PROPOSED DEVELOPMENT

The proposal seeks Advertisement Consent to erect a totem sign for the NFDC business park displaying the directory of tenants and their respective unit numbers.

The sign is 3.7m in height and 2m in width and is blue and yellow in colour. The sign would be illuminated by a single fixed uplighter.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11208 Use of Buildings B, C, D & E classes E & B8 Class	08/09/2022	Granted Subject to Conditions	Decided
17/11358 Final Phase (2/3); development comprised of a care home (Use Class C2); flexible business units (Use Class B1), 113 dwellings (Use Class C3), public open space, associated parking; landscaping; internal access arrangements and ancillary infrastructure (details of appearance landscaping, layout and scale associated with development granted by outline permission 13/11450).	26/11/2018	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON1: Employment land and development

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

RING3: Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane

Supplementary Planning Guidance And Documents

SPD - Ringwood Local Distinctiveness

Relevant Advice

Chap 12: Achieving well designed places

Constraints

NFSFRA Fluvial

Planning Agreement

Flood Zone

Aerodrome Safeguarding Zone

SSSI IRZ All Consultations

Avon Catchment Area

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

R(4) Recommend refusal. The Committee felt the totem sign was too big, high and overbearing. It questioned the necessity for lighting and was concerned about the impact of proposed illumination in terms of light pollution and the amenity of the residential properties (and proposed care home) in the proximity.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways : No objection.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Out of character with the natural surroundings, including street scene and landscape. Possibly further light pollution.
- The proposed colours of the signage are too bold added together with the proposed floodlights with an unknown run time during any given 24 hour period will pose unnecessary light pollution to properties in close proximity to the site.

For: 0

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

The principle of the development is acceptable subject to relevant material considerations to advertisement applications which relate to visual amenity and highway safety.

Visual Amenity

The proposed signage is 3.7m in height and 2m in width. It is sited adjacent to an existing industrial unit which is 7.9m in height and is metal clad. The visual impact of the proposed sign within this context would be limited and the height, size and location of the sign is considered to be appropriate within its context within an industrial estate.

The other matter to consider with respect to visual amenity is the proposed external illumination of the sign. The single fixed uplighter is located to the south of the sign and points upwards towards the sign. It is a Siena 10w CCT LED floodlight in neutral white. The luminance of the sign is naturally strongest closest to the floodlight, with the luminance levels decreasing incrementally towards the edges of the sign as visible on plan P2023-0071 REV A. A planning condition is recommended to control the luminance levels to the submitted plan.

Parish and neighbour concerns were raised in respect of light pollution and impacts upon amenity of the residential properties and proposed care home in the proximity

of the site. These concerns have been considered as part of the planning assessment.

The closest residential properties are located approximately 90m to the north east and 104m to the east which is not considered to cause unacceptable impacts upon residential amenities. Additionally, whilst there are some residential properties located approximately 106m to the south, the two-storey care home sits between the signage and these properties and as such, the proposal is not considered to impact upon them.

In respect of the residential care home located to the south of the site, the signage is separated by an electricity substation, landscaping and a car park to the south of the proposal. The north elevation of the care home has the closest relationship to the signage, however, it is located 26m away and serves non-habitable rooms, with only one window at first floor level (serving a hallway) and two doors at ground floor level. With regard to the bedrooms of the care home, those with potential visibility of the sign are located on the north east elevation, however, they are located between 62m to 92m away and angles would be oblique, limiting any impacts. These separation distances, along with the substation, landscaping and car parking obstructing the views, are not considered to cause unacceptable impacts upon residential amenity of users of the care home.

Highway safety

The proposed sign is located adjacent to the Platinum Jubilee business park/industrial estate which is served by Hopclover Way. Whilst the signage is externally illuminated with a single fixed uplighter, the luminance levels are fixed. Hampshire County Council Highways Authority have raised no objection to the application with regard to public safety. As such, the proposal is considered acceptable in terms of highway safety and public safety.

11 CONCLUSION

The proposed sign is of an appropriate design, size and location within its context as part of the Platinum Jubilee Business Park and it is not considered to impact upon the amenities of residential properties by virtue of the separation distances, positioning and orientation. As such, the recommendation is for approval.

12 RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

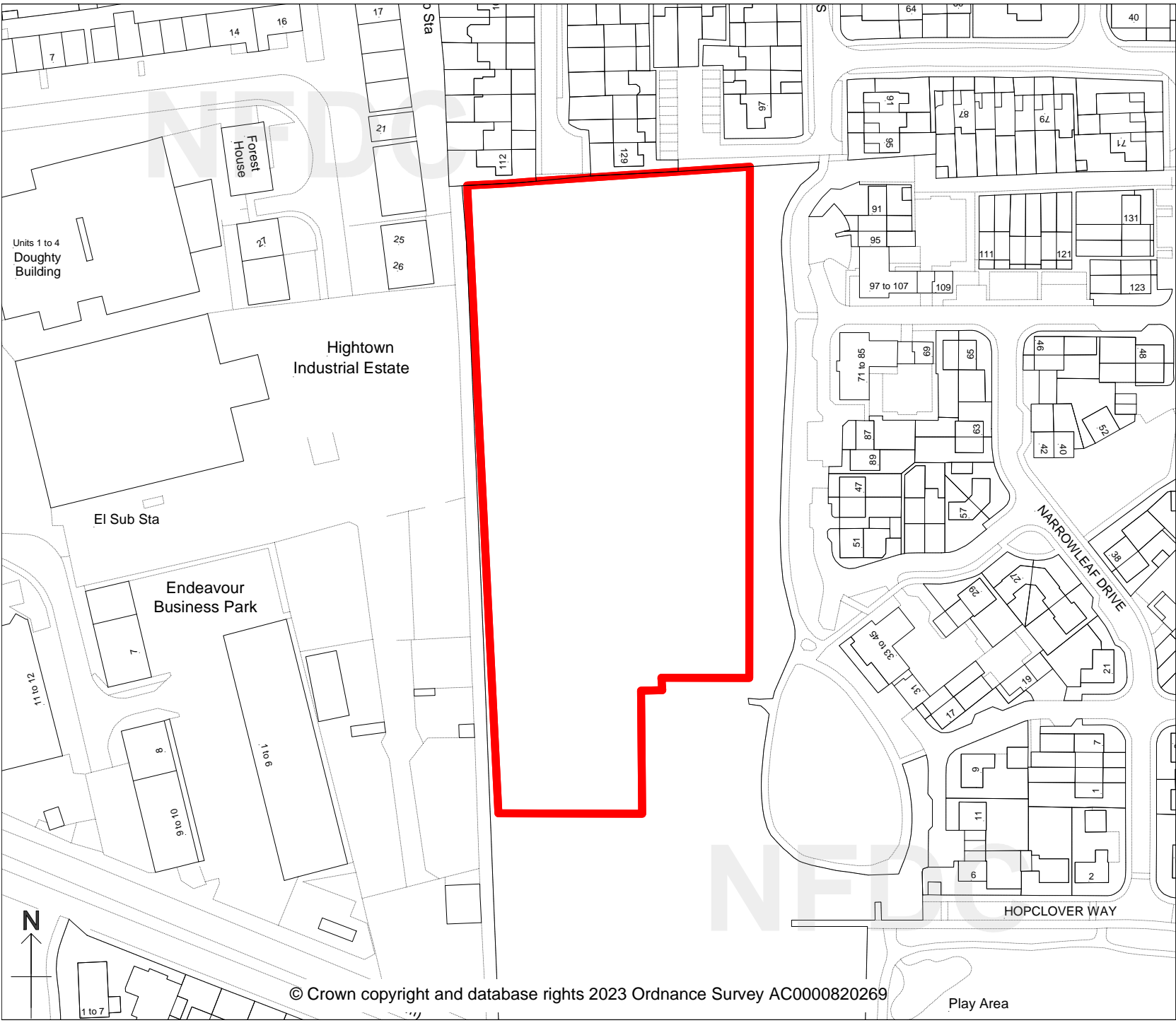
1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Further Information:

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PLANNING COMMITTEE

August 2023

Land at Crow Arch Lane
& Crow Lane, Crow
Ringwood
23/10040

Scale 1:1654

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

Play Area

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