

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 14 FEBRUARY 2024, AT 9.00 AM

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

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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

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Chief Executive

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AGENDA

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

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 10 January 2024 as a correct record.

2. DECLARATIONS OF INTEREST

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

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

3. **PLANNING APPLICATIONS FOR COMMITTEE DECISION**

To determine the applications set out below:

(a) **Land North of Manor Road, Milford-on-Sea (Application 23/10476) (Pages 5 - 72)**

Outline planning application for up to 170 homes and other associated works, including landscaping, Alternative Natural Recreational Greenspace and open space; principal vehicular accesses from Manor Road (Outline application with access details only)

RECOMMENDED

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to conditions as set out in report.

(b) **Land Adjacent to 1 Woodlands Close, Dibden Purlieu, Hythe (Application. 23/11156) (Pages 73 - 84)**

3-bed detached dwelling.

RECOMMENDED

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

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement or unilateral undertaking to secure those matters set out in the 'Developer Contributions' section of this report; such agreement to be completed by 31st May 2024.
- ii) the imposition of the conditions set out below.

(c) **Land Adjacent to Station House, Hinton Wood Lane, Hinton Admiral, Bransgore (Application 23/11142) (Pages 85 - 94)**

2 X Residential bungalows with associated parking, bin and cycle storage.

RECOMMENDED

Refuse.

(d) **Sundown Farm, Drove End, Martin (Application 23/10819) (Pages 95 - 106)**

Demolition of existing dwelling and erection of new dwelling with detached garage/store, fencing, ground mounted PV cells and ground source heat pump with associated landscaping and ecological pond located north-west of the existing dwelling and fronting Howgare Road.

RECOMMEND

Refuse.

(e) **The Coal Yard, Vicarage Lane, Hordle (Application 23/10225) (Pages 107 - 126)**

Variation of condition 2 of planning permission 19/10007 to allow amendments to the site layout, relocate the public footway through the site and amend the design of the dwellings.

RECOMMEND

Grant the variation of condition.

(f) **Land West of Burgate, Salisbury Street, Fordingbridge (Application 21/11237) (Pages 127 - 204)**

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; 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 the development comprising 112 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on-site infrastructure.

RECOMMEND

Delegated Authority be given to the Service Manager, Development Management to grant permission subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement by end of June 2024 to secure those matters set out in the January 2023 Committee report and Update Sheet, and this update report; and;
- ii) the imposition of the conditions set out in the January 2023 Committee report and Update sheet, this update report, and any additional / amended conditions deemed necessary by the Service Manager, Development Management.

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 14 February 2024

Application Number:	23/10476 Outline Planning Permission
Site:	LAND NORTH OF MANOR ROAD, MILFORD-ON-SEA
Development:	Outline planning application for up to 170 homes and other associated works, including landscaping, Alternative Natural Recreational Greenspace and open space; principal vehicular accesses from Manor Road (Outline application with access details only)
Applicant:	Pennyfarthing Homes Ltd
Agent:	tor&co Limited
Target Date:	02/08/2023
Case Officer:	Ian Rayner
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	The Strategic Significance of the proposed development, due to the application being of notable public interest, and the recommendation is contrary to the views of the local Councillors and the Parish Council.

1 SUMMARY OF THE MAIN ISSUES

This is a significant development proposal which relates to one of the Council's Strategic Site Allocations.

The key issues are:

- 1) The Principle of development, having regard to local and national planning policies, including Green Belt policy.
- 2) 5-year land supply and the tilted balance.
- 3) Affordable Housing and Housing Mix.
- 4) The number of units; the location of built development; the layout and landscape impact of the development; and the density and scale of development.
- 5) The quantum and quality of green infrastructure (including ANRG land and Public Open Space).
- 6) Flooding and drainage.
- 7) Ecological impacts: in terms of on-site impacts and achieving Biodiversity Net Gain; in terms of wider off-site impacts on designated sites; and in terms of achieving nutrient neutrality in respect of nitrates.
- 8) The transportation impacts of the development, including the suitability of the access arrangements and whether sustainable travel modes are adequately promoted.

- 9) Air quality, noise and amenity Impacts.
- 10) Heritage impacts.
- 11) Infrastructure provision, including education requirements.
- 12) Whether the proposals constitute a sustainable and safe development.

2 SITE DESCRIPTION

The application site

2.1 The application site extends to 11.92 hectares and is an area of agricultural / horticultural land on the northern edge of Milford-on-Sea. The site is set to the north of Manor Road, to the east of Barnes Lane and to the west of Lymington Road (the B3058).

2.2 The site has a largely open, rural character. There are, however, a group of large glasshouses and associated horticultural buildings set into the site on its western side. These glasshouses are no longer in active use.

2.3 The site is split down the middle by a surfaced track that extends northwards from Manor Road up to the east side of the horticultural buildings. The track also provides access to a telecommunications mast and base station that are set to the east side of the horticultural buildings. The mast and base station do not form part of the application site. The track also functions as a public footpath, which continues northwards (as an unsurfaced path), before eventually linking to Barnes Lane.

2.4 The site is divided into a number of individual fields, which are all currently laid to grassland, and with only very low-level grazing currently taking place. The fields are relatively flat and level, and within the site are generally bounded by barbed wire fences. Around the edges of the site, there are some mature hedged / treed boundaries. There is also a belt of trees and vegetation immediately to the north side of the horticultural buildings, whilst there is also a small copse between the west side of the glasshouses and Barnes Lane.

The areas surrounding the application site

2.5 On its southern side, the application site largely wraps around the property 'Arundel', which is the only residential dwelling on the north side of Manor Road. Arundel, is 2-storeys high, and the plot is the subject of a separate redevelopment proposal.

2.6 On the south side of Manor Road are a line of detached dwellings, typically set back from the road in generous sized garden plots. The dwellings are of varying architectural styles and include a mix of 2-storey properties, 1.5-storey dwellings and single-storey bungalows. The road has an attractive, sylvan character, with the hedgerow trees along the application site's boundary with Manor Road including a number of semi-mature or mature oak trees.

2.7 The section of Barnes Lane to the west of the application has an attractive, rural character. The lane is relatively narrow, tree-lined, and is set below the level of the fields within the application site. The west side of Barnes Lane is lined by detached dwellings set within large garden plots with a rural aspect to the rear.

2.8 The application site is slightly elevated above the level of Lymington Road. Opposite the site's eastern boundary, on the eastern side of Lymington Road, is the Milford-on-Sea Church of England Primary School, whilst immediately to the south of this is 'The Swifts' a recently built residential development that includes areas of public open space. There are a pair of bus stops along this section of Lymington Road, as well as a pedestrian crossing, facilitating pedestrian access to the school.

2.9 On the site's northern side, alongside Lymington Road, is a detached property 'South Lawn Lodge' set within a large plot, beyond which is the South Lawn Hotel. An access drive to Newlands Manor, set within a wide wooded strip of land, runs along part of the northern and eastern boundaries of the site.

2.10 The northernmost field within the application site has an entirely rural aspect, albeit that there is a discrete group of business and residential units just to the north-west, with access onto Barnes Lane.

3 PROPOSED DEVELOPMENT

3.1 The submitted application comprises the following:

"Outline planning application for up to 170 homes and other associated works, including landscaping, Alternative Natural Recreational Greenspace and open space; principal vehicular accesses from Manor Road."

The application has been submitted as an outline planning application with all matters reserved, except for the means of access to the highway network.

3.2 Aside from a Site Location Plan, the application is supported by 4 access plans for detailed approval, comprising:

- An access strategy plan proposing that the development be served by 3 separate vehicular access points onto Manor Road, as well as a separate pedestrian and cycle access onto Lymington Road;
- A detailed plan of the proposed eastern access onto Manor Road, which would be a completely new access that is designed to be one of the primary access points serving the development;
- A detailed plan of the proposed central access, which would entail alterations to the existing agricultural access track and public footpath. This central access is also designed to be a main access serving the development;
- A detailed plan of the proposed western access, which would be a more low-key access point, entailing alterations to an existing field access, and which is intended to serve only a small number of dwellings in the south-western corner of the site.

3.3 The application is accompanied by two Parameter Plans, which are for detailed approval, comprising:

a) a land use parameter plan, which defines the areas of the site where built residential form would be provided, the areas where Public Open Space would be provided and the areas where Alternative Natural Recreational Greenspace (ANRG) would be provided. Approximate locations of SUDS, including underground flood storage, are also indicated.

b) a storey heights parameter plan, which defines the intended scale of residential development across the site - and which is shown to be mainly 2-storey, but with 5 feature buildings of up to 2.5 storeys.

3.4 The application is also supported by 4 illustrative plans: an illustrative masterplan that provides an indication of how the development could be laid out; a landscape Strategy Plan that sets out the landscape principles for the built-up area of the site and the public open space; an ANRG Strategy Plan that illustrates how the ANRG could be laid out, along with green principles; and finally, a parameter plan suggesting likely densities across the site.

3.5 The application is also supported by a comprehensive suite of reports that aim to show how the development satisfies particular needs and policy requirements. These reports include all of the following:

- A Planning Supporting Statement incorporating an Affordable Housing Statement, a High-Speed Broadband Statement, a Renewable and Low Carbon Statement and a Sustainability Statement
- A Design and Access Statement
- A Statement of Community Involvement
- An Ecological Impact Assessment
- A Biodiversity Net Gain Report
- Information to inform a Habitats Regulations Assessment
- An Historic Environment Assessment
- An Arboricultural Survey
- A Landscape and Visual Impact Assessment
- A Transport Assessment
- A Framework Travel Plan
- A Flood Risk Assessment and Drainage Strategy
- An Air Quality Assessment
- An ANRG Delivery Framework Document

3.6 The application has been amended since its original submission. The application initially proposed 'up to 190' dwellings and a quantum of 3-storey development.

4 RELEVANT PLANNING HISTORY

Planning History affecting the application site

4.1 Request for an EIA Screening Opinion in respect of a proposed residential development of up to 170 dwellings and public open space, including Alternative Natural Recreational Greenspace (21/11238) - EIA not required - 19/10/2021

Planning History affecting adjacent land

4.2 Redevelopment of site (Arundel) with three dwellings; access and parking; landscaping (22/10980) - resolution to grant planning permission at July 2023 Planning Committee

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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 STR9: Development on land within a Minerals Safeguarding Area or Minerals Consultation Area

Policy HOU1: Housing type, size, tenure and choice
Policy HOU2: Affordable housing
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV2: The South West Hampshire Green Belt
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy Strategic Site 7: Land north of Manor Road, Milford on Sea

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites
SPD - Air Quality in New Development. Adopted June 2022

Relevant Legislation

Relevant Advice

Chap 12: Achieving well designed places

Constraints

SSSI IRZ All Consultations
NFSFRA Surface Water
Small Sewage Discharge Risk Zone - RED
Tree Preservation Order: 39/G14

Plan Policy Designations

New Housing Land Allocations
Built-up Area (part)
Green Belt (part)

6 PARISH / TOWN COUNCIL COMMENTS

Milford-on-Sea Parish Council: Recommend REFUSAL

Overview

- The Government abolished its mandatory target of building 300,000 new homes a year in December 2022 and several local councils are looking now to revise their now outdated local plans as the requirement for specific numbers has been removed. Milford-on-Sea Parish Council asks the New Forest District Council to urgently review this site SS7 and reconsider the impact of such an inappropriate development located in an already busy village. The Parish Council was opposed to this site being included in the Local Plan, although the Councillors recognise a need for affordable housing in Milford on Sea.

Gross overdevelopment of the site

- Building 170 new homes on this site does not address the core issue of overdevelopment versus housing need. Regarding overdevelopment, specifically the massing and density, the proposed development of 170 homes, including

properties of 2.5 storeys, is not appropriate for a 'sylvan setting' in the street scene. This application is deemed excessive and should be refused.

- The Parish Council is acutely aware that some 51 local families seek affordable housing and that developing "not less than 110 homes" would adequately meet that need.
- The Parish Council deems this proposal would have a detrimental impact on the current street scene and would cause the loss of its existing sylvan view. The protection of existing trees is imperative, as is the retention of existing hedges.

Street scene and Master Planning

- Insufficient consideration is given to the character of the village and the surroundings of this site. This application proposes an inappropriate urban density. Masterplanning objectives for the site as stated in the Local Plan Part 1 are not met by this application, namely – "to create a well-designed extension to the village that..." a) respects and reinforces the strong rural character of Manor Road and Barnes Lane, b) protects road margins and creates frontages of similar character along these lanes and c) creates a compact pattern of perimeter blocks, well designed buildings, and intimate streets, with enough garden space internally and along the frontages to create a sylvan setting characteristic of the local area,

Highway Safety

Highway safety is an issue of great concern and what is shown in this outline application is totally inadequate to gain approval:

- The traffic survey is out of date. A full safety audit and parking survey needs to be conducted with conditions in place prior to any type of planning approval.
- The safety of families and their children coming to and from school is paramount, and the proposal offers no such assurances.
- An emissions and air pollution survey needs to be conducted around the school site bordering the B3058.
- Without such audits and surveys the Parish Council are not convinced that the 3 entry/exit points illustrated are acceptable from this site onto Manor Road.
- The SE corner entry/exit point of the site onto Manor Rd will create a safety hazard for the community and traffic on the B3058 passing the school.
- A dedicated construction site entrance should be mandatory from the NE corner of the site, beyond the school, to be used exclusively by heavy works traffic for the duration of the construction.
- Hours of working and lorry movements must be agreed with the school before outline permission is granted.
- A solution to the increased traffic problems at Everton crossroads should not be 'Reserved Matters' – it must be operational before any building traffic arrives on site.
- Of extreme concern to the Parish Council and residents of Milford-on-Sea is the lack of sufficient infrastructure in place to support a development of this magnitude: the need for more school places; the need for expanded health services; the lack of bus services and the greatly increased volume of car traffic along narrow rural lanes. This proposal will cause an impossible strain on the environment.

Works

Parking cannot be tolerated in Manor Road, Manor Close, Knowland Drive or other adjoining roads. Management and placement of construction vehicles for the duration of the building must be controlled.

Drainage

Any proposed building works on this site would have an enormous impact on the already struggling and inadequate sewerage system that currently serves the village. Therefore, the Parish Council needs to consider the details of how the developer would provide a new main drain directly to the Efford sewage treatment plant at this outline application stage; these details should not be deferred until 'Reserved Matters'.

Considering the correspondence from Southern Water (dated December 4th), we insist that the entire sewage issue be resolved and conditioned prior to any planning approval.

Conditions

The parish council wishes to see conditions imposed to ensure the developer will not leave the site in an inferior state, prior to any outline being approved. No topsoil should be removed from the site but should be moved if necessary and stored in bunds.

Biodiversity

This proposal carries a biodiversity net loss, and therefore environmental objectives will not be met. The adjoining informal recreation areas, within the green belt, must not be despoiled and must be available for their enjoyment before people take up residence in Swallowfields.

7 COUNCILLOR COMMENTS

Cllr Reid:

Comments on original submission

Supports the objection of the Parish Council with the following additional comments:

1. How will sustainable economic growth be achieved in Milford, in accordance with policy STR6, given an influx of c400 working age people from the proposed 190 dwellings and a lack of space identified for economic growth?
2. How will the strategic transport priorities actually contribute to a reduction in private transport use from the c400 working age people?
3. It is inconceivable to expect residents leaving the site to travel west to do so via the Lymington Road. Motorists travelling west will surely use Barnes Lane to access and egress the site.
4. What improvements are being proposed by the highway authority to provide safe pedestrian site access and egress, especially for young families walking to the local school who may have a child in hand and another in a pushchair?
5. Whilst recognising an S106 contribution will be required from each SS development, what discussions have been held with other Authorities to plan for a significant increase in the population from all SS5-SS11 developments in the South Coastal Towns, rather than the sites individually, which I estimate to be in the order of 1400-1500 dwellings and in excess of 3,000 people.

Comments on Amended plan submission

I strongly object to this application for these reasons:

1. The developer has spent a large amount of time producing a vast number of documents to support this resubmission. It is not possible for individuals to read, understand, cross-refer and formulate a response in two weeks. To ensure equality of treatment, respondents should be given the same amount of time to formulate and submit their responses. This is particularly important where road safety and the safety of pedestrians and cyclists is concerned and for residents who do not have organisational colleagues to assist in their analysis and response.
2. Whilst it is recognised the Local Plan sits within the hierarchy of legal planning documents, the requirement for specific numbers was removed by parliament.
3. Reducing the number of properties to 170 does not address the fundamental issues around overdevelopment, loss of sylvan view due to the unnecessary destruction of a number of healthy trees, road traffic and safety of pedestrians & cyclists and other issues raised by residents.
4. Other representees have identified a magnitude of local plan policies they assert are not met by this proposed development so I will not repeat here. However, paragraph 4.3 of the Plan identifies three overarching objectives extracted from the NPPF. These are:
 - a. An economic objective,
 - b. A social objective, and
 - c. An environmental objective.

This application does not identify any local economic objectives, without which there could be increased local unemployment or increased road traffic as new residents have to travel long distances to work.

Given the large number of local objectors to the scale of this application it is quite clear that the social objective is not being met.

The applicant has stated there will be a biodiversity net loss resulting from this application; therefore the environmental objective will not be met.

I therefore believe the objectives specified in paragraph 4.3 of the Local Plan will not be met.

The Local Plan is not a subjective document, so please continue to negotiate with the developer to achieve an outcome that meets all relevant policies.

Cllr Jack Davies:

Object to this application as it currently stands. Having read the site-specific policy within the Local Plan, does not believe this application is plan-compliant.

The ANRG is not situated in the middle of the site and the houses are not looking onto it.

Consideration must also be given to the number of houses to be built on the site. 110 homes would be suitable for this site and the density would be in keeping with the neighbouring new-build estates (although not with the existing properties on Manor Road). However, 170 homes would be a large increase on the number that was suggested through the Local Plan and would worsen the already-poor traffic situation on Manor Road, Barnes Lane and Lymington Road.

Would like the committee to consider reducing the overall number of homes on the site to be as close to the 110 figure as possible. In addition, a reappraisal of the access in and out of the site will be needed to address resident concerns over increased traffic.

Overall, asks that the committee listens to the local residents in Milford, especially in the Manor Road and Barnes Lane area who would be most impacted by this new development.

8 CONSULTEE COMMENTS

8.1 HCC Highway Authority:

Summary

The highway authority raises no objections to this application, subject to S106 obligations and conditions.

The required S106 obligations are:

- Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
- Provision of a financial contribution of £112,597, towards cycling improvements in the vicinity of the site
- Provision of a financial contribution of £61,600 towards improvement (including walking and cycling facilities) at the roundabout of A337 Milford Road/North Street/Ridgeway Lane.
- Provision of off-site footway improvement works as set out in the drawings ITB12449-GA-026.
- Provision of signalised junction works including a Toucan Crossing at the junction of the A337/B3058, as set out in the drawing ITB12449-GA-005 Rev I.
- Provision of highway works including site accesses/ crossing points as set out in the drawings ITB12449-GA-013 Rev K, ITB12449-GA-006 Rev L and, ITB12449-GA-007F.
- Upgrading the existing signalised crossing on Lymington Road in front of Milford Primary School to a Toucan Crossing.

Conditions are sought in respect of:

- Securing a Construction Traffic Management Plan
- Agreement or measures for ensuring construction vehicles are cleaned so as not to leave mud and spoil on the highway
- Provision of Cycles Routes and connections from the site onto the highway

Additional Key Comments

A review of cycling routes to Lymington has identified that there have been recorded accidents on Wainsford Road relating to cyclists. Therefore, cycling improvements on this route are required.

The Highway Authority has reviewed the designs submitted for all the proposed off-site highway works and considers they are acceptable in principle.

The Highway Authority is satisfied that the proposed development can access local facilities via sustainable modes of transport thereby reducing dependency on the private car for local trips, complying with the planning policies of NPPF, Local Plan and Local Transport Plan.

The Highway Authority has reviewed the updated design for all accesses and crossing points and considers they are acceptable in principle. No evidence has been identified to indicate that three accesses would create significant safety risks or operational concerns on Manor Road.

Traffic data and junction models for Manor Road have been carefully reviewed and are considered to be correct and robust. The modelling results show that Manor Road is capable of accommodating the additional forecast traffic movements associated with the development without a severe residual cumulative impact on the road network, provided that double yellow lines are implemented on this road.

The proposed signalised B3058/A337 junction has been tested with LinSig junction modelling software. The modelling results show that the signalised junction would operate within capacity with the proposed development traffic, and delay on Lymington Road arm is forecast to be reduced compared to the existing situation. The improvement scheme is not only forecast to reduce existing delay on Lymington Road arm, when development traffic is included, but will also provide improvements to safety at this location. It is worth noting the proposed improvement works would result in the loss of some trees/hedges on the inside of the bends on the northern side of the A337 in order to secure the forward visibility required. HCC considers signalisation of this junction a better option than a roundabout.

8.2 HCC Surface Water:

Are satisfied with the principles of the development and have no objection but recommend that conditions be applied, requiring agreement of a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and Drainage Strategy. Maintenance arrangements also need to be agreed through condition.

It is noted that should groundwater levels increase beyond what has been anticipated in this outline design, the scale of development may need to be reduced slightly to accommodate shallower drainage features with a larger plan area.

8.3 HCC Education:

Without the provision of a contribution towards the provision of additional school places, the County Council, as Local Education Authority, would object to the proposal on the grounds that the impact on the existing infrastructure would not be sufficiently mitigated.

The proposed development of 190 dwellings (excluding 1 beds) would usually be expected to generate a total of 57 additional primary age children and 40 additional secondary age pupils. This is based on a figure of 0.3 primary age children per new dwelling and 0.21 secondary age children per dwelling.

The development site is served by Milford-on-Sea CofE Primary School Academy Trust and Priestlands School. The primary age phase school is forecast to be full,

considering proposed future housing. Priestlands School is also forecast to be full. To accommodate the additional primary and secondary age pupils, a contribution is sought.

The County Council has used previous extension projects to derive a cost for the proposed expansion to the primary places, and this is estimated at **£1,057,179**. This is based on a pro-rata cost, to accommodate the pupils from this development. This will go towards any expansion at Milford CofE Primary School.

The County Council does not seek a secondary contribution towards the expansion of Priestlands School due to academy having admitted over their admission number on a number of occasions in previous years, within the existing accommodation.

In summary, the contribution towards the expansion of Milford CofE Primary School Academy is necessary, as without an expansion it will not be able to accommodate the children from the development. The level of contribution being sought is based on the number of additional classrooms required to accommodate these children at the school and therefore is fairly and reasonably related in scale and kind to the development.

8.4 HCC Minerals & Waste:

No objection subject to conditions

The proposed development lies within the mineral and waste consultation area – minerals section. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.

The purpose of this policy is to protect economically viable mineral resource deposits from needless and unnecessary sterilisation, in line with Chapter 17 of the National Planning Policy Framework (NPPF). The policy seeks to maximise the recovery of viable mineral resources prior to development.

Whilst it is acknowledged that the Mineral Resource Assessment (MRA) and discussions in 2018 concluded prior extraction is unsuitable, full consideration must be given to the opportunities for mineral extraction prior to and/or as part of the proposed development. It would be expected that high quality material, such as sand, gravel and soft sand would be processed and used for construction purposes, while lower quality material could be used for fill or similar.

Particular opportunities may lie in the recovery of mineral deposits uncovered during the preparation and construction phases of the project, for example through the excavation of footings or trenches for buildings, roads, landscaping, drainage and utility infrastructure associated with the development.

Additional vehicle movements as well as noise, dust and vibration issues should not be 'above and beyond' what is expected in the construction phase, and so MRAs should apply the same buffers that are used for the construction activities.

It is therefore requested that a condition be included as part of any planning permission, requiring a statement to be submitted and approved as part of a Construction Management Plan (or similar) outlining:

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

and to report this data.

8.5 **HCC Countryside Services (Rights of Way):**

Summary

We are not opposed to the development of this site in principle, but without sufficient information to assess its impact on the public access route across the site, namely Footpath 796, we cannot support the application. We need to secure obligations, such as conditions, drawings, and contributions via a S106 to protect the public rights of way network as is our duty as the Highways Authority.

Additional Key Comments

In the event this application is permitted and constructed, it is reasonable to expect ~500 new residents and a consequent increase in use of the local PROW network. A number of internal site paths are proposed to be created but in themselves these will not deliver all access needs of future site residents - people will venture further afield for longer dog walks, for personal/ group recreation, or other. The existing path surfaces, whilst acceptable for the present volume of use, will need improvement so as to satisfy an increased volume of use and the reasonable expectation of those users to enjoy convenient year-round access.

In addition to the above, the local PROW network will experience increased use after site occupation and path surfaces will suffer an increased rate of wear, thereby requiring increased intervention and works by the County Council to mitigate such use.

Should the Planning Authority approve the application, the following is required for the proposed development to be considered acceptable and in accordance with relevant policy relating to the PROW network:

- Southern area of FP796 across the site. This shall be formally diverted onto the pavement of the proposed access road. This shall be a minimum of 2m wide and if a bound surface, requires the access road to be adopted by Hampshire Highways.
- North of the access road, the PROW should be resurfaced to a width of 2.5m to HCS design standards. FP796 is to follow the same line around the proposed green space to the north of the site. Along here, we require the removal of the fencing between the PROW and the green space, adjacent to the PROW, and its resurfacing to a width of 2.5m.
- A condition requiring the submission and approval of a Construction Traffic Management Plan, prior to commencement. This shall include addressing PROW safety, including consideration of temporary closure or diversion.
- A condition that states that vegetation and trees will not be planted within 2.0m for shrubs/bushes and 5.0m for trees of the surface of the PROW (unbound section).
- Commuted sums are required to reflect the unbound resurfacing of FP 796 through the site; these can be included in the required S278 highways agreement to carry out this work.
- Assurance that the crossing over Manor Road linking FP796 north and south is improved to reflect the need for public safety – including improving visibility to and from footpath users coming up from the south.
- A contribution to off-site PROW improvements – compensating the adverse impact the proposed development will have on the network due to an increase in local population. To be secured via the S106 agreement.

8.6 **Natural England:**

Summary

As submitted, the application could have potential significant effects on the below designated sites:

- Solent and Southampton Water Special Protection Area (SPA) / Ramsar;
- Solent Maritime Special Area of Conservation (SAC);
- Solent and Isle of Wight Lagoons SAC;
- New Forest SPA, SAC and Ramsar;
- New Forest Site of Special Scientific Interest (SSSI);
- Highcliffe to Milford Cliff SSSI;
- Hurst Castle and Lymington River Estuary SSSI.

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate assessment stage where significant effects cannot be ruled out. The following information is required to inform a HRA:

- A nutrient budget calculation and suitable mitigation strategy to address any nutrient impacts, including appropriately funded management and monitoring.
- Appropriate contributions in line with the NFNPA's Revised Habitat Mitigation Scheme to be secured.
- Appropriate contributions in line with the policy and the Bird Aware Definitive Strategy to be secured.
- Any other likely significant effects that could arise from the development should also be assessed.

Without this information, Natural England may need to object to the proposal.

Additional Key Comments

Nutrient Mitigation: On the basis that a suitable level of nutrient mitigation credits can be secured at Heaton Farm (Isle of Wight) or a similar strategic scheme, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application.

New Forest Recreational Impacts: Providing that the applicant complies with your adopted strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application.

ANRG Provision: It is Natural England's view that this allocation exceeds the minimum amount of ANRG area required for the proposed development to comply with the relevant SPD, and therefore has no further objections.

Solent Recreational Impacts: Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Biodiversity: Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180.

8.7 **Southern Water:**

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this, following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline), but for more complex applications an extension of the 24 month period may be needed.

Southern Water hence requests that a condition be applied such that occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Where SuDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

An informative is requested that construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

8.8 **Archaeologist:**

No Objection subject to conditions requiring:

- the approval and implementation of a programme of archaeological work, including a Written Scheme of Investigation;
- the submission of a site investigation and post investigation assessment before the development is occupied.

The applicant has submitted an Historic Environment Desk Based Assessment (DBA). As is concluded within the DBA, it is agreed that the site has a high potential for archaeological finds and features from the prehistoric, later prehistoric/Roman and medieval periods.

As such, due to the high potential for archaeological remains, an archaeological trenched evaluation should be conducted across the entire proposed development site. Should such works have positive results, further follow-on mitigation excavation and recording may be necessary.

An informative is requested, advising how the terms of the archaeological conditions should be met.

8.9 NFDC Environmental Health (Contaminated Land)

No objection in principle to the proposed development as submitted. However, planning permission should only be granted if standard planning conditions in respect of contamination are imposed. Without these conditions, the proposed development of this site could pose risks to human health and/or the environment.

The need for the conditions is because the site has been used as a nursery shown on historic maps dated 1970 (no maps available 1961-1969) to the present day, which will have involved potentially contaminative activities. A Phase 1 and Phase 2 investigation will need to be undertaken to ensure the site is safe and suitable for its proposed use.

8.10 NFDC Environmental Health (Pollution):

Does not object to the application, providing suitable planning conditions are attached to any granted permission. Conditions are recommended in relation to internal and external noise levels, a Construction Management Plan and lighting details

Noise

A Noise Impact Assessment (NIA) has been undertaken by Omnia (ref: C10948/NIA/1.2), dated July 2023, which has appropriately assessed the noise impact upon the development from a range of sources, including traffic, a nearby business park and telephone mast.

The assessment outlines that there is unlikely to be any adverse impact associated with noise from both the telephone mast and nearby businesses park and no mitigation is therefore proposed.

Conversely, the assessment has highlighted that the impact of traffic noise has the potential to affect some dwellings, especially those located along the boundary of Manor Road and Lymington Road. Noise levels are predicted to breach the internal noise limits set out in BS 8233:2014 with windows partially open for ventilation; therefore, the assessment recommends an alternative ventilation scheme is implemented along with careful design for bedrooms that are potentially located and orientated along the plot area boundaries. The highest exceedance with a partially open window requires a 28dB Dn,e,w +Ctr alternate ventilation reduction.

Noise levels are also found to exceed the external amenity criteria present in BS8233:2014, and it is recommended that external amenity areas require careful design and orientation to reduce noise levels. It is also recommended that a detailed drawings are provided at detailed design stage.

Overall, it is predicted that some dwellings require mitigation measures to control internal and external noise levels to within desirable limits; however, due to the limited information available regarding the layout of the plots at this outline stage, it is recommended that at detailed design stage an updated scheme be provided. The

scheme shall include necessary mitigation to ensure that internal and external noise levels within each dwelling or plot respectively shall not exceed the minimum standards stated in BS8233:2014.

Construction Impacts and Lighting

Further information in relation to the control of construction impacts and a lighting scheme for the development are felt necessary; however, such information may be secured by an appropriate planning condition and provided at detailed design stage if necessary.

Air Quality

The submitted detailed air quality assessment models the potential impact on local air quality from different developmental scenarios: a baseline of existing conditions in 2019, then an operational year of 2027 without the development but with expected traffic growth and committed developments ('do minimum' scenario) and an operational year of 2027 with committed development plus the proposed development ('do something' scenario). The impacts are assessed in terms of the potential impact from vehicle emissions from the operation of the proposed development (nitrogen dioxide and particulate matter) and construction operations (dust / particulate matter) on the local population.

The air quality assessment also acknowledges the recently adopted 'New Forest District Council Air Quality Assessments in New Development SPD' and, as required, references a number of mitigation measures that if implemented should reduce the impact from the development on local air quality.

The assessment of the operational phase is considered to be appropriate. In terms of the impact from the operation of the development, the submitted air quality assessment, conclusions and proposed operational mitigation measures are all accepted.

In respect of the construction phase, the air quality assessment has utilised appropriate guidance in the assessment of the potential impact from dust and particulate matter associated with construction activities of the proposed development. It is advised in the assessment that mitigation measures will be required to reduce the impact at relevant sensitive locations to acceptable levels.

Whilst it is noted that mitigation measures are included as part of the submitted air quality assessment, it is recommended that an appropriate dust management plan (DMP) be submitted as part of a Construction Environmental Management Plan (CEMP) which can be conditioned.

In conclusion, the submitted air quality assessment appropriately assesses the potential impact of the proposed development on local air quality in terms of the operation and construction phases of the development.

8.11 NFDC Ecologist:

Lifespan of Ecological Reports

The ecological survey information has been gathered between 2016 and 2023.

The ECIA (Ecological Impact Assessment) submitted in support of the application identifies that a Construction Environmental Management Plan (CEMP) should be secured by planning condition for the detailed design stage. This is agreed. It is

recommended that the CEMP condition could include a stipulation that updated ecological surveys be undertaken, where necessary, to identify shifts in the ecological baseline condition.

Designated Sites

There are ten internationally designated sites present within 10km of the application site. All relevant designated sites requiring consideration in the assessment have been identified. The HRA screening undertaken is considered appropriate, and the pertinent issues which could affect the identified Natura 2000 sites have been identified.

A nutrient neutrality calculation has been undertaken (CSA). This identifies that the proposed development is expected to result in an overall net increase in Total Nitrogen (TN). The assessment concludes mitigation is required for +155.91kg TN/year. The calculation has used the average occupancy rate of 2.40. This will need to be recalculated for the actual dwelling mix and layout using the Council's agreed occupancy rates.

Nitrogen Credits have been / will be obtained from the Heaton Farms scheme on the Isle of Wight.

There are three nationally designated sites within 3km of the site and 26 SINCS present within 2km (the closest nearby SINCS being Newlands Manor Wood SINCS). It is considered that any effects on nearby SINCS can be adequately mitigated.

Biodiversity net gain (BNG)

The CSA BNG Report identifies the proposed development would, when considering the illustrative layout result in a net gain of c. 1.06 Hedgerow Units (equating to 18.03%) and a net loss of c. 8.61 Habitat Units (equating to -25.38%). The assessment has been completed using Biodiversity metric 3.1. The ECIA identifies that approximately 14.5 additional habitat units will therefore be required through off-site compensation to achieve the BNG target of 10%. This requirement will need to be finalised when the detailed design is available and should be secured through an appropriate planning obligation on the outline permission (pending recalculation at reserved matters / detailed design).

The trading summary currently indicates that the trading requirements are not met for the loss of low distinctiveness habitat (7.17-unit deficit) for modified grassland and medium distinctiveness habitat (1.44-unit deficit) for mixed scrub which has not been replaced on-site with new habitat creation. This trading balance should also be addressed as part of any offset. Given this is an outline application, should permission be granted, it would be necessary to re-run the metrics at the reserved matters stage to ensure that the gains predicted at outline stage remain deliverable. This requirement should be secured.

Additionality – In this instance where a net loss is anticipated, I am of the view that there is not a need to address additionality. However, if a BNG is shown then this would come into play. This would be revisited for the detailed design assessment should additional guidance be issued in the interim.

BNG Monitoring and Management as part of the LEMP will be critical to the successful delivery and long-term (covering a minimum 30 years) provision of BNG. It will be necessary to secure the long-term management and monitoring of BNG through any planning permission. It is suggested that this be achieved through use of a s106 agreement.

The BNG monitoring reports should be undertaken and provided to the Local Planning Authority, as a minimum, in years 2, 5, 10, 20 and 30.

Species

General

An Ecological Enhancement Schedule should be completed by the developer before the commencement of development so that there is a clear log of what enhancements will be provided and where, and this should be secured as a condition of any planning permission.

Amphibians (Including Great Crested Newt (GCN))

Great Crested Newt are reported to be likely absent from the application site. The majority of Hampshire local planning authorities will soon be part of the Naturespace GCN District Level Licence scheme. A review of the GCN risk maps for the application site indicate that most of the developable footprint (Not ANRG) is green which indicates moderate habitat suitability and that great crested newts may be present.

The SUDs scheme has potential to enhance habitat suitability for amphibians on site.

Badger

Badger are known to be present in the local area, but no setts were identified on-site or within adjoining visible habitats. Following further update surveys, a hole was identified on the margins of the site which was concluded to be an outlier badger sett under partial use. This is not considered to be a constraint to development given its position.

Due to the transient nature of badgers, update surveys will be required prior to commencement, which should be secured through planning condition.

Bats

No current bat roosts were identified as part of the survey works. Flying / Feeding bats were recorded in surveys.

Lighting – The submitted documents highlight the need for a sensitive lighting strategy to be submitted at detailed design to ensure that dark corridors are maintained and minimising light spill on newly created habitats. Recommends a planning condition to this effect.

The ECIA includes a commitment to provide a range of bat roosting features, including 20 integrated bat boxes and three external tree mounted bat boxes. This is welcomed and their provision should be secured by condition. It is suggested that details of the final specification of the bat boxes and their locations are secured following detailed design.

Breeding Birds

Appropriate survey work has been undertaken. The ECIA includes a commitment to provide a range of bird nesting features, including 130 integrated swift boxes and three external tree mounted nest boxes. This is welcomed and their provision should be secured by condition. It is suggested that details of the final specification of the bird boxes and their locations are secured following detailed design.

There are several Wader and Brent Goose Sites near the application site. The nearest, including a 'core' area are approximately 180m east.

Dormouse

Surveys have shown dormice to be likely absent from the application site.

Reptiles

The application site supports a low population of grass snake (two surveys with a peak count of one), and a low population of slow worm.

The provisional approach to mitigation includes habitat manipulation and displacement of the low population into contiguous habitat. Assuming current land management practices persist, this approach is considered appropriate. The ECIA recommends that full details of these measures are included in the CEMP. This is agreed. It is recommended that the CEMP requirement includes a Reptile Mitigation Method Statement.

Invertebrates

Invertebrates were scoped out of the assessment based on the generally intensively managed nature of the site and the resultant homogeneity of habitats. This approach is agreed.

Summary

- Ecological stipulations should be included in securing a CEMP via condition, including the need for resurvey if required, reptile mitigation method statement etc.
- Designated sites - Nutrient neutrality calculation uses average occupancy rather than NFDC specific values
- BNG Monitoring and Management Plan required (in LEMP)
- Lighting – need to secure development of a sensitive lighting strategy
- Bird and bat boxes – provision to be secured - full details needed in an EMMP or similar to accompany detailed design – can be conditioned.
- Need for re-survey e.g. badger. This should be secured
- Secure a reptile mitigation method statement (via CEMP)

8.12 NFDC Trees:

Summary

Provided that any drainage systems are installed outside the root protection area of retained trees, with sufficient working space for construction, then I am satisfied this proposal can be constructed without significant harm to the retained trees.

Comment

The mature trees on and adjacent to this site are protected by Tree Preservation Order 39. These trees contribute to the amenity of the area and are considered a constraint to development.

To support this application, the John Shutler Tree Services Arboricultural Report dated 20/04/2023 has been submitted. This report has identified individual trees and groups on and adjacent to the site.

The assessment/categorisation of the trees is generally agreed. As the trees are located around the edge of the site along what are currently field boundaries, there appears to be reasonable space to accommodate this development and retain the trees. It is noted that the main access to the site will require the loss of trees, comprising 3x smaller stature trees.

8.13 **NFDC: Landscape & Urban Design:**

Summary

The density has been reduced to 32.1PH from 38DPH on the majority of the site, which is an improvement. The series of Descriptive Masterplans demonstrate that the proposed 170 units could still be relatively intense in some parts of this site, leading to some concerns going forward as to the eventual design quality and practicality of the site if it was to be built out at the proposed maximum number. However, whilst these densities may be above what is typical locally, there are examples of this working and the Design and Access Statement (D&AS) demonstrates a commitment to good design.

Some additional descriptive masterplan illustrations focusing on a variety of areas within the site have been submitted to help clarify the situation and to justify the dwelling numbers proposed. These include some illustrations of the sort of building forms intended with varied roof heights and massing. These example plan samples show how streets, gaps and garden spaces could potentially offer opportunity for tree planting and green settings for streets and buildings.

Of critical importance will be the provision of a relatively sylvan character to the development, commensurate with the locally distinctive character. Illustrations show this to be feasible, and it will therefore be vital that a collaborate approach be adopted to achieve agreement as to the eventual detailing of the streets, driveways and frontage spaces so that this becomes a reality at reserved matters stages.

The recent drawings tend to show increasing intensity of built form further from the margins, within some central parts of the site. However, this is a reasonable aspiration if accompanied by appropriately raised quality of design, but again the final detailing of external spaces and the bespoke qualities of the buildings will need careful examination at reserved matters stage. The example building types show some attractive and potentially quite special buildings on parts of the frontage to Manor Road and where key entrance and nodal points are important. There is a tendency to revert to some rather more standardised forms within the scheme but with good streetscape and focus on materials and details at reserved matters stages, these could be perfectly acceptable.

SUDS & Drainage

Further information needs to be provided showing that drainage can be provided in ways that are sympathetic to good landscape design and to demonstrate that the SUDs can be used for, and therefore counted as, public open space or ANRG. The details that have been submitted for the central ANRG raise concerns in respect of play provision, planting and maintenance. Therefore, as the application stands, an objection is raised to this aspect of the proposal.

Parameter Plans

Aside from SUDS and Drainage details, is content with the Parameter Plans (and the revised LVIA), noting:

- Storey heights parameter plan has been revised to bring these down to two storey with only occasional 2½ storey feature buildings.
- Density parameter plan has been revised to lower the core density, while the western and half of the southern edges remain as a soft 25 dph and the overall density is dropped to indicate 28.9dph.
- Illustrative material and parameter plan indicate a reasonable green margin to Manor Road and retention of the bank and tree /hedge line down the western boundary.

Landscape Strategy

The Landscape Strategy Plan is acceptable at this stage (subject to sympathetic drainage location and design). There is clearly a commitment to creating both sylvan character and an interesting and attractive design, accepting that further work will be needed at reserved matters stage.

There remain concerns that the ANRG part of the design bears little relationship with the typical landscape character and the design does not yet offer the right balance between recreational use and biodiversity. That said, this can be considered in more detail at reserved matters stage.

8.14 **NFDC Open Space:**

Advice offered

- POS & ANRG areas should be of a size that complies with policy
- Play – For a development of this size and layout, it is suggested that the play is located in the middle, to ensure the delivery within a safe and accessible location away from main accesses, forms a meaningful and engaging space and can be maintained. There should be sufficient space, and play location(s) should not be hampered by SUDs features (such as underground crates). It is suggested there is provision for these to be located a safe distance from proposed play areas so a firm foundation and free-draining soil can be used to ensure a safe and long-lasting play provision and the equipment installed in accordance with manufacturer's instructions.
- It is recommended that all play facilities are completed and open to the public before 50% occupancy. The ANRG should be completed (and certified by NFDC) prior to first occupation and the whole POS should be certified as completed ("Practical Completion") by NFDC prior to the sale or occupation of the final dwelling. This is to ensure the POS is completed to a good standard and delivered in a timely manner for the benefit of existing and new residents, ecology and in compliance with Policy CS7.

8.15 **NFDC Housing:**

No objection subject to securing affordable housing within a S106 and subject to agreement of precise details.

As a strategic allocation in the Milford-on-Sea area, Local Plan Policy HOU2 establishes a requirement for a target of 50% of the dwellings to be affordable housing.

The current application is for a total of 190 new homes, of which 95 (50%) will be affordable housing and First Homes. The applicant confirms they are seeking to deliver 25% of the affordable housing requirement as First Homes, in accordance

with the Government's Ministerial Statement of 24th May 2021 and as reflected in the District Council's First Homes Advice Note. NFDC does not require applicants to provide First Homes. Where a developer chooses to do so, the provision of these homes should reflect the Local Plan policy compliant mix of house type and size, and the overall value of the affordable and First Homes provision should generate the same amount of value as would be captured under the Council's up-to-date published policy.

The applicant's proposed mix (in terms of tenure types) accords with the percentage target requirements set out in the District Council's First Homes Advice Note.

The Planning Supporting Statement provides an indicative affordable housing mix (in terms of bedroom numbers), which could be delivered at Reserved Matters Stage. The provision of a higher level of smaller 1 and 2-bedroom dwellings would reflect the needs of the area, as evidenced by the number of applications to the District Council's Housing Register. The applicant has responded positively to previous feedback for the need for some larger 4-bedroom accommodation.

The size of unit by tenure will need to be confirmed. Would expect to see a schedule of accommodation, including dwelling size, tenure, and where appropriate, phase and location included within any heads of terms for the legal agreement accompanying the site.

First Homes are subject to an initial sales cap of £250,000. In a high value area such as Milford on Sea, the applicant will need to give consideration to ensuring that the provision of these homes reflects a Local Plan policy compliant mix of house type and size, providing a range of units sizes in conjunction with other low cost home ownership tenures (shared ownership).

Local Plan Policy HOU2 makes clear that affordable housing should be evenly distributed across the site. It is recognised that in a development of this size it may be appropriate to provide the affordable housing in clusters, particularly where flats are to be provided. These clusters will need to be located across the site.

9 REPRESENTATIONS RECEIVED

9.1 687 letters of objection / concern received from local residents (including the Milford Residents group) on the following grounds (covering both representations to the initial scheme and to the amended scheme):

Principle of Development

- Lack of local need for the development
- The number of proposed dwellings is not in accordance with the Local Plan
- Inappropriate development in the Green Belt
- Central government mandatory targets have been scrapped, meaning that Local Plan targets are no longer relevant
- The proportion of affordable housing should be higher
- Brownfield sites should be developed ahead of greenfield sites

Layout and Design

- Too many dwellings are proposed / overdevelopment of the site
- The development is disproportionate in size to the village as a whole
- Poor design
- Dull and uninspiring architecture
- The proposed layout and density is out of character with the surrounding area

- Greenspace would be in a poor location to benefit existing residents
- Development would appear cramped
- 3-storey scale is not appropriate
- Proposal should include bungalows
- Concerns about impact on Barnes Lane, which is a Conservation Area
- The amended plans which have reduced dwelling numbers to 'up to 170' still constitutes overdevelopment and does not satisfactorily address concerns raised by the initial submission

Impact on Landscape

- Proposal will harmfully change the character of Milford
- Suburbanisation of the village
- Loss of greenspace
- Loss of a beautiful area that is full of wild flowers
- Loss of trees / damage to trees along Manor Road
- Loss of prime agricultural land
- Proposal does not meet Local Plan policy requirements to create a sylvan setting characteristic of the area; and to respect and reinforce the strong rural character of Manor Road and Barnes Lane.

Ecology, Sustainability & Climate change

- Concerns about impact on biodiversity
- Scepticism that the proposal could enhance biodiversity or achieve Biodiversity Net Gain
- Biodiversity Net Gain should be achieved on the site and not through off-site measures
- Adverse impact on local wildlife and protected species, including badgers
- Lack of space for nature
- Concerns about how sustainable the development would be
- A lack of sustainability features (such as solar panels) in the designs
- Concerns about additional climate change impacts
- Concerns that the proposal is not capable of complying with nutrient neutrality requirements
- Additional recreational pressures on the New Forest National Park

Transport

- The local roads will not be able to cope with the additional levels of traffic
- Additional congestion on local roads and at nearby junctions including the B3058 junction with the A337 at Everton
- Increased dangers to school children and their families
- Increased parking pressures within the village
- Concerns about impact of additional traffic on Barnes Lane, which is not suited for additional traffic
- Access arrangements onto Manor Road are inappropriate and unsafe
- The western access is too close to a bend and would be dangerous
- A new roundabout onto Lymington Road is needed
- Increased traffic and parking pressures at school drop-off / pick-up time
- Proposal would not address dangers on local roads for cyclists
- There needs to be more off-site cycle route provision
- Doubts about the efficacy of the Travel Plan
- Queries about the timing of the traffic survey
- Additional traffic will cause additional potholes to local roads

- Additional commuting out of the village due to a lack of employment
- Traffic assessment is inadequate
- The development is unlikely to achieve adequate on-site parking
- Concerns about access for emergency vehicles

Community Services, Infrastructure and Facilities

- Pressure on local schools as the Primary and Secondary schools are full
- Pressure on local GP services, as the village is currently struggling to cope
- Essential shops and services are oversubscribed
- There is not adequate sewage infrastructure to serve the development
- Unacceptable pressures for a small village
- Concerns whether electricity and water supply could be achieved
- The proposal should include at least one commercial unit

Air Quality, Noise, Pollution & Amenity

- Additional noise disturbance
- Additional light pollution
- Increased air pollution
- Additional pollution from additional cars
- Dust nuisance during construction
- General disruption during construction
- Overlooking of properties in Manor Road and Barnes Lane
- Concerns about pollution of nearby areas of water
- Concerns about releasing contamination

Flooding and Drainage

- The site suffers from flooding
- The fields are wet and there would be inadequate drainage, exacerbating existing drainage problems
- Methodology for drainage calculations queried
- Drainage requirements may compromise public open space

Miscellaneous

- Unresolved issues at The Swifts should be dealt with before permission is granted for this new development
- Scepticism that the proposal will deliver the promised amount of affordable housing or community benefits
- Developer should pay a performance bond
- Concerns that many houses will be unneeded second homes
- Lack of public consultation by the developer
- The need for an environmental impact assessment needs to be reviewed
- Safety concerns for those living close to the existing telecommunications mast
- Concerns that the proposals will lead to an increase in crime in the area
- Concerns that development could compromise the future upkeep of the historic Newlands Manor and its associated grounds
- Detrimental impact on house prices

9.2 1 neutral comment but recognising there is a shortage of housing, and the proposal would support a need for more working age families in the New Forest.

9.3 10 letters of support (covering both representations to the initial scheme and to the amended scheme): proposal will address a need for more homes in the local area, particularly affordable homes; additional people will help local businesses; development will benefit environment by reducing commuting

9.4 Letter received from NHS (Hampshire & Isle of Wight): Advise that the GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

9.5 Letter received from Wings Wildlife Heritage: No objection, but request that specific wildlife and ecological features and enhancements be carefully considered, particularly through the imposition of suitable planning conditions.

10 PLANNING ASSESSMENT

10.1 The Principle of Development

10.1.1 The application site forms a key part of one of the Council's Strategic Development sites that has been allocated for development in the adopted New Forest District Local Plan 2016-2036. Policy Strategic Site 7 applies. This policy states:

"i) Land to the north of Manor Road, Milford-on-Sea as shown on the Policies Map is allocated for residential development of at least 110 new homes and public open space, dependent on the form, size and mix of housing provided.

ii) The Masterplanning objectives for the site as illustrated in the Concept Master Plan are to create a well-designed and integrated extension to the village that:

- a) Respects and reinforces the strong rural character of Manor Road and Barnes Lane, protecting road margins and creating frontages of similar character along these lanes.*
- b) Retains boundary tree, hedge and embankment lines and integrates them into a walkable network of recreational greenspace connected to existing footpaths and to the countryside.*
- c) Creates a compact pattern of perimeter blocks, well-designed buildings and intimate streets with enough garden space internally and along frontages to create a sylvan setting characteristic of the local area.*
- d) Creates a strong and permanent Green Belt boundary to the north of the current glasshouses, with new development facing onto a main area of accessible natural recreational greenspace to be provided on Green Belt land within the site boundary.*

iii) Site Specific Considerations to be addressed include:

- a) Retention of Service access to the telecommunications mast unless the mast is relocated.*
- b) Vehicular access to the site is to be provided from Manor Road. Barnes Lane is only suitable for emergency access.*

10.1.2 Policy Strategic Site 7 is accompanied by a concept masterplan that illustrates how the allocation could be developed. It identifies, in broad terms, the areas where residential development could be provided, as well as areas where Alternative Natural Recreational Greenspace (ANRG) and Public Open Space could be delivered. The concept masterplan has been drawn up to show how development within the allocated area can fit its landscape context and deliver a net environmental

gain.

10.1.3 Whilst the concept masterplan is designed to be illustrative rather than prescriptive, it does provide an important framework for shaping development of the allocated area. It is also important to note that one part of the concept masterplan for this site is fixed - namely the northernmost field within the application site, which is within the retained Green Belt, and which should only be used as ANRG (or Public Open Space). Residential development here would not be acceptable because it would be inappropriate development within the Green Belt.

10.1.4 Having regard to the requirements of Policy Strategic Site 7 and the accompanying concept masterplan, it is quite clear that the principle of residential development and supporting ANRG land and public open space on the application site is an acceptable one, providing that the area of new residential development is confined to the built-up area boundary and does not extend into the part of the site that is retained Green Belt.

10.2 Green Belt policy

10.2.1 The National Planning Policy Framework (NPPF) advises that when considering planning applications, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF further advises that new buildings within the Green Belt should be deemed inappropriate, except for some specific exceptions. In the case of this application, no buildings are expressly proposed within the part of the site that remains within the Green Belt. There would, though, be likely to be some physical development in the form of footpaths, play equipment, and other works associated with the proposed use of this area as Alternative Natural Recreational Greenspace (ANRG). However, the NPPF is clear that material changes of use of land (such as changes of use for outdoor sport and recreation) are not inappropriate provided the use would preserve the openness of the Green Belt. Likewise, appropriate facilities associated with outdoor sport and recreation are not inappropriate, provided they would have no adverse impact on the openness of the Green Belt.

10.2.2 Accordingly, having regard to the national planning policies as set out in the NPPF, it is considered that the proposal to use the Green Belt part of the application site for ANRG with related infrastructure would be entirely appropriate, and would not be harmful to the openness or function of the Green Belt.

10.3 5 year Housing Land Supply & The Tilted Balance

10.3.1 As set out above, the application site is allocated for residential development under Policy Strategic Site 7 and is included within the Milford-on-Sea settlement boundary. The principle of the uses set out in the planning application proposal are entirely consistent with the Local Plan spatial strategy for the location of residential development as set out in Policy STR1: Achieving Sustainable Development.

10.3.2 Notwithstanding the Local Plan policy status of the site, it is important to recognise that the Council cannot currently demonstrate a five-year supply of deliverable housing land. The latest published figure of housing land supply is 3.07 years which remains well 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 a significant amount of new housing (and affordable housing). This is especially true in this case, as the application site, as a Local Plan housing site allocation, is manifestly a

sustainable location for housing development where the presumption in favour of sustainable development already applies.

10.3.3 It is recognised that the new NPPF (that was published in December 2023) advises that where a Local Plan was adopted within the past 5 years and the Council had a 5-year housing supply at the point of adoption, then it is not necessary to identify a 5-year supply of housing for decision making purposes. However, the NPPF is also clear that this 'exemption' does not apply to applications submitted before the date the new NPPF was published. As such, because this application was registered in May 2023, there is still the need to take full account of the Council's lack of a 5-year housing land supply and apply the 'tilted balance' set out in the preceding paragraph.

10.3.4 The Parish Council have suggested that there is no longer a need to meet housing targets and that the policy allocation be reviewed. This is not correct and, to be clear, there is considered to be no scope to review or question the policy allocation as part of this application. The allocation (along with the Council's other Strategic Sites) forms an essential part of meeting identified housing needs within the District. There is no reasonable basis to challenge the status of Policy Strategic Site 7 or the significant weight which must be afforded to this policy.

10.4 Affordable Housing & Housing Mix

Affordable Housing Provision

10.4.1 The target of Local Plan policy is that 50% of new homes in this part of the District should be for affordable housing. This means that up to 85 of the proposed dwellings on this proposed development should be for affordable housing.

10.4.2 With respect to the required Affordable Housing mix, Local Plan policy seeks to secure 70% of affordable homes for rent, split equally between social and affordable rent, and 30% intermediate or affordable home ownership tenures including shared ownership. On this basis, the proposed development should secure up to 30 homes for affordable rent, up to 30 homes for social rent, and up to 25 homes for intermediate tenures.

10.4.3 The proposed scheme seeks to deliver 50% of the proposed dwellings as affordable housing. Assuming that the maximum 170 dwellings were to be provided, the applicant has suggested that the tenure mix would comprise 21 First Homes (25% of all affordable homes), 30 Social Rented dwellings (35% of all affordable homes), 19 Affordable Rented dwellings (22% of all affordable homes), and 15 Intermediate Shared Ownership dwellings (18% of all affordable homes).

10.4.4 In terms of the proposed tenure mix, the introduction of First Homes would be a deviation from the mix sought under adopted Local Plan policies. However, in July 2022, the Local Planning Authority produced a First Homes Advice Note in response to Central Government Guidance which now makes it clear that First Homes should be considered as meeting the definition of affordable housing. Accordingly, this Advice Note now allows for First Homes to be included as part of an applicant's affordable housing offer where particular criteria are satisfied.

10.4.5 So, in the case of Strategic Site allocations such as the application site, First Homes may indeed now be provided as part of an affordable housing offer, with the Council's First Homes Advice Note setting out that these should comprise 25% of the Affordable Housing Offer, whilst Social Rented Housing should remain unaltered at 35%, and Affordable Rented Housing and Shared Ownership should be reduced to 22% and 18% of the offer respectively. Based on these percentage figures, the

applicant's affordable housing offer set out above would be fully in accordance with the Council's First Homes Advice Note. Therefore, subject to securing the proposed affordable housing offer through a Section 106 legal agreement, the proposed development would be consistent and in accordance with the Council's affordable housing policies.

10.4.6 It is important to point out that the provision of up to 85 much needed affordable dwellings should be seen as a considerable benefit that weighs significantly in favour of the proposed development.

Housing Mix

10.4.7 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.

10.4.8 The applicant's supporting statement has put forward an indicative dwelling mix for both private and affordable tenures. This indicative mix, if followed through at reserved matters stage, would see the provision of a full range of housing, from 1 and 2 bedroom apartments up to 3, 4 and 5-bedroom family houses, and would largely align with the mix set out in Figure 6.1 of the Local Plan. As such, the applicant's indicative proposed mix would be acceptable. However, to ensure that identified housing needs across the district are met, it will be important that this indicative mix is indeed followed through at reserved matters stage. To this end, a condition would be necessary to ensure that the mix that comes forward at reserved matters continues to largely align with the mix set out in Figure 6.1 of the Local Plan.

10.5 The Quantum of Residential Development

10.5.1 In proposing up to 170 dwellings, the application is evidently seeking to develop the application site with a materially greater number of dwellings than the minimum policy expectation. However, an uplift in dwelling numbers is not unacceptable in principle; because as the supporting text to the Local Plan notes (at Paragraph 9.33) *"Where added capacity can be delivered in a manner that is well-designed and contextually appropriate, provides an acceptable housing mix, fully mitigates its habitat impacts and achieves a net environmental gain, additional capacity will be supported."*

10.5.2 As such, to be able to come to a view on whether 170 dwellings is an appropriate quantum of development, it needs to be considered whether this level of development could be provided in a manner that is contextually appropriate and well-designed, as well as being deliverable with the necessary infrastructure and mitigation land, noting that the provision of a greater number of dwellings leads to a greater green infrastructure requirement to mitigate the increased numbers of dwellings. Only once all of these points have been considered can a conclusion be reached on dwelling numbers and the site's capacity. (See Paragraph 10.15 below.)

10.6 The Location, Layout and Landscape Impact of the Development

The Location of Built-form and Green Infrastructure

10.6.1 The submitted Land Use Parameter Plan shows the proposed residential development area - which would comprise 2 roughly square areas separated by a wedge of green infrastructure running through the centre of the site

from north to south. These 2 development areas would be joined by a vehicular access route running from east to west through the site. The 2 development areas would be set away from the edges of the site to varying degrees, resulting in a continuous corridor of green infrastructure around all of the site's boundaries, except where the 3 access points are proposed.

10.6.2 The areas where residential development and green infrastructure are proposed is in broad accordance with the Concept Masterplan from the Local Plan. The most notable difference is that the Parameter Plan proposes a more extensive area of green infrastructure through the centre of the site, thereby providing greater visual separation between the 2 main development parcels. This more extensive area of green infrastructure would be entirely acceptable from a landscape and design perspective - and indeed necessary due to the uplift in dwelling numbers.

10.6.3 The northern parcel of the site within the Green Belt is shown on the Land Use Parameter Plan as being the main area of ANRG to serve the development. This would be fully in accordance with policy and design expectations for the site.

10.6.4 Overall, it is considered that the proposed locations of built development and green infrastructure as shown on the Land Use Parameter Plan are consistent with the requirements and expectations of the Local Plan and are therefore acceptable.

The Layout of the Development

10.6.5 Layout is a matter for detailed approval at Reserved Matters stage. Nevertheless, this Outline Planning application does set a framework for the proposed layout: through the position of the access points onto Manor Road, through the parameter plans, and through some of the other supporting plans and illustrative information, including the Design and Access Statement. The illustrative Masterplan for the development shows how the built-development is expected to be divided into a number of distinct perimeter blocks, broken up by roads, paths and areas of public open space. Setting aside the issue of numbers, the broad layout that would be expected to result from the submitted parameter plans and other supporting plans and details, including the illustrative masterplan, is one that should work well within this context, noting the further commentary on landscape context below.

The Landscape Impact of the Development

10.6.6 The submitted application is supported by a Landscape and Visual Impact Assessment (LVIA) which assesses the landscape and visual effects of the development, both in the immediate vicinity of the site and from more distant viewpoints. The Assessment notes that the site is largely contained by the existing landscape framework around the boundaries of the site and in the local area, and also by existing built form, such that middle distance views of the site are limited to a small number of glimpsed framed views, whilst there are no longer distance views of the site. This conclusion is accepted.

10.6.7 The applicant's LVIA concludes that impacts on the landscape and visual receptors are localised to areas in close proximity to the application site. The LVIA goes on to conclude that the site is capable of accommodating development in line with that shown on the Land Use Plan, without resulting in material harm to the landscape and visual character of the local area - due to the site's relationship to the edge of Milford on Sea and the substantial containment provided by the existing landscape framework and built form within the surrounding area. Again, this conclusion is accepted.

10.6.8 An assessment of landscape impact is inevitably informed by the fact that the application site is allocated for residential development, with a change to landscape character being an inevitable consequence of the allocation. Against this context, what is important is that there should be a strong landscape framework to the development and that the edges of the site in particular are sensitively handled.

10.6.9 The landscape impact of the development is assisted by the fact that a significant proportion of the application site is proposed to be green infrastructure. This will provide significant opportunities for new tree and hedgerow planting and landscape management that should help to ensure the development assimilates successfully into its landscape, as well as providing an attractive landscape setting for the built infrastructure.

10.6.10 The submitted Landscape Strategy Plan and ANRG Landscape Strategy Plan, whilst only illustrative, provide some positive details of how the proposed green infrastructure would be treated. Alongside Barnes Lane, it is suggested that the existing boundary vegetation would be reinforced with native tree and shrub planting. Meanwhile, along Manor Road and Lymington Road, additional structural planting (hedge and shrub planting with some street trees) is suggested but with some visual permeability. Generous levels of new tree planting are indicated across the development. The Council's Urban Design Officer considers that the applicant's Landscape Strategy Plan shows a clear commitment to creating a sylvan character and an interesting and attractive design, albeit that further work will be needed at reserved matters stage. The ANRG Landscape Strategy Plan shows a network of footpaths, additional tree, hedge and shrub planting and different types of grass mix. The landscape design shown on this plan has some good ideas, albeit that some of the details will need more thought (which can be reasonably resolved at reserved matters stage) to ensure an appropriate response to the landscape context and to ensure there is the right balance between recreational use and biodiversity.

10.7 The Density and Scale of Development

The Density of Development

10.7.1 Local Plan Policy does not prescribe that development of the application site must be to a particular density. As such, in considering density, what is important is that the proposed density of development (which stems from the number of dwellings proposed) is contextually appropriate and capable of being delivered in a way that is sympathetic to the landscape context. It is important to recognise that density can be a fairly crude measure of a development's impact, and it is the intensity of built form that is ultimately what is important. Nevertheless, for an outline application of this nature, a consideration of density does provide an important indication of a development's character.

10.7.2 Density can be measured in different ways, but excluding the main areas of green infrastructure, a development of up to 170 dwellings would result in a maximum overall density across the site of around 28.9 dwellings per hectare. It is a density that represents an efficient use of land within an edge of settlement context. The density of 28.9 dwellings per hectare would not be evenly spread across the site. The applicant's parameter plans show that a lower density of less than 25 dwellings per hectare is intended along the western edge of the site with Barnes Lane and along the southern edge of the site with Manor Road, west of the existing dwelling 'Arundel'. Other parts of the site would have a higher combined core density of 32.1 dwellings per hectare. This variation in density is considered to be quite appropriate and a way of ensuring that the development responds positively to the lower density, more rural character of Barnes Lane, and the spacious

character of Manor Road. The higher densities away from these edges would help to create variety and a strong sense of place, but at the same time (as demonstrated by some of the illustrative supporting information), allowing for good levels of greenery and an appropriate degree of spaciousness within the core parts of the development.

10.7.3 It is accepted that the density of the proposed development would be materially higher than the densities of existing adjacent and nearby developments. However, replicating adjacent densities would be an unacceptably inefficient use of the site and would not accord with Paragraph 128 of the NPPF. Ultimately, a balance needs to be struck between making an efficient use of the site and ensuring the development responds positively to its context. An overall density of 28.9 dwellings per hectare, whilst being at the upper end of what might be considered appropriate in this context, is not considered to be unduly high. It is also important to note that the scheme's more intensive character will be ameliorated to quite a degree by the significant areas of public open space around the edges of the site and the ANRG area within the heart of the site. Ultimately, the spatial characteristics of a development will be much more a product of the detailed design than the density of development per se. And clearly, this is something that would need to be carefully considered at reserved matters stage - but at this outline stage, it is felt that the Design and Access Statement and supporting illustrative material provide a necessary level of assurance that a well-designed and attractive place can be provided.

The Scale of Development

10.7.4 Scale is a matter for reserved matters approval. Nevertheless, it is important to have some understanding of what type of scale will come forward on this site. The applicant's Storey Heights Parameter Plan (for detailed approval) suggests that the majority of the development will be up to 2-storeys, but with 5 feature buildings in key positions that would be up to 2.5 storeys high. The applicant's design and access statement, which identifies 4 different character areas across the site suggests that there would be a number of single-storey bungalows or 1.5 storey scale properties and that the 'up to 2-storey' area would not be exclusively 2-storeys. It is considered that this variety of scale and creation of different character areas would enable the development to respond positively to the variety of scale that currently exists along Manor Road, Barnes Lane and other nearby roads. It is also felt that the small number of buildings that would be up to 2.5 storeys high would add visual interest, and would help to create legibility and a stronger sense of place without appearing harmfully at odds with the characteristic scale of development in the wider area.

10.8 Arboricultural Impacts

10.8.1 The application is accompanied by a detailed arboricultural assessment and method statement which has assessed the impact of the development on all of the existing trees on the site.

10.8.2 A number of trees within or on the boundaries of the site are protected by a Tree Preservation Order. These include the important line of trees alongside Manor Road, the woodland belt that bounds the north-eastern parts of the site (lining the access to Newlands Manor), and part of the hedgerow feature that separates the northern Green Belt field from the main body of the application site.

10.8.3 As the protected trees and other trees of amenity value are all situated around the edges of the site, there is reasonable space to accommodate the

proposed development and retain the vast majority of trees.

10.8.4 The only direct loss of trees would be as a result of the proposed main eastern access into the development. This access would necessitate the loss of 3 smaller stature trees alongside Manor Road (2 Field Maples and a small Oak). As these are smaller stature trees, it is considered their loss would be justified in order to form a suitable new vehicular access into the development. Suitable replacement planting could be secured as part of a detailed landscaping scheme at reserved matters stage, thereby adequately compensating for the loss of these trees. The other 2 accesses (central and western) would encroach into the root protection area of individual trees, but it should be possible to accommodate these 2 accesses without losing or damaging the trees, subject to an appropriate construction methodology, which can be secured as a condition of any planning permission.

10.8.5 Initially, there were concerns that some of the proposed SUDs drainage infrastructure could impact on the root protection areas of trees alongside Manor Road. Additional details have subsequently been submitted, as a result of which there is considered to be sufficient assurance that a suitable SUDs drainage scheme can be provided without compromising the trees alongside Manor Road. Precise designs and details would need to be considered further at reserved matters stage and through the conditions of any outline planning permission.

10.8.6 Overall, having regard to the advice of the Council's trees officer, it is considered that the applicant has provided sufficient information to be able to reach a conclusion that the development can be provided without giving rise to unacceptably harmful impacts on trees that are important to the visual amenities of the area.

10.9 ANRG Provision

10.9.1 In accordance with the Habitat Regulations, the Council's Local Plan policies require that the recreational impact of new residential development on European designated nature conservation sites within the New Forest be mitigated. For larger Strategic Sites, the most significant element of such mitigation is expected to be the provision of Alternative Natural Recreation Greenspace (ANRG).

10.9.2 Policy ENV1 of the Local Plan specifically requires that at least 8 hectares of natural recreational greenspace per 1000 population be provided on Strategic Development sites in order to mitigate the recreational impacts of development on designated New Forest European sites.

10.9.3 Because of the outline nature of the application, and because the precise dwelling mix is not yet agreed, it is not possible to specify precisely what quantum of ANRG land needs to be provided. However, using the Council's ANRG calculator (which assumes a mix that is in accordance Figure 6.1 of the Local Plan), the proposal for up to 170 dwellings would generate an ANRG requirement of around 3.58 hectares, which is based on an estimated population of 447 people.

10.9.4 The ANRG land that is defined by the applicant's parameter plan measures slightly over 4 hectares, which is comfortably in excess of the quantum that would be needed if a policy compliant housing mix were to be provided (even allowing for any children's play areas within this space). It is important that there is some flexibility built into the ANRG provision, given this is an outline application, with the quantum and mix of units not being precisely defined at this stage. Nevertheless, the quantum of land shown as ANRG land on the submitted land use parameter plan provides sufficient confidence to be able to conclude that the development will deliver a policy

compliant quantity of recreational mitigation land.

10.9.5 The ANRG Landscape Strategy plan helps to demonstrate how the proposed development would accord with the Council's adopted Supplementary Planning Document 'Mitigation for Recreation Impacts on New Forest European sites'. In particular, it shows an indicative design for the ANRG, which would comprise the main ANRG space to the north of the development that would extend through to a smaller space within the centre of the development. The Strategy Plan shows how a network of footpaths could be provided through the ANRG and how the area could be landscaped with new planting and different types of grass seeding to provide an attractive and connected recreational area where dogs could be safely walked (and let off lead), and where there would also be benefits for biodiversity. The plan shows an appropriate visual and functional connectivity between the smaller ANRG space within the development and the main space to the north. More precise landscape details will evidently need to be considered and agreed at reserved matters stage. And, noting the comments of the Council's Urban Design Officer, it is recognised that the indicative ANRG designs will need further work and a degree of adjustment at reserved matters stage to ensure the designs are responsive to landscape character and so that there is the right balance between recreational use and biodiversity. However, at this outline stage, it is felt the application has demonstrated that the ANRG is capable of being an attractive area of an appropriate design quality that would meet the requirements and expectations of the Council's Supplementary Planning Document.

10.9.6 Overall, therefore, subject to securing the ANRG land and its future management through a Section 106 legal agreement, it is considered that the ANRG land would be effective in mitigating the recreational impacts of the development on European sites.

10.10 Public Open Space Provision

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

- 2 hectares of Informal Public Open Space per 1000 population
- 0.2 hectares of Children's play space per 1000 population
- 1.25 hectares of formal public open space per 1000 population

Informal Public Open Space

10.10.2 As with the ANRG provision, the exact amount of informal public open space that needs to be provided will be dependent on the final mix of dwellings. However, based on the Council's calculator that assumes a mix of dwellings that reflects Figure 6.1 of the Local Plan, a minimum of 1.47 hectares of informal public open space should be provided on the application site.

10.10.3 The actual area of proposed public open space as defined by the applicant's parameter plans is about 1.75 hectares. As with the ANRG, this area would include some land that is needed to meet the requirement for children's play (see below), and it would also include some SUDS attenuation features. However, even factoring this in and allowing for potential slight adjustments to the housing mix, the actual amount of informal public open space being proposed would exceed the minimum policy requirement.

10.10.4 The areas of proposed informal open space would largely follow the Concept Masterplan and would include mainly linear areas around the built edges of the site, comprising a wide strip of open space alongside Manor Road, narrower strips adjacent to Barnes Lane and Lymington Road and alongside the woodland belt to the north of the site, focal spaces within some of the corners of the site, and a continuation of the ANRG through the centre of the site, providing a strong green link between Manor Road and the main proposed ANRG area to the north of the site. The informal Public Open Space areas would typically be smaller, narrower areas of land than the ANRG; but with appropriate pedestrian links (as is suggested by the parameter plans) they would combine to form one extensive area of green infrastructure.

10.10.5 The proposed informal open space, in conjunction with the ANRG land, forms an extensive network of green infrastructure that would be well distributed across the site and offer an attractive amenity for the future residents of the proposed development. The areas of informal public open space and their future management would need to be secured through a Section 106 legal agreement, and their detailed layout and landscape design would need to be secured at Reserved Matter stage. In terms of this outline planning permission, however, what is proposed would be consistent with policy. (Management and biodiversity considerations are considered further in other sections of this report.)

Children's Play Space

10.10.6 Assuming a mix of dwellings that reflects policy expectations, the development would be expected to deliver a minimum of 0.11 hectares of Children's Playspace.

10.10.7 The Landscape Strategy Plan and ANRG Landscape Strategy Plan set out ideas for the provision of children's play. The Central ANRG space is identified as an ideal location for play - being in a well overlooked and accessible location within the heart of the site. A cluster of doorstep playspaces (LAPs) are suggested here, which would provide play opportunities for younger children. Further north, within the main northern ANRG parcel, a larger LEAP play area is suggested, which would provide opportunities for older children and teens. It is suggested that there will be further opportunities for play alongside parts of Manor Road and in the north-east corner of the site adjacent to Lymington Road. Together, there is no reason why these play spaces should not provide the necessary quantum and quality of children's play space.

10.10.8 The main play area (LEAP) would actually be located within what the parameter plans define as ANRG land, as would some of the smaller areas, whilst other areas would be within an area that is defined as Public Open Space. Whilst the Council's SPD on recreational mitigation is supportive of playspaces being provided within ANRG land provided they are designed so as not to impinge unduly on the amenity value of the surrounding space, they cannot count as ANRG land. As such, (and as noted already) the 4 hectares of ANRG land shown on the parameter plan would in reality be slightly less than this figure, but not to a degree where the required level of ANRG provision would be compromised.

10.10.9 The Council's Urban Design Officer has advised that there is a need to ensure the play provision is not compromised by SUDs / underground drainage features. This will need further consideration at detailed design stage. For now, though, it is considered the broad principles for providing children's play space are appropriate, noting that the key play areas and the detailed designs will need to be secured through a Section 106 agreement and approved through Reserved Matters.

Formal Public Open Space

10.10.10 Were formal public open space to be provided on site, the minimum requirement would be 0.56 hectares. There is no suggestion that the public open space being promoted on-site through the development would meet a particular need for formal public open space. As such, it is considered that the development will need to contribute to formal public open space elsewhere in the vicinity through an appropriate contribution to formal public open space off the site, which is something that would need to be secured through a Section 106 legal agreement.

10.11 Other Mitigation Requirements (International Nature Conservation Sites)

10.11.1 Policy 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 for now is that the required mitigation contribution is secured through a Section 106 legal agreement.

10.11.2 Policy also 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 rate of £77 per dwelling, generating a maximum contribution of £13,090. This contribution will need to be secured within a Section 106 legal agreement.

10.11.3 A further contribution required in connection with Policy ENV1 of the Local Plan is one towards monitoring and, if necessary, managing or mitigating air quality effects within the New Forest European sites. This contribution is currently sought at a rate of £103 per dwelling, generating a maximum contribution of £17,510. Again, this contribution will need to be secured within a Section 106 legal agreement.

10.11.4 Finally, for those developments within 5.6km of the Solent and Southampton Water European sites (which the application site is), policy requires mitigation contributions be paid towards the Solent Recreation Mitigation Partnership (SRMP) Mitigation Strategy (Bird Aware). The precise contribution is dependent on bedroom numbers / the precise dwelling mix, and so will need to be determined at reserved matters stage. Again, what is important for now is that the required mitigation contribution is secured through a Section 106 legal agreement.

10.12 Drainage and Flood Risk

Surface Water Drainage

10.12.1 The application site falls entirely within Flood Zone 1, which is the lowest flood risk classification. The site is therefore not at risk of fluvial or coastal flooding.

10.12.2 The Council's own Strategic Flood Risk Assessment (SFRA) suggests that a very small slither of land to the east side of the existing telecommunications mast, right on the site boundary, is subject to a surface water flood risk. No dwellings or infrastructure associated with the dwellings are proposed on this area of land.

10.12.3 The application is accompanied by a detailed Flood Risk Assessment and Drainage Strategy, which concludes that the development is at a low risk of flooding from all main sources. There is no reason to disagree with this conclusion.

10.12.4 The applicant's Drainage Strategy has put forward a preliminary strategy that incorporates SUDs features which would infiltrate the surface water generated by the development directly into the ground. This would include the provision of permeable pavements, swales, an attenuation pond and underground infiltration trenches and structures. The applicant's submission states that the site can be drained in a sustainable manner without creating an additional flood risk issue, and that the proposals are therefore commensurate with local and national policy.

10.12.5 Hampshire County Council's Flood and Water Management team have confirmed that the applicant's drainage strategy is acceptable in principle. However, more detailed drainage proposals will need to be agreed through planning conditions and at Reserved Matters stage when detailed development proposals come forward. This will need to include some additional winter groundwater monitoring - with it being noted that if groundwater levels are higher than anticipated at this outline stage, there may be a need for shallower drainage features covering a larger area (which might possibly require a slight reduction in the built envelope). For now, though, having regard to the comments of the Lead Local Flood Authority, the clear conclusion that can be reached is that the flood risk associated with the development would be acceptable and that an appropriate and sustainable drainage system could be delivered.

10.12.6 It does need to be noted that the attenuation basins and associated swales and ditches would be partly set into the proposed green infrastructure. The Council's Recreation Mitigation SPD is broadly supportive of above ground features being incorporated into green infrastructure, noting that "Recreational Mitigation Land offers an opportunity for integral drainage design that fulfils the policy requirements for managing surface water from new residential developments". The SPD recognises that there is a need for careful attention to detail to ensure that SUDS can be managed and adopted without detriment to landscape quality. Obviously, these are matters that need to be considered further at the detailed design stage. However, it does also need to be noted that the application indicates an intention to provide underground attenuation features beneath parts of the ANRG / Public Open Space. This is something which the Council's Recreation Mitigation SPD discourages (but does not preclude). In response to concerns raised by the Council's Urban Design Officer, the applicants have provided additional details which show a better balance between underground and above ground drainage features - and a balance that should ensure the landscape character and function of the ANRG / children's playspace and their future maintenance is not unduly compromised.

Foul Drainage

10.12.7 The applicant's Drainage Strategy proposes that the Foul Water Drainage system for the development should entail connection to the existing Southern Water network by gravity. In their Strategy, the applicants recognise that approval from Southern Water will be required to make such a connection, and that Southern Water have advised that the local sewerage network currently does not have the capacity to accommodate the proposed development.

10.12.8 In their consultation response, Southern Water have advised that network reinforcement is likely to be needed in order to accommodate the proposed development; and that without reinforcement, additional flows could lead to an increased risk of foul flooding from the sewer network. Southern Water have confirmed that they would typically expect to be able to carry out the necessary

network reinforcements within 2 years of an outline planning permission being granted.

10.12.9 As such, it is clear that the development, without mitigation, would have the potential to have unacceptable effects through a potential increased risk of foul flooding. But it is equally clear that acceptable mitigation is capable of being provided so that these potential unacceptable effects do not occur. To a large degree, the developer would be expected to resolve foul drainage details and a connection to the local sewerage network with Southern Water outside of the planning process. However, to be able to have the necessary confidence that the scheme will be built out with a suitable foul drainage scheme that does not lead to foul water flooding, it is considered that it would be appropriate and necessary to impose conditions requiring the Local Planning Authority's approval of detailed foul drainage arrangements; and also requiring a phasing plan to be approved to ensure that the provision and occupation of the development does align with the delivery of any network reinforcements identified as necessary by Southern Water.

10.13 On site Ecological Impacts

10.13.1 The application is accompanied by a detailed Ecological Impact Assessment that has assessed the ecological features and interest of the site. The site is not subject to any ecological designations, and nor is the site immediately adjacent to land that is subject to a nature conservation designation - the nearest such areas of land being Newlands Manor Wood which is a Site of Interest for Nature Conservation (SINC) about 50 metres to the north of the application site; and Keyhaven Fields, another Site of Interest for Nature Conservation that is about 170 metres to the south-east of the application site. Based on the submitted Ecological Impact Assessment, the existing habitats on the site are not considered to be a constraint to development (but note further comments on Biodiversity Net Gain below). It is also considered that the development could be implemented without adversely affecting the nearby SINCS, given the distance of these areas from the application site, and the fact that there would be a significant buffer of ANRG between the proposed dwellings and the Newlands Manor Wood SINC.

10.13.2 The Ecological Impact Assessment has assessed the presence of protected species and different types of fauna on the site. In the main, having regard to the comments of the Council's ecologist, it is considered that the impact of development on these species has been appropriately assessed. Moreover, it is considered that the development could be implemented without adversely affecting these protected species, including Great Crested Newts, Dormice, Bats, Reptiles, Breeding Birds and Badgers. However, with respect to badgers, some additional survey work will be needed before development commences (to ensure there have been no changes since recent survey work), and there will also be a need for a number of conditions to ensure that potential adverse impacts on other species are satisfactorily mitigated.

10.13.3 Without mitigation, compensation and enhancement, the Ecological Impact Assessment recognises the development has the potential to result in negative effects upon a number of ecological features. Various mitigation and enhancement measures are proposed, including new landscape planting, the provision of new bird nesting and bat roosting opportunities, the creation of log piles, and the provision of hedgehog gaps. The Council's ecologist is accepting of the applicant's proposals. As such, with the mitigation and enhancement measures that are proposed, it is considered that the ecological interests of the site would be adequately safeguarded, and negative impacts would be adequately mitigated. This said, future management will be critical to securing long-term benefits, and this is discussed further below.

10.14 Achieving Biodiversity Net Gain

10.14.1 Since the adoption of the Local Plan in July 2020, the Local Planning Authority has been seeking Biodiversity Net Gain on major developments, with the expectation being that a minimum 10% uplift in biodiversity should be achieved. The submitted application is supported by a detailed Biodiversity Net Gain Assessment. This records the existing habitats and ecological features on the application site and assesses how these will be affected. Using an established Biodiversity Metric, the Assessment records that the proposed development would result in an 18% gain in hedgerow units, but a 25.38% loss of habitat units. As such, even allowing for biodiversity enhancements that will be incorporated into the development, it is recognised that a minimum 10% uplift in Biodiversity Net Gain will only be achieved through an element of off-site mitigation - whereby habitat enhancements would need to be secured at a suitable site elsewhere.

10.14.2 The Council's ecologist is accepting of both the methodology and the results described in the applicant's Biodiversity Net Gain Assessment. As recognised by the Council's ecologist, there will be a need to recalculate Biodiversity Net Gain at Reserved Matters stage when detailed designs are known and when a more detailed assessment can be made.

10.14.3 For now, it is considered that the applicants have carried out an adequate assessment of Biodiversity Net Gain. However, to ensure that the minimum 10% uplift is achieved and secured for the required minimum period of 30 years (necessitating the provision, enhancement, management and monitoring of agreed habitats on and off the site), it will be necessary to include both suitable conditions and Section 106 obligations as part of any planning permission.

10.14.4 The concern has been raised that the scheme is unable to achieve a 10% Biodiversity Net Gain on site and is reliant on delivering Biodiversity Net Gain off site. Whilst there can be advantages to achieving Biodiversity Net Gain on site, there can also be benefits in providing a larger area of enhanced habitat for biodiversity off site. Ultimately, insofar as this application is concerned, there is no policy or legal requirement that requires a 10% Biodiversity uplift to be achieved on site. Therefore, provided the minimum 10% uplift is achieved through a combination of on-site and off-site measures, the proposal would satisfy the Local Plan policy requirements and the Council's own Biodiversity Net Gain advice note. It is recognised that at a national level, Biodiversity Net Gain is expected to be mandated for major developments in February 2024 (this will be the subject of further update at Committee). However, the clear guidance from government is that the requirements are only intended to apply to applications submitted after the date the legislation and new regulations come into effect. As such, the anticipated changes at a national level should not change the way in which this application needs to be assessed. Ultimately, provided a 10% Biodiversity Net Gain uplift (which can include an element of off-site mitigation) is secured through a combination of planning conditions and Section 106 legal agreement, there is considered no basis to refuse the application for reasons relating to Biodiversity Net Gain.

10.15 Appraisal of Site Capacity

10.15.1 From the above assessment, it is clear that a development of up to 170 dwellings could be provided on this site and deliver an acceptable housing mix, could fully mitigate its impacts on protected habitats, and could provide an acceptable quantity and quality of green infrastructure. The acceptability of the number of dwellings proposed therefore comes down primarily to an assessment of whether such numbers would achieve a well-designed and contextually appropriate

development.

10.15.2 The application as originally submitted was for up to 190 dwellings. Given the material uplift in dwelling numbers over and above the minimum policy expectation, and having regard to the supporting information and details, Officers were initially concerned that the scale and density of development would be too much at odds with the local character and context. Officers indicated that the number of units needed to be justified through more detailed illustrative material, which should give a clearer idea of the character and design quality of the development. The applicants listened to Officers' concerns and duly agreed to reduce the proposed dwelling numbers to a figure of up to 170. In so doing, they have also submitted 4 illustrative plans, showing illustrative layouts for different parts of the site, and also including illustrative elevational material.

10.15.3 The illustrative plans that have been submitted provide considerable reassurance that the development, whilst more intensive than existing development, will still be relatively green and of a good design quality. These plans show tree lined streets (which is an expectation of the NPPF), strong green focal spaces, attractive feature buildings, an appropriate mix of housing types, different densities to provide variety, and a connected network of streets and spaces. There are certainly elements of the illustrative layout that would need more work at reserved matters stage to ensure appropriate spatial settings for all dwellings. However, taking these illustrative plans alongside the parameter plans, the original Design and Access Statement and all other supporting material, it is felt that the applicants have satisfactorily demonstrated that a scheme of up to 170 dwellings would be well-designed and a suitable response in this context. Of course, it is recognised that the density is materially higher than existing densities of adjacent and nearby residential areas. However, a density of 28.9 dwellings per hectare in this location is not considered to be unreasonably high. Having regard to the need to make an efficient use of the site, but recognising the need to achieve a more spacious character to the site's south-western / western edge, and accepting that areas within the development could be of a slightly higher density, it is considered, on balance, that an acceptable design could be achieved across the development based on a maximum dwelling number of 170. In reaching this conclusion, full regard has been given to the applicant's parameter plans, illustrative supporting information, and Design and Access Statement, recognising that some of the illustrative information will need to be refined and modified when more detailed proposals are worked up.

10.15.4 In reaching a conclusion that a development of up to 170 dwellings would be acceptable in principle, it is important to highlight that the development's precise layout, scale, design and landscape detail will all need to be comprehensively considered at reserved matters stage. Also, because the proposal is not for an exact number of dwellings, it is quite conceivable that through Reserved Matters fewer than 170 dwellings ultimately come forward in order to achieve an appropriate design (although the Local Planning Authority could not at Reserved Matters stage resist a scheme of 170 dwellings on a point of principle). Finally, it is worth emphasising that the significant amount of green infrastructure being provided throughout this development will significantly assist the setting of the development and will enable the numbers of dwellings proposed to assimilate more successfully into the landscape than would be the case for a similar density development that did not have that same level of green infrastructure.

10.16 Transportation Impacts: Trip Generation & Associated Impacts on the Local Highway Network

10.16.1 The application is accompanied by a detailed Transport Assessment which considers in detail the various transport related impacts of the proposed

development. This Transport Assessment has estimated that the proposed development would generate approximately 117 two-way vehicular trips during both the morning and evening peak hours. Notably, the applicant's Transport Assessment has been based on a more intensive scheme of 200 dwellings rather than the 'up to 170 units' proposed, so the actual trip generation should be lower than the figures presented. The Highway Authority consider the applicant's Trip Generation data to be robust and acceptable.

10.16.2 Concerns have been raised in respect of some of the traffic survey data. This has resulted in additional surveys being undertaken during November 2023. Data has also been derived from permanent traffic monitoring points on the B3058 Lymington Road and the A337. The Highway Authority is satisfied that the applicant's traffic survey data is robust and provides an adequate baseline from which to forecast the development's transportation impacts.

10.16.3 The applicant's Transport Assessment goes on to consider the impact the completed development would have on a number of key junctions near to the site in the year 2027. It is concluded that the 3 site accesses onto Manor Road and the junction of Manor Road with the B3058 Lymington Road would all be expected to operate within capacity. These conclusions are accepted by the Highway Authority. Meanwhile, the modelling indicates that the junction of the B3058 Lymington Road with the A337 (just over 1km to the north of the site) will in 2027 be expected to operate near to capacity without the development; but with the additional traffic associated with the proposed development it would be expected to operate over capacity. Therefore, the Transport Assessment identifies a need for improvements to this junction, something which the Highway Authority accepts as being necessary.

10.16.4 The applicants are specifically proposing that the B3058 / A337 junction be changed from a priority T-junction to a full signalised junction. The design of these off-site junction improvements have been the subject of detailed discussion with the Highway Authority, with a design being agreed in principle. The Highway Authority are satisfied that if the full signalised junction were to be provided, then this junction would operate within capacity, delays on the B3058 Lymington Road arm would be reduced, and there would be improvements to safety in this location. As these junction improvements would be a necessary element of any outline planning permission, they will need to be secured through a Section 106 legal agreement, with detailed designs needing to be agreed with the Highway Authority through a Section 278 agreement.

10.16.5 Concerns have been raised about the potential for additional traffic to use Barnes Lane. This has been considered within the applicant's Transport Assessment. The Highway Authority are of the view that the proposed development would not result in a significant increase in traffic on Barnes Lane. They note that drivers prefer to use wider roads and that the provision of a signalised B3058/A337 junction would reduce queuing from the B3058, therefore likely reducing the attractiveness of Barnes Lane compared with the current situation. There is considered no reason to disagree with the Highway Authority's assessment on this matter.

10.17 The Proposed Access Arrangements

Permanent Access Proposals

10.17.1 The application is proposed to be served by 3 separate vehicular access points onto Manor Road, all of which constitute matters for detailed approval through this outline planning application.

10.17.2 The main access into the development would be the easternmost of the 3 access points. This would be a new access that would be a simple priority T-junction located approximately 55 metres to the west of the junction of Manor Road with Lymington Road, opposite 3 and 5 Manor Road. The design of the access has been modified since the application was initially submitted in order to address particular safety concerns raised by the Highway Authority - specifically relating to cyclists. The Highway Authority have confirmed that the amended designs have addressed their initial concerns, but with more detail of cycle on and off slips within the site needing to be addressed at Reserved Matters stage, including the detailed arrangements for providing a cycle route connection to Manor Road.

10.17.3 The central access point onto Manor Road would utilise the existing access that serves the nursery buildings, telecommunications mast and the residential property 'Arundel'. This access point lies about 50 metres to the west of the junction of Knowland Drive with Manor Road and about 37 metres to the east of the junction of Manor Close with Manor Road. The access is proposed as a simple priority T-junction. It would be a second main access into the development, providing an alternative vehicular access, particularly for the dwellings within the western half of the development. The Highway Authority raised a number of concerns with the design of this access as initially proposed. This has resulted in additional information being submitted and design amendments being made. Following a 'Departure from Standard' application, the Highway Authority have confirmed that the separation distance between the central access point and the Manor Close junction would be acceptable from a highway safety perspective. The proposed development would entail amending the radius of this junction to enable 7.5 tonne box vans to enter the site safely.

10.17.4 Associated with the central access are some specific off-site works to ensure this junction would function safely. An uncontrolled crossing with dropped kerb and tactile paving is proposed to the west of the central access, close to the junction of Manor Close, with a new section of footway then to be provided on the south side of Manor Road between this crossing point and the existing public footpath (796) that runs southwards from Manor Road. The Highway Authority consider this to be a suitable and safe arrangement for pedestrians. There is also a proposal to modify both the junctions of Manor Close and Knowland Drive with Manor Road, so as to provide improved sightlines and pedestrian crossing points at these 2 junctions. The Highway Authority have confirmed that the design of the central access in association with these off-site works would be acceptable from a highway safety perspective.

10.17.5 The western access onto Manor Road would be situated about 45 metres to the east of the junction of Manor Road with Barnes Lane. This access would be a simple crossover junction and is designed only to serve a small number of dwellings within the south-western corner of the application site. Indeed, the illustrative masterplan suggests that just 5 dwellings would be likely to be served by this access. Initially, the Highway Authority considered that there was a lack of information as to whether refuse and emergency vehicles could use this access safely. Following the submission of updated tracking drawings, the Highway Authority have confirmed that this western access point would be acceptable from a highway safety perspective.

10.17.6 In terms of policy compliance, there is nothing in Policy Strategic Site 7 that would preclude the provision of more than one vehicular access onto Manor Road. The Concept Masterplan shows an indicative primary access slightly further to the west (away from the junction with Lymington Road) than the proposed main eastern access. However, because the Concept Masterplan is only indicative, there would be no policy objection to the provision of an access in a different position,

providing the access is acceptable from a highway safety and landscape perspective.

10.17.7 From a highway safety perspective, the Highway Authority are satisfied that there would be adequate visibility / sight lines at each of the site accesses, and that it would be acceptable to have the 3 separate access points that are proposed. However, it is recognised that on-street parking on Manor Road could affect visibility and traffic movements. For this reason, the Highway Authority advise that there will be a need for additional waiting and parking restrictions along Manor Road, which will need to be delivered via a Traffic Regulation Order and a S278 agreement with the Highway Authority. With these parking restrictions in place, and having regard to the advice of the Highway Authority, it is considered that the accesses onto Manor Road would be safe and appropriate. From a design perspective, it should also be noted that there would be some advantages in having more than one access point into the development, as it allows for a more permeable and accessible development to be achieved; whilst from a landscape perspective, the access points can be provided without compromising the sylvan landscape character of Manor Road.

Construction Access

10.17.8 The application suggests that a construction access may be sought onto Lymington Road (the main A337). This would only be temporary, and the Highway Authority have confirmed that they would be happy to consider the acceptability of any such access through a Construction Traffic Management Plan, which would need to be secured as a condition of any outline planning permission.

10.18 Access for Pedestrians and Cyclists

10.18.1 The provision of safe, convenient and suitable access for pedestrians and cyclists is a key element of delivering sustainable development. The facilities and opportunities for pedestrians and cyclists within the site will need to be considered in detail at reserved matters stage. At this outline stage, however, the Landscape and ANRG Landscape Strategy Plans, as well as the Land Use Parameter Plan suggest a network of proposed footpaths and/or cycleways through the site and within the green infrastructure, including potential linkages to Manor Road, Lymington Road, and the existing public right of way network, which, subject to more detailed designs, has the potential to create a development that will provide attractive opportunities for pedestrians and cyclists alike.

10.18.2 As part of their Transport Assessment, the applicants have carried out a Walking, Cycling and Horse Riding Assessment and Review (WCHAR). This considers a number of routes within Milford village, as well as 2 cycling routes between Milford-on-Sea and Lymington. The Highway Authority are satisfied that existing walking and cycling routes within Milford-on-Sea are adequate to accommodate the proposed development, but that some improvements should be made. These include the provision of a couple of tactile paving points at specific junctions between the site and the centre of the village; improvements to crossing points on Manor Road; improvements to visibility at the existing junctions of Knowland Drive and Manor Close; the provision of a toucan crossing at the junction of the B3058 / A337 as part of the signalised junction improvements described above; and an upgrade of the existing signalised crossing on Lymington Road, in front of the school, to a toucan crossing, so as to facilitate cycle movements. Preliminary designs for these various off-site works have been agreed with the Highway Authority. There will be a need to secure the delivery of all of these off-site highway works through a Section 106 legal agreement, with detailed designs needing to be secured through a Section 278 Agreement with the Highway Authority.

10.18.3 With respect to cycling routes between Milford-on-Sea and Lymington, the applicant's WCHAR has identified that there have been recorded accidents on Wainsford Road relating to cyclists. Therefore, cycle improvements to this route are deemed necessary. The Highway Authority have sought a highway contribution of £112,597 towards cycle improvement schemes between the site and Lymington. This is considered reasonable and justified and should be secured through a Section 106 legal agreement.

10.18.4 Overall, having regard to the advice of the Highway Authority, it is considered that the needs of pedestrians and cyclists would be appropriately met and that local facilities could be reasonably accessed in a safe manner by sustainable modes of transport, thereby reducing the need to use the private car for local trips.

10.19 Additional Off Site Highway Works

10.19.1 As noted in the sections above, the proposed development would need to secure a suite of off-site highway works to ensure the scheme's impact on existing transportation infrastructure is acceptably mitigated. Beyond the measures already described, previous work undertaken in connection with Strategic Site 5 (Land to the south of Milford Road, Lymington) has identified that cumulatively, the Council's allocated sites in this part of the District will lead to the capacity of the Pennington Cross roundabout being exceeded and that junction improvements will therefore be necessary. Works to this roundabout have been costed, and the Highway Authority consider that the development of Strategic Site 7 should secure a proportionate contribution of £61,600 towards these off-site highway works. The need for this contribution is accepted by the developer and would need to be secured within a Section 106 legal agreement.

10.20 Bus Stop Infrastructure

10.20.1 The applicant has carried out an assessment of the public transport services serving the site. This assessment identifies that the closest bus stops are located on the B3058 Lymington Road, approximately 120 metres from the site, which is considered to be a comfortable walking distance for most of the residents of the proposed development. The existing bus stops consist of bus shelters, bus flags and timetable information. These bus stops serve the regular X1 bus services and several school buses. The X1 services operate Monday to Saturday at a frequency of 1 service every hour, with four services on Sundays. The Highway Authority considers that the current level of bus services would be adequate to accommodate future residents. As such, as part of this application, there is considered no need to secure improvements to either bus services or bus stop infrastructure.

10.21 Car and Cycle Parking

10.21.1 The applicant's Transport Assessment indicates 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. 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.

10.22 Travel Plan

10.22.1 The application is accompanied by a Framework Travel Plan, which has been updated since the application was initially registered in response to comments from the Highway Authority. The primary objective of the Travel Plan is to identify

opportunities for the effective promotion and delivery of sustainable transport initiatives such as walking, cycling and public transport, so as to reduce the demand for travel by less sustainable modes; and to identify a management strategy to ensure these opportunities are taken up. The travel plan is an important element of delivering a sustainable development. It has been confirmed by the Highway Authority that the Framework Travel Plan is largely acceptable but with there being a need to resolve a small number of outstanding points. The Highway Authority have confirmed that this can reasonably be done as part of a Full Travel Plan, which will need to be secured through planning conditions and a Section 106 legal agreement.

10.23 Public Right of Way

10.23.1 The proposed development will affect Public Footpath 796. The southernmost section of this footpath would be affected by the fact that the existing concrete driveway (i.e. the existing footpath route) would be upgraded to form the second main access into the development. A new 2 metre wide footway is proposed to be provided on the west side of the proposed new access road, with an area of proposed public open space flanking the west side of this footpath. As such, a suitable and appropriately attractive pedestrian route would be retained. The County Council's Rights of Way team have not raised any particular concerns about the changes to this part of the public footpath.

10.23.2 The other sections of the public footpath would be affected by the proposed ANRG areas. Some concerns have been raised by the County Council's Rights of Way team, and these have been noted. However, from the submission, there is nothing to suggest that the route of this section of the footpath would need to be diverted. Furthermore, the route should continue to be an attractive route through and adjacent to green infrastructure, with the potential to secure additional connections that will be of benefit to pedestrians. The way in which the footpath will be affected will need to be considered in more detail at reserved matters stage, when layout and landscaping are being considered. For now, however, it is considered that the development could be implemented without adversely affecting existing pedestrian access rights through the site. (It should be noted that the applicant would need to propose a Diversion Order if the existing public footpath route were to require diversion as a result of their proposals.)

10.23.3 The proposal would be expected to result in some increased use of the existing public right of way network. The County Council's Rights of Way team have indicated that they would like the development to secure contributions so that improvements can be made that will have the effect of mitigating the increased 'wear and tear' on the local PROW network that would be expected to result from an increased local population. In principle, such a mitigation contribution could be reasonable and appropriate, although at the time of writing a robust justification for a precise contribution has not been provided. This matter will need to be the subject of further update or resolved through discussions on the Section 106 legal agreement (post Committee).

10.24 Noise Impacts

10.24.1 The application is accompanied by a Noise Impact Assessment which considers the noise impact upon the development from a range of sources, including traffic, a nearby business park and a telecommunications mast. As noted in Paragraph 8.10 above, the Council's Environmental Health Officer has considered this noise assessment and agrees with its conclusions, namely that the noise associated with the telecommunications mast and business park will be unlikely to have any adverse impact on the occupants of the proposed development. Noise from traffic has been identified as a greater concern, as some of the proposed

dwellings located close to Lymington Road and Manor Road are likely to be affected by traffic noise. However, based on the submitted Noise Impact Assessment, the Council's Environmental Health Officer is satisfied that such noise impacts could be acceptably mitigated through careful design and orientation, and suitable ventilation. These are matters that can be adequately dealt with at reserved matters stage and as a condition of any outline planning permission.

10.24.2 The submitted Noise Impact Assessment only considers impacts on future residents and does not consider construction impacts on existing residents. Despite this lack of information, it is considered that noise impacts from construction could be acceptably mitigated through adherence to a Construction Environmental Management Plan (CEMP), which can reasonably be secured as a condition of any outline planning permission.

10.25 Air Quality Impacts

10.25.1 The application is accompanied by a detailed air quality assessment which considers air quality impacts on the local population, both during the construction phase (dust / particulate matter) and during the operational phase (the potential impacts from vehicle emissions, i.e. nitrogen dioxide and particulate matter).

10.25.2 As noted in Paragraph 8.10 above, the Council's Environmental Health Officer agrees with the conclusions of the assessment and the methodology that has been used. As such, with respect to construction related activities, it is considered that whilst there will be some potential impacts on nearby sensitive receptors, these could be acceptably mitigated through adherence to an agreed Construction Environment Management Plan (CEMP) which will need to include a more detailed Dust Management Plan (DMP). This is something that can reasonably be secured through a planning condition.

10.25.3 The Council's Environmental Health Officer also agrees with the conclusions of the applicant's air quality assessment insofar as there should be a negligible impact on air quality as a result of vehicle movements associated with the development. In addition, it is accepted that future residents should not be exposed to pollutant concentrations that would exceed established guidance. Overall, therefore, it can be reasonably concluded that the development is capable of being provided without harming air quality, or without there being adverse air quality impacts on future residents.

10.26 Contamination

10.26.1 The application is not accompanied by any Geo-Environmental Site assessment. As a result of the site's use as a nursery for more than 50 years, it is anticipated that there could be some contamination on the site associated with this use. The Council's Environmental Health Officer has therefore confirmed that a Phase 1 and Phase 2 investigation will need to be undertaken, with details submitted to the Local Planning Authority, to ensure the site is safe and suitable for its proposed residential use. It is considered that these details and any necessary mitigation / monitoring can reasonably be secured as conditions of any outline planning permission.

10.27 Impacts on Residential amenity

10.27.1 The neighbouring property most affected by the proposed development would be 'Arundel', which would be bounded by the development site on 3 sides. However, Arundel is itself the subject of a separate redevelopment proposal, which

members have resolved should be granted planning permission subject to conditions and the prior completion of a Section 106 legal agreement. With careful detailed design (that would need considering at Reserved Matters stage), there is no reason why an acceptable relationship could not be achieved either to the existing dwelling at Arundel or to the proposed replacement dwellings.

10.27.2 Aside from 'Arundel', all other dwellings along Manor Road and Barnes Lane are separated from the application site by the respective public highways (and their mature trees), meaning that the development would have no material adverse impact on the light, outlook or privacy of any other neighbouring dwelling along Manor Road or Barnes Lane.

10.27.3 The property South Lawn Lodge is set adjacent to the north-east corner of the application site alongside Lymington Road. However, as this residential property is set well away from the site's boundary and is visually separated by mature trees and vegetation, it is not considered the proposed development would materially affect the light, outlook or privacy of this property. Other properties along Lymington Road would be sufficiently separated from the development (by the road) as not to be adversely affected by the proposed development.

10.27.4 The construction of the development will inevitably create some noise, but the impacts of this upon the amenities of existing residents could be acceptably minimised through adherence to a Construction Environment Management Plan. Once the development is occupied, there would be some additional noise associated with additional traffic and activity, including use of the areas of green infrastructure. However, such noise and activity would not be unreasonable in this context, where the site is allocated for a major residential development.

10.27.5 Overall, it is considered that the development could be provided without adversely affecting the amenities of existing residential properties in the vicinity of the site. It is also considered that future occupants of the development could be provided with reasonable levels of amenity, accepting that amenity issues will need to be considered in more detail at reserved matters stage.

10.28 Archaeology

10.28.1 The application is accompanied by an Historic Environment Desk Based Assessment, with geophysical survey work having previously been undertaken. As noted in Paragraph 8.8 above, the geophysical survey detected a significant amount of archaeological activity throughout the northern part of the proposed development site and possible archaeological features across the rest of the proposed development site. The submitted Desk Based Assessment concludes that the site has a high potential for archaeological finds and features from the prehistoric, later prehistoric/Roman and medieval periods. Therefore, due to this high potential, the Council's archaeologist considers that an archaeological trenched evaluation should be conducted across the entire proposed development site. If such works should have positive results, then it is recommended that further follow-on mitigation excavation and recording may be necessary. The Council's archaeologist is satisfied that the necessary programme of archaeological work and associated investigations and recording can all reasonably be secured through conditions of planning permission. Accordingly, subject to such conditions, it is considered that the archaeological interest of the site would be appropriately recorded and safeguarded.

10.29 Heritage Impacts

10.29.1 The application is accompanied by an Historic Environment Desk Based Assessment. The assessment considers the designated heritage assets that would

have the potential to be affected by the proposed development. The assessment identifies a number of Grade II Listed Buildings on the Newlands Manor Estate as having the potential to be affected, including Newlands Manor itself, the Clock Tower, The Pavilion Garden Temple and Round Lodge. These Listed Buildings lie between 270 and 710 metres to the north of the application site's northern boundary. The submitted Assessment notes that there is no intervisibility between any of these heritage assets and the application site (due to the topography and intervening woodland planting). The Assessment identifies that during the 19th Century there was a historic ownership link between the application site and Newlands Manor, but that link has long been severed. The Assessment concludes that there would be no harm to the setting and significance of the Listed Building on the Newlands Manor Estate, a conclusion which is accepted.

10.29.2 The submitted Historic Environment Desk Based Assessment also considers the development's impact on Barnes House, a Grade II Listed Building roughly 225 metres to the north / north-west of the application site's northern boundary. The Assessment identifies that there is no intervisibility between the application site and Barnes House, and that the impact on the setting of this building would be neutral. This conclusion is again accepted.

10.29.3 A number of representations wrongly claim that the site is adjacent to the Milford-on-Sea Conservation Area. The nearest part of the Conservation Area is just over 250 metres away, to the south of the site's south-western corner. Given this degree of separation and the lack of any intervisibility between the application site and the Conservation Area, the proposed development would have no impact on the character and appearance of the Milford-on-Sea Conservation Area.

10.29.4 There are not considered to be any other designated or non-designated heritage assets in the vicinity of the site that would be materially affected by the proposed development.

10.30 Education Provision

10.30.1 Hampshire County Council have calculated that the development as originally submitted (for up to 190 dwellings) would be expected to generate a total of 57 additional primary age children. The development would be served by the Milford-on-Sea Church of England Primary School Academy Trust, which lies close to the site's eastern edge. The school is forecast to be full, taking into account proposed future housing. As such, in order to be able to accommodate the additional primary age pupils generated by the proposed development, it is considered that it will be necessary to expand the existing nearby Primary School, and to this end, a contribution of £1,057,179 has been sought by the County Council's education team. It is considered that this contribution has been appropriately justified, is necessary to mitigate the development's impact on primary education infrastructure, and is reasonable in all other respects.

10.30.2 Hampshire County Council have calculated that the development as originally submitted (for up to 190 dwellings) would be expected to generate a total of 40 additional secondary age children. Priestlands School in Lymington is the nearest secondary school to the site. However, as the academy here has admitted over their admission number on a number of occasions in recent years, it is considered that the existing accommodation here should be adequate to meet the needs of secondary age children within the proposed development without the need for further expansion of facilities. As such, it is not considered that the development's impact on secondary school infrastructure needs mitigation, and it would not therefore be appropriate or justified to require contributions to be secured towards secondary school infrastructure.

10.30.3 Overall, subject to securing the necessary contributions towards Primary School education through a Section 106 legal agreement, the development's impact on local education infrastructure would be acceptably mitigated.

10.31 Sustainable Design

10.31.1 At this outline stage, the applicant, in their Planning Statement, has noted that the new homes will comply with current design standards with regards to water efficiency, broadband and electric vehicles charging points. This will include the provision of fibre optic broadband to every new home, and electric vehicle charging in line with Building Regulation requirements. It is indicated that heating will most likely be via air source heat pumps or other renewable sources. Ultimately, the incorporation of detailed design features into the development will need to be considered in detail at Reserved Matters Stage. For now, it will be sufficient to impose conditions on any outline planning permission to ensure the development meets the specific requirements of Policy IMPL 2 of the Local Plan.

10.32 Economic Considerations

10.32.1 No permanent employment floorspace would be provided as part of this development; but nor is there a policy requirement for this. The proposal would, however, provide construction related jobs during the build out of the development, whilst the homes would be expected to be fitted out in a way that would facilitate home working. As such, the development would deliver economic benefits insofar as would be expected for a development of its type.

10.32.2 Concerns have been raised that the development would be at odds with policies for achieving sustainable economic growth (Policy STR6). Clearly, the development will result in additional working age people within Milford-on-Sea. However, it is not the aim of Policy Strategic Site 7 to provide additional employment floorspace. Employment opportunities would be expected to come forward outside of the scope of this application. There is considered no reasonable basis to refuse or challenge this application on economic grounds.

10.33 Nitrates and achieving Nutrient Neutrality

10.33.1 Natural England have provided guidance to the Council that increased development is resulting in higher levels of nitrogen input into the water environment of the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites, thereby potentially adversely affecting the integrity of these sites. Natural England's guidance is reflected in the policies of the Council's Local Plan, which stipulates that where new residential development involving additional dwellings would drain or discharge wastewater into the Solent and Southampton Water, then such development must achieve nutrient neutrality in respect of nitrogen / nitrates.

10.33.2 The application site is within the Solent and Southampton Water catchment area, meaning that the provision of up to 170 dwellings in this location would add to the nutrient burden affecting the Solent. It is therefore essential that these potential adverse effects on the Solent European sites are acceptably mitigated.

10.33.3 The submitted application included an initial nutrient budget calculation and indicates that nutrient mitigation has been secured at Heaton Farm on the Isle of Wight, which is one of the recognised nutrient mitigation schemes that can be used for developments such as this one that are situated within the Pennington Wastewater Treatment catchment area. However, the nutrient budget calculation will

need to be adjusted to reflect the Council's own occupancy rates, and at reserved matter stage, the final number of mitigation credits required will then need to be determined based on the precise number and schedule of units. At this outline stage, there is an acceptance that the development will need to be the subject of a Grampian style condition, with a deliverable solution needing to be the subject of further agreement before any dwelling is occupied. Applying a Grampian condition is considered both reasonable and appropriate, and provides the necessary certainty to be able to conclude that the proposed development would not adversely affect the integrity of the Solent European sites through increased levels of nitrates discharging into those protected areas.

10.34 Response to other matters raised by consultees and Neighbours

Minerals and Waste

10.34.1 Hampshire County Council's Minerals and Waste team have indicated that the site is within a safeguarded areas where viable mineral reserves are likely to be present. Although a previous assessment in 2018 suggested that prior extraction would be unsuitable, the County Council consider that there is still the need to consider opportunities for mineral extraction and to recover and re-use minerals where possible. Accordingly, to ensure compliance with the County Council's Minerals and Waste Plan, it is considered that any outline planning permission needs to be subject to a condition that requires the recovery and suitable re-use and recording of minerals that can be viably recovered during the construction of the development.

Health Infrastructure

10.34.2 Concerns have been raised that the proposed development will place increased pressures on local health services and infrastructure. A response from the NHS (Hampshire & Isle of Wight) advises that the GP surgeries within the local catchment area have sufficient infrastructure capacity to absorb the population increase that the development would generate, and that no mitigation requirements are therefore required. It is noted that a separate representation has been submitted by the practice manager of the Milford Medical Centre, which does identify various challenges that come with an increasing local population, whilst indicating that their premises are large enough. From a policy perspective, there is no specific policy requirement to secure health contributions, and given the consultation response received from the NHS, there is no evidence or basis to conclude that the development would put unacceptable pressure on local health infrastructure.

Telecommunications Mast

10.34.3 The existing telecommunications mast on the site falls outside of the red-line area. It is recognised that an access to this mast would still be needed, with the plans suggesting that the existing access route would be retained as a route across the ANRG. This should be acceptable subject to detailed designs that would be approved at reserved matters stage. There would be a green buffer of over 20 metres between the mast and the nearest dwellings, which would be an acceptable buffer.

Lighting

10.34.4 Concerns have been raised about potential light pollution. It is considered that such concerns are capable of being adequately mitigated through a detailed lighting scheme that can be secured through a planning condition / at Reserved Matters stage.

Publicity and Consultation periods

10.34.5 Concerns have been raised about the length of time that has been given for people to make comment on the application. The application was initially registered in May 2023 and a first round of public consultation followed. Amendments were submitted in November 2023 (with some additional supporting details coming in subsequently), and a further round of public consultation followed. Correct consultation procedures have been followed, and with around 700 letters from local residents (covering all stages of the application), it is not considered that anyone has been unreasonably prejudiced as a result of the way that the application has been advertised.

Implementation of 'The Swifts'

10.34.6 A number of local residents have raised concerns that there are unresolved issues at 'The Swifts', which has also been developed by the applicant, and which they consider need to be resolved before this application is determined. Whilst some of those concerns are understood, they fall outside the scope of this application and do not justify delaying a decision on this application, which must be judged on its individual merits.

10.35 Development Phasing

10.35.1 The application is not supported by any information on how the development would be phased. To ensure that the site is delivered in a logical and coherent way, it is considered that the phasing of the development should be secured as a condition of any outline planning permission (which will cover the points raised in Paragraph 10.12 above). The phasing of the green infrastructure will need to be secured as part of the Section 106 legal agreement.

10.36 Environmental Impact Assessment (EIA)

10.36.1 The Local Planning Authority received a request for an EIA Screening Opinion for a scheme of up to 170 dwellings in 2021. The Local Planning Authority's Opinion was that the scheme was not EIA development - i.e. development requiring an Environmental Impact Assessment. Circumstances have not changed materially since that Opinion was issued to require that Opinion to be reviewed.

10.37 Appropriate Assessment

10.37.1 As required by the Habitats Regulations, the Local Planning Authority (as the Competent Authority) has carried out an Appropriate Assessment.

10.37.2 The Appropriate Assessment concludes that subject to relevant mitigation measures, the development would have no adverse impact on the integrity of the affected European sites.

10.38 Community Infrastructure Levy

10.38.1 The application is CIL liable. The exact CIL figure will depend on the precise floorspace of the development, which can only be determined at reserved matters stage.

11 CONCLUSIONS & THE PLANNING BALANCE

11.1 The above assessment has highlighted how the proposed development would deliver economic, social and environmental benefits. The proposal would deliver

much needed additional housing in the local area, comprising a variety of different house types, and including a significant proportion of affordable homes that would be of benefit to local people. The proposal would deliver employment opportunities during the construction of the development, whilst significant new areas of green infrastructure and habitat would be created, resulting in a connected landscape that would benefit both people and biodiversity.

11.2 Of course, as with any large-scale development, what is proposed is not without its environmental impacts. However, these must be viewed within the context of a site that has been allocated for development through the Local Plan. Any negative effects must be balanced against the scheme's benefits, but recognising the need to satisfactorily mitigate many of the key environmental impacts.

11.3 In this case, it is accepted that the number of dwellings proposed would materially exceed the minimum quantum of housing that has been allocated through the Local Plan. And it is also recognised that a variety of concerns have been raised. However, the applicant has shown in broad terms how a sympathetic layout and landscape design might be achieved, whilst an overall density of about 28.9 dwellings per hectare is not considered to be inconsistent with the need for a high-quality design in this context. The scheme evidently needs to be designed well, and it is considered that this is something that can reasonably be considered and addressed at Reserved Matters stage, noting that the Parameter Plans and a number of the other key supporting plans and documents set an appropriate framework for the development to follow (but accepting some modifications to the illustrative material may be needed).

11.4 What certainly assists the setting of this development is the significant and generally well-considered green infrastructure that would be provided. This green infrastructure would not only mitigate the development's impact on protected nature conservation sites, but it would also provide important health and well-being benefits for the occupants of the development and beyond.

11.5 The development would comply with the key expectations for delivering a well-designed extension to the village as set out in policy Strategic Site 7. With its proposed lower densities adjacent to Barnes Lane and retention of the vast majority of trees along Manor Road and Barnes Lane, the development would respect the strong rural character of these adjacent highways, whilst also creating its own distinctive character, making an efficient use of an allocated site within the built-up area. The layout of the scheme as defined by the parameter plans and landscape framework plans would ensure existing landscape features are successfully integrated into a walkable network of recreational greenspace connected to the existing footpaths and the countryside. The Design and Access Statement and illustrative supporting information show how well-designed buildings and streets could be created, including tree planting that will help the development to respond positively to the sylvan setting of the local area. The part of the development within the Green Belt constitutes an appropriate form of development within the Green Belt, which will retain the openness of the Green Belt; whilst the new built edge to the Green Belt should result in a strong and permanent Green Belt boundary.

11.6 The development would be provided with safe and appropriate means of access, and the wider transportation impacts of the development could be adequately mitigated.

11.7 Overall, the proposed development is considered to be one that meets the three key objectives of sustainable development. It would meet economic objectives by providing homes that would support the local economy; it would meet social objectives by creating a safe and attractive addition to the existing settlement of

Milford-on-Sea; and it would meet environmental objectives by safeguarding and enhancing the natural environment. It is considered that the proposed development would satisfy all of the relevant requirements of Policy Strategic Site 7, as well as meeting other relevant local and national planning policy requirements. As such, it is considered appropriate to grant outline planning permission subject to a detailed Section 106 legal agreement and subject to an extensive list of conditions as described below.

11.8 *Conditions and Section 106 legal agreement*

11.8.1 Those matters that need to be secured through the Section 106 legal agreement include all of the following:

Affordable Housing

- There will be a requirement to secure 50% of the proposed dwellings as Affordable Housing in a policy compliant mix.

Education

- There will be a requirement to secure a contribution of £1,057,179 towards increasing capacity at Milford-on-Sea Primary School.

Transport

- There will be a requirement to secure a contribution of £61,600 towards improvements to the roundabout of the A337 Milford Road/North Street/Ridgeway Lane (Pennington Cross).
- There will be a requirement to secure a contribution of £112,597, towards cycling improvements in the vicinity of the site.
- There will be a need to provide off-site footway improvement works as set out in the drawing ITB12449-GA-026.
- There will be a need to provide signalised junction works, including a Toucan Crossing, at the junction of the A337/B3058, as set out in the drawing ITB12449-GA-005 Rev I.
- There will be a need to provide off-site highway works, including site accesses/crossing points as set out in the drawings ITB12449-GA-013 Rev K, ITB12449-GA-006 Rev L and, ITB12449-GA-007F.
- There will be a need to upgrade the existing signalised crossing on Lymington Road in front of Milford Primary School to a Toucan Crossing.
- There will be a requirement to pay the Travel Plan approval and monitoring fees, and a need to provide a surety mechanism to ensure implementation of the travel plan.
- There may be a need to make a reasonable and proportionate contribution towards improvements to the PROW network (subject to further review and assessment).

Public Open Space

- There will be a requirement to secure a policy compliant level of informal public open space within the development to an approved design and in an appropriate phased manner.
- There will be a requirement to secure a policy compliant level of children's playspace within the development to an approved design and in an appropriate phased manner.

- There will be a requirement to secure appropriate contributions towards the long-term maintenance of the informal public open space and children's play space, (subject to transfer arrangements).
- There will be a requirement to secure appropriate contributions to the provision of formal public open space off the site.

ANRG provision

- There will be a requirement to secure a policy compliant level of ANRG land in accordance with approved designs, and to secure permanent public access to these areas in an appropriate phased manner.
- There will be a requirement to secure the long-term maintenance of the ANRG land and associated maintenance contributions.

Other Mitigation Contributions and Measures

- There will be a requirement to secure the Solent Recreation Mitigation Contribution, the New Forest Access and Visitor Management Contribution, the New Forest (recreational impact) Monitoring Contributions and the New Forest Air Quality Monitoring contributions in full.

Biodiversity Net Gain

- There will be a requirement to secure necessary contributions / charges / credits associated with the delivery, management and monitoring of the proposals for achieving Biodiversity Net Gain.

S106 Monitoring Fees

- These will need to cover commencement checks (£808), ANRG monitoring (£11,608), Public Open Space monitoring (£6542), Affordable Housing monitoring (£808), and Biodiversity Net Gain Monitoring (£4980).

11.8.2 It is to be noted that some of the finer details of these obligations are still the subject of ongoing discussion with the applicant and would need to be resolved after this Committee meeting.

11.8.3 Those matters that need to be secured through conditions are set out in the detailed schedule of conditions below.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management 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 11 of this report;
- ii. the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Service Management Development Management, having regard to the continuing Section 106 discussions.

Proposed Conditions:

1. Condition 1 – Time Limit for Approval of Reserved Matters

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Condition 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. Condition 3 – Reserved Matters Details

No development shall commence until the detailed access arrangements within the site, the layout, scale and appearance of the development, and the landscaping of the site (herein referred to as the “reserved matters”), 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).

4. Condition 4 – Parameter Plans

The reserved matters shall fully accord with the Development Parameter Plans comprising:

Land Use Parameter Plan - 01 rev C
Storey Heights Parameter Plan - 01 rev D

Reason: To ensure that there is a coordinated and harmonious integration of landuses, built-form and spaces; and to ensure that the scale of the development is responsive to its context.

5. Condition 5 - Phasing

Prior to the commencement of any part of the development, a scheme detailing the phasing of the development, including all infrastructure (green infrastructure, drainage works, highway works, services), shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall also set out how the development will be phased to align with any necessary reinforcements to the sewerage network to ensure that there is at

all times adequate wastewater network capacity available to serve the development. The development shall be carried out and occupied in accordance with the approved phasing details / plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development and associated supporting infrastructure is provided in an appropriate manner.

6. Condition 6 - Landscape & ANRG Framework

The layout and landscape details to be submitted in accordance with condition no. 3 above shall be broadly consistent with the design principles and strategy that are illustrated on the illustrative Landscape Strategy Plan (CSA/4882/109 rev E) & ANRG Landscape Strategy Plan - (CSA/4882/110 rev D), 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 ensure the delivery of an appropriate landscape framework that will provide a high quality setting for the development, and which will provide suitable recreational opportunities that will help mitigate the development's impact on European sites.

7. Condition 7 - Dwelling Numbers & Development Mix

The development hereby permitted shall not exceed 170 dwellings. The detailed designs for the approved development shall substantially accord with the following residential mix:

1 & 2-bedroom units: 60-70% of all Affordable Rental Homes, 55-65% of all affordable homes ownership, and 30-40% of all market homes;

3-bedroom units: 25-30% of all Affordable Rental Homes, 30-35% of all affordable homes ownership, and 40-45% of all market homes;

4-bedroom units: 5-10% of all Affordable Rental Homes, 5-10% of all affordable homes ownership, and 20-25% of all market homes.

Reason: This reflects policy expectations 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 policy expectations 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.

8. Condition 8 - Site Levels

Prior to the commencement 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, 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.

9. **Condition 9 - Archaeology: A Programme of Archaeological Work**

No demolition/development shall take place/commence until a programme of archaeological work, starting with an archaeological trenched evaluation, has been secured and agreed, including a Written Scheme of Investigation submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure the archaeological interest of the site is investigated and assessed.

10. **Condition 10 - Archaeology: Implementation of Written Scheme of Investigation**

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 9.

Reason: To ensure the archaeological interest of the site is adequately investigated.

11. **Condition 11 - Archaeology: Completion and Archive Deposition**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the archaeological interest of the site is adequately investigated and recorded.

12. **Condition 12 - Tree Protection Measures**

No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site as identified for protection in the submitted John Shutler Tree Services

Arboricultural Report Swallowfield Park, Manor Road, Milford on Sea, dated 13/12/2023, have been submitted to and approved in writing by the Local Planning Authority.

The agreed arrangements shall be carried out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

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

13. Condition 13 - Tree Protection additional details

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

- a) A scheme of site supervision including a specification to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed as agreed.
- b) A plan showing the location of service routes.
- c) A plan showing the location of drainage features, swales and attenuation tanks that must be located outside the root protection areas of retained trees on site.
- d) A method statement and engineering drawings for the installation of new hard surfaced areas within the root protection areas of Trees T15, T16, T36 & T37 as identified in the submitted John Shutler Tree Report.
- e) A plan showing the location of site compound and mixing areas.
- f) A Tree Planting Schedule and Tree Plan specific for tree planting (including tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014; and the means to provide for its future maintenance.

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.

14. Condition 14 - Lighting

Prior to the commencement of the development, details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The details, which shall comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2021), shall take account of both human receptors and bats / other ecological receptors and shall include:

- a) the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent human receptors.
- b) a "sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/23 'Bats and artificial lighting at night' (or subsequent updated guidance) for all areas to be lit. The strategy

shall:

i) identify those areas/features on site that are particularly sensitive for bats (or other ecological receptors) 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

ii) 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 full accordance with the specifications and locations set out in the approved strategy / details, and these shall be maintained thereafter in accordance with the strategy.

Reason: To safeguard both residential amenities and ecological interests / protected species.

15. **Condition 15 - Construction Environmental Management Plan (Ecology)**

A Construction Environmental Management Plan (CEMP) detailing the measures that will be adopted during the construction of the development to mitigate ecological impacts shall be submitted to the Local Planning Authority as part of the application(s) for the approval of reserved matters. The CEMP shall detail:

- a) the standard environmental control measures to be adopted, as referenced in Paragraph 5.5 of the CSA Ecological Impact Assessment (Report CSA/4882/08, dated April 2023), which shall include updated ecological surveys, where necessary, to identify shifts in the ecological baseline condition (such as to support EPS derogation licence applications);
- b) A reptile Mitigation Method Statement as referenced in Section 5.29 of the CSA Ecological Impact Assessment (Report CSA/4882/08, dated April 2023).

Development shall proceed in full accordance with the approved details.

Reason: To ensure that the impact of construction on ecological interests is appropriately mitigated.

16. **Condition 16 - Ecological Mitigation and Management Plan**

An Ecological Mitigation and Management Plan (EMMP) and an Ecological Enhancement Schedule shall be submitted to the Local Planning Authority as part of the application(s) for the approval of reserved matters. The EMMP shall include detailed proposals for the provision of ecological enhancements such bird nesting and bat roosting boxes within the development, as detailed in Section 7 and Appendix M of the CSA

Ecological Impact Assessment (Report CSA/4882/08, dated April 2023).

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

Reason: To ensure that ecological interests are mitigated and appropriate enhancements are incorporated into the development; and to ensure that a key aspect of sustainability is delivered.

17. Condition 17 - Badgers

Prior to the commencement of any construction work on site, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and where necessary, a Method Statement for Badgers during Construction shall be prepared and submitted to the Local Planning Authority for its written approval. The development shall only proceed once the Method Statement has been approved in writing by the Local Planning Authority, and the development shall be carried out in full accordance with the approved Method Statement.

Reason: To ensure that construction takes place without adversely affecting badgers (a protected species), which are known to be present in the local area.

18. Condition 18 – Biodiversity Net Gain: Implementation, Monitoring and Management

Prior to the commencement of development, a Biodiversity Net Gain Implementation, Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan must set out the measures that will be undertaken ensure that a minimum 10% increase in biodiversity will be achieved and must cover a minimum period of 30 years and include:

- Methods for delivering Biodiversity Net Gain.
- A description of the habitats to be managed.
- Ecological trends and constraints on site that might influence management.
- Timed and measurable objectives in the short, medium, and long-term for achieving Biodiversity Net Gain, including detailed objectives for all habitats (target condition) and key indicators for measuring success.
- Appropriate management options and actions for achieving aims and objectives.
- The preparation of a work schedule.
- Key milestones for reviewing the monitoring.
- A standard format for collection of monitoring data.
- The identification and definition of set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.
- The measures that will be undertaken for reporting results to the Local Planning Authority.

Development shall be carried out in full accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development delivers a minimum 10% uplift in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

19. **Condition 19 - 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 establish whether the detailed designs would affect the site's biodiversity value in a different way to being predicted at this outline stage, and to ensure accordance with the policies of the New Forest District Local Plan Review 2016-2036.

20. **Condition 20 - Minerals**

Before the commencement of development, a construction management plan in respect of mineral deposits on the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide the following details:

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

Reason: To ensure appropriate opportunities are taken to recover and re-use mineral deposits on the site, and to comply with Policy 15 of the Hampshire Minerals and Waste Plan and Chapter 17 of the National Planning Policy Framework.

21. **Condition 21 - Contamination - Timing Requirements**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 22 to 24 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 25 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

22. **Condition 22 – Contamination: Investigation & Risk Assessment**

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

23. Condition 23 – Contamination: Detailed Remediation Scheme

Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

24. Condition 24 – Contamination: Verification

Where a remediation scheme has been approved in accordance with condition 23, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

25. Condition 25 – Contamination: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 22, and where remediation is necessary a remediation scheme

must be prepared in accordance with the requirements of condition 23, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 24.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

26. **Condition 26 - Surface Water Drainage Details**

No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and Drainage Strategy (Ref: Odyssey Flood Risk Assessment and Drainage Strategy, dated April 2023, Project 20-112), has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment and Drainage Strategy.
- b) Winter groundwater monitoring and infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed.
- c) Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e) Evidence that urban creep has been included within the calculations.
- 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.

Development shall only proceed in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

27. Condition 27 - Foul Drainage

Construction of the development shall not commence except for any specific schedule of works that has otherwise first been agreed in writing by the Local Planning Authority, until details of the proposed means of foul sewerage disposal for the development have been submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details.

Reason: To ensure the foul drainage arrangements for the development are dealt with in an acceptable manner.

28. Condition 28 - Construction Environmental Management Plan (amenity)

No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a. An indicative programme for carrying out of the works;
- b. Details of the arrangements for public engagement / consultation both prior to and during the construction works;
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e. The parking of vehicles of site operatives and visitors;
- f. Loading and unloading of plant and materials, including permitted times for deliveries;
- g. Storage of plant and materials used in constructing the development;
- h. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j. Measures to control the emission of dust and dirt during construction;
- k. A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To safeguard the amenities of existing and proposed (post occupation) residential properties.

29. Condition 29 - Noise levels

At detailed design stage, as part of any reserved matters submission, a scheme shall be submitted to the Local Planning Authority for its written approval to ensure that internal and external noise levels for the residential accommodation shall not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The approved scheme shall be implemented, maintained and retained in accordance with the approved details.

Reason: To ensure all dwellings within the proposed development have a satisfactory living environment.

30. **Condition 30 - 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, 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.

31. **Condition 31 - Vehicle cleaning measures during construction**

Prior to the commencement of the development, full details of the vehicle cleaning measures that will be implemented to prevent mud and spoil from vehicles leaving the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. 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.

32. **Condition 32 - Car & Cycle Parking**

Details of the car and cycle parking that is to be provided shall be submitted to the Local Planning Authority as part of the reserved matters application(s); and prior to the occupation of each dwelling the approved car and cycle parking arrangements for that plot shall have been provided in accordance with the approved reserved matters plans and details, and thereafter shall be 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.

33. **Condition 33 - Electric Vehicle Charging Points**

For all reserved matters applications 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 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.

34. **Condition 34 - Cycle and Pedestrian Routes within the Site and their Connection to the Public Highway**

As part of the application(s) for the approval of reserved matters, details of all cycle routes and public footways within the site and their connections to Manor Road and Lymington Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate consideration is given to sustainable transport modes and to ensure they link safely to the existing highway network beyond the site.

35. **Condition 35 - High-Speed Fibre Broadband**

Prior to the occupation of each dwelling in the development hereby approved, a high-speed fibre broadband connection shall be provided to the property threshold, by way of the necessary infrastructure, 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.

36. **Condition 36 - Nitrates: Water Efficiency**

No dwelling hereby approved shall 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 wastewater efficiency calculation must be installed before first occupation and retained thereafter.

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.

37. Condition 37 - Nitrates: Nutrient Neutrality

Prior to the commencement of development, a mitigation package addressing the additional nutrient input arising from the development shall be 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. All measures forming part of that mitigation package shall thereafter be implemented in full accordance with the approved details, and no dwelling within the development shall be occupied unless the approved mitigation measures needed to deliver nutrient neutrality have been 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 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.

38. Condition 38 - Approved Plans

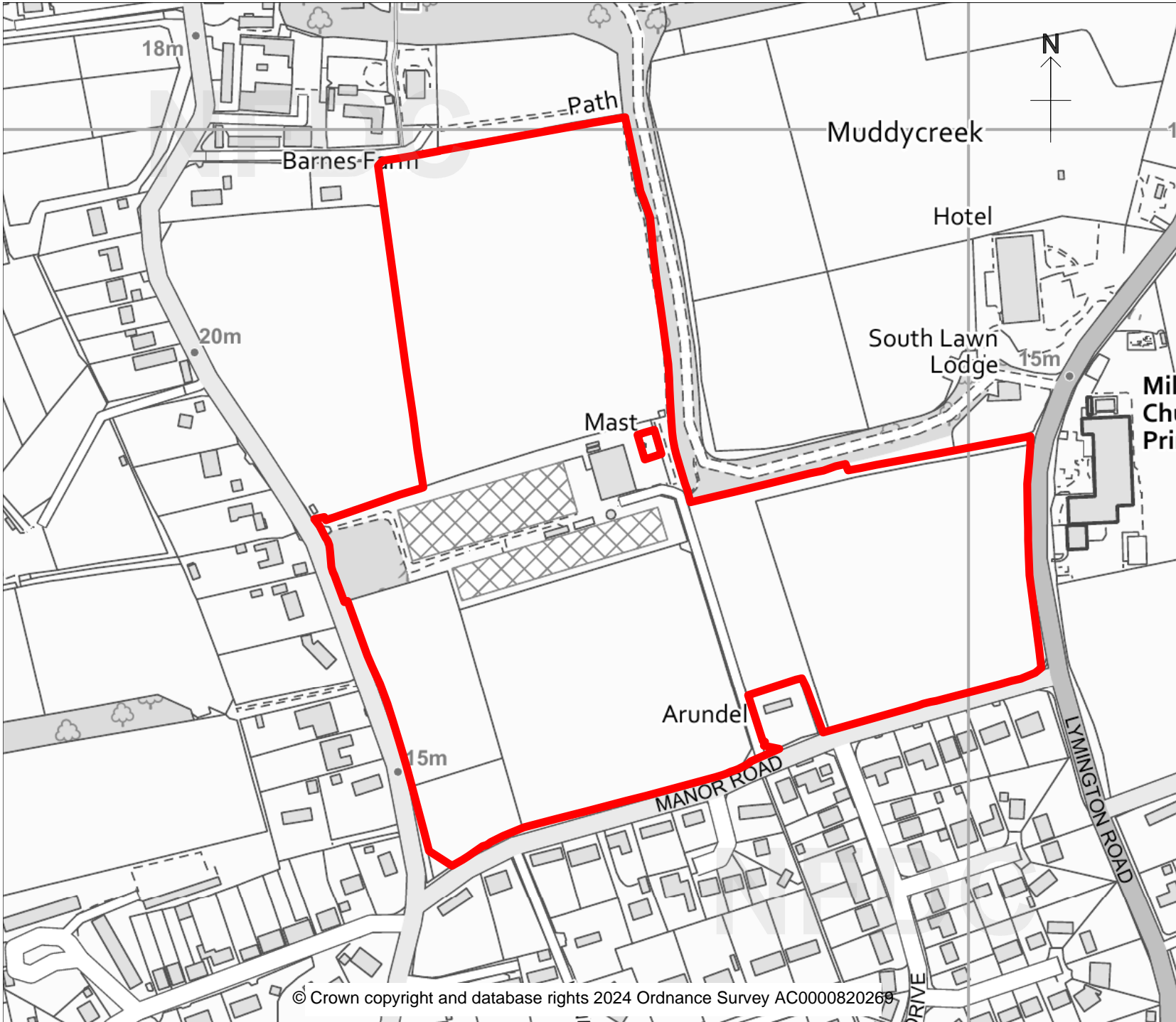
The development permitted shall be carried out in accordance with the following approved plans and particulars:

Site Location Plan - LP.01 rev A
Proposed Access Strategy - ITB12449-GA-022 rev F
Proposed Eastern Site Access Arrangement - ITB12449-GA-006 rev L
Proposed Central Access Arrangement - ITB12449-GA-013 rev K
Proposed Western Access - ITB12449-GA-007 rev F
Land Use Parameter Plan - LUPP- 01 rev C
Storey Heights Parameter Plan - SHPP-01 rev D

Reason: To ensure satisfactory provision of the development.

Further Information:

Ian Rayner
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New Forest

DISTRICT COUNCIL

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

PLANNING COMMITTEE

February 2024

Land North of Manor Road
 Milford on Sea

23/10476

Scale 1:3500

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

Planning Committee 14 February 2024

Application Number: 23/11156 Full Planning Permission
Site: Land Adjacent to 1 WOODLANDS CLOSE, DIBDEN PURLIEU, HYTHE SO45 4JG (PROPOSED LEGAL AGREEMENT)
Development: 3-bed detached dwelling
Applicant: Ms Hinton
Agent: Sanders Design Services Ltd
Target Date: 02/01/2024
Case Officer: John Fanning
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Character and design
- 4) Amenity
- 5) Access and parking
- 6) Flood risk
- 7) Biodiversity net gain
- 8) Mitigation & Developer contributions

2 SITE DESCRIPTION

The site is located within the built-up area and within the parish of Hythe and Dibden Purlieu. The surrounding area is residential in nature, typically featuring detached and semi-detached properties. The site has historically been heavily vegetated but has been cleared of vegetation prior to the submission of the current application. There is a substation adjacent to the plot.

3 PROPOSED DEVELOPMENT

The application proposes the erection of a single-storey dwelling within the plot.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10233 3-bed detached dwelling	27/04/2023	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness
Policy STR1: Achieving Sustainable Development
Policy STR3: The strategy for locating new development
Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy HOU1: Housing type, size, tenure and choice
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan
Policy D1 - High Standards of Design and Architecture
Policy D2 - Design and Access Statement required
Policy D3 - Local Distinctiveness
Policy H2 - New residential buildings that facilitate future conversion and utilisation of roof space to provide additional accommodation will be encouraged
Policy WEL1 - Development proposals should seek to support public health, active lifestyles and community wellbeing
Policy WEL2 - New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking. New residential developments should provide infrastructure for charging electric vehicles.

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend REFUSAL

The Council objects to this application for the following reasons:

1. The design is out of keeping with the street scene
2. There are concerns over highway safety especially during the construction phase when there will be additional vehicle movements to and from the site.
- 3- The development may increase the risk of flooding to adjacent land unless a suitable drainage scheme is provided

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

HCC Highways

No comment

Ecologist

Recommend condition to secure ecological enhancements. No objection subject to suitable habitat mitigation being secured.

9 REPRESENTATIONS RECEIVED

6 letters of objection received from neighbouring properties/local residents:

- Loss of privacy for neighbouring occupiers
- Impact on drainage for adjacent properties
- Loss of wildlife
- Proposed access is unsafe
- Potential to increase on-road parking
- Concern about potential highways implications during any construction works

10 PLANNING ASSESSMENT

Site History

It should be noted that a recent application for a two-storey dwelling on the plot was refused under application reference 23/10233 based on the following two issues:

- 1. The development, with particular reference to the proposed dwelling's position, massing and appearance, would relate poorly to the surrounding pattern of development and the amenity of neighbouring occupiers (notably 1 Woodlands Close and 3 and 4 Chaveney Close). It is considered that the massing, appearance and layout of the development within the plot would fail to respect the existing rhythm and pattern of development within the surrounding area and would represent an overbearing and unneighbourly form of development in the context of adjacent properties, and the proposal would thereby be harmful to the outlook and amenities of the occupants of these neighbouring dwellings, as well as detracting from the character and appearance of the area. As such, it is considered that the proposal would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the provisions of the Hythe and Dibden Neighbourhood Plan (2019).*
- 2. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.*

Principle of development

Local and national planning policies outline an identified need for new residential dwellings within the district and wider area.

It is noted that the rationale for how to treat the 5-year land supply issues has been changed with a recent update to the NPPF in December 2023. However, with regard to footnote 79 of the NPPF, as the application was submitted prior to the adoption of the updated NPPF, the provisions of paragraph 76 do not come into effect. What

this means is that for the purpose of the current application, the Local Planning Authority cannot demonstrate an appropriate 5 year supply and additional weight is afforded to the provision of additional dwellings to meet this demand.

The NPPF and local policies stress the importance of ensuring high quality, sustainable development. While additional weight is given to the provision of additional dwellings, the application seeks permission for a single additional dwelling which provides a relatively minor contribution to the overall demand. It is considered that the key factor in determining if the development is acceptable is how the proposed development relates its context and the wider area.

Character and design

The application site is situated on a corner of Woodlands Close and would be reasonably visually prominent as one enters Woodlands Close from the west. Presently, the plot provides a visual buffer between the built form of Woodlands Close and Chaveney Close to the south.

The dwelling would be set well back from the main street scene. It is a common feature within Woodlands Close to incorporate a set back and garden to the frontage of the property. However, the orientation of the properties and the position on the corner would result in a different form of development.

Concerns were raised as part of the previously refused proposal that the layout and position of the proposed 2-storey dwelling would be at odds with the existing pattern and rhythm of development within the context of the surrounding street scene. The current proposal seeks to address these concerns by reducing the scale of the proposal to a bungalow form.

Within the context of Woodlands Close, properties are generally two-storey in nature, though it is noted that the site is also set within the context of Crete Lane and Chaveney Close to the south which feature bungalow forms.

Woodlands Close contains a mix of built forms including both hipped roofed designs and gabled elements. At present, the building would be predominantly screened from the main visual aspect of Woodlands Close, though it is noted that this screening primarily consists of vegetation falling outside of the control of the application site and this arrangement may potentially change in the future. Notwithstanding this, the location and layout of the site being subdivided from the adjacent properties by a substation to the north and access, and the change in the road orientation to the west, clearly establishes the plot as a partially independent plot within the surrounding street context.

Overall, it is considered that the scale and design of the proposed development would work much better on this plot than the previously refused 2-storey dwelling. Subject to a suitably conditioned scheme of hard and soft landscaping, the development would be relatively well screened from the existing Woodlands Close frontage and would not be intrusive or incongruous within the street scene. The dwelling's set back within the site and its single-storey nature would further minimise any visual intrusion in the context of the street scene. The building itself is otherwise considered to be of an appropriate visual appearance within the context of the surrounding residential area, and no objections are raised in this regard.

Amenity

While the proposal would result in some intensification of the use of the existing land which is currently vacant, it is considered that the proposed residential use would

represent an appropriate use within the context of the surrounding residential environment.

With regard to the previous two-storey design, concerns were raised about the impact on neighbouring properties given the proximity to the boundary and the relationship with neighbouring properties. It is considered that the reduction to a single-storey form has substantially addressed these concerns. Given the bungalow would be set off the boundary and given the reduction in height towards the boundaries, it is not considered that the proposal would represent an overbearing form of development or one that one would cause a harmful loss of light, outlook or privacy.

Access and Parking

The site has a somewhat unusual relationship with the street scene, with the main immediate frontage of the site onto Woodlands Close being an area of open hardstanding which is presently used as part of a communal access to the rear of properties to the west on Woodlands Court. It is noted this already serves an existing use as an access for vehicular traffic and to provide access to the site.

The application proposes a 3-bed dwelling. The application identifies 3 on-plot spaces, with the Parking Standards SPD identifying a recommended on-plot provision of 2.5 spaces for a 3-bed dwelling.

While the frontage of the development is somewhat dominated by the proposed parking arrangement, it is considered that the proposal is able to demonstrate compliance with the Council's parking standards criteria and outlines an ability for vehicles to safely enter and leave the site in a forward gear. On this basis, and in the context of the extant access, it is not considered that the proposal would be harmful to highway safety, and the highways demands of the proposal are considered to be satisfactorily addressed.

It is recommended that a suitable scheme of hard and soft landscaping and the parking arrangement be secured by condition.

Flood risk

The site is not situated within an area of identified flood risk.

The proposal will result in additional hardstanding on the plot, which will reduce the available drainage capacity of the site. As part of securing the proposed landscaping conditions on the site, the Local Planning Authority will look to ensure that any hard surfacing secured is permeable or drains into a permeable surface within the boundary of the site.

Biodiversity Net Gain

As of 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2. Ecological enhancements should be provided to demonstrate biodiversity net gain in line with the NPPF and the Local Plan e.g. bird boxes, bee bricks and landscaping of value to wildlife. The application has identified the inclusion of bird and bee bricks and a condition is recommended to secure these details.

Mitigation

The application site lies within 1.7km of the Solent and Dorset Coast Special Protection Area.

a) Recreational Impacts

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 planning permission would adversely affect the integrity of the New Forest and Solent European sites, in view of those sites' conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. These matters will need to be secured by legal agreement prior to any grant of consent.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. This matter will need to be secured by legal agreement prior to any grant of consent.

c) Nitrate neutrality and impact on Solent SAC and SPAs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. A Grampian Condition is recommended to address this.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking prior to any grant of consent:

Air Quality Monitoring contribution: £103

Recreational Habitat Mitigation:

- Infrastructure Habitat Mitigation (Provision): £6,275
- Non-Infrastructure Habitat Mitigation (Access Management and Monitoring): £912
- Bird Aware Solent: £834

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	93	0	93	93	£80/sqm	£10,902.46 *

Subtotal:	£10,902.46
Relief:	£0.00
Total Payable:	£10,902.46

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The Council encourages the development of windfall plots, and it is important that the development is appropriate within the context of the surrounding area and represents a high quality of design which integrates into the surrounding pattern of development. This concept is reiterated within the Hythe and Dibden Neighbourhood Development Plan.

It is considered that the amendments to the proposal from the previous scheme have addressed the previous reasons for refusal in terms of integrating the development into the context of the surrounding street scene and mitigating the impacts on adjoining neighbouring occupiers.

In order to address the second reason for refusal, the applicant will need to enter into a legal agreement to secure appropriate mitigation elements. Delegated authority is sought to conditionally approve the application subject to that legal agreement being entered into.

13 RECOMMENDATION

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

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement or unilateral undertaking to secure those matters set out in the 'Developer Contributions' section of this report; such agreement to be completed by 31st May 2024.
- 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:

Drg No: wc sht 1 (Proposed elevations and floor plans) Dated: October 2023, Received: 07.11.23

Drg No: wc sht 2 (Site location and block plan) Dated: October 2023, Received: 07.11.23

Drg No: wc sht 3 (Site plan) Dated: October 2023, Received: 07.11.23
(Air quality statement) Received: 07.11.23

(Design and Access statement) Received: 07.11.23

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. Before development 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) the treatment of the boundaries of the site and other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

5. 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.

6. The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

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.

7. Prior to the occupation of the development hereby approved, the ecological enhancement measures outlined in section 8 of the submitted planning statement (installation of swift boxes and bee bricks) shall be implemented in accordance with the submitted details and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

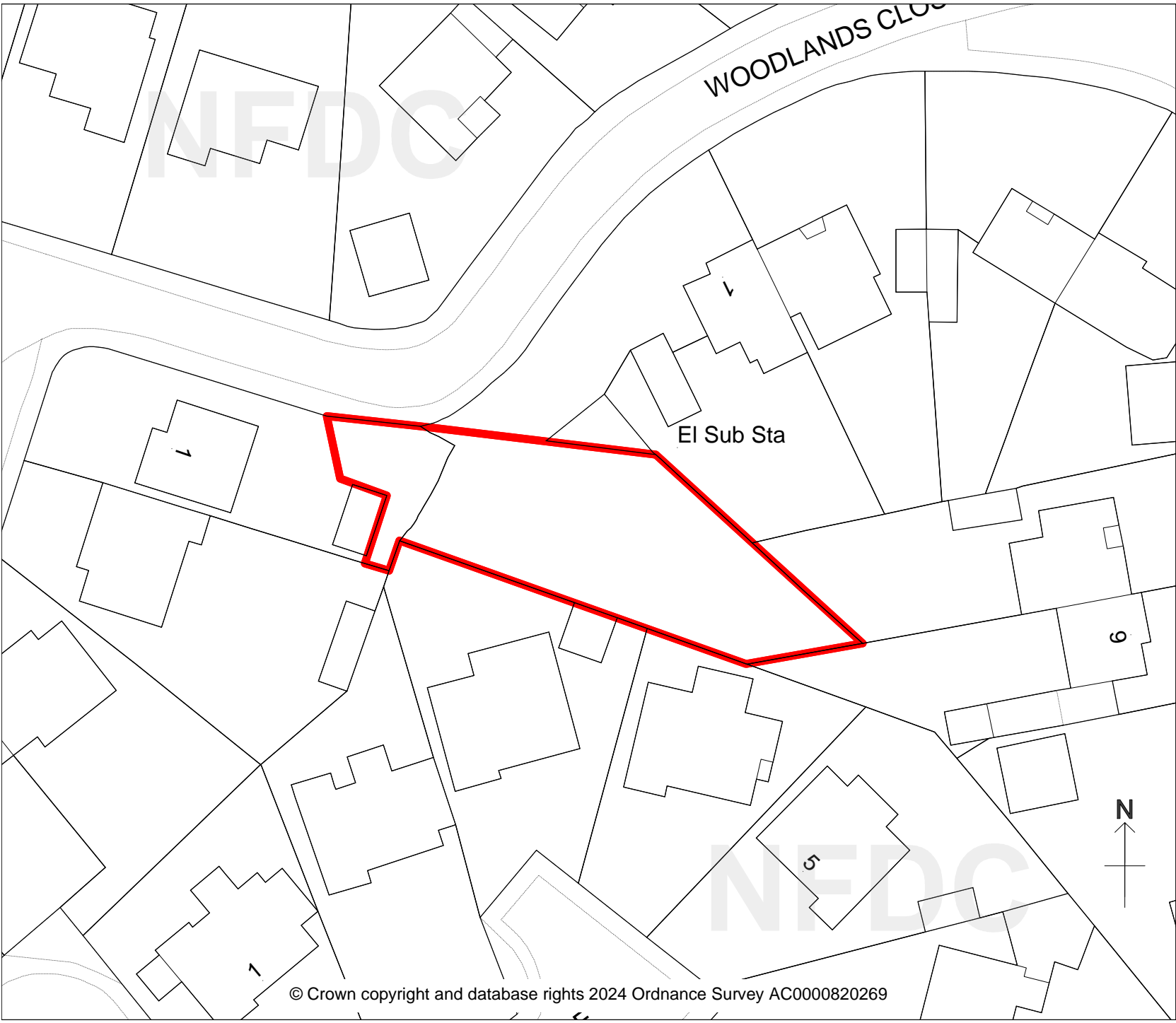
8. The development hereby permitted shall not be occupied until the spaces shown on Drg No. 'wc sht 3' for the parking of motor vehicles and cycles have been provided. The spaces and tracked manoeuvring areas shown on plan Drg No. 'wc sht 3' for the parking of vehicles shall be retained and kept available for that purpose at all times thereafter.

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.

Further Information:

John Fanning

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PLANNING COMMITTEE

February 2024

Land adj 1 Woodlands Close
Dibden Purlieu

23/11156

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Planning Committee 14 February 2024

Application Number: 23/11142 Full Planning Permission
Site: LAND ADJACENT TO STATION HOUSE,
HINTON WOOD LANE, HINTON ADMIRAL, BRANSGORE
Development: 2 x residential bungalows with associated parking, bin &
cycle storage
Applicant: Mr & Mrs Furniaux
Agent: Studio Homer
Target Date: 09/01/2024
Case Officer: Vivienne Baxter
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Green Belt
- 3) Impact on the character and appearance of the area
- 4) Impact on the residential amenities of the area
- 5) Highway matters including parking
- 6) Habitat mitigation and ecology

2 SITE DESCRIPTION

The site lies adjacent to the railway line at Hinton Admiral Station. It is currently a fenced off area with large sliding gate to the station forecourt. A large electricity pylon stands adjacent to the north east corner of the site. Station House, to the west, is used as a holiday let. The garage associated with this property (currently used for storage) is accessed through the application site. To the east, is a further holiday let occupying a building previously used as a garage.

Within the site are metal storage containers and between these containers and the northern site boundary are two trees.

3 PROPOSED DEVELOPMENT

The proposal is for the erection of a pair of semi-detached bungalows comprising 2 bedrooms, a bathroom and open plan kitchen, dining and living area. Each dwelling would have bin and bike stores. The site would be open to the frontage onto the station forecourt where access would be provided for four parking spaces.

The storage containers would be removed and vehicular access to the existing garage on adjacent land would be prevented through the siting of the bin/bike store to plot 1. The applicant has advised that the garage is used predominantly for domestic storage accessed through a pedestrian door from the patio garden area of Station House.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10483 Construction of a pair of double garages	30/08/2023	Refused	Decided
21/10697 Conversion of existing garage into single-storey dwelling	11/11/2021	Granted Subject to Conditions	Decided
10/96506 One pair of semi-detached houses; detached garage (Outline application with details only of access, layout & scale)	22/03/2011	Refused	Decided
08/93317 Detached garage	02/01/2009	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Local Plan Part 2: Sites and Development Management 2014

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Air Quality in New Development. Adopted June 2022

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Neighbourhood Plan

Not applicable

National Planning Policy Framework 2023

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council

The committee had no objection to the proposals and felt that they were in keeping with and would enhance the area.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Network Rail - Southern Region: no objection

Ecologist: no objections

HCC Highways: no objection

Natural England: no objection

Environmental Health (Pollution): recommend refusal due to lack of information on potential noise and vibration issues from the railway line to the proposed dwellings.

Wessex Water: no objection

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Principle of Development

The site lies within the countryside and Green Belt. Policy DM20 relates to residential development in the countryside. New build residential development is not usually acceptable unless it is for the purposes of agricultural, forestry workers or it is affordable housing. The proposal does not meet any of these criteria and so would be contrary to Policy DM20.

South West Hampshire Green Belt

The provision of new buildings in the Green Belt is considered to be inappropriate. There are a limited number of exceptions set out in para 154 of the NPPF where new buildings are not considered to be inappropriate in the Green Belt. The only one of these exceptions which is relevant in this particular case is para 154 part g) which allows for *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development"*

The site and adjacent land to the east have changed significantly in appearance over the last 20 years. The site was predominantly a grassy area with trees and appeared to be the garden for Station House in 2008. Around 15 years ago this changed with open storage (containers and vehicles) and the construction of the garage building to the east, which is now a holiday let with a further outbuilding. This outbuilding now associated with the holiday let to the east does not appear to have planning permission but is considered to be lawful by default. The 2008 permission for a garage relates to the garage to the west of the site. The existing storage containers do not benefit from planning permission.

It should also be noted from the planning history of this site that there were refusals of planning permission for a pair of oversized double garages (in 2023) and a pair of semi-detached houses (in 2010).

Vegetation cover for the area has been significantly decreased over time resulting in the site having being hard surfaced with a more open and harsher appearance and it is enclosed by 2m high boundary fencing. The agent considers that by the removal of this existing high boundary fence, setting the dwellings back within the site and keeping a low ridge line to the proposed dwellings, the proposal would preserve the feeling of openness.

However, officers do not accept this assessment and consider that this is an important visual gap and the provision of a pair of dwellings, albeit of a single storey height, in this location would not preserve the openness of the site. The indicative street scene plan that has been submitted demonstrates that there would be a significant intrusion into the Green Belt should this development be permitted. As such the proposals would not comply with the provisions of the NPPF para 154 (g) as the openness of the Green Belt would not be preserved.

The submitted details refer to the presumption in favour of sustainable development and the tilted balance given that there is a lack of a 5 year housing land supply under NPPF (paragraph 11). The Council cannot demonstrate a five-year supply of deliverable housing land and the updated housing land supply position will remain 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 very modest level of housing provision and harm is identified in respect of impact on the openness of the Green Belt and countryside. The NPPF clearly indicates that permission should not be forthcoming where the application of policies in the Framework that protect assets of particular importance such as the Green Belt provide a clear reason for refusing the development proposed. This is discussed below.

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

The proposed dwellings would be single storey and would be sited between two detached garages on adjoining land. It is noted that the dwellings each have a front gable which reflects the span of the holiday let building (garage conversion) to the east although as a pair of gabled fronted dwellings, the overall impact is of a building with a significantly greater footprint and massing than other adjacent single storey structures. This massing is also at odds with the proportions of the original Station House.

The layout of the site is such that parking would be provided in a single block on the sites frontage and this would be open to the station forecourt, increasing the impact it would have within the street scene particularly due to the amount of hard surfacing which would be visible in this location. The submitted street scene shows the existing gate piers would be relocated with a lower section of fencing and piers either side of the opening, however this is not reflected on the proposed site plan.

Whilst the views of the Parish Council with regard to the dwellings being in keeping with the area have been noted, for the reasons given above it is considered that the proposal represents an inappropriate form of development which would not enhance local distinctiveness and would be contrary to policy ENV3 of the Local Plan Part 1.

Residential amenity

The proposal is for single storey properties only and in view of the existing boundary treatment, the proposed dining area and bedroom windows would not adversely affect the amenity of those occupying the holiday lets either side of the site. It is further noted that Station House does not have any first floor side windows which may impact on privacy to plot 1.

The dwellings have been designed so the main outlook is over the small amenity space provided at the side of each dwelling. These garden areas would be subject to noise and disturbance from the railway and it is further noted that the second bedroom in each property is just 1m from the boundary fence separating the site from the platform. The dwellings would not offer a very good level of amenity as a result.

The application site is immediately adjacent to the platform of the London-bound railway line. As a relatively small station, not all trains stop at this location and there are several trains which travel straight through. Dwellings which are sited within 60 metres of railway tracks (those proposed are approximately 8m away) must be subject to an assessment of the impact of the vibration from the railway. Such assessment should include details of recommended remedial measures if vibration levels are found to be unacceptable.

As the application has not been supported with any such information, it has not been demonstrated that the proposed dwellings would not suffer from noise and vibration impacts associated with the adjacent railway line. The proposal would therefore be contrary to Policy ENV3 of the Local Plan Part 1 in that it would not offer an attractive place to live through unacceptable noise impacts on future residential amenity.

Highway safety, access and parking

At present, there are station car parking spaces parallel to the site boundary commencing adjacent to the garage associated with the single storey holiday let. Two of these spaces are immediately adjacent to the site boundary although these are not indicated on the proposed plan. As part of these proposals, the existing sliding gate would be removed and the brick gate pier to the east relocated approximately 8m further east resulting in an opening from the station car park into the site, of 15.4m. This is likely to result in the loss of one or both of the parking spaces outside of the site although does not appear to have been considered by the applicant.

The Highway Authority has indicated that whilst parking provision is not a matter for them to consider, further details would be useful. The application states that there would be an altered access to the public highway however the land here is not public highway and so this needs to be clarified with the applicant.

The proposal provides two parking spaces for each dwelling together with a small storage facility for secure cycle parking. It is considered that this complies with the appropriate recommended level of parking. The provision of electric vehicle charging points is also welcomed. However, as stated above, it is likely that the parking spaces for plot 2 would not be accessible if agreement has not been made to relocate the station parking facilities. A second station parking space would impact on the proposed visibility splay for these spaces too.

The potential loss of station parking is a private matter for the applicant to resolve with the land owner. If the proposed on site parking is not possible to achieve as a

result of these spaces being maintained, it is not considered that a shortfall of parking could be supported as a reason for refusal in this particular location. This would also be the case for the loss of parking for Station House.

Ecology and Trees

There are no significant concerns with regard to the potential impact in ecology given the current status of the site. However, the proposal does not include any ecological enhancements which could easily be incorporated in the development such as bat/bird boxes which could be secured by a planning condition if the application was otherwise acceptable.

There are two trees on site which are not shown on either existing or proposed site plans. Due to the proximity of the electricity lines, it is unlikely that they could be considered suitable for inclusion in a Tree Preservation Order although they do provide some public amenity value to this side of the station forecourt which is quite a harsh environment. They are acknowledged on the application form and it is likely that neither would be affected during construction. The plans do not show their crown spread but due to their location north of the proposed dwellings, it is unlikely that they would result in significant harm to future amenity through overshadowing/shading.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites. Although the adverse impacts could 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, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

Air Quality

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.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, should permission be forthcoming, the applicant would be required to provide 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. In view of the recommendation, this has not been requested at this stage.

Nutrient neutrality

The site is situated within the Mude catchment which drains to Christchurch Harbour. At present, there is no requirement for nutrient neutrality as neither The Solent or the River Avon are affected by the proposal.

Developer Contributions

As part of the development, the following would need to be secured via a Section 106 agreement:

- Habitat Mitigation
- Air Quality Monitoring

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	124	0	124	124	£80/sqm	£14,536.62 *

Subtotal:	£14,536.62
Relief:	£0.00
Total Payable:	£14,536.62

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The proposal constitutes inappropriate development in the countryside and Green Belt which would not meet the exceptions for new development and would harm the rural character and openness of the Green Belt making it unacceptable in principle. Furthermore, the design and layout of the site is such that it would not enhance the character or appearance of the area. The proposal is therefore considered to be contrary to policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM20 of Local Plan Part 2 and the NPPF.

With regard to the residential amenities of future occupants, it has not been demonstrated that they would not suffer from noise and vibration disturbance which would be harmful to their enjoyment of the properties.

In view of these concerns, refusal is therefore recommended with a further reason included in respect of a lack of mitigation for air quality monitoring and habitat mitigation.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal for two new dwellings represents an inappropriate form of development in the countryside and Green Belt and would fail to meet any of the specified exceptions for allowing new development in this area. As such it would result in a harmful impact on the rural character of the area and the openness of the Green Belt resulting in the loss of an important visual gap and would be contrary to Policy ENV2 of the Local Plan Part 1 Planning Strategy, Policy DM20 of the Local Plan Part 2: Sites and Development Management for the New Forest outside of the National Park and NPPF para 154.
2. The proposed dwellings would by reason of their mass, appearance and layout be contrary to the established character of the area and would have an adverse impact upon the locality contrary to Policy ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park.
3. It has not been demonstrated that the proposal would not give rise to unacceptable living conditions for future occupiers by way of unacceptable noise and vibration in view of the proximity of the proposed dwellings to the railway line. As such, the proposal has the potential to result in unacceptable impacts on the residential amenity of future occupants contrary to Policy ENV3 of the Local Plan Part 1.
4. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site and the Solent and Dorset Coast Special Protection Area would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality impacts on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites".

Further Information:

Vivienne Baxter

Telephone: 023 8028 5442

NFDC



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Hinton Admiral
(Station)

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STATION ROAD

NFDC

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PLANNING COMMITTEE

February 2024

Land adjacent to Station House
Hinton Wood Lane
Hinton Admiral
23/11142

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scale.

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Planning Committee 14 February 2024

Application Number: 23/10819 Full Planning Permission
Site: SUNDOWN FARM, DROVE END, MARTIN SP6 3JT
Development: Demolition of existing dwelling and erection of new dwelling with detached garage/store, fencing, ground mounted PV cells and ground source heat pump with associated landscaping and ecological pond located north west of the existing dwelling and fronting Howgare Road

Applicant: Ms C Besent
Agent: BoonBrown Architects Ltd
Target Date: 31/10/2023
Case Officer: Vivienne Baxter
Officer Recommendation: Refuse
Reason for Referral to Committee:

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Design, size and site layout
- 3) Landscape impact on the character and appearance of the Natural Landscape (AONB)
- 4) Impact on the residential amenities of future occupiers
- 5) Ecology and habitat mitigation.
- 6) Highway matters including parking.

2 SITE DESCRIPTION

The site lies within the countryside and Cranborne Chase Natural Landscape (formerly Area of Outstanding Natural Beauty) and is located to the northwest corner of the A354 with Howgare Road. The site is formed from the existing dwelling and associated curtilage, farm track and area where the proposed dwelling would be located.

The existing dwelling is located less than 10m away from the main road but is well screened by trees and other vegetation so it cannot be readily seen. The existing dwelling and adjacent barn are both accessed off Howgare Road, close to its junction with the main road.

The boundary to Howgare Road is a typical field boundary which runs parallel to the site where there are a pair of metal farm gates set some 150 m back from the main road where the land rises up to the north. The boundaries of the site away from the roads are not presently marked, being an open field.

There is an existing mobile home on land to the rear of the barn and which it is understood the applicant is presently living in pending the outcome of the current planning application.

3 PROPOSED DEVELOPMENT

The proposal is to erect a replacement dwelling on a different siting further west and fronting onto Howgare Road. The proposed new property would comprise hall, sitting room, boot room, plant, WC, farm office and large kitchen/dining area at ground floor level with 4 bedrooms (2 ensuite) and family bathroom at first floor level. The indicative residential curtilage would also include a detached garage building with secure cycle parking, car port and implement store with tackroom/store above accessed via an external staircase. An ecological pond is also proposed to be provided to the new property's frontage.

The existing dwelling - which comprises sitting room, living room, kitchen with pantry, office and WC accessed externally at ground floor level with four bedrooms, box room and a bathroom at first floor level - and associated garage structure (which has collapsed) - would be demolished and land left to minimise disruption to wildlife.

To the west of the indicative residential curtilage there would be two rows of solar photovoltaic panels with ground source heat pump loops extending some 32m x 16m around the solar arrays (albeit underground). To the southeast of the proposed curtilage would be a drainage field associated with the proposed sewage treatment plant.

The existing farm access onto Howgare Road would be retained for use as a farm track with the residential access provided off this track and separated by a gate and cattle grid. The existing access point close to the barn and existing dwelling would be removed and grassed over.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
XX/RFR/00539 Farm buildings.	08/12/1949	Granted Subject to Conditions	Decided
XX/RFR/00478 Farmhouse.	08/12/1949	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites.
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy IMPL2: Development standards
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
DM20: Residential development in the countryside
DM21: Agricultural or forestry workers dwellings

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
SPD - Design of Waste Management Facilities in New Development
SPG - Landscape Character Assessment
SPD - Parking Standards
SPG - Residential Design Guide for Rural Areas
SPD - Mitigation Strategy for European Sites

Neighbourhood Plan

N/A

National Planning Policy Framework 2023

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council

On Monday 16 October 2023, the Martin Parish Council met to discuss application 23/10819. The council resolved to recommend PAR 3 Permission. Regarding the old home on site, it was felt that it made sense to demolish the building rather than renovate or maintain it as is. It is currently an eyesore. In regard to the new proposed building, it was felt that the house site is hidden in a dip in the land and would not detract from the beauty of the downs. The design of the building is in keeping with the area and will fit into the landscape.

7 COUNCILLOR COMMENTS

No comments received.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: Request further details and recommend condition

NFDC Landscape Team: Comment only but raise concern with the extent of ancillary residential infrastructure in the countryside, inappropriate landscape mitigation and that preference should be given to refurbishing the existing dwelling.

Environmental Health (Pollution): No objection subject to condition

AONB/NL Office: Comment only but raise concerns about the isolated siting of the new dwelling and its impact on the landscape, the extent of full height glazing and roof lights and conflict with the AONB Management Plan

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Principle of Development

In principle, under Policy DM20 of Local Plan Part 2 new dwellings are not usually permitted within the countryside unless, amongst other criteria, they are for agricultural purposes or replacements of existing dwellings. The replacement dwelling should not normally provide for an increase in floor space of more than 30%.

Both of these exception criteria of Policy DM20 apply to the current proposal, however, to be acceptable the proposed dwelling also needs to be of an appropriate design, scale and appearance in keeping with the rural character of the area and should not significantly alter the impact of built development on the site within its setting.

Policy DM21 of Local Plan Part 2 is also relevant to this application as it specifically relates to agricultural workers dwellings. The policy requirements are as follows:

- (i) there is a clearly established existing functional need.*
- (ii) the need relates to a full-time worker, or one who is primarily employed in the agriculture/forestry enterprise and does not relate to a part-time requirement.*
- (iii) the unit and the agricultural/forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.*

With this in mind, it has been stated in the submitted documents that the applicant is currently working the land associated with the farmhouse having purchased it from the previous farmer and as such, there is an established functional need. It is the applicant's only employment, and she is assisted by family members. Although it is not clear how long the farm has been established, it should be noted that the existing farmhouse was built in the late 1940s and was occupied until late 2022. This policy also requires new buildings to be well related to existing buildings or other dwellings.

As such, the principle of a replacement dwelling is acceptable in accordance with policy but this is subject to the proposed dwelling being of an appropriate design, scale and appearance in keeping with the rural character of the area and should not significantly alter the impact of built development on the site within its setting and well related to existing buildings or other dwellings.

These matters are considered further below.

Design, size and site layout

Having regard to the site layout, the proposed dwelling would be located some 175m further west than the existing farmhouse and would require the creation of a new residential curtilage within the countryside. Whilst it is accepted that the existing curtilage and dwelling would be removed, the current proposal, together with the associated outbuilding, solar, drainage and heating requirements and additional planting proposed would be significantly larger than the existing curtilage area. Although the drainage and heating elements would be hidden underground this area would extend into two fields thus reducing the amount of agricultural land.

Furthermore, the proposal is reliant on the landscaping mitigation to seek to make it acceptable in landscape terms. This landscaping is shown outside of the identified residential curtilage. It is however considered that this ancillary infrastructure should be included within the identified curtilage area and form part of the same planning unit.

The Parish Council considers it appropriate to demolish the existing dwelling although from the officers site visit, it was noted that the brickwork and roof appear in a good state of repair although the windows and some internal elements (kitchen ceiling/bedroom floor) are in need of replacement. There is no structural report suggesting that the property is beyond repair and regardless of this, the relocation of the dwelling from its current siting is not considered to be justified in this instance.

To accord with Policy DM20, replacement dwellings should not generally exceed 30% of the floor space of the existing property. In this case, the existing dwelling is a substantial 4-bedroomed property with three reception rooms, amounting to approximately 136m². (This measurement is taken from the dimensions indicated on the original approved plans from 1949 due to the lack of a scaled survey drawing).

The proposal would result in a dwelling of just over 218m², an increase of over 82m² and an increase of more than 60% in relation to the floorspace of the existing property. Whilst larger properties could be considered appropriate where they area to meet the genuine family needs of an occupier, the application is not supported with any such justification. Furthermore, Policy DM20 requires replacement dwellings to be of an appropriate design, scale and appearance in keeping with the rural character of the area which is not achieved by this proposal.

As the proposal would provide a significantly larger dwelling some distance from any other built form in the area, it is considered to be contrary to Policy DM20 in view of its size and impact on the character and appearance of this part of the site. It is further noted that the AONB Position Statement on Housing suggests that 120m² could be an appropriate size for an essential worker's dwelling with a maximum additional space of 30m² if a farm office is also required. The proposal would exceed this by some margin. The Management Plan produced by the AONB office includes policies which Local Authorities should have regard to in determining proposals with criteria relating to size and visual impact which are similar to the Council's policy framework.

Proposals should not generate a need for additional ancillary development and should not replace a temporary or abandoned dwelling. Having regard to these latter criteria, although the applicant is currently living in an unauthorised mobile home on the holding, it is understood that the existing dwelling was occupied until October 2022 and without information to advise otherwise, could be reoccupied with some repair/refurbishment.

Policy DM21 relates specifically to agricultural dwellings. Such dwellings are required to be well-related to existing farm buildings. In this instance, the proposed dwelling would be in excess of 120m away from the barn. The existing dwelling is approximately 19m from the barn. The proposal would remove the access to the existing dwelling and barn where there is a large roller shutter door and relocate the dwelling some distance away from the barn and remote from its vehicular access which seems impractical. Further, in this location, there are a scattering of buildings which are clustered around the crossroads formed by the dual carriageway, Howgare Road and Martin Drove End. Relocating a large dwelling further from this cluster and associated farm building would be unacceptable and would result in significant intrusion in the landscape.

The proposed 2-storey dwelling and farm office together with triple garage building with accommodation above have a combined substantial footprint which in turn, generates a significant mass and scale of built form in an area where there is presently pastureland. This would have a dominant and incongruous visual impact which is not considered to be sympathetic to the environment and context of this sensitive rural area.

The proposed dwelling has been designed so as to reflect a barn conversion with large 'barn door style' openings front and rear and small narrower openings to the first floor although the form proposed is a much more domesticated version with elements (lack of symmetry to the rear and single storey projection) not typically found on a barn of this size. The proposed brick and timber cladding for the dwelling and garage building would complement each other and reflect the materials used on nearby dwellings and their outbuildings. Although the views of the Parish Council have been noted, the design of the proposed dwelling appears as an isolated building built and used as a dwelling, it is considered that the proposal would be an inappropriate addition to this rural location, significantly altering the impact of built development on this part of the site where there is presently an open field which rises up from the road.

The AONB office note that the proposal includes 6 roof lights, three of which would serve bedrooms where there are other windows. One ensuite has a very small window in addition to the roof light although the bathroom and other ensuite do not have any other form of glazing. It is considered that the bathroom window could be accommodated within a dormer window to reduce the impact on the Dark Sky Reserve although this would be more difficult to achieve for the east facing ensuite. Overall, it is considered that the dwelling could be designed more sympathetically to reduce potential light spill, and this adds to the harm that would result from the proposal in landscape terms.

Landscape impact on the character and appearance of the Natural Landscape (AONB)

The submitted Landscape Visual Impact Assessment (LVIA) is a thorough and accurate review of the landscape baseline and identifies the key visual receptors. The conclusions of the LVIA and the resulting ability to positively influence design and layout is welcome. However, whilst it could be argued that views of the landscape from the road is the way most people observe the landscape, in the proposed location, the new buildings would be in an elevated position above Howgare Road and could therefore be perceived above the existing hedgerows from both directions along the main road.

The information supporting the application indicates that the proposed siting has been selected based on the topography that dips here, creating an opportunity to tuck a new building into the landscape and reference is made to the restoration of an old field boundary. However, this field boundary is not historic and is of no relevance in this context. As such the rationale for selecting this location for the new dwelling is not justified other than being able to utilise existing tracks. The result would be a new dwelling (and associated elements) in the countryside that is detached from its function and due to its scale and location would be dominant in views from both Howgare Road and the main road.

While the mitigation proposals would eventually help to screen the development, the proposed landscape framework of small irregular shaped copses does not reflect the existing wider landscape character which is made up of large fields, hedged boundaries and large woodland blocks. The proposed site has the

appearance of a quarried chalk pit feature. These features are generally left to naturally vegetate once the pit is dug out; therefore, the arrangement of proposed mitigation is considered inappropriate in layout, as it seeks to use the landform to limit visual impacts both locally and in the wider context.

The curtilage of the residential element should contain all of the required infrastructure to support the dwelling. The solar arrays are detached from the dwelling and are located too high on the slope, creating their own unacceptable impacts on the landscape. Locating the array within the curtilage would provide a clearly defined residential curtilage as distinct from the surrounding agricultural land.

It is noted that the application has been supported with documentation that seeks to justify the location of the new dwelling remote from any other built form and in this sensitive rural location. However, it is not considered that the mitigation proposed would offset the harmful impacts of the proposal and its adverse effect on the character and appearance of the area and wider landscape.

Residential amenity

There are no immediate adjoining residential properties with a few dwellings located to the southeastern side of the main A354. It is not considered that the proposal would have any impact on the occupiers of properties across the road.

The main reason for the proposed relocation of the replacement dwelling is due to the noise, which is generated from the A354, the dual carriageway adjacent to the site. It is noted that the road was dualled after the original farmhouse was built in the late 1940s.

The submitted Noise Assessment clearly identifies that noise levels at the existing property are significantly higher than in an approximate location for the proposed dwelling. The survey indicates that ambient noise levels are 15dBA lower at the proposed site with maximum nighttime levels some 20dBA lower than the existing dwelling. However, whilst it is accepted that the vast majority of windows, if not all, in the existing property are single glazed and in need of repair, the report does not provide any assessment of the possibility of refurbishing the existing dwelling to a level which would reduce the ambient noise levels within it to an acceptable degree.

The Council's Environmental Health team acknowledge that the proposed replacement dwelling would offer an appropriate level of amenity in terms of noise guidelines recommended by the World Health Organisation (WHO).

Ecology

The application is supported with ecological surveys which identify that the existing dwelling shows no evidence of bat roosts with potential roost features more likely to be a result of rats or squirrels. Some trees are to be removed in order to create an access to the existing property. None of these trees were considered suitable to support bats or are worthy of protection. A mature ash tree is proposed to be retained as it supports an established rookery and jackdaw roosting site. As such, there are no objections to the loss of the existing dwelling on ecological grounds.

With regard to increasing biodiversity, the proposal includes additional planting, and the dwelling is indicated as having 2 swift boxes included within its fabric. These measures could be secured through a suitably worded condition were approval to be recommended.

Highway safety, access and parking

The proposed dwelling would be accessed via an existing farm gate situated approximately 150m away from the access to the existing dwelling and barn on Howgare Road. Beyond this access into the site would be a further gate/cattle grid into the proposed residential curtilage to the north. The existing farm track to the southeast would continue towards the barn.

Howgare Road is not classified and there are no proposed alterations to the access onto the highway so the Highway Authority standing advice applies. In this instance therefore, the proposal should have adequate turning facilities to allow for vehicles to enter and leave the site in a forward gear. The proposed site layout shows that this would be possible and could be secured through a condition which could also ensure that parking for the new dwelling does not interfere with the farm access.

Although the existing access onto the road is gated to ensure livestock do not leave the field, the proposed gated domestic access is set back in excess of the required distance from the highway.

The proposal is for a 4-bedroom property which would generate a recommended parking provision of 3 car parking spaces and 4 secure cycle parking spaces in accordance with current NFDC parking standards. The proposal provides a garage, car port and adequate space on the drive for a third vehicle. The garage building also includes an implement store which could be used for the parking of a car and space for 4 cycles. This is acceptable in accordance with standards.

The proposal would remove the existing access to the barn and dwelling. Although there are large vehicular doors to the barn to the southeast, vehicular access would be from the rear of the building. These access arrangements would be acceptable.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

Although in a poor state of repair, the existing dwelling at Sundown Farm was occupied until late 2022. As the proposal would involve removing this dwelling, there is no material net increase in the number of dwellings and therefore no Habitat Mitigation is required.

Phosphate neutrality and impact on River Avon SAC

For the reason given above, as a replacement dwelling, there is no increase in the likely phosphate loading on the River Avon and so the proposal would not generate a requirement to provide phosphates mitigation.

Air Quality

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. For the reason given above, as a replacement dwelling, there is no increase in the likely air quality monitoring impacts and so the proposal would not generate a requirement to provide mitigation in this regard.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, were approval to be recommended, the applicant would be expected to provide information explaining the measures that they would take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. In view of the recommendation, this information has not been sought at this stage.

Developer Contributions

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	202		202	202	£80/sqm	£23,680.62 *

Subtotal:	£23,680.62
Relief:	£0.00
Total Payable:	£23,680.62

11 OTHER MATTERS

The comments of the Parish Council have been noted although at present, the existing dwelling is seen from limited angles in view of the level of vegetation around it. Whilst the detached outbuilding has collapsed, the house itself is not considered to be an eyesore.

There has been a query (from the AONB office) with regard to the specified type of oak tree although this is a matter which could be resolved should permission have been forthcoming.

12 CONCLUSION / PLANNING BALANCE

The proposal is considered to be contrary to policies DM20 and DM21 of the Local Plan Part 2 and STR2 and ENV3 of the Local Plan Part 1 in that it would result in a significantly larger structure than the existing dwelling which, by reason of its siting and design, would have a greater impact on the character and appearance of this sensitive, designated rural landscape. Although mitigation and landscaping has been proposed to try to limit the impact of the replacement dwelling in its proposed new siting, it is not considered that these measures would address these visual impacts in a satisfactory manner to the extent that the proposal would comply with paragraph 182 of the NPPF which states 'the scale and extent of development within ... designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.' As such, there are significant objections raised to this proposal.

Whilst it is noted that there would be some benefit to the proposal as occupants would be located further away from the A354 and an access close to the junction of Howgare Road with the dual carriageway would be closed, these matters are not considered to be sufficient to offset the visual harm which would be created by proposals. As such, the re-siting of the dwelling and its significantly larger scale and mass would result in an inappropriate form of development with an unacceptable impact on the countryside, the landscape and the special qualities and purposes of the Cranborne Chase Natural Landscape.

As such refusal of planning permission is recommended

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would result in a large detached dwelling with a two-storey outbuilding which would represent an increase of 60% of the floorspace of the original dwelling having a resultant harmful impact on the character of the area due to its scale and mass. This impact would be compounded due to its proposed location as the replacement dwelling would appear as an isolated feature within the countryside. As such, by reason of the size and scale of the proposed dwelling and its isolated location, remote from the existing farm buildings, it would have an unacceptable impact on the rural character of the countryside contrary to Policies DM20 and DM21 of the Local Plan Part 2 for the New Forest outside of the National Park and policies STR2 and ENV3 of the Local Plan Part 1.
2. The proposal would result in an isolated dwelling and associated residential curtilage which would encroach into the countryside and Natural Landscape (AONB). This visual intrusion would be compounded by the provision of rooflights to the dwelling which would impact on the Dark Sky Reserve. The proposal is therefore considered to have an unacceptable impact on the special qualities of the Cranborne Chase Natural Landscape and represent an inappropriate and unsympathetic form of development that would be contrary to policies STR2 and ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park and paragraph 182 of the NPPF.

Further Information:

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NFDC



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Appletree Court
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PLANNING COMMITTEE

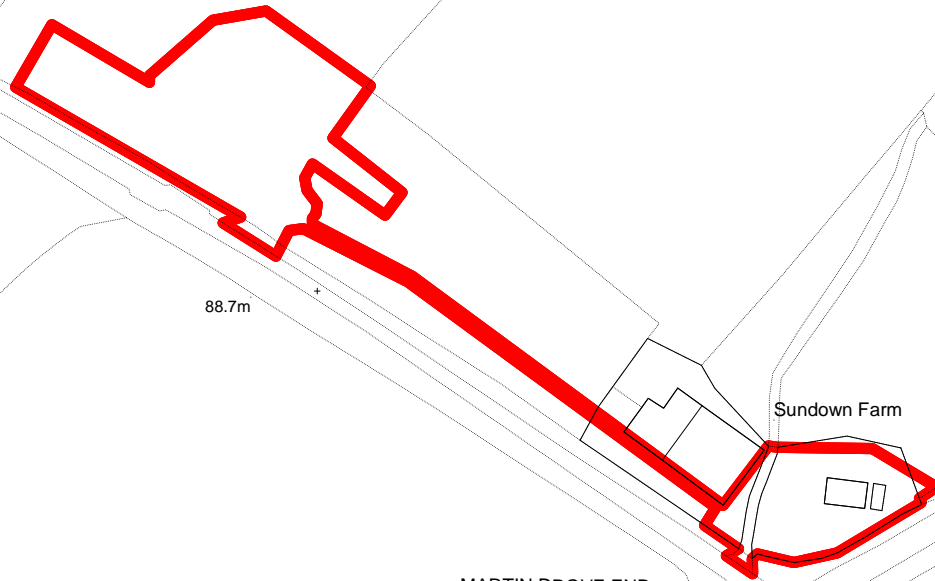
February 2024

Sundown Farm
Drove End
Martin
23/10819

Scale 1:2000

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

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MARTIN DROVE END

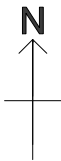
Sundown Farm

Drove End

Cootes House

A354

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Planning Committee 14 February 2024

Application Number:	23/10225 Variation / Removal of Condition
Site:	THE COAL YARD, VICARAGE LANE, HORDLE SO41 0HS (SUBJECT TO LEGAL AGREEMENT)
Development:	Variation of condition 2 of planning permission 19/10007 to allow amendments to the site layout, relocate the public footway through the site and amend the design of the dwellings.
Applicant:	Amirez Ltd
Agent:	Pure Town Planning
Target Date:	29/05/2023
Agreed Extension of Time:	29/03/2024
Case Officer:	Judith Garrity
Officer Recommendation:	Service Manager authorised to grant subject to completion of a S106 or Unilateral Undertaking to secure uplift in habitat mitigation and air quality contributions.
Reason for Referral to Committee:	This application is to be considered by Committee due to a contrary view of Hordle Parish Council.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The Principle of Development
2. Design, site layout and impact on local character and appearance of area
3. Impact upon Strategic Site 8
4. Impact on highway safety, including matters relevant to car parking;
5. Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy
6. Impact on ecology and in particular protected species
7. Impact on public health and safety (land contamination, air quality)
8. Drainage
9. Habitat Mitigation
10. Housing Land Supply

2 SITE DESCRIPTION

The application site is 0.4 hectares in size and formerly lay in the countryside and Green Belt to the west side of Vicarage Lane. The site is now located within Strategic Site 8 as allocated in the Local Plan Part 1.

The site is set to the rear of detached residential properties on Vicarage Lane and is served by a relatively long access drive. The site is laid to hardstanding, with 2 former buildings recently demolished; which comprised a modest concrete block structure and a corrugated tin structure. The site is bounded by hedges on its

northern, southern and western sides, beyond which are open fields. The site has not been actively used for a number of years, but has a lawful use as a coal yard.

3 PROPOSED DEVELOPMENT

The application is a Section 73 variation application related to planning application ref. 19/10007. Amendments are sought to the layout of the scheme and changes to the design and appearance of the dwellings. It is important to note that planning permission 19/10007 for 10 dwellings was lawfully commenced and as such that permission for ten dwellings can be implemented.

The scheme is for a total of ten dwellings arranged around the footprint of the hardstanded area for the coal yard. The proposal remains a suburban layout, within hedgerows which bound the site, with spurs leading to the north and south into the wider allocated site.

The dwellings would be a mix of detached and semi-detached with hipped and gable ended roofs and materials which appear to be brick, timber with slate and tiled roofs.

4 PLANNING HISTORY

23/11089 - Continued implementation of planning permission 19/10007 for ten dwellings that was lawfully commenced on the 5th August 2023 (Lawful Development Certificate that permission is not required for proposal).
Lawful Development Certificate granted 21/11/2023.

22/10855 - Variation of condition 2 of planning permission 19/10007 to allow amended plans to enable material minor amendments to the approved plans in the form of amendments to the site layout, relocate the highway through the site and amend the design of the dwellings.
Refused 7/09/2022

19/10007 - 10 dwellings comprised; 3 pairs of semi-detached houses; 4 detached houses; garages to plots 7 & 8; associated parking, access & landscaping; demolition of existing.
Granted with conditions 05/08/2020

13/11596 - 14 business units (Use Class B1) comprised: 2 single-storey buildings & 1 two-storey building; parking; bin store; bike store; solar panels; demolition of existing.
Granted with Conditions 13/03/2014

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR11 - Achieving Sustainable Development
Policy STR5 - Meeting our housing needs
Policy ENV1 - Mitigating the impact of development on International Nature Conservation sites
Policy ENV2 - The South West Hampshire Green Belt
Policy ENV3 - Design Quality and local distinctiveness
Policy HOU2 - Affordable Housing
Policy ECON2 - Retention of Employment Sites
Strategic Site 8: Land at Hordle Lane, Hordle
Policy IMPL2: Development standards

Local Plan Part 2 (Sites and Development Management DPD) 2014

Saved Policy DM2: Nature conservation, biodiversity and geodiversity
Saved Policy DM4: Contaminated land
Saved Policy DM20: Residential development in the countryside

Core Strategy (2009)

Saved Policy CS7 - Open spaces sport and recreation

Guidance

NPPF 2023
NPPG

Supplementary Planning Documents

Parking standards (April 2022)
Mitigation Strategy for European Sites (May 2021)
Air Quality Assessments in New Development (June 2022)

Supplementary Planning Guidance

Hordle Village Design Statement (2014)
Housing Design, Density and Character (2006)
Residential Design Guide for Rural Areas (1999)

Plan Policy Designations

New Housing Land Allocations
Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council:

Original comments

Hordle Parish Council Accept a decision under delegated powers. Decision to be left to the Planning Officer.

Hordle Parish Council:

Amended comments (following minor changes to the design including the addition of chimneys and an landscaping scheme)

Recommend Refusal. Hordle Parish Council is concerned by the design of the properties; they are not in keeping with local area or Village Design Statement and are very 'urban' in nature. The Parish Council is concerned that if accepted, they could set a design precedent that would alter the character of the village. In addition, the footpath to the north of the site does not link to the SS8 ANRG but enters the retained land.

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

NFDC Tree Team: - no objection

Landscape Officer: no objection in principle, but several matters need to be addressed on the landscaping scheme, which can be dealt with by condition

HCC Highways - no objections.

HCC Surface Water - no objections raised to the amended information submitted subject to condition.

New Forest Ecologist - no objection subject to conditions.

Environmental Health Contaminated Land - no objection subject to conditions.

Hampshire Fire and Rescue Services: make comments on general fire related matters.

9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

4 letters of objection received

- The site is located within the Green Belt
- Allowing the development, would set a precedent for other development on Sky End Lane
- Notices have not been served on correct landowner
- The site forms part of an allocated site, which is a material consideration and the proposal should provide all the necessary infrastructure and contributions, as one would have to for a strategic site allocation.
- The proposal should not affect or prejudice the strategic site allocation
- Infrastructure cannot cope with additional housing
- There are no pathways and this would lead to further danger on busy lane
- The impact on the rural nature of the area will affect how people currently use the area for recreation. Many people walk, run, cycle and horse ride around this locality. The site is also very close to the school which is gridlocked morning and afternoon.
- CIL_FORM-5961993, section 7 does not have a date for last lawful use. This may be because its last use as a coal yard was certainly more than 36 months prior to the application

10 **PLANNING ASSESSMENT**

The Principle of Development

This site benefits from an extant planning permission that was lawfully commenced. This was confirmed by the lawful development certificate that was granted on 21st November 2023. This current application proposes the same number of dwellings, with a similar layout as the extant permission.

Regardless of the existing planning permission, the site is located on brownfield/previously developed land within the allocation of the wider site of Strategic Site 8. As such, the principle of development is considered to be acceptable.

Impact upon Strategic Site 8

The application site lies within Strategic Site 8 "Land at Hordle Lane" which was allocated the site and its environs for at least 160 homes. Consequently this whole area will change and the current application site can be included and integrated as part of the whole development. The proposal needs to be considered in relation to whether it would achieve an integrated development with the wider site, providing suitable connectivity.

There is a current undetermined Outline planning application for up to 155 dwellings on the land to the north of the application site (planning reference 23/10661). That application proposes to develop a significant amount of the strategic site allocation (SS8). It should be noted that the field immediately to the north of the application site is not included within that Outline application, however, the north west corner of this application site does abut the red line of the Outline application.

The Outline application includes an illustrative masterplan, in which the land to the immediate north west of this application is shown as ANRG and open space. This reflects the Policy Concept Masterplan in which all of the land to the north of this current application will be ANRG and open space.

The application site represents a very small proportion of the SS8 allocation. It is bound tightly by hedges to the north, south and west, which are to be retained and so the site is quite self-contained and separate from the wider allocation. Furthermore, the site is within separate ownership to the remainder of the allocated site and there is no onus on the owner, requirement or guarantee that the site would come forward for residential development as part of a comprehensive scheme.

It should be noted that the Concept Masterplan that supports Local Plan Policy SS8 identifies that the current application site for residential. This means that there is an expectation for the application site to form the residential element of the strategic site allocation. This current application would therefore accord with the Concept Masterplan that supports Local Plan Policy SS8

The Local Plan Concept Masterplan identifies the land to the south and west of the application site as residential. Accordingly, there is no reason why bringing this current application forward for residential would prejudice or negatively impact any future applications that may come forward within the strategic site allocation. The short term delivery of this housing site, albeit modest would also assist the LPA in meeting its 5 year supply of housing land

It is important to note that it could be the case that the site comes forward as a stand alone employment scheme, as permitted in 2013, or revert to its previous use as a coal yard. In any case the site is a previously developed land and is capable of coming forward in isolation and separately from the main allocation as a stand alone development. .

Furthermore, comments have been made that given the site forms part of the strategic site allocation, this current application should provide the necessary requirements that are provided for the larger scale development or a strategic site

development. In response, the proposed development would make contributions towards habitat mitigation for both recreation impacts and air quality monitoring. However, given that there is an extant planning permission on the site for ten dwellings, in which no affordable housing, open space or on site ANRG provision was secured, it would not be reasonable under this S73 application to seek such contributions. It should also be noted that these matters were considered and assessed as part of the previous application, in which it was concluded that such contributions were not required.

On balance, as a self-contained, brownfield site, which would assist with meeting local housing needs, provide connectivity to the wider allocation the principle of residential development on the site coming forward in the short term without any adverse impact on the Strategic Site is acceptable.

Relevant planning history

Planning permission was granted for ten dwellings on this site, under planning reference 19/10007. A subsequent Lawful Development Certificate was approved that confirmed the commencement of planning permission 19/10007 for ten dwellings has lawfully commenced. This means that planning permission 19/10007 can be lawfully implemented this is a significant fallback position.

The extant permission sought to introduce a variety of bespoke mix of dwellings in a traditional style with single or semi-detached house types of different styles and materials, with articulated footprints and rooflines.

A subsequent Section 73 Application was refused for the variation of Condition 2 of planning permission 19/10007 to allow amended plans to enable material minor amendments to be made to the approved plans in the form of amendments to the site layout, relocate the public access through the site and amend the design of the dwellings.

This application was refused on the grounds that the changes to the plans constituted a retrograde step from the extant planning permission in terms of design, layout, materials and appearance, to the detriment of the character of the area. It was considered that there was a lack of variety compared to the extant consent and proposed very standard, unarticulated house types with a more limited palette of materials. It was also considered that the layout was diminished in terms of provision of landscaping and heavy standard tree specimens within the public realm and it was not clear if brick wall boundary treatments would be provided in all public realm facing situations, which was a feature of the previous approval.

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

Policy ENV3 of the Local Plan, the Hordle Village Design Statement and Chapter 12 of the NPPF, stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns. The site was until recently occupied by buildings, hardstanding and paraphernalia of limited visual merit, but it needs to be considered whether the submitted design and layout would be consistent with adopted design guidance.

The layout now proposed broadly reflects the extant permission and the mix of dwellings has changed to three pairs of semi-detached house (previously two pairs of semi-detached houses), three detached houses and one detached bungalow. There is no material increase in the amount of building footprint or the amount of hard surfacing on the site as a result of the proposed amendments. A

landscaped scheme has been included within the submission showing hedgerows and trees within the street, and the hard surfacing materials and boundary treatments.

The layout of the site and siting of the residential units is similar to the approved scheme, however some minor material amendments have been made to the location of some of the parking spaces and areas of soft landscape. Car ports have also been included for units 5, 6 and 7 as opposed to being for units 6, 7 and 8. The footprint of the units and the orientation of units 3, 5 and 7 has also been slightly amended. The pedestrian footpath route which connects to the ANRG of SS8 has been amended to run between units 7 and 8, as opposed to between units 8 and 9.

The proposed layout has been designed with the dwellings set back from the internal road enabling space in the street for soft landscaping, trees and greenery. The car parking is to the side of the dwellings or under car ports, which helps prevent vehicles from cluttering the street. Space for planting is shown to several of the dwellings, which soften the development and together with the provision of hedgerows and trees create a semi-rural context to the development. In comparison to the refused application, this current application has provided a detailed landscaping scheme which demonstrates a high quality layout design that is contextually appropriate.

Further proposed amendments to the design of the approved units are also part of this application, which would alter the overall scale and massing of built form on the site. Decorative gables of varying style and designs have been introduced as well as amendments to the fenestration arrangements and eave and header details. Traditional porch features have been added as well as bay window features to some of the dwellings. decorative ridge tiles, with exposed rafter feet at the eaves and chimney features have also been added to the design of some of the dwellings.

The scale and massing of Plot 8 would be significantly reduced by changing it from a two storey house to a bungalow. The amended roof designs of the houses would only have a minor impact on the overall scale and massing of the two storey units when viewed from outside the site. In terms of the appearance, the proposal would still be for a mix of house types of different styles, roofs and materials, including brick, timber cladding and clay tiles.

It is considered that the proposed dwellings have been designed to a high standard, offer richness in their appearance, with traditional forms and massing, and a reasonable variety to provide visual interest. Natural surveillance would be provided throughout the development, views onto the pedestrian route and views overlooking the future green space that will form part of SS8.

The Parish Council have made comments about the urban nature of the proposals. However, the site lies within the strategic site allocation where there is an expectation that a significant amount of new dwellings will be built. In addition, the scheme proposes housing provision at a density of 25 units per hectare and so it cannot be considered overly dense, where the rule of thumb would be 30 dwellings per hectare. A density of 25 dph is considered to be acceptable in this location.

Overall, the current application has elements which are an improvement in design compared to the extant planning permission. Accordingly, it has demonstrated that the proposal would not impact significantly or harmfully on the character of the area or countryside, and so is in accordance with adopted policy.

Impact on highway safety, including matters relevant to car parking

The access to the site from Vicarage Lane in the same position as the extant permission, in which the County Highway Authority were satisfied with the proposals. It is noted that this proposed access is not the same position as the intended access for SS8, which lies further east along Vicarage Lane. Consequently, the proposal is considered to be acceptable in terms of accessibility and the Highway Authority does not raise any objection to this current application.

The internal access layout is broadly the same as the extant permission in relation to the tracking of vehicles. Swept path analysis plans have been submitted showing how a refuse truck, delivery van and fire tender would satisfactorily use the proposed internal road within the proposed development. The Highway Authority's have no fundamental concerns with the internal layout from a highway safety perspective.

With regard to parking, paragraph 111 of the NPPF (2023) 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. These 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 NFDC adopted car parking standards SPD informs on an adequate standard of car parking spaces and car space sizes. The proposed parking provision is predominantly driveway/on-plot parking and in car ports. Tandem parking is provided together with parking side by side.

The development proposes an average parking ratio of 2.3 spaces per dwelling, together with 2 visitor spaces and this would comply with the parking standards. The Car Parking SPD accepts tandem parking for individual properties, but does highlight that to accommodate side-by-side parking on a driveway, an additional width (3 metres wide space) will be required where it is also used for pedestrian access to the rear of a property. The submitted layout shows car parking spaces will be 3 metres wide which accords with the SPD.

The amount of parking provision accords with the Councils adopted standards. Cycle parking would also be provided in garages, sheds or cycle stores. These would be secured via planning conditions.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. Whilst this was previously secured by planning condition, changes to the Building Regulations require the provision of electric charging points and therefore such a condition is not considered necessary.

Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy

Policy ENV3 also requires the Planning Authority to consider the impact of development proposals upon the amenity of existing adjoining occupiers and upon the amenity of future occupiers of the new units. It is not considered that the proposed development would have an adverse impact to the surrounding area or residential amenity in terms of overbearing impact, loss of light, noise or privacy

given the degree of separation involved. Conversely, use of the site for its approved use as a coal yard would be much more disruptive to local residents. There is an extant planning permission for ten dwellings, and there are no material changes in this current application. The private open space arrangements for the proposed dwellings are generally satisfactory. Consequently the proposed development would not result in any adverse impact to adjoining or future amenity of residents.

There would be first floor side windows (east) of Plots 1 and 10 facing towards the rear gardens of 'The Croft' and 'Colville'. However the distance of these plots from the boundary of the application site would exceed 5 m and there would be an overall separation of 26 m between Plot 1 and to The Croft, and 32 m between Plot 10 and Colville. Given this separation and that these windows would serve bathrooms, a condition requiring these windows to be obscurely glazed would not be necessary or reasonable. Furthermore there was a similar relationship of first floor side windows to these neighbours in the extant scheme and no obscure glazing condition was imposed.

Impact on ecology and in particular protected species

As from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2.

The approved application (19/10007) was supported by a preliminary ecological assessment (Abbas Ecology Nov 2018), undertaken by a suitably qualified professional ecologist, in which the Council's Ecologist raised no objections, subject to the mitigation and enhancement measures detailed in the report. A condition was imposed for the works to take place in accordance with those details.

Given the time that has passed since these original ecological surveys were undertaken it was considered that updated surveys in relation to bats and reptiles were necessary to identify any new potential ecology issues have been undertaken and associated mitigation proposed. These surveys were submitted following clearance of the site which was undertaken following implementation of planning consent 19/10007.

Dormice are a protected species. The hedgerows, trees and scrub on the site boundary with the adjacent site (SS8) contain some suitable foraging plant species for dormouse and limited nesting opportunities. It is possible that dormice are present in low numbers in these boundary hedges and this would be of local level importance. The current proposals include the removal of a very small section of habitat and the planting of approximately 25m of new species-rich native hedgerow around the northern eastern boundary of the site. This would seek to ensure that there would be no net loss of dormice habitat. The clearance works will be undertaken under a non-licence method statement, at the correct time of year.

A planning condition is however recommended for a non-licensed construction method statement to be submitted prior to the commencement of any development associated with the creation of the footpath link through the hedgerow to the northern and southern boundaries of the site. This statement shall include full details of timing, approach to vegetation clearance and mitigation measures in respect of dormice.

Ecological enhancement measures to include hedgehog fencing, bird and bat boxes, swift sparrow and bee bricks are included within Appendix 3 of the ecological report and these can be secured to be provided prior to occupation of the dwellings and thereafter retained in perpetuity by a planning condition.

Land contamination

An intrusive site investigation was undertaken as part of the previously approved application, by Structural Soils Limited (SSL) in 2014, the assessments from which were updated in their "Interpretative Report on Ground Investigation" ref 734153-(00) dated 1st November 2018. .

For the current application, the applicant has provided further information in relation to contaminated land, in the form of Remedial Strategy, which details the proposed remedial measures to address the identified risks to make the site suitable for the proposed redevelopment. A condition can be imposed for works to take place in accordance with the submitted Remediation Strategy, although a verification report will need to be submitted prior to first occupation.

Drainage

The submitted drawing has been amended to highlight the location of an optional discharge point and rate to the nearby watercourse if additional infiltration testing does not give sufficient infiltration rates. This is acceptable subject to condition requiring submission of a detailed surface water drainage layout that this based on the principles set out within the proposed drainage layout. HCC Drainage Authority raise no objection subject to the details of surface water drainage being secured by condition.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. The provision includes the following; secure cycle storage lockers for each dwelling, the installation of electric vehicles charging points and the proposals incorporate green infrastructure retaining hedges and the planting of new trees and shrubs within the site.

Habitat Mitigation

a) Recreational Impacts

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. As part of the development, the required uplift contributions has been secured via a completed Section 106 agreement unilateral undertaking dated 31.1.24.

b) 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 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. As part of the development, the required contributions has been secured via a completed Section 106 agreement unilateral undertaking dated 31.1.24

c) Nitrate neutrality and impact on Solent SAC and SPAs

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. For this reason, had permission been forthcoming a Grampian Condition would have been imposed and a further Appropriate Assessment carried out on discharge of this condition.

d) Bird Aware Solent Contributions

The application site is within 5.6km of the Solent and Southampton Water SPA which requires a uplift contribution, which can be secured by a completed S106 Agreement Unilateral undertaking dated 31.1.24.

Housing Land Supply .

The Government published a revised National Planning Policy Framework (NPPF) in December 2023. Crucially, planning applications registered before 19 December 2023 remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply. Despite the Council only having adopted its Local Plan in July 2020, the Council is currently unable to demonstrate a five-year land supply. In such instances, the previous

NPPF (para 11d) made it clear that the tilted balance is engaged so there is a general presumption in favour of sustainable development when determining such planning applications. 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 modest level of housing provision and is considered to be acceptable in planning terms in respect of character, amenity and habitat impacts which weighs in favour of the proposal. The current proposal is for a modest level of housing provision and no more than a previously consented scheme, which has had a legal commencement.

Response to concerns that the application site extends over land outside the control of the applicant and has not served the correct notices

Concerns have been expressed that the applicant has not served the correct notices, in that part of the application site extends over land which it is claimed to be in a different land ownership. In response, the applicant has now served the correct notices (Certificate B) on the other landowner, but has highlighted that the dispute is under consideration. The planning application has been correctly submitted and this land ownership dispute is a civil matter.

Developer Contributions

As payments have been made on commencement of the extant consent 19/10007 the required contributions relate to the uplift in contributions required. Habitat mitigation (infrastructure) is not payable as this is covered by CIL payments that have already been made.

As such, as part of the development, the following has been secured via a Section 106 agreement unilateral undertaking dated 31.1.24.

- a) Air Quality Monitoring contribution: £1030
- b) Recreational Habitat Mitigation Non-Infrastructure: £3408.17
- c) Solent Bird Aware Solent: £1774.38

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	983		983	983	£80/sqm	£107,373.85 *
Dwelling houses	15.8		15.8	15.8	£80/sqm	£1,725.85 *

Subtotal:	£109,099.70
Relief:	£0.00
Total Payable:	£109,099.70

11 CONCLUSION/PLANNING BALANCE

In summary, the proposed development would be contextually appropriate and would not have an adverse impact on the character and appearance of the area. The proposals have been designed so as not to lead to any adverse impact on the living conditions of the neighbouring properties, trees or public highway safety. There are no concerns on ecological matters and the proposal would provide opportunities for ecological enhancements.

The proposed development has addressed the concerns raised in the previously refused S73 application, in relation to design matters. This current application proposes a significant improvement in the design of the dwellings, which provide richness in detail, variety of styles with traditional forms and massing. The layout also provides space for soft planting and trees within the street to create a semi rural feel, which would be appropriate in this context.

As a self-contained development, it proposes an acceptable form of development, which would assist with meeting local housing needs, provide connectivity to the wider site allocation in the Local Plan, Part 1 the balance is tipped in favour of the proposal.

The proposed development has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and 3rd parties.

The Council cannot demonstrate a five year land supply, however, whilst the creation of ten dwellings will certainly help towards this need, the level of weight attached would be small. Nevertheless the proposal is considered to be acceptable.

As the required legal agreement has been completed, planning permission is therefore recommended to be granted subject to the condition as set out.

12 RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

Location Plan
Block/Site Plan: 9416/200 Rev D
Units 1 and 2: 9416/202 Rev C
Units 3 and 4: 9416/203 Rev C
Unit 5: 9416/204 Rev C
Unit 6: 9416/205 Rev C
Unit 7: 9416/206 Rev B
Unit 8: 9416/207 Rev C
Units 9 and 10: 9416/208 Rev C
Air Quality Statement
Ecological Appraisal dated 23rd November 2023 Cherry Tree Ecology Ltd
Proposed Drainage layout C2704_101 PL02

Reason: To ensure satisfactory provision of the development.

2. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted, a full schedule of materials to be used on all dwellings i.e. facing bricks, tile hanging, timber cladding including finish and colours, roofing materials, eaves boards, rainwater goods, ridge tiles, details of all new windows and doors and any other joinery details for porches and support pillars shall be submitted to and agreed in writing with the Local Planning Authority. Only such materials so agreed are to be used on the development unless a written variation has been agreed beforehand by the Local Planning Authority.

Reason: To ensure an acceptable appearance of the buildings 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.

3. The development hereby permitted shall only be constructed in accordance with the slab levels in relationship to the existing ground levels as shown on Drawing No PP1209/201-00 Rev P7 approved to discharge condition 4 of planning consent 19/10007 unless otherwise first agreed in writing by the Local Planning Authority.

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

4. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted, 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 and boundary treatments;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

The approved landscaping scheme shall be fully implemented by the end of the planting and seeding season following the occupation of the dwellings 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 a similar size or species, unless the Local Planning Authority gives written consent to any variation.

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

5. 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 Tree Protection Plan by Harper Tree Consulting Ref 2018108/TPP001 Reference Number: 2018108 v1.0 Report dated 23 November 2018 and plan 2018108/TPP001 approved to discharge condition 7 of planning consent 19/10007 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy ENV3 of the Local Plan Part 1

6. Before development commence a detailed surface water drainage scheme for the site, based on the principles within the Proposed Drainage Layout, shall be submitted to 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 and providing a representative assessment of those locations where infiltration features are proposed and demonstrating the 1m unsaturated zone.
 - c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
 - d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
 - e. Evidence that urban creep has been included within the calculations.
 - f. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

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 Review 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.

7. Prior to the first occupation of any of the dwellings on the site, details for the long-term maintenance arrangements for the surface water drainage system approved under condition 8 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include maintenance schedules for each drainage feature type and ownership including the section of watercourse along the site boundary. The drainage arrangements shall thereafter be maintained 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 Review 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.

8. 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;

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.

9. The approved remediation scheme by Forge Environmental Management Ltd report ref. HOR389.D/RS/001 Rev 1 dated April 2023 and approved in accordance with condition 15 of planning consent 19/10007 shall be carried out in accordance with its terms prior to the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted, and is subject to the approval in writing of the Local Planning Authority prior to occupation of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. The development hereby permitted shall not be occupied until the spaces shown on plan No 9416/200 Rev D for the parking of motor vehicles and cycle parking have been provided. The spaces shown on plan No 9416/200 Rev D for the parking of motor vehicles and cycles shall be retained and kept available for the parking and garaging of motor vehicles and cycles for the dwelling 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.

12. The works hereby approved shall be undertaken in strict accordance with the Updated preliminary Ecological Appraisal (Cherry Tree Ecology Ltd Dated 23 November 2023) unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancements identified in Appendix 3 of this report shall be installed prior to the first occupation of the approved dwellings and thereafter retained in perpetuity.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

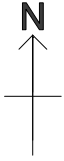
13. Prior to the commencement of any development associated with the creation of the footpath link through the hedgerow to the northern and southern boundaries of the site, a non-licensed construction method statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include full details of timing, approach to vegetation clearance and mitigation measures in respect of dormice. The approved non-licensed construction method statement shall be implemented in accordance with an approved programme of works under supervision of an appropriately qualified ecologist. The appropriately qualified ecologist shall provide a letter to confirm works were undertaken in accordance with the approved method statement.

Reason: To safeguard protected species in accordance with Policies ENV3 and 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).

Further Information:

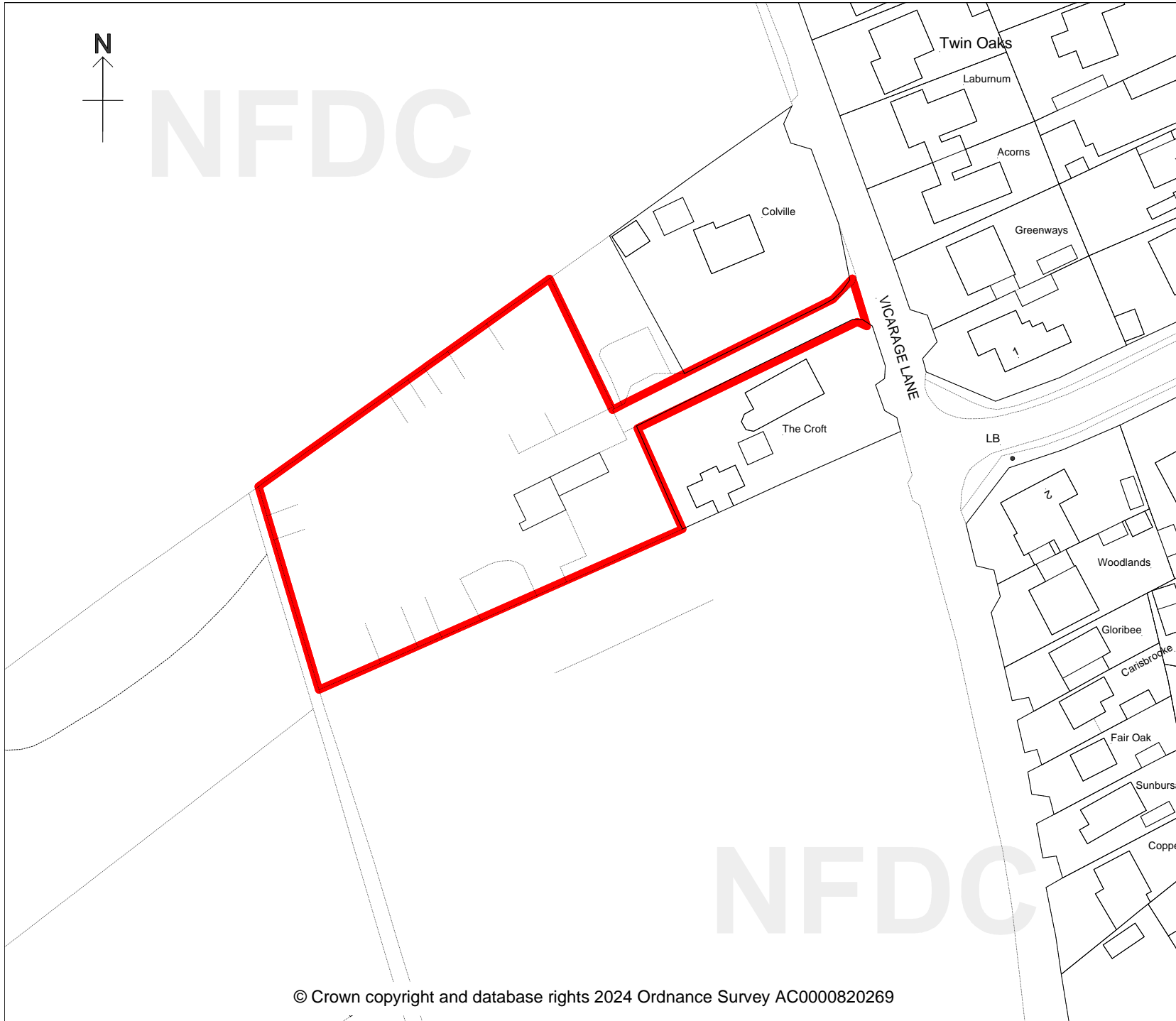
Judith Garrity

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NFDC

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New Forest

DISTRICT COUNCIL

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David Norris
Service Manager
Development Management
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Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

February 2024

The Coal Yard
Vicarage Lane
Hordle
23/10225

Scale 1:1000

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the internet, it will not be to
scale.

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Planning Committee 14 February 2024

Application Number:	21/11237 Full Planning Permission
Site:	LAND WEST OF BURGATE, SALISBURY STREET, FORDINGBRIDGE SP6 1LX
Development:	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
Agent:	Terence O'Rourke Ltd
Target Date:	10/01/2022
Case Officer:	Stephen Belli
Officer Recommendation:	Service Man Planning Grant
Reason for Referral to Committee:	To grant an extension of time to allow completion of the Section 106 agreement and to consider the updated matters set out below by end of June 2024. The principal reason for the delay in completing the S106 has been due to the extended drafting time required for the completion of the Section 106 given the complexity of the issues to be covered.

1 INTRODUCTION

This application is presented to Committee for the second time. The original Committee report in January 2023 can be found at Appendix A. The report needs to be read in conjunction with the Committee Update Sheet published at that time.

This latest report provides 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 and policy guidance; any representations not considered previously; and any changes to the terms of the Section 106 set out in the original report.

Members will recall that this hybrid (part full/part outline) planning application for 404 dwellings and associated infrastructure works was considered originally at the Planning Committee in January 2023, at which time, 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 January 2024, of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in the report including amendments shown in the Committee Update sheet; and
- ii) the imposition of the conditions set out in the Committee report and the Update sheet, and any additional / amended conditions deemed necessary by the Executive Head for Planning, Regeneration and Economy.

The Section 106 legal agreement has now been drafted in its final form but has not yet been signed by all parties and completed and this application is brought back to Committee to allow a further period to formally complete the S106 Agreement, to consider other matters and to authorise the issue of the planning permission.

2 UPDATE ON OTHER FORDINGBRIDGE STRATEGIC SITES DECISIONS/ RESOLUTIONS

Following the original resolution at the September 2022 Planning Committee two further Fordingbridge Strategic Site applications have been the subject of reports and resolutions.

- Full application 23/10518 for the link road through Site 18 was approved by Committee in August 2023 and planning permission has been issued. The conditions of that permission are currently being discharged such that the development of the new link road can start this winter.
- Full application 23/10316 for 198 dwellings on land at Station Road (Strategic Site 16) was the subject of an approval resolution at the November 2023 Planning Committee subject to the completion of a S106 Agreement.

3 UPDATE TO POLICY CHANGES

The Government has now published a revised National Planning Policy Framework (NPPF) on 20 December 2023. The changes set out in the revised NPPF do not alter or set aside the principle of the primacy of the Development Plan as set out in section 38 of the Town and Country Planning Act 1990 (as amended) and any approved policies or allocations. In addition, it should be noted that the new text of the NPPF does not apply to the need for a five year land supply and consideration of the tilted balance in the case of applications already in the system. The site the subject of this report is an allocated site and remains so.

Added to this policy guidance change the Levelling Up and Regeneration Bill has now become law gaining royal assent on 26 October 2023. Most of the Act's provisions however need to be the subject of secondary legislation not yet laid before Parliament. Again, the new Act does not change the basis on which the application was approved as an allocated strategic housing site as confirmed in the adopted Development Plan.

There are no changes to the Development Plan or other local policy guidance to warrant a fresh consideration of the application as submitted and revised.

4 CONSULTATIONS AND REPRESENTATIONS

HCC Countryside Service

15 June 2023 - Holding objection submitted as it is expected that a development of this scale should make provision for a wider footpath improvement contribution. This advice has since been modified in discussions around the S106 and it has now been agreed that contributions will be sought on a maintenance sum for FP83, together with a sum to cover improvement works and maintenance on FP84 leading to the primary school. This objection has therefore been resolved.

NFDC Ecologist

Further advice given to the applicants dealing with protected species on the site as well as works associated with the archaeological dig which affects a main badger sett. No objections are now raised by the Council's ecologist and conditions covering remaining matters relating to later phases can be framed as appropriate.

Go South Coast Bus Company

Further discussions regarding the new X3 bus service have been ongoing which have included the Town Council. These matters are now to be included in the S106 and agreement has been reached with all parties on the new route provision.

NPA Archaeologist

Following the carrying out of an archaeological assessment which covers the site the consultee has now confirmed no objections to a partial discharge of the archaeology condition with a small area still to be excavated for which a new badger license will be needed. The relevant condition will be amended as appropriate.

5 SECTION 106 REQUIREMENTS

Pages 51-52 of the earlier report set out the terms of the S106 and forms the basis for the Committee's resolution. There have been no fundamental changes to the terms as set out.

With regard to Affordable Housing, the applicants have notified the Council that the first detailed part of the development for 112 dwellings has been formally offered to a Registered Affordable Housing Provider (RP) and it has now been agreed that the RP will provide all the dwellings in the first phase as affordable (except for the 6 First Homes) and that these additional dwellings will be likely be managed on a shared ownership and rental basis. Whilst this is good news for the provision of affordable housing on the site it should be noted that the S106 cannot control those additional units over and above what was agreed at Committee resolution stage (i.e. a total of 81 units on the whole site).

6 PLANNING CONDITIONS

Following the Committee resolution, the applicants have used this time to submit further information such that some of the conditions can be deleted as no longer being needed. Other conditions have been amended with the agreement of the Service Manager and in line with the resolution of the Committee.

The applicants have also been allowed to progress the link road under the more recent permission as Committee and the Town Council both expressed a wish that the new road provision be accelerated for the benefit of the town. This has resulted in modifications to the tabled conditions to allow that to be expedited but nothing that fundamentally alters the Committee resolution other than in a positive way.

It is anticipated that the new link road will be in place by February 2025 with all construction traffic for the Site 18 development using this route rather than Augustus Park. To facilitate the first phase of development the Highway Authority have been asked to agree a temporary access directly onto the A338 through the Middle Burgate site. Final approval is still awaited at the time of writing this report but the principle of this has been agreed. The Committee resolution did allow for Augustus Park to be used for the development to allow for the construction and occupation of the first 58 dwellings, but it is now anticipated that this route will not be needed once the Section 278 on minor improvements to the Middle Burgate access has been signed by the County Council.

7 RECOMMENDATION

Delegated Authority be given to the Service Manager, Development Management to grant permission subject to

- the completion of a planning obligation entered into by way of a Section 106 Agreement by end of June 2024 to secure those matters set out in the January 2023 Committee report and Update Sheet, and this update report; and
- the imposition of the conditions set out in the January 2023 Committee report and Update sheet, this update report, and any additional / amended conditions deemed necessary by the Service Manager, Development Management.

Planning Committee 11 January 2023

Application Number: 21/11237 Full Planning Permission

Site: LAND WEST OF BURGATE, SALISBURY STREET,
FORDINGBRIDGE SP6 1LX

Development: 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 (AMENDED PLANS / AMENDMENTS TO ENVIRONMENTAL STATEMENT DETAILS)

Applicant: Pennyfarthing Homes

Agent: Terence O'Rourke Ltd

Target Date: 10/01/2022

Case Officer: Stephen Belli

Extension Date: 12/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development including 5-year land supply and tilted balance, and settlement boundary implications
- 2) Site layout, number of dwellings overall, design of dwellings (detailed phase), and impact on the character and appearance of the area including matters relating to hard and soft landscaping and public open space areas including play.
- 3) Impact on setting of Listed Buildings at Fryern Court Road and Salisbury Road
- 4) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, car parking provision, and timing of road infrastructure

- 5) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG), phosphate impact on River Avon SAC (nutrient neutrality)
- 6) Flood risk, surface, and foul water drainage
- 7) Impact on residential amenities of neighbours, in terms of light, outlook and privacy
- 8) Environmental health considerations
- 9) Minerals safeguarding and sustainable use of minerals on site
- 10) Community use hub
- 11) Affordable housing policy, application submission
- 12) S106 contributions and Heads of Terms in the event of an approval

2 SITE DESCRIPTION

The site comprises an area of approximately 35 hectares (87 acres) of agricultural land situated to the north of the current built up extent of Fordingbridge and which comprises the bulk of strategic site 18 as set out in the New Forest 2016-2036 Local Plan.

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).

[Local_Plan_2016-2036_Part_One_FINAL.pdf \(newforest.gov.uk\)](https://www.newforest.gov.uk/Local_Plan_2016-2036_Part_One_FINAL.pdf)

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; and to the east by the Salisbury to Ringwood Road A338.

The site has a boundary to the east with another parcel of Site 18 at Middle Burgate (see new 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 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 Salisbury Road) and a further minor access point from the east via the Fairgate Centre. There are no current access points to the site from the south or west.

The applicants also own another 0.85 ha. (2.1 acres) parcel of land along the western boundary with this parcel of land included in the main strategic site

allocation but not included in this application. This parcel allows for a pedestrian link (not currently a public right of way) to Fryern Court Road. In the south-western corner of the site there is a boundary with the range of office and workshop buildings known collectively as Glass House Studios.

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.

3 PROPOSED DEVELOPMENT

Introduction

This is a planning application in hybrid form for a total of 404 new dwellings together with access infrastructure works, public open space including play areas (POS), alternative natural green spaces (ANRG) and drainage basins throughout the site. The southern part of the development and the two main points of intended access from Salisbury Road and Augustus Park included along with the first housing phase of 112 dwellings in detail form. The detailed section of the proposal also includes a stretch of the road line alongside the detailed first housing phase culminating in a raised embanked causeway.

The remainder of the application site is in outline form and includes two further intended phases of residential development totalling 292 dwellings together with dedicated POS and ANRG areas. The remainder of the access road is shown in outline form until the point of access onto Salisbury Road. This detailed section of the highway works includes a new roundabout on Salisbury Road.

The application also includes a new community hub containing a range of retail and other office and community based potential uses. This element is included in the second phase (see below and section of report).

The application has been accompanied by an Environmental Statement (ES) setting out the key environmental impacts. Some of the original ES material has been amended and updated over the course of the application.

Amended plans

The application initially validated in September 2021 has, following discussion with officers been amended in September 2022, and then more recently in November 2022, with final landscape based amendments received on 19 December 2022. A full re-consultation with all consultees and neighbours took place in September with a more targeted consultation but which included all neighbours in November.

Access proposals

The access proposals are split between those parts shown in detail being a new

roundabout on the A338 Salisbury Road, a new link access from the southern boundary of the site through Augustus Park estate, and the section of road from that point up to and including an elevated causeway across an area of land liable to surface water flooding. The remaining parts of this link road through the site connecting the causeway and the roundabout are shown in illustrative outline form. The roundabout on the A338 in its originally submitted form had a small segment of the roundabout within the New Forest National Park (NFNPA) area. Consequently, a separate planning application has been made to the NFNPA to cover that part of the works. The more recent amendments to the roundabout have moved the roundabout to the west and made it smaller such that the applicant now considers all the substantive works of the roundabout lie outside the National Park and within the jurisdiction therefore of the District Council as Local Planning Authority. The latest comments are set out below based on the amended plans. Whilst the roundabout and approach road now lies outside the Park there may be some minor road accommodation verge and ditch works that still lie within the Park.

Masterplan and parameter plans

A series of plans has been submitted setting out an illustrative masterplan covering the whole site, and parameter plans identifying land uses, density of residential buildings, height of buildings and access for the outline section of the application.

Phasing of development

The development site is split into three phases

- **Phase 1** being the detailed phase in the southern section of the site bordering the recent Augustus Park estate development for a total of 112 dwellings. Should planning permission be granted this part of the development could proceed in effect in advance of the two later phases to the east and north. POS and ANRG areas along with drainage basins are shown in detailed form.
- **Phase 2** is shown in outline and will include a mixed development of 102 dwellings, with what is described as a community hub with some potential retail and business and community use comprising a central hub and new village central square to the east of the first phase. The phase will include further POS areas as well as ANRG and drainage basins.
- **Phase 3** being all residential development for some 190 dwellings together with the remaining section of the link road joining up with the roundabout and its spur coming into the site from the east. This area includes its own dedicated POS area and further drainage basins

For clarity the above phases are sometimes shown on drawings as phases 3, 4 and 5 with phase 1 being Augustus Park, phase 2 being Tinkers Cross and phase 3 being the detailed phase of 112 dwellings noted above. Both Augustus Park and Tinkers Cross are also Pennyfarthing Homes developments. Augustus Park is now complete with Tinkers Cross having just started work in December 2022 and due for completion in 2025.

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.

20/10352 Residential devt.scoping opinion (EIA) – opinion 29/05/20

- 15/11430** Continued siting of mobile home for agr.worker – granted 28/01/16
- 14/10493** Installation of 436 solar panels and meter cabinet – 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

Application withdrawn 22/04/22

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 –

29/09/2022 – Committee resolution to approve subject to S106 being completed

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 (NB: PROPOSED LEGAL AGREEMENT) – Resolution to grant subject to S106 10 February 2021

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

- 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

Application valid 15 November 2022 and out to consultation

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 SS18: Land at Burgate, 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
- Developer contributions towards air quality
- Draft SPD guidance on play provision within development sites
- Draft SPD Strategic sites masterplanning
- Ecology and Biodiversity Net Gain Interim Advice Note
- First Homes 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

Listed Buildings and Conservation Areas Act 1990

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

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

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

January 2022

All Councillors present recommended REFUSAL under PAR4, because

- the area is liable to flooding and the current arrangements to prevent flooding are inadequate,
- the ANRG will be under water for much of the year,
- the movement of the site up towards Fryern Court Road at Burgate is

incorrect; we must keep that gap otherwise the hamlet of Burgate will be connected to the main town of Fordingbridge (urban sprawl).

October 2022

The Town Council recommends refusal of the application under PAR4 for the following reasons.

- The proposed development site does not adhere to the Local Plan. The areas proposed for housing do not conform with those detailed in the agreed Local Plan.
- There is no formal open space on the site for residents.
- The proposed level of affordable housing is deemed to be too low.
- Queries have been raised regarding the proposed phosphate mitigation project at Bickton Fish Farm by a knowledgeable and well qualified local resident. Given those queries, further information and comfort is required in relation to the efficacy of the proposed phosphate mitigation scheme.
- Further information is awaited from Highways regarding the roundabout and the scheme generally – It is not possible to make an informed decision without this information.
- Further detail and comfort is required in relation to the proposed construction access from the A338.
- The bat and badger surveys are outstanding.

As you are already aware, if the site is developed, the Town Council has previously said that the roundabout access from the A338 and the road through the site should be delivered at as early a stage as possible.

December 2022

Recommend REFUSAL under PAR4 as the proposed development does not adhere to the local plan, issues have not been addressed including the issue of affordable housing which has not been addressed adequately, there are no plans for how the construction traffic will access the site and there is no formal open space for residents.

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 listed below have been received following the most recent amended plans submissions in September and November. Earlier comments can be viewed on the web site.

Cranborne Chase AONB Partnership

Our dark sky advisor has reviewed the additional lighting material and I forward the following comments to you.

The new Lighting Assessment states that the streetlighting will have 0% upward light ratio. That is good news, but it does put the onus on NFDC to ensure the specified lighting is installed, and correctly so. Some of the housing appears to have roof lights; your comments in your earlier response therefore still apply.

Tetra Tech say they based their baseline lighting conditions on “previously undertaken surveys”, and concluded that this zone is ILP Zone E2 (SQM 15-20). They don’t state what their SQM readings were, but our nearby readings range from 20.43 to 20.81. That means the area falls into Zones E1 and E0 of the ILP Environmental Lighting Zones, not E2.

Furthermore, it turns out that Tetra Tech’s “previously undertaken survey” is flawed; it was done on 1st June 2021. On this date, there is all-night twilight, so SQM readings should not be taken for zone categorisation purposes – you’re unlikely to get anything higher than 19.

I do, therefore, have to strongly advise you that the lighting consultants have been working on a false premise, and that the lighting specifications do need to be enhanced if your Council is to meet its dark skies obligations.

Other concerns raised regarding lack of mitigation to counter additional recreational trips from the development to the AONB.

Environment Agency

No objections

National Park Authority (Planning)

Initially objections raised to impact on National Park from roundabout. Concerns about lack of mitigation, impact on ecology, and lighting and other infrastructure works having a detrimental impact on designated area.

Later comments received 8 December summarised as follows

Noted roundabout made smaller and moved away from NP boundary lessening impact. Welcome these changes and understand now that there is no substantive work planned within the National Park area.

Noted the additional tree planting mitigation. Lack of planting in roundabout disappointing but understandable given reduced size of roundabout and drainage requirements. Lighting report shows low impact lighting which must be followed through by condition to prevent any standard light columns being introduced at a later date. Welcome further green infrastructure planting around roundabout. Would support NFDC ecology comments about lighting and impact on wildlife. Noted works to drainage ditch. Important to ensure water quality in ditch does not affect ecological value. No further comments regarding other changes shown in November plans.

National Park Authority (Archaeology)

Following earlier trench work and substantial archaeological investigation no substantive archaeological sites have been identified and such limited archaeological evidence as has been encountered would not merit the burden of further archaeological work across the entire site. However, the proposed targeted excavation within Area 4, *[phase 2 part of this proposal]* as outlined in ES6 - Cultural Heritage para 6.122 to 6.126, with the inclusion of community involvement is fully endorsed with an aim being of preservation by record of the only datable archaeology within the Site.

To that end it is recommended that an archaeological condition be included if Planning Permission were to be granted.

Natural England

In order to mitigate adverse effects and make the development acceptable, the following mitigation options should be secured:

- Appropriate mitigation to ensure the proposals are nutrient neutral
- Provision of on-site recreational mitigation land and contribution to access management and monitoring within the New Forest in line with your adopted SPD
- Appropriate financial contribution to the strategic air quality monitoring strategy
- A Construction Environment Management Plan to address impacts from the construction phase of the development.
- A SUDS proposal to avoid surface water impacts to water quality

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Any avoidance or mitigation measures specifically intended to avoid risks to European Sites should be considered in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

NFDC Conservation

I still could not support the proposed scheme as presented for the reasons given above [*see detailed comments on the web site dated 18 October 2022 for full text of response and later response dated 19 December 2022*]. The setting and context of the designated and non-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 itself causes some harm but the extension beyond the settlement boundary increases this impact. I would suggest that the combination of the close proximity of the proposed housing and the dominant roundabout design lead 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 allows public benefits of the scheme to be assessed and balanced against this harm.

Final amended plans

I have reviewed the resubmitted information and have visited the site as part of this application and previous pre-application submissions. This submission has made some changes to the housing along the northern edge and some tweaks to the roundabout layout. After further consideration of the proposals these changes are seen as more minor in nature and therefore the concerns raised previously still remain

NFDC Ecology

See detailed update comments on web site dated December 2022.

I am happy to support the application subject to my detailed suggestions for conditions dealing with protected species, habitat mitigation, phosphate mitigation, BNG including future maintenance and management being incorporated. Further survey work required for bats and badgers but this can be incorporated into the detailed road application which is anticipated in the New Year.

NFDC Environmental Health (Contaminated Land)

A Phase I and II Geo-Environmental Site Assessment dated August 2021 undertaken by Omnia Environmental Consulting has been submitted with the application. 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.

It is recommended that standard planning condition 14h is imposed. This is to ensure that any potential contamination that could pose risks to human health and/or the environment found during the proposed development on this site will be dealt with, in accordance with the Environment Agency's technical guidance

NFDC Environmental Health (Pollution)

Noise – recommends conditions such as a CEMP to deal with construction noise. Long term noise impacts are acceptable for detailed element. Recommend further conditions to deal with impact from community hub noise to nearby dwellings and on outline elements of the scheme.

Lighting – recommends conditions to deal with impact of street lighting

Air quality conclusions of the applicant's reports 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 SS17), 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 conditions as advised.

NFDC Strategic Housing Manager

Guidance is provided on Local plan policy requirements regarding the number and tenure split of affordable housing.

It is disappointing that the full application for 112 new dwellings currently fails to meet affordable housing policy in terms of the number and tenure mix of the

affordable housing proposed. Where proposals don't meet the policy requirements, we would expect this to be justified and if it's viable this should be demonstrated through a viability assessment.

NFDC Open Spaces

See detailed comments on web site dated December 2022. Some concerns regarding details of open space, play equipment and drainage basins but anticipate that these matters can be further clarified as part of any detailed conditions.

NFDC Trees

There is limited tree cover across this site with the majority of trees situated along field boundaries. The John Shutler Tree Protection plan and BS5837 Report. This is sufficient for me to be able to identify which trees will be impacted by this proposal. The construction of the roundabout will result in the loss of 5x Ash trees, all of low quality and showing signs of Ash dieback disease. A mixed species group of trees/hedge will also be lost (identified as G1 in the John Shutler Tree Report). The loss of these trees will not have a significant impact on amenity.

I have no objections on tree grounds to the above proposal. If you are minded to grant consent please condition regarding tree protection measures for the rest of the site.

NFDC Environmental Design

See detailed comments on web site which include comments on urban design, layout, landscaping, and other matters relating to POS and ANRG.

Amended plans received 21 November 2022 address many of our earlier concerns regarding both the detailed and the outline phases of the development. There are a few issues which I've noted in my update which need to be addressed now.

Detailed comments also supplied with regard to the new roundabout and other road infrastructure as well as the landscape and urban design impact of the development associated with the northern edge of the development near Burgate Cross.

Overall, subject to the suggested changes being incorporated the Environmental Design Team are happy to support the application.

NFDC Waste Management

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

Hampshire Constabulary

Refer to standing advice on the design of buildings and new estates. Recommend conditions requiring full Secure by Design accreditation be secured and further details of any lighting scheme.

Hampshire County Council (Countryside Services)

Upgrading of FP 84 welcomed but will need contribution to cover cost and maintenance payments for both this work and earlier works carried out to FP 83 to which Site 18 also has a frontage. Recommends these matters are included and the contributions duly sought.

Hampshire County Council (Education)

The development site is served by Fordingbridge Infant and Junior Schools and The Burgate and Sixth Form. The primary age phase schools are forecast to be full so, to accommodate the anticipated yield of pupils from this development, a contribution will be sought. The Burgate School is also full but is only at capacity owing to the recruitment of pupils from out of county. Consequently, no additional secondary school places will be needed to cater for these pupils and no contribution will be sought from the developer. Details of the forecasting methodology used, along with the current pupil numbers in the Fordingbridge primary schools and at The Burgate School can be found at Appendix A.

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 **£2,536,799** (this relates to the full development of 400 dwellings). This is based on the provision of accommodation for a half form expansion, at a pro-rata cost at both Fordingbridge Infant and Junior School 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. The initial 112 dwellings are expected to generate 34 primary age children which equates to an initial **£701,535** contribution.

Hampshire County Council (Fire and Rescue)

Refers to standing advice on fire standards required for buildings and development sites

Hampshire County Council Highway Authority

The Highway Authority confirms it has **no objections** subject to the applicant entering into a S106 to provide for the contributions and details set out below [see *Access and Highways section of this report*]. In addition conditions are recommended to cover construction management and mud from constructors vehicles being deposited on the highway. *[Members are referred to the detailed letter dated 14 December 2022 on the web site for the full response]*.

Hampshire County Council (Local Lead Flood Authority - LLFA)

Phase 3 [referred to as phase 1 being the first detailed phase]
Detailed drainage layouts have been provided with supporting calculations and technical note. This has addressed concerns and clarifications raised previously and further detail can be covered by condition. As such we recommend the conditions are applied:

In relation to the infrastructure works namely the roundabout and bridge structure between phases 3 and 4, we have no issues with the proposals but note that works to the watercourse at suitable locations as opposed to providing radii in the pipework. Chambers should be a maximum of 80m spacing to allow for future maintenance.

No objections subject to conditions being applied.

Hampshire County Council (Minerals)

The Minerals Statement, submitted in support of the application, has concluded that

incidental extraction can take place as part of the development and that any minerals extracted will be re-used on site. Hampshire County Council would like to highlight the importance of capturing and recording the amount of minerals that is removed from the ground and put to beneficial use, and therefore request the following conditions to be included in any permission for this planning application. These should be delivered through submitted construction management plans

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 Authority

The Phase 3 drawing shows the main foul sewer serving Phase 3 draining from F01 in the north through to the pumping station at the south of the site. We require confirmation that the sewer is a minimum 3 metres distance from buildings and the edge of the infiltration basins to allow future access for maintenance and repair by the adopting Authority. The sewer must not pass-through back gardens.

The Surface Water Strategy philosophy is outlined in supporting document ES Addendum to technical appendix J: Water environment where it is advised that the surface water components could be adopted by Wessex Water, the Local Authority or a private management company. As advised below Wessex Water will adopt components that conform with the Water Industry's Design and Construction Guide and Wessex Waters SuDS adoption guidance. It is suggested the applicant discusses arrangements with Wessex Water now rather than risk the need to redesign components at a later date to conform with our codes (e.g., access requirements to infiltration basins).

I understand we are still awaiting the evidence to support the need for two pumping stations as opposed to sewers laid at greater depth. Consideration must be given as to the lifetime energy and environmental costs of both options.

Further comments received to confirm that the justification for two pumping stations is still required but this can be covered by condition. This is the only remaining concern.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

50 letters of objection received. (This number however does not represent the number of households as there are some respondents who have objected more than once).

A summary of comments received are as follows which are generally grouped in subject areas

- Concerns about loss of buffer zone at Upper Burgate contrary to comments of Town Council and impact on setting of listed buildings – contrary to local plan settlement boundary policy and requirements.
- Development comes too close to Fryern Court Road and impacts on character of this important group - destruction of a unique rural and historic part of the town
- Fordingbridge is losing its small-town charm and character
- Loss of green fields and water meadows highly regrettable.
- Fordingbridge will end up as a dormitory town given lack of local employment
- Insufficient recreational facilities being provided
- Needs more retail as there is insufficient in the town to cope with existing demand
- More crime and anti-social behaviour.
- Community hub should be included as part of the permission but there is a concern that it will not be viable and may end up as a white elephant
- Town cannot cope at present with pressure on local services – this development will only make matters worse
- Concerns about impact of surface water flooding – history of local flooding and this will be exacerbated. Where is the surface water flooding betterment required by policy.
- Impact of roundabout on listed buildings unacceptable
- Reduction of roundabout in size and position is not good enough
- No consideration of alternatives to roundabout such as a T junction
- Impact from roadworks on fabric of listed building
- Roads are too narrow to cope with extra traffic – impact on Fryern Court Road already being used as a ‘rat run’.
- Concerns about construction traffic accessing residential roads
- Impact on Augustus Park residents who were assured their road would not be a through road as now planned.
- Concerns about wider traffic in the town on local estate roads all trying to bypass the town centre.
- Impact of other developments in the area such as Alderholt have not been taken into consideration.
- Proposed bus route should not be taken through this site – roads not wide enough.
- Link road traffic will be a danger to children and pets on Augustus Park estate.
- Adverse impact on local wildlife
- Potential impact on loss of light and privacy for nearest properties from dwellings and footpaths
- Increase in light pollution
- Increase in noise pollution
- Design of proposed first phase is unacceptable in architectural terms. Just a huge extension of Augustus Park
- Insufficient reference to climate change – dwellings do not make use of latest technology such as air source heat pumps, photo voltaic panels, electric charging
- Density and number of dwellings is unacceptable
- Where is the relief road promised by the Local Plan? This should be built up front.

- What about a temporary haulage road for construction traffic?

10 PLANNING ASSESSMENT

Introduction

The key planning policy that covers this site is set out in SS18 taken from the adopted Local Plan 2016-2036 and is reproduced in full below. The supporting text for the policy is set out on pages 172-174 of the Local Plan and a concept masterplan showing the suggested distribution of land uses is shown on page 175, this plan being the starting point for consideration.

- i) **Land at Burgate, Fordingbridge**, as shown on the Policies Map is allocated for residential-led mixed use development and open space comprising
 - Residential development of at least 400 homes and public open space, dependent on the form, size and mix of housing provided
 - A community focal point including ground floor premises suitable for community use to the west of Lower Burgate, and local shopping and service facilities subject to market demand
 - Retention of existing employment and service uses, and additional employment provision near to the A338 subject to demand

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

community focal point and the schools

iii) Site-specific Considerations to be addressed include:

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

PRINCIPLE OF DEVELOPMENT AND POLICY CONSIDERATIONS

The principle of development here is firmly established by the allocation in the Local Plan. In addition, the following land supply and government guidance needs to be taken into account.

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.

SITE LAYOUT, NUMBER OF DWELLINGS, DESIGN, AND IMPACT ON LOCAL CHARACTER AND LANDSCAPE

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.

The hybrid nature of this application requires an assessment of the detailed first phase and a further assessment of those matters shown only in outline form. Broadly speaking the first phase shown includes 112 dwellings, the two main points of access and the causeway across the central area subject to surface water flooding. The second two phases are shown in the outline element of the scheme.

The proposal for 404 dwellings in total indicates a number of dwellings in excess of the anticipated minimum yield referred to in the Local Plan policy of 400 dwellings over the whole of Site 18. To date permission has been granted for 63 dwellings on the Metis Homes site (20/10228) and a further current application for 46 dwellings on the Middle Burgate site. Adding these all together gives a total quantum of 509. This represents an uplift of 105 dwellings or an increase of around 21%. Apart from a very small parcel of land to the north of Middle Burgate the current submission and these two applications represents the total residential zones for development. A parcel of land on the western side of Site 18 near a property called Bramble Ridge comprising some 0.85ha. in area is excluded from the site application but this land is shown as open space in the concept masterplan lying as it does outside the new settlement boundary (more on which below).

The density of housing across the site represents an average of 30 dwellings per hectare (dph) with a significantly lower figure of 20-25 dph along the northern boundary and between 27-30 dph on other rural edges. The concept Masterplan was expecting a slightly lower density overall but 30 dph is by no means an excessive result and is acceptable taking into account the sensitive nature of the site. The density put forward still however achieves a reasonable use of land a point emphasised in Government NPPF policy set out above.

The Local Plan however emphasises that the number of dwellings is a minimum and not a maximum. The Local Plan indicates that the concept masterplan sets out the starting point for the consideration of any application but does not rule out an increase in the number of dwellings or changes to the concept masterplan provided the proposal still exhibits sufficient quality and complies with other policies set out in the Plan unless material considerations indicate otherwise.

Added to this Government policy set out in the NPPF encourages all Local Planning Authorities to make best use of land alongside advice on good design and placemaking.

a) Outline elements of scheme

Members are referred to the detailed comments of the Environmental Design Team as well as that submitted by the POS Officer dated December 2022. These comments cover both the outline and detailed elements of the scheme.

To assist the Council the applicants have submitted an overall masterplan showing the anticipated development over the whole site together with a series of parameter plans indicating land uses, building heights, density zones, and access proposals. In addition, the outline element of the scheme is supported by a detailed Design and Access Statement which has been updated and amended following discussions with officers. A number of other landscaping and drainage plans also covers the outline part of the development.

Informal open space and ANRG

Sufficient land is provided for informal open space including play equipped areas and other doorstep play facilities throughout the site. ANRG spaces are provided north of the causeway road link as well as along the whole of the north western boundary of the outline site and part of the northern boundary. In addition, an informal kick about grassed area measuring some 100m x 30m is provided in the northern part of the site in response to the comments made about the character of this edge and also in addressing the comments of the Town Council previously about the lack of formal playing pitches on the site. The details of these areas will come through as part of the future phases of reserved matters.

Protected landscape impact

In landscape terms the site sits between two protected landscapes namely the New Forest National Park to the east and the Cranborne Chase AONB to the west. The impact of the site on both protected landscapes was previously considered at draft Local Plan stage prior to the sites being allocated. A landscape impact assessment has been submitted as part of the Environmental Statement. Policy STR2 of the Local Plan emphasises that development should not have an unacceptable impact on the special qualities and purposes and their settings. This policy is further supported by NPPF guidance and in a statutory duty on all public bodies to have regard to National Park and AONB purposes.

Cranborne Chase Area of Outstanding Natural Beauty (AONB)

With regard to the impact on Cranborne Chase AONB the protected landscape is some distance from the western boundary of Site 18 and the overall landscape impact is considered to be acceptable subject to restrictions covering light pollution in particular given the International Dark Skies Reserve status of the area. The impact of light glow from the new development therefore does need to be assessed and controlled. This can be dealt with by way of a planning condition requiring the submission of a lighting scheme together with appropriate controls over security lighting on individual houses. Neither is it considered that the impact of the development on the setting of the AONB is harmed. The AONB Partnership support this general view on landscape impact.

With regard to the Partnership's other point regarding the impact of additional recreational trips this is not supported by officers and there is no policy requirement in the Local Plan to make contributions. The on-site mitigation provided to deter trips to the National Park will also benefit and reduce trips to the AONB. Furthermore, there is no evidence that recreational pressure arising from the development site will adversely affect the AONB. Finally, no evidence or justification

is put forward that would satisfy Community Infrastructure Levy tests.

New Forest National Park (NFNPA)

The impact on the New Forest National Park is however more marked. In particular the impact of the new roundabout on the A338 as this part of the new road infrastructure on original submission actually crossed the National Park boundary triggering a need for a separate planning application to the New Forest National Park Authority (NFNPA) as Local Planning Authority. That requirement however has now been negated by the amended plans which move the roundabout to the west and make it smaller. Officers now consider that the works that may lie in the National Park are of such a minor nature and in any event lie within the publicly adopted highway that a separate planning application is no longer needed.

The setting of the National Park is also affected by the new road infrastructure much more so than the housing development. The first phase of housing development is at some distance from the boundary and whilst the second and third phases are closer to the Park boundary the overall impact on the setting of the Park is considered acceptable. The second phase includes some taller 3 storey buildings, but these are located in a part of the site where they will be seen in context with the Fairfield industrial estate at a lower part of the site.

The northern part of the site is also where the settlement boundary has been breached. Regarding the housing development, this part of the site has the most effect on the National Park setting because of its greater proximity to the boundary. The impact is however reduced both in density and in height taking into account the more sensitive nature of this part of the site. The policy considerations relating to Site 18 require the new settlement boundary to take into account landscape change and impact on Listed Buildings but don't specifically mention any impact on designated landscapes. That said from high ground within the National Park the new edge of the town coming closer to Burgate Cross may be more noticeable but overall, this will not be so marked as to warrant a refusal on the impact on the setting of the designated landscape.

The setting of the Park will change significantly in that the development of this greenfield site will be noticeable from high land within the Park, but this impact would have been taken into account in allocating the site. There is an in-principle acceptance that the setting of the National Park in this location will change but it is considered that the housing proposal being interspersed with large areas of open space, split into three distinctive phases, and with tree planting will sufficiently mitigate against any significant harm. Again, lighting will be important to control particularly in relation to road infrastructure. This can be dealt with by the same planning condition referred to above.

With regard to the impact of the roundabout and the associated road infrastructure changes to the existing A338 at this point, this is 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 or further to the south. A signalised crossing would still have introduced a negative urbanising impact on designated heritage assets, and would not have been approved by the Highway Authority.

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 (see below under Flood section of report), 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 NFNPA have been consulted on the recent changes to the plans and their views are set out above. Their latest comments effectively withdraws their earlier objections subject to controlling lighting, implementing landscape mitigation and other planting, and ensuring ecology is not harmed through adverse water quality impacts.

The latest landscaping plan for the roundabout received on 2 December 2022 has been the subject of a further detailed discussion with officers from the County Council and the NFNPA and now puts forward a proposal with a reasonable level of mitigation, which is on balance acceptable taking into consideration that a roundabout is the best option. Added to this the Highway Authority have shown a willingness to be flexible in reducing their normal safety standards and to allow the use of sensitive lighting. A total of 26 new trees will be planted in the immediate road corridor around the roundabout. It is physically not possible to plant more trees on the eastern side of the road alongside or within the National Park because of constraints on land ownership this being outside the control of the applicant. Added to this planting, there is also scope for more substantial planting to the northwest of the roundabout with a new orchard and more substantial larger species planting. This will provide a soft backdrop to the roundabout albeit it will not screen it from the designated protected landscape. Street lighting will be reduced to that which is acceptable from a highway safety point of view as well as noting the impact on dark skies which is a point of consideration for both protected landscapes. Given the site constraints it is not physically possible to move the roundabout further westwards away from the National Park without impacting severely on the three houses to the south of the roundabout (such that they would need to be part or fully demolished) as well as the potential for the residential use of this northern part of the development site.

Officers now consider that the latest plans are the best that can be achieved and that all alternatives have been carefully considered. On balance your officers are satisfied that the impact on the National Park has been addressed and maximum mitigation has been allowed for.

Settlement boundary

In comparing the applicant's submitted masterplan and parameter plans against the concept masterplan set out in the Local Plan there can be seen a distinct and marked difference between the two plans with regard particularly to the relationship of the housing edge to the hamlet at Upper Burgate. This section of the report deals with the overall landscape impact. The impact on designated heritage assets is dealt with below. Similarly, any impact on residential amenity is dealt with below in that section.

The edge of the housing zone as shown in the Local Plan varies but at its greatest distance represents a gap of some 140 metres from the edge of Fryern Court Road

development and the new urban edge shown on the concept masterplan. On the original submission this gap has been eroded by some 60-70 metres significantly reducing the buffer area referred to by the objectors to about 75 metres.

There is also a smaller breach of the settlement boundary for the first detailed phase, but this impact is much more marginal and is discussed below under the detailed element section. In February 2022 officers wrote to the applicant expressing an opinion that this would not be acceptable, and there was insufficient justification to support such a breach of the boundary – noting that the southern boundary breach was much less concerning.

Policy STR2 of the Local Plan says this about settlement boundaries

Beyond locations where site-specific policies apply and the built-up area boundary of settlements (as defined on the Policies Map), the primary objectives are to conserve and enhance the countryside and natural environment. Development will generally be restricted unless the development proposed is appropriate in a rural setting in accordance with Saved Policy CS21: Rural economy [officer note – this policy applies to strategic sites as well as other sites]

However, the Local Plan contains the following supporting text advice to the SS18 policy

The precise location of the northern settlement boundary will be agreed through the planning application process, in a position that retains a clear open space and landscape gap between the development, Burgate Cross and Fryern Court Road (case officer emphasis).

This supporting text does therefore allow an opportunity for the published line of the settlement boundary to be further discussed and agreed as part of the planning application process, rather than what could be argued as a slavish adherence to the published line of the boundary on the Local Plan Proposals Map. The issue here then is to what extent has the published settlement boundary been breached with this proposal, what environmental considerations are there, and what other mitigating facts or other policy considerations should be weighed in the balance. It is not enough to simply rely on the published line. Any refusal needs to be backed up with evidence on harm and further that any harm created is not outweighed by other material planning considerations such as overall public benefit.

The latest plans marginally reduce the dimensional breach of the settlement boundary bringing the gap to around 90m from Fryern Court Road to the edge of the new development.

When assessing landscape impact, it is important to consider not just the visual impact but also the impact on landscape character. This area at present has very much an agricultural feel albeit it is punctuated by two very large poultry units and a large solar panels array. These two features will however be removed as part of this development.

Members are referred to the Design and Access Statement (DAS) addendum (see section 6) submitted on 12 September 2022 which address this issue. Added to this the latest masterplan supported by an addendum DAS submitted 21 November seeks to address the northern edge of the development in a number of ways. First the height of the buildings on this northern edge has been reduced to limit development to a maximum of 1.5 storeys as opposed to 2 storeys as shown previously. Secondly, the edge of the development has been 'loosened' to present

less of a uniform line of houses but more of a varied edge with smaller courtyard style dwelling groups punctuated by green spaces, shown in more detail in the DAS. The western edge of the development can also be limited to bungalows which again reduces the impact. Breaking up the linear nature of the development edge can successfully assist in avoiding what could be considered a harsh urban cliff edge facing Fryern Court Road. Added to this further structural landscaping has been added along Fryern Court Road. Third the remaining open space in character terms should be less formalised and remain more agricultural in its feel which the DAS amendments now recognises and incorporates.

In wider landscape terms the reduction of this gap is marginal in its impact. The reduction of the gap will be noticeable closer to the site bringing the development that much closer to Fryern Court Road. That said Fryern Court Road already has a linear line of trees and hedgerows bordering the development site. This feature will be retained and strengthened.

Overall, in wider landscape views and landscape character terms as well as impact on the National Park it is not considered there is sufficient justification to withhold planning permission on landscape grounds bearing in mind the mitigation and points set out in the revised DAS.

As required by policy a clear open space between the development edge, Burgate Cross and Fryern Court Road has been maintained albeit less than originally envisaged. A balanced view is also needed taking into account other public benefits arising from the development including the potential for the release of much needed housing supply, an element of which will be affordable housing, significant new areas of public open space that are not currently available and making best use of an allocated housing site whilst still considering environmental concerns that may be raised, as required by Government NPPF policy.

The impact of the breached settlement boundary on designated heritage assets and local residential amenity is discussed below in those sections.

The report now turns to the impact of the more detailed phase of the development for the first 112 houses in the south-western portion of the site.

b) Detailed elements – first phase 112 dwellings

The first phase has the following housing mix spread across a range of single storey bungalows, two storey houses, and 2.5 storey apartment blocks.

10 x one bed apartments
35 x two bed units
50 x three bed units
17 x four bed units

To go with the first phase there will be 3.6 hectares of ANRG land required for habitat mitigation, and 1.7 hectares of POS including one large, equipped play area (LEAP) with other smaller doorstep areas for play within the site. The detailed phase includes a number of drainage basins running north to south along the eastern edge of the residential phase.

The latest amended plans for this first phase were received on 21 November 2022, with amended landscape plans submitted on 19 December 2022 all of which can be viewed on the web site.

Site layout

The site is laid out in two major housing blocks separated by an area of open space running east west across the site. The housing blocks are bordered on the south, west and northern boundaries by open space and ANRG areas. The housing is for the most part two storey but with some taller blocks housing apartments and flats in the central and southern parts of the site, and some bungalows on the upper northern part of the site. To the east of the housing blocks are arranged a series of shallow ground depressions which will be used to collect surface water during times of highest rainfall but which for the most part will be dry and accessible for recreational purposes.

House designs

The proposals exhibit a range of house types previously seen on the recent Tinkers Cross permission and Augustus Park but with some bespoke units which have been developed for this new site. The apartment blocks, Block 1 containing 14 units and Block 2 with 7 units, in particular follow a different design and pattern to that used on the Tinkers Cross site. The materials used are facing brick with some render under either tiled or slated roofs. These will blend appropriately with the Augustus Park development to the south but improves on that scheme with a greater range of house types and special bespoke buildings designed for the site.

Landscaping and tree planting

The development includes a significant amount of new tree planting both within the public open space areas but also within rear house gardens where space permits. A full landscaping plan has been submitted with the application. All new roads within the site will have trees alongside. Some of the hard and soft landscaping details will need further firming up by condition. Conditions will also be applied seeking long term landscape maintenance in all public areas rather than the usual 5 year limit on maintenance.

Provision of play equipment

This first detailed phase shows one main locally equipped play area (LEAP) and three small doorstep play spaces (LAP) with these play spaces linked by a series of pathways separated from the main vehicular roads. The details of play equipment at present are not clearly shown and the submitted details will need to be supplemented with further information to be submitted through a planning condition. There is however sufficient quantum of play areas in policy terms.

Public open space and ANRG areas

Added to the play areas will be informal POS areas amounting to some 1.7 hectares which will be available for the residents and wider public to use. To serve the first phase of development an area of 3.6 hectares of ANRG land for dog walking and recreation will also be available prior to first occupation. The details of all these areas can be seen on the plan dated 19 December 2022 DR L 019 rev C on the web site. This plan indicates the dedicated ANRG areas for the first phase south of the causeway and in the north western corner of the site. Members will note the large area of open space to the north of the causeway amounting approximately to some 2.4 hectares. The applicants have offered to make this available on final occupation of the first residential phase albeit it is not required to serve that land in policy terms. This is a significant gain in terms of the phasing of the release of open space and ANRG land within the scheme as a whole as technically this northern area does not need to be made available until prior to first occupation on the next phase. In total the first phase and other local residents will have access to POS and ANRG

amounting to nearly 8 hectares of land.

Members are referred also to the section on surface water flood risk below and how this might impact on the useability of the ANRG during periods of high rainfall. This is a critical factor if the ANRG is to meet with policy requirements. A separate technical note has been provided by the applicants (see website report received 12 September 2022). The use of shallow basins, dry walking routes and a east-west boardwalk together with raised footways in other areas all supported by a robust drainage strategy will ensure that these areas are useable at all times of the year for dog exercise purposes. The basins will be added to by areas of lowered land levels or scrapes of between 10cms and 50cms upstream and downstream of the road layout so as to manage surface water to these lowered areas and to ensure areas outside of this will remain dry except in the most extreme events.

Formal open space

The Local Plan Policy covering both this site and Site 16 require provision for on site formal open space i.e., playing pitches. There is a shortfall of playing pitch provision in the town according to evidence gathered during the local plan process.

The Town Council have objected on the grounds that there is no formal open space on the site (i.e. playing pitches). Officers would respond and confirm that detailed consideration has been given as to the appropriateness of having formal playing pitches on this site as anticipated by the Local Plan. In landscape and access terms neither this site nor Site 16 where the same policy requirement applies are considered appropriate. The sensitivity of the site in landscape terms, and in relation to dark skies would make a floodlit pitch in this area unacceptable. Added to this there is no direct public access or car parking facilities associated with such a playing pitch provision and to do so would further impact on the design and layout and attractiveness of the site.

Consequently, given these wider considerations which have come to the fore with the detailed consideration of the strategic site applications it has been deemed more appropriate to collect a reasonable contribution from each new dwelling proposed to enable an off-site provision to be made.

Access and highway related matters.

See the relevant section below under this separate sub-heading.

Case officer comments on design and layout.

The scheme layout differs significantly from the Local Plan concept masterplan layout particularly in relation to the central section between this phase and the next phase to the east. The concept masterplan showed a pinch point between these two phases but that arrangement has had to be amended to take account of potential surface water issues and to allow more space for SUDs basins. This has resulted in the development being pushed closer to the western boundary and the adjoining office block complex known as the Glass House Studios. This in itself is not a serious issue however as in landscape terms there will still be an element of open space separating the two building blocks.

The open space area in the north-western part of the site is also less than was anticipated in the Local Plan as the applicants have not included all the land that was shown in the concept Masterplan, and which was included in the allocation for Site 18. The missing parcel near a property called Bramble Ridge was shown as open space land and lies outside the development boundary however which normally

prohibits any built development. There can be no guarantee that this parcel will not become the subject of development proposals in the future. That said the applicants consider the land is not included because there is more than enough POS and ANRG land in policy terms to satisfy the first phase requirements, and say they have no plans at present to propose any built development. Officers are concerned but cannot force the applicants to include this parcel at this stage. The pinching of the central gap in landscape terms is not considered to be an issue and will actually have the effect of providing better separation between the first and second phases.

The first phase will be accessed directly from the south and the earlier now completed Augustus Park development. This phase will however be separated from Augustus Park by a narrow open space area fronting onto a public right of way footpath which will have its surfacing improved as part of the Tinkers Cross permission.

The design and layout of the scheme is considered to have improved significantly from the first submission following a series of meetings with the NFDC officer team. The latest house designs are considered acceptable and will provide an attractive range of housing units with a variety of materials, roof heights and finishes. The apartment blocks have been specially designed to fit into those two areas of the site which can best accommodate these taller buildings. As the elevation of the site increases running northwards the density of the housing decreases and the introduction of bungalows and lower ridge heights will help to assimilate the scheme into the local landscape. The site layout in terms of landscaping and open space is also considered to be acceptable and will provide a measure of framing the development in an open landscape as is required by the Local Plan. The very minor breach of the Local Plan development boundary in this northern part of the site is not material and has no short view or wider view landscape impact.

The Environmental Design Team and POS officer have raised some issues, but these are all addressed by the latest 19 December amended plans. In conclusion it is considered that the design and layout of this first phase is acceptable subject to conditions seeking further details as set out below.

IMPACT ON DESIGNATED HERITAGE ASSETS

Members are referred to the detailed comments of the Conservation Officer which can be viewed on the web site dated 18 October 2022 and 19 December 2022. The Conservation Officer concludes his comments thus -

'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.

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 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.....'

In both cases below the impact 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.

i) 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.

ii) Impact on setting of Burgate Cross/Fryern Court Road

The Conservation Officer sets out how the northern edge of the development is now planned to be closer to the heritage assets and the fundamental issues being the erosion of the green space directly to the rear of these buildings. These buildings enjoy a setting within an agricultural landscape which is historic in its nature. The Conservation Officer considers the proximity will compromise the historic setting unacceptably. The setting of certain buildings such as The Old Farmhouse are significantly affected given their former relationship with this agricultural land. The Conservation Officer also states that we should not rely on planting which may give some transient relief and protect the setting, but which may not be permanent.

The case officer however does not consider the northern edge is a high-density development. The changes shown in the most recent DAS submitted by the applicants in November 2022 show how this part of the site has been reduced in height, scale, mass and density and now forms a much 'softer' new urban boundary broken up by vegetation and planting. The Parameter plans on building heights has been modified further to reflect this change. The potential for a harsh urban 'cliff face' of buildings has been specifically avoided. Added to that the design of the open space between Burgate Cross and the development has been simplified to retain an agricultural feel rather than urban parkland. The latest plans also do indicate structural longer-term planting along the northern boundary will be put in place to supplement any existing planting that exists. In response the Conservation Officer considers there is still a fundamental objection to the erosion of the green gap and maintains an objection.

There can be no doubt that the development will impact the setting and significance of the heritage assets at Burgate Cross. 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.

Officer conclusion on balancing harm to heritage assets

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 i.e., releasing 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, providing improved sustainable travel options such as local footpath improvements and a new bus service and travel plan, a new community hub in the second phase, 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.

ACCESS AND HIGHWAY CONSIDERATIONS

Members are referred to the detailed comments of the Highway Authority dated 14 December 2022 which can be viewed on the web site. There are multiple highway elements which are set out below some of which cover the whole site and some the detailed element of the site which also includes the roundabout, access from Augustus Park and the elevated causeway.

Trip generation and impact on local road network

The Highway Authority in their response have considered in detail the applicant's updated traffic modelling illustrating how the development could impact on local roads. There have been significant local objections to the development and concerns expressed about the impact on local roads, but these are not supported by the expert consultee. There is therefore no evidence before the Council to substantiate these objections. The opening of the Link Road will have significant benefits in terms of the amount of any additional traffic on local roads particularly those being used to avoid the town centre.

New junction safety

A338 roundabout - The Highway Authority in their response confirm they have no objection to the latest plans showing a smaller roundabout than initially planned and one which is moved westwards to avoid the National Park land. The Highway Authority in agreeing to the latest plans are likely to agree to a minor reduction in safety standards caused by a slight impingement on the visibility splay leading to the

roundabout when travelling north. In addition, the lighting columns and drainage details have been agreed in principle albeit a S278 Highways Agreement and more detailed engineering drawings will need to be submitted for final approval. That said the Planning Authority would expect and will condition the lighting standards and details shown in the lighting strategy will follow through to the final plans given the impact on landscape and wildlife that could result in larger or brighter lighting columns and lights. The Highway Authority have also agreed the latest landscaping plan revision J which shows 26 trees to be planted around the roundabout.

Access to Augustus Park – The Highway Authority raise no objection to the use of Augustus Park as part of the planned link road and no objection to the use of the new estate for construction traffic with a trigger of the link road being completed prior to the occupation of the 59th dwelling. The objections raised by local residents are not supported by the expert consultee.

Sustainable transport options

Walking and cycling - The Parameter Plans and more detailed first phase plans indicate movement through the site with a network of roads, footways and cycleways with many new routes being provided. This plan forms a basis for the first phase and future Reserved Matters application going forward and the details of these internal links will need to be more fully shown. Linkages are shown with Fryern Court Road to the west and north and to Salisbury Road to the east. The Fryern Court Road link to the west needs to be more explicitly stated and an amended plan will be sought to provide those details. This can be covered by a Grampian condition as whilst the link is shown to be outside the application site it is on land currently owned by the applicants so is under their control. They have agreed to provide the link at this stage rather than at some future time.

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 a public right of way along the southern boundary linking Salisbury Road and Tinkers Cross via public footpath 83 which is being upgraded as part of the Metis Homes permission, with the cost of those works needing a contribution from the current development for future maintenance based on a proportional contribution linked to the number of dwellings per site to be split between the three developers fronting this part of FP83. This footpath will have a direct new link from the site in two places linking it to a safe route to school for children attending the Burgate Secondary School via the recent approval for Metis Homes. Via FP83 the site will have a direct improved off-road link to Site 17 via Tinkers Cross and Puddleslosh Lane. In addition, the site will have a direct linkage through Augustus Park to a second link to the Junior and Infants school through a lit site.

Furthermore, FP83 also has a T junction with FP84 running south to the primary and infant's school. It will be expected that this development will pay for the upgrading of that right of way (widening and resurfacing but not lighting) as far as the entrance to the junior school and for future maintenance costs of the improved route. The applicants will provide a costed estimate for the work which will form the basis of a contribution delivered to the Highway Authority for them to carry out these works. As a point of clarity, the response from HCC is incorrect in that it has wrongly assumed that other unnamed developers will also have a requirement to contribute both to the upgrading and maintenance cost for this work. It is considered that there is a case to be made that the current application should pay for the whole of that upgrading of FP 84 bearing in mind the size of the development and its direct site frontage to the

junction of FP84 with FP83. All these contributions will be sought as part of the S106 agreement.

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 fits 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 Waverley 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, and this can be secured through the S106 for both provision and future maintenance. The details of this re-routeing will be agreed in due course and the applicants have agreed to make a £410k contribution towards the running costs of the new bus service to be secured through the S106.

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.

Timing of new link road

Perhaps the most crucial question for the Town Council, local residents and officers is at what point the new link road that will connect the A338 Salisbury Road with Whitsbury Road via Augustus Park will be open for use. In discussion with officers the applicants have now confirmed they would be willing to bring forward the completion of the link road initially shown as being completed as part of the final northern parcel residential phase to an earlier point mid-way through the development of the first phase. The Highway Authority in their response make clear that the evidence shows that a trigger is needed to ensure the link road is complete and available for use prior to a certain number of houses being built and occupied. In this case through discussion with the applicants and Highway Authority agreement has been reached that the developers will ensure the link road is fully complete and available for use prior to the occupation of the 59th dwelling on the first phase of this site. This will result in bringing forward the new link road much earlier than initially planned by the applicant who were looking to do so within the 3rd phase of this development which could have been some 5 years plus from work starting on the first phase. An early opening of the link road will bring significant other benefits by reducing the impact of development on the town centre. It will also remove any concerns regarding the development of Site 17 which is unlikely to come forward until after the link road is complete.

Car parking and access _

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 phase of the scheme shows a minimum of two parking spaces for each property except for the smaller flatted apartment buildings together with a small number of visitor spaces. Where appropriate it is considered that restrictions should be placed on integral garages to prevent them being lost to residential use and secondly that any car ports provided should be restricted so that they are maintained as open fronted buildings which will encourage parking rather than domestic storage use. Officers are satisfied that sufficient car parking and safe access can be made to all residential properties. The majority of main roads through the site will be offered for public adoption to the Highway Authority with only some minor cul de sacs being managed privately.

Construction traffic management _

Construction traffic is planned to access the site from Augustus Park and on wider residential roads which are capable of taking such traffic but bypassing the town centre. The views of the Highway Authority do not raise this as an issue. The applicant however is in discussions with a 3rd party that may allow an opportunity for

an alternative construction route and this will be investigated as part of the construction management plan condition required by the Highway Authority.

Summary of Highway Authority requirements

The applicant enters into a S106 agreement to provide for the following

Implementation of highway works extending the Augustus Park spine road to access the detailed element (Phase 3) of this application a prior to first occupation as shown in principle on drawing ITB12264-GA-302 Rev J.

- Implementation of highway works for the remainder of the link road between Augustus Avenue and the A338 and the A338 site access roundabout prior to 58 occupations as shown on drawings ITB12264-GA-302 Rev J (internal access road including foot & cycle paths, pedestrian cycle crossing points), TOR-SK098 SS18 (Illustrative Masterplan) and ITB12264-GA-308 Rev Q (A338 site access roundabout).
- Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
- Delivery of the bus service as set out above and provision of a Public Transport Strategy prior to commencement of the bus service, setting out the additional details of the bus service serving the site.
- Provision of financial contribution of £183,270 towards improvements or capacity mitigation at the junction of A338/ A31/ B3347.
- No more than 58 dwellings to be occupied until the new link road is completed and open to the public.
- Financial contribution for improvements to footpath 84.
- Financial contribution of £44,601 towards commuted sums associated with footpath 83 improvement work.

The Highway Authority also suggest conditions to cover construction management and ensuring that construction traffic does not create a safety issue through mud deposited on the public highway.

Case officer comments _

Officers would not disagree or question the above recommendation from the Highway Authority except in relation to the bullet point recommending a contribution to the upgrade of the Ringwood roundabout at the junction of the A31/A338. The Officer report on the development at Snails Lane, Ringwood (Strategic site 15 – application 18/11606) included the following comments when the same matter was raised by the Highway Authority.

Two junctions were assessed as to whether they can acceptably accommodate the additional traffic volume, this included the proposed modified junction at the A338 /Snails Lane and the existing A338 Salisbury Road/A31/B3347 roundabout at Ringwood. The results show that both junctions are expected to operate below their capacity during the agreed future assessment year, 2023, with the development.

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

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

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

Given the above your Officers consider that the current proposal on Site 18 would not justify a contribution to the upgrade of this roundabout at Ringwood. In the report to Planning Committee dated 29 September 2022 in respect of Strategic Site 17 (21/10052) Members did not disagree with this officer conclusion which should therefore be followed through to this report despite the Highway Authority contention that this is a requirement. Your officers consider this level of delay at certain times does not represent a severe impact.

ECOLOGY CONSIDERATIONS

The Council's Ecologist has now commented on the final plans and ecological reports and his comments can be viewed on the web site dated December 2022. In addition the updated comments of Natural England will be taken on board and an updated Habitat Regulations Assessment will be provided prior to Committee. Other elements of this letter are also covered and considered in this report.

Habitat mitigation against recreational impact

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites.

In 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 open areas, making use of the shallow SUDs basins as well as a main off lead exercise area measuring 3.6 hectares with a suitable fence enclosure if required to keep dogs in and prevent uncontrolled access onto the main road carriageways. The site will also form part of a wider strategic network of access including linkages with other parts of Site 18, noting above the applicant's offer to make the area to the north of the causeway available on last occupation of this first phase. Linkages with and improvements to the public rights of way network will provide good quality dog walking opportunities linking further afield to both Sites 16 and 17 to the south when they come on stream but making use of existing public rights of way until that point. 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.

Local Plan 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.

Nutrient neutrality (phosphates) impact and mitigation

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.

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 credits can be used to discharge the Grampian condition. There will be a cost to the applicant in doing so as those credits could have been sold to another developer.

On site 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 advised on the need for specific conditions particularly in relation to bats and badgers and also provides advice on other species. These matters can be dealt with by planning conditions. Overall, however, there are no objections regarding impact on protected species.

Biodiversity Net Gain (BNG)

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 Council's 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 Council's Ecologist is satisfied that there is sufficient BNG within the site to address its own policy requirements seeking a 10% gain. This will be subject to further monitoring and management of the BNG over a 30-year period. A condition is suggested to deal with this.

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. For clarity the long-term management of the BNG is a matter likely to be addressed by a management company which will need to be set up for the management of this aspect as well as public open spaces. The applicants will need to fund this ongoing work usually through a service charge on the dwellings.

Other elements of BNG provided through individual bat and bird boxes either built into or attached to the new dwellings are itemised in the applicant's Construction Ecological Management Plan which is welcomed by the Ecologist and which can be secured by condition.

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

FLOOD RISK, SURFACE, AND FOUL WATER DRAINAGE

Flood risk

Local Plan policies CCC1 and the site-specific policies for Site 18 require that flood risk should be dealt with and that a betterment for the town should be sought particularly in respect of avoiding future surface water flooding incidents. Prior to the submission of their application the applicants conducted baseline monitoring through trial pits and undertook hydraulic and ground water modelling to establish the surface water drainage requirements. The site geology shows the majority of the site is underlain by river terrace deposits with underlying bedrock consisting of London Clay. The river terrace deposits comprise sand and gravel. The results of the site investigation indicates that the ground conditions conform to the anticipated geology. The Environment Agency has confirmed that high groundwater is a risk in this catchment and there are records of groundwater flooding at the primary school in 2013/14. So, whilst the site lies wholly within flood zone 1 with the lowest risk of flooding from rivers, there are clearly surface water flooding issues that affect this site with pockets of surface water flood areas in the northern part of the site and along the southern boundary. The risk of surface water flooding arises from an

overland flow route from north to south in the central area of the site which comprises a low shallow valley between the higher land to the west and east. This has been the primary cause of the development parcels between the first and second phases being split apart to make more room for flood attenuation measures.

The Local Plan policy also includes this text which needs to be satisfied regarding betterment.

'Providing a comprehensive ground and surface water management system for the site, benefiting the town as a whole including a central north-south corridor of management of fluvial, surface and groundwater flood risk into the landscape.'

Surface water flooding and development proposals

The proposed surface water drainage strategy seeks to demonstrate that the proposed development can be drained in a sustainable manner commensurate with NPPF guidance which requires that flood risk to land and property is not increased from new development.

Existing ground levels at the site are proposed to be changed with levels of the residential blocks being raised by 0.5 to 1 metre across these areas of the site with a rise of 2m in the central part of the site to accommodate the new elevated road causeway. The causeway will be provided with 21 culverts to allow water to flow from north to south.

Rainfall runoff will be infiltrated to ground with attenuation through a series of shallow drainage basins (SUDs) to allow for extreme events. These drainage basins have been dispersed through the site. The new roundabout on the A338 will drain to a shallow attenuation tank before discharge at a controlled rate to the existing highway drainage ditch.

The first detailed phase has been assessed in more detail to confirm the size and depth of SUDs basins.

Within the drainage strategy an allowance has been made for climate change and urban creep creating more impermeable areas (extensions etc.) Shallow swales (linear ditches) along highways will be provided for road run off to improve water quality before it enters any of the SUDs basins. These basins are however intended to be shallow depression type features and not deep ponds and for most parts of the year will be dry with perhaps 30cms of water at times of high rainfall. House drainage will be supplemented by individual soakaways within gardens where infiltration conditions permit. The proposed drainage basins are not deep ponds with steep sides as was the case for the Augustus Park development. The basins are also intended so that they can be used as part of the POS and ANRG proposals as well being planted up to improve biodiversity and do not need to be fenced off for safety purposes.

For the next two phases to the east and north of the site a model has been used to inform the number, size and location of SUDs basins. The slab levels of houses will be set 50cms above the maximum projected water levels in the basins. Again, individual soakaways will be employed in some garden areas.

The on-site drainage has been sized to accommodate the critical duration of the 1% flood event probability plus 40% for climate change. Exceedance flows generated

within the proposed development will be directed either towards the central overland flow corridor, contained within open spaces or within the highway boundary, where flows are likely to be collected by highway drainage and drained back into the drainage network, once the storm event clears.

Betterment - With regard to the policy requirement for betterment the applicants have submitted a further paper dated 9 August (see web site dated 12 September 2022), which outlines how the scheme will provide an improved surface water regime to limit future flood events. This requirement is in addition to the normal requirement of ensuring the development deals with its own flood issues on site.

The proposed development will provide betterment over the existing groundwater levels by including mitigation in the form of a groundwater drain, which is proposed to the north of the development parcels running west to east and discharging to an existing flow route via a proposed overflow that forms part of the drainage route towards the River Avon. The purpose of the groundwater drain is to intercept a proportion of the peak groundwater levels which flow towards the site and will help to reduce the risk of groundwater flooding both within the proposed development and downstream of the site. The post development groundwater modelling shows that there would be a reduction in the simulated maximum groundwater levels across the Site when compared to the baseline model.

This new drain feature will need to be managed by a management company to be set up by the applicants through the S106 agreement as none of the public bodies want to be responsible for this feature. There is no reason why a management company cannot look after this feature along with other open land within the site which will be funded by the residents living on the site. This new drain will be installed as part of the second and third phases of the development as is not needed to deal with the first detailed phase.

The surface water drainage strategy itself will also provide a degree of betterment over the existing site as surface water runoff generated on site within the developable area will be managed and controlled through the implemented drainage strategy and into the series of infiltration basins proposed across the site. Currently, surface water runoff generated at the site either infiltrates, during drier periods, or flows to the central north-south overland flow route, during wetter periods. The mitigation measures, including the groundwater drain and raising of ground levels will mean there will be additional infiltration capacity, and the implementation of the drainage strategy will control these flows rather than contributing to the uncontrolled overland flow route.

The proposed surface water drainage strategy also includes two cut off ditches which surround the development parcels within the first phase, intercepting flows from the west. One ditch flows north around the outskirts of the first phase and the second ditch flows south and then east around the edge of this first phase. Previously, it was proposed that both ditches would discharge into the central north-south overland flow route, however, as there is additional capacity within the first phase infiltration basins it is proposed that the cut off ditches are integrated with the surface water drainage and will discharge into the infiltration basins. This means there will be a reduction in the runoff entering the central north-south overland flow route and therefore contributes to the downstream betterment. An overflow from the basins into the central overland flow route will be provided to ensure that there is no flooding of the system above the additional capacity in the basins. This is only required for exceedance events i.e., events larger than the design flooding event (1% AEP plus climate change).

The Environment Agency, Wessex Water, Hampshire Local Lead Flood Authority

and Highway Authority are satisfied that the drainage proposals will be acceptable. Given this support from statutory consultees officers consider the proposals have met the policy requirements both in terms of dealing with on site drainage but in providing a betterment solution to limit any future flood events to the south.

Foul water and sewerage

Wessex Water (WW) 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 SS18 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 scheme submitted with this application involves the use of two pumping stations. One near the southern entrance from Augustus Park and included in the first phase of development. A second pumping station is shown in the final phase.

WW have now provided final comments in which they confirm they are satisfied with the drainage strategy subject to further information to justify if there is a need for two pumping stations rather than one.

IMPACT ON LOCAL RESIDENTIAL AMENITIES

This section of the report is split between the outline and the detailed elements of the scheme as the impacts will differ across the site. Any impact on residential amenity also needs to be considered against the backdrop that the site has been allocated and there is an acceptance in principle for residential development.

Detailed element of first phase

In terms of the impact on residential amenity (privacy and light) this is limited to a small number of dwellings on the northern edge of the Augustus Park development, the nearest of which is 45 metres from the nearest house on the new site. This is considered an acceptable distance with no significant privacy impact arising and no impact on light.

There will clearly be an impact on Augustus Park residents more widely as the current cul de sac highway serving the site will be changed to a new access road linking the A338 Salisbury Road with Whitsbury Road. This was however envisaged right from the start of the draft Local Plan allocation proposals for this site. There have been a number of local objections to this point, but the issue is not one that can now be taken into account provided there are no highway safety issues raised by the Highway Authority in their response. Similarly, the bulk of local resident objections to the loss of the green field of which this site forms a part cannot be given any weight since the allocation in the Local Plan. The Augustus Park development also benefits from open space and allotment land along its northern edge to offset the proximity and impact of the new development now planned.

As with the outline element of the scheme the direct pedestrian linkages from Augustus Park to the new site and its extensive areas of open space and ARNG and play facilities will be a positive result of the development given the land at present is all private farmland.

Another group of residents who front onto Fryern Court Road back onto the western boundary of the first phase of development. The impact of a much wider central area between the first phase and the next centrally located phase of development, so as to take account of surface water issues, has meant that the western built edge of the development is closer to these properties. However, there is a significant landscape buffer and open land gap of around 180 metres plus between properties. There is more than enough to ensure there will no significant amenity impact for these properties.

Overall, the impact of the first detailed phase on adjoining residential amenity is considered acceptable.

Outline element for second and third phases

There are a number of properties affected by the outline element of the scheme particularly those at Burgate Cross and on the northern boundary of Fryern Court Road. There are seven properties fronting onto Salisbury Road which back onto the site.

Dealing first with the properties on Fryern Court Road and Burgate Cross the main impact relates to the proximity of the new estate development which is now closer than was envisaged with the Local Plan settlement boundary. That said a distance of around 90 metres is more than enough to ensure that privacy and light to those properties are protected. The local residents will clearly see the new properties at a distance and will lose their green field view but those are not material considerations.

In accordance with the Local Plan there is no direct vehicular access from the development onto Fryern Court Road. There is a planned pedestrian path access shown onto this road but the impact of this is minor. On a positive side this access point will give direct access for all those properties on Fryern Court Road access to the recreation and open space areas planned for the northern edge of the site and wider access to the rest of the open space and ANRG areas in the middle part of the site. At the present time this is all private farmland with no access so this will be a new considerable benefit available to those residents.

The recreation and play areas planned for the northern edge of the site are also considered to be acceptable in terms of their impact on the properties affected. The main play area planned for the northern corner is approximately 70 metres from the nearest property boundary. There may be an element of noise disturbance from play along this northern edge but this is not sufficient to warrant a refusal. The Town Council's comments on play are noted and whilst there is a general informal kick about area planned for the northern edge there is no formal play provision by way of floodlit pitches as envisaged in the concept master plan. Lack of direct vehicular access, parking and landscape concerns have meant this is now being dealt with off-site via a monetary contribution for off-site formal playing pitch improvements.

The properties that front onto Salisbury Road back onto the development site but do so with landscaping and open space providing a significant buffer to protect privacy. The nearest projected back-to-back distance between existing and new dwellings is of the order of 50-60 metres so again there is no substantive privacy loss or light loss. Cross Cottage and the four properties to the south are impacted significantly however by the roundabout and the road infrastructure works. That said the impact of these works set against the existing A road impact is not sufficient to warrant a recommendation of refusal. There is no need for example of any acoustic barrier fence to these properties because of noise issues. Some of these properties such as Cross Cottage and The Old Farm House are listed buildings and that impact is considered further below. Cross Cottage however will benefit from the existing road edge being moved further away with a new pavement being introduced between the property and the road. Middle Burgate house further to the south also backs onto the site but this property again is separated from the development blocks by significant areas of open space. (This property is also the subject of the separate new application for 46 dwellings under reference 22/11268 noted above).

The only other property impacted by the outline element is Keepers Gate located adjacent to Footpath 83 along the southern edge of the site. However, whilst that property will lose its current view over farmland the nearest new dwelling will be approximately 45-50 metre away with a buffer of landscaping. There will also likely be a significant rise in footfall along the improved FP83 but the property has its own screening to prevent undue privacy loss.

Overall, there is no significant impact on residential amenities sufficient to warrant a refusal recommendation.

ENVIRONMENTAL HEALTH CONSIDERATIONS

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.

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. 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 dealt with through conditions on street lighting to light the new roundabout, causeway and other main internal roads and road works and restrictions on 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.

Air quality impact

The submitted air quality assessment (ref: A11338/5.0) models the potential impact on local air quality from different developmental scenarios from the 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.

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.

COMMUNITY HUB PROPOSALS

The Local Plan Policy SS18 sets out the following policy requirement

'Providing a community focal point in a prominent location near the schools including ground floor premises suitable for community use, linking to or as part of a mixed-use opportunity area in Lower Burgate'.

The applicants have included an element of commercial development in the second phase of this application proposal comprising a mix of some or all of; local food retail, local non-food retail, community use and business use. The location of these community uses is shown hatched red on the Land Use and Landscape Parameter Plan (see web site dated 12 September 2022).

The application form indicates a floorspace of -

- 766 square metres (8245 sq feet) for local food retail, non-food retail and business use under Class E of the Use Classes Order and
- 150 square metres (1615 sq feet) of other community uses under Class F2 under the Use Classes Order

Class E includes

E(a) Display or retail sale of goods other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of

- E(c)(i) Financial services
- E(c)(ii) Professional services (other than health or medical services)
- E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

- E(g)(i) Offices to carry out any operational or administrative functions,
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes

Class F comprises

F(2)(a) Shops(mostly) selling essential goods, including food where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres

F(2)(b) Halls or meeting places for the principal use of the local community

F(2)(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)

F(2)(d) Indoor or outdoor swimming pools or skating rinks

Generally, the Use Classes Order allows for a change of use between each main class i.e., any class within Class E can change to another use in Class E, and the same with Class F, but you can't change from Class E to Class F without permission. However, Class E also has some changes of use allowance to residential which would not be appropriate as this would dilute the community hub aspirations. (There will be residential flats above the commercial use however as planned in this application). Class F is not allowed to change to any other use.

Applicant's supporting information on community hub

The applicants have pointed to the information set out on pages 69-71 of the original Design and Access Statement which sets out how the community hub could look and what it might contain. (see website dated 31 August 2021 Part 2 Design and Access Statement). They have also provided the following supporting statement.

Thought has gone into the proposed uses of the hub using the applicants experience in commercial property locally and so in designing the community hub we were keen to ensure that it was viable and deliverable rather than be a drag on development. The key anchor is focussed around a convenience store and initial conversations have taken place with two leading retailers who have requirements for this area and the store is designed around their size needs of 400 sq m.

There will be a further unit or units totalling 216 sq m and these would have a Class E use and so could be let for a variety of uses. Typically, we see these units being let to local/smaller retail, gym or office tenants. The key with the accommodation is that it offers flexibility in terms of use and size of unit to reflect any changes in the market/demand particularly as the centre will not be constructed for several years. The upper floors provide residential and so this helps to make it viable and helps it deliverability. Once outline is approved we will start to talk to a convenience store operator to start working up designs ahead of a reserved matters submission. In terms of ownership of the parade Pennyfarthing have an investment company and so it is likely that we would develop and hold the building whilst the upper parts (in residential use) would be sold off.

In respect of the community hub this space extends to 150 sq m and would be available as either a community hall use or if there is no demand office space. Discussions have taken place with the Town Council in terms of their possible interest. The applicants would like to see ownership transferred to a public body if possible. If the use was Class E or F2 this would appeal to a range of potential occupiers. We can deal with the specification and size of the building through the S106 drafting.

Officer comments on community hub

This has the potential to create a new village square and local convenience store which supplemented by other community-based enterprises could be a boost to sustainability and provide a much needed focus for the development site as a whole. This will be complemented potentially by other similar proposals (without a food store) included on the adjoining application (22/11268) to the east.

Given the need to ensure that favoured uses such as shops and other uses which fully support community usage are given primacy it is considered that not all the above uses would be appropriate or acceptable. The uses that would be considered **unacceptable** would be Class F2(c) and Class F(d) as these would be impractical and not fulfil the policy requirements.

It is considered important to limit the uses to those specified above and to require

planning permission for a change of use to residential or other less favoured uses. The key is to allow flexibility but to retain an element of control. Restrictions on permitted development rights must be made at outline rather than at reserved matters stage. A condition is included below.

Your officers fully support the community hub proposals and suggest that further discussions on the form and future control/ownership of this feature can be included in the S106 agreement and planning conditions as appropriate.

AFFORDABLE HOUSING POLICY

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.

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

- 202 units as affordable with
- 142 dwellings being split equally between social and affordable rent, and
- 61 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.

Affordable rent 65% to be for 1-2 bed units; around 27% for 3 bed; and around 8% for 4 bed

Affordable home ownership around 60% for 1-2 bed; 33% for 2 bed; 7% for 4 bed
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 are 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 affordable housing offer

As part of the applicants' viability assessment, they have provided the following mix of housing sizes across the three phases of development totalling 404 homes.

36 x 1 bed flats

40 x 2 bed flats

90 x 2 bed houses

188 x 3 bed houses

50 x 4 bed houses

Where the development cannot deliver the level of affordable housing set out in policy it is open to them to submit a viability assessment to demonstrate why a policy compliant scheme cannot be delivered. The applicant has submitted a viability assessment confirming that it is not possible to deliver the level of affordable housing required by policy as there are significant abnormal costs in bringing the site forward such as the cost of road infrastructure, the cost of land rising to deal with flooding, the cost of phosphate solutions and other Section 106 costs.

A viability assessment has been submitted which has been amended several times and at the time of writing the report was being further being considered by the Council's viability consultant. Given the scale and complexity of this development on this occasion the Council has also commissioned advice from a Quantity Surveyor to confirm the infrastructure and build costs.

Due to the need to finalise the Committee agenda early because of the Christmas break there will be a verbal update on this issue at the Planning Committee meeting. All information will be published on the Website in the normal way.

The recommendation set out below is therefore **SUBJECT** to an acceptable offer on affordable housing being agreed and that offer being presented to Committee for their consideration.

SECTION 106 REQUIREMENTS AND CONTRIBUTIONS

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 £2,536,799 towards expansion of Fordingbridge Junior and Infants School payable to Hampshire CC (of which a contribution of **£701,535** is required for the first detailed phase of development.

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

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 public body, then maintenance contributions TBC.

Habitat mitigation infrastructure and management contributions based on latest mix of housing across site **£294,304.00**

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 public body, future maintenance financial contributions TBC, and monitoring costs

Long term maintenance of all public POS and ANRG hard and soft landscaping

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 = **£404k**.

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 = **£36,764.00** in line with Local Plan policy.

Sustainable travel improvements including new bus stop(s) on link road, contribution of **£410,000.00** for hourly bus service and re-routing of bus service to Whitsbury Road

Highway works for new roundabout junction onto A338, junction with Augustus Park, Footpath 83 crossing points and causeway, and all associated highway works– under S278

Link Road - Highway works in connection with new link road being completed prior to occupation of the 59th dwelling on the site.

Footpath 84 improvement – widening and re-surfacing improvements to the footpath along its length from the junction with Footpath 83 to the entrance to the Fordingbridge Primary and Infants school. 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. Funding contribution toward future maintenance TBC

Footpath 83 improvement - funding contribution towards future maintenance for improved stretch between Salisbury Road and junction with Augustus Park = **£44,601.00**

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. **£75,185.00**

Community hub - future form, control and ownership of this community based and commercial facility to be confirmed as appropriate.

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	6869	0	6869	6869	£80/sqm	£703,808.31 *
Social Housing	4030	0	4030	4030	£80/sqm	£412,920.00 *

Subtotal:	£1,116,728.31
Relief:	£412,920.00
Total Payable:	£703,808.31

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 received a 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. The development will make a significant contribution to the established open market housing need. In this case Officers consider the balance is in favour of permission.

The question of affordable housing is still to be resolved at the time of writing. This recommendation will need to be subject to an acceptable affordable housing offer being made. Assuming that to be so it is considered the inclusion of affordable housing does weigh in favour of an approval of permission.

The development will have an impact on the setting of designated heritage assets at Burgate Cross, particularly in relation to the reduced buffer area along the northern boundary, and the impact of road infrastructure works, but this must be balanced against the reduced impact now demonstrated in the latest plans and DAS, the mitigation measures to reduce infrastructure impact, and 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 was not considered to be acceptable for a number of reasons the amended scheme supported by an updated Design and Access Statement and the other submitted plans showing weighs in favour of a permission. The development is close to the New Forest National Park and there are significant elements of infrastructure which impinge on the setting of the designated area. However, on balance subject to conditions requiring landscaping and the lighting scheme as submitted 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

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.

Taking the development as a whole the following benefits carry significant weight

- Early delivery of new road link to A338 and new junctions to alleviate traffic from the town

- Significant housing delivery to satisfy local and national requirements
- Provision of a new bus service to SS18
- Community hub building and local convenience store
- Affordable Housing (% TBA)
- Solution to provide an improvement on the flood alleviation/mitigation issues at SS18
- CIL contributions
- Footpath contribution to existing PROW and delivery of cycle ways and footpath connectivity through the site
- Education contribution to directly benefit Fordingbridge primary school
- Formal POS contribution to improve local facilities for sports use
- Significant new areas of ANRG and POS delivery all with public access
- On site LAPs/LEAPS for play
- Recreational Habitat Mitigation over that specified in the Local Plan
- Biodiversity net gain in excess of that required in the Local Plan

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. Officers consider that the planning balance is one of approval. As stated above this recommendation is subject to an acceptable affordable housing offer being secured.

12 OTHER CONSIDERATIONS

Crime and Disorder

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

Human rights

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

In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain

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

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

13 RECOMMENDATION

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

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in this report; such agreement to be completed by end of January 2024
- (ii) the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Executive Head of Planning, Regeneration and Economy, having regard to the continuing Section 106 discussions.

Proposed Conditions:

1. 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. **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 5 years from the date of this permission.

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. **Reserved Matters Details**

In respect of each future outline 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 in this decision notice), 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)

4. **Approved Plans List**

The development permitted shall be carried out in accordance with the following approved plans: (Subject to final check on latest drawing nos).

Outline element

Plans to be approved:

- Land Use and Landscape parameter plan (TOR-PP001 SS18 rev B)
- Building heights parameter plan (TOR-PP002 SS18 rev B)
- Access and Movement parameter plan (TOR-PP004 SS18 rev B)
- Density parameter plan (TOR-PP003 SS18 rev A) (subject to any agreed modifications at reserved matters stage)

- Application boundary (TOR-PP005 SS18)

Highways plans

- Proposed site access roundabout from Salisbury Road (ITB12264-GA-308 rev Q)
- Salisbury Road Site Access – Land Plan (ITB12264-GA-322 rev G)
- Salisbury Road Site Access - Long section on approaches to roundabout (ITB12264-GA-333 rev B)
- Cross sections along boundary (ITB12264-GA-354)
- Salisbury Road from Site Access Roundabout to Forest View Cross Sections along Boundary (ITB12264-GA-311 rev K)
- Proposed Site Access Roundabout from Salisbury Road Cross Sections along Boundary (ITB12264-GA-323 rev H)

Engineering plans

- Site Wide surface water drainage strategy (70061334-WSP-18-DR-C-514 - P03)
- Proposed Groundwater Interceptor Drain

(70061334-WSP-18-DR-C-515-P04)

- Site wide isopachyte layout (70061334-WSP-18-DR-C-622 - P04)
- A338 Highway Works proposed drainage strategy (70061334-WSP-18-DR-C-631 P04)
- **Detailed element for first phase**
- Illustrative Masterplan (XX-DR-A-P010 Rev B)
- Illustrative Masterplan (First Resi Phase) (XX-DR-A-P011 rev B)
- Site Layout - Unit Types & Tenure (XX-DR-A-P012 Rev C)
- Site Levels, Parking & Access 1 (XX-DR-A-P013 rev B)
- Site Levels, Parking & Access 2 (XX-DR-A-P014 rev B)
- Site Levels, Parking & Access 3 (XX-DR-A-P015 rev B)
- Site Levels, Parking & Access 4 (XX-DR-A-P016 rev B)
- External Materials 1 (XX-DR-A-P017 rev B)
- External Materials 2 (XX-DR-A-P018 rev B)
- External Materials 3 (XX-DR-A-P019 rev B)
- External Materials 4 (XX-DR-A-P020 rev B)
- Landscape Masterplan (wider) (XX-DR-L-001 rev E)
- Landscape Masterplan (First Resi Phase) (XX-DR-L-002 rev H)
- Landscape Hardworks & Boundaries 1 (XX-DR-L-003 rev D)
- Landscape Hardworks & Boundaries 2 (XX-DR-L-004 rev D)
- Landscape Hardworks & Boundaries 3 (XX-DR-L-005 rev D)
- Landscape Hardworks & Boundaries 4 (XX-DR-L-006 rev D)
- Landscape Hardworks & Boundaries 5 (XX-DR-L-007 rev D)
- Landscape Hardworks & Boundaries 6 (XX-DR-L-008 rev D)
- Landscape Softworks 1 (XX-DR-L-009 rev D)
- Landscape Softworks 2 (XX-DR-L-010 rev D)

- Landscape Softworks 3 (XX-DR-L-011 rev D)
 - Landscape Softworks 4 (XX-DR-L-012 rev D)
 - Landscape Softworks 5 (XX-DR-L-013 rev D)
 - Landscape Softworks 6 (XX-DR-L-014 rev D)
-
- Landscape Framework Plan (XX-DR-L-016 rev D)
 - Open Space and ANRG Plan (XX-DR-L-017)
 - Landscape Frmk. POS & ANRG Whole Site (XX-DR-L-018 rev E)
 - Landscape Frmk. POS & ANRG Calculations (XX-DR-L-019 rev C)
 - A338 Roundabout Planting Plan (LA/PL/003 rev J)
-
- House Type A2S/A2M Plans (XX-DR-A-P301 rev A)
 - House Type A2S/A2M Elevations (Plot 109-111) (XX-DR-A-P302 rev B)
 - House Type Harwood Plans (XX-DR-A-P304 rev B)
 - House Type Harwood Elevations (XX-DR-A-P305 rev B)
-
- House Type Hatchwood/Harwood Plans (XX-DR-A-P308 rev B)
 - House Type Hatchwood/Harwood Elevs Var 1 (XX-DR-A-P309 rev B)
 - House Type Hatchwood/Harwood Elevs Var 2 (XX-DR-A-P310 rev B)
 - House Type Hatchwood / Stockwood Plans (XX-DR-A-P314 rev A)
 - House Type Hatchwood / Stockwood Elevations (XX-DR-A-P315 rev B)
 - House Type Hatchwood Detached Plans (XX-DR-A-P316 rev A)
 - House Type Hatchwood Detached Elevations (XX-DR-A-P317 rev B)
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- House Type Thornwood Terrace Plns (XX-DR-A-P320 rev A)
 - House Type Thornwood Terrace Elvs (XX-DR-A-P321 rev B)
-
- House Type Fernwood Plans (XX-DR-A-P322 rev B)
 - House Type Fernwood Elevations (XX-DR-A-P323 rev B)

- House Type Poundwood Plans (XX-DR-A-P324 rev B)
- House Type Poundwood Elevations (XX-DR-A-P325 rev B)
- House Type Poundwood Elevations Plot 34/35 (XX-DR-A-P325A)

- House Type Bolderbury Plans (XX-DR-A-P326 rev A)
- House Type Bolderbury Elevations (XX-DR-A-P327 rev A)

- House Type Aldbury Plans (XX-DR-A-P328 rev B)
- House Type Aldbury Elevations (XX-DR-A-P329 rev C)

- House Type Rushbury Plans (XX-DR-A-P330 rev C)
- House Type Rushbury Elevations (XX-DR-A-P331 rev B)
- House Type Ashbury Bay Plans (XX-DR-A-P332 rev A)
- House Type Ashbury Bay Elevations (XX-DR-A-P333 rev A)

- House Type Bishopdale (bungalow) (XX-DR-A-P336 rev B)

- House Type Whitsbury Plans (XX-DR-A-P337 rev A)
- House Type Whitsbury Elevations (XX-DR-A-P338 rev A)

- Special House Type Terrace Plots 26-31 Plans (XX-DR-A-P340 rev B)
- Special House Type Terrace Plots 26-31 Elevs (XX-DR-A-P341 rev A)

- Apartment Block 1 Ground Floor Plans (XX-DR-A-P342 rev C)
- Apartment Block 1 First & Second Floor Plans (XX-DR-A-P343 rev C)
- Apartment Block 1 Elevations (XX-DR-A-P344 rev C)
- Apartment Block 1 Elevations (XX-DR-A-P345 rev A)
- Apartment Block 2 Ground Floor Plans (XX-DR-A-P348 rev C)
- Apartment Block 2 First Floor Plans (XX-DR-A-P349 rev C)
- Apartment Block 2 Elevations (XX-DR-A-P350 rev B)

- Typical Single Garage (XX-DR-A-P351 rev A)
- Single Garage Pair (XX-DR-A-P352 rev A)
- Typical Carport (XX-DR-A-P353 rev B)
- Double Carports (XX-DR-A-P354 rev A)

- House Type Pennbury Plans (XX-DR-A-P360)
- House Type Pennbury Elevations (XX-DR-A-P361)

- House Type Knightswood Plans (XX-DR-A-P362)
- House Type Knightswood Elevations (XX-DR-A-P363)

- House Type Hatchwood / Poundwood Plans (XX-DR-A-P364)
- House Type Hatchwood / Poundwood Elevs (XX-DR-A-P365)

- House Type Poundwood Terrace Plans (XX-DR-A-P366)
- House Type Poundwood Terrace Elevs (XX-DR-A-P367)

- Special House Type Plot 105 Plans (XX-DR-A-P368)
- Special House Type Plot 105 Elevations (XX-DR-A-P369)

- Double Garage / Carport (XX-DR-A-P370)

Engineering drawings

- Land at Burgate Causeway Section & Elevation (1334-SK-505 P04)
- Land at Burgate – Phase 3 Surface Water Drainage Strategy (70061334-WSP-18-DR-C-653 Rev P04)

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.

5. **Dwelling Numbers & Development Mix**

The development hereby permitted shall not exceed 404 dwellings.

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

- 36 x 1 bed flats
- 40 x 2 bed flats
- 90 x 2 bed houses
- 188 x 3 bed houses
- 50 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.

6. **Site Levels**

Prior to the commencement of any outline phase of the development, details of levels, including finished floor levels for all buildings, existing and proposed levels of public open space areas (including ANRG and all drainage basins and land scrapes), 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.

7. **Phasing condition**

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.

8. **Land raising details for each phase**

Before implementing each phase of development approved by this planning permission, no development shall commence in respect of that phase until such time as a scheme for the proposed land raising in that phase has been submitted to, and approved in writing by, the Local Planning Authority. The

scheme shall include precise details of how the land will be raised, together with details of the source of the material to be used to raise levels and how such material will be transported to the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the environmental effects of land raising are appropriately minimised, and to reduce the risk of flooding to the proposed development and its future users.

9. **Final details of road infrastructure**

Prior to the commencement of each outline 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) shall 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. The submitted details shall include a new minimum width 2m wide public footpath between the western boundary of the site and the public highway at Fryern Court Road adjoining land to the south of the property known as The Ingle as shown on the approved plan L009 rev D. All works shall be carried out and completed in accordance with the overall phasing plan of this permission.

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

10. **Car & Cycle Parking**

Details of the car and cycle parking that is to be provided in association with each future outline, commercial and community use element of floorspace, and 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 or element of commercial and community use floorspace the approved car and cycle parking arrangements for each plot and commercial/community use unit 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.

11. **Traffic Construction Management Plan**

No development hereby permitted shall commence in respect of each individual phase of development until a Construction Traffic Management Plan for that phase, to include details of provision to be made on site for site compound, contractor's parking, construction traffic access, 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 for each phase shall be implemented before the development of that phase is commenced and shall be retained throughout the duration of the construction of that phase.

Reason: In the interests of highway safety

12. Link Road trigger for completion

Prior to the occupation of the 59th dwelling on the first phase of development the link road, (including the proposed roundabout and associated infrastructure works on the A338), through the site connecting the A338 with Augustus Park estate shall be completed to a standard satisfactory to allow full public usage in accordance with full details that shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that trip generation from this development coupled with other committed developments in Fordingbridge do not create an unacceptable and adverse impact on the local road network and the town centre in accordance with Local Plan policies ENV3, Strategic Site 18, and CCC2.

13. Vehicle Cleaning

Prior to the commencement of any part of the development including site clearance and setting up of compounds 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. 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.

14. Electric charging points

For each phase of the development, a scheme for the provision of facilities to enable the charging of 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 and the charge points shall be retained and maintained for the lifetime of the development.

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

15. Maintenance of car parking spaces, garages and car ports

All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages and car ports hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into

additional living accommodation but shall be kept available for the parking of private motor vehicles. All car ports shall be retained in perpetuity as open structures and shall not be fitted with external doors other than those shown on the approved plans.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles.

16. Waste Collection Strategy

Prior to the occupancy of any dwelling hereby permitted a waste collection strategy shall be submitted to and approved in writing with the LPA. 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

17. 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.

18. Further ecology survey and walk over before each phase

Prior to the commencement of development for each phase including any site clearance, further supplementary ecological surveys shall be undertaken as necessary (as informed by the pre-commencement walkover) to inform the preparation and implementation of each phase 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 and survey methods shall follow national good practice guidelines". These details shall be included within any given phase specific Construction Ecological Management Plan (CEcMP).

Reason: In the interests of any necessary mitigation being agreed for protected species in accordance with Local Plan Policy DM2

19. CEMP and CEcMP

No development in a given phase shall take place (including demolition, ground works, 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 each phase shall be supported by an appended Construction Ecological Management Plan

(CEcMP) relevant to each specific Phase of development. The approved CEMP (and accompanying CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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 policies DM2 and ENV 3.

20. **Bat and Bird box details**

In line with the submitted Framework Construction Ecological Management Plan (Reference CSA/3561/04, dated 26/08/2021) and in accordance with the draft BS 42021 (Biodiversity and the built environment: Specification for the Design and Installation of Bird Boxes) a 1:1 ratio between new dwellings and integrated wildlife box features shall be adopted. These shall be split in a ratio of 1:3 of bat roost to bird next boxes. No development of any dwellings above slab level in a given phase shall take place until the specification for the type, number and location of these features is provided within the corresponding phase specific CEcMP.

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 policies DM2 and ENV3.

21. **BNG monitoring and management plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of each development phase has been submitted to and approved in writing by the local planning authority. The Biodiversity Net Gain Monitoring and Management Plan shall include:

- Methods for delivering BNG;
- Roles, responsibilities and competency requirements for delivering BNG – during and after construction;
- Detail legal, financial and other resource requirements for delivery of BNG;
- Description of the habitats to be managed;
- Ecological trends and constraints on site that might influence management;
- Clear timed and measurable objectives in the short, medium and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success;
- Define appropriate management options and actions for achieving aims and objectives;
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Preparation of a work schedule;
- Details for a formal review process when objectives are not fully reached;

- Key milestones for reviewing the monitoring;
- Establish a standard format for collection of monitoring data to make it repeatable and consistent including methods, frequency and timing;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site; and
- Detail reporting procedures.

The monitoring and associated reports shall be undertaken and provided to the LPA as a minimum in years 2, 5, 10, 20 and 30 from commencement of each separate development phase.

Reason: To ensure the development delivers a minimum 10% uplift in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

22. **BNG statement for each phase**

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 in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

23. **Lighting scheme for each phase (ecology and dark skies)**

No phase of development shall take place until a "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 in a given phase, including all road and street lighting, shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats (or other ecological receptor) 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
- b) 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.
- c) The lighting strategy shall also take into account International Dark

Sky Reserve advice and good practice as published by Cranborne Chase AONB Partnership. The scheme shall include the details of all lighting standards for roads and other associated infrastructure including levels of illuminance, lux contours, and height of standards etc. as well as a scheme and details for individual house lighting including a method statement of how light pollution from rooflights, and other house lighting is to be avoided. All rooflights in the first detailed phase and any further rooflights added to the house types shown in the first detailed phase shall be subject to the same requirements as may be agreed in perpetuity.

All external lighting (including any mitigation on house lighting as may be agreed) 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 without prior consent from the local planning authority including any individual house lighting.

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 Park in accordance with New Forest Local Plan Policies DM2, ENV3 and STR2.

24. **Updated Badger survey**

Prior to the commencement of development including site clearance and the setting up of compounds, 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: To ensure that badgers as a designated wildlife species are afforded adequate protection and any necessary mitigation is carried out so as to comply with Local Plan policy DM2

25. **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;
- 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.

26. **Tree protection**

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

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

27. **Landscaping for first phase**

Prior to the commencement of development on the first phase, the following outstanding details of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a. Full landscaping details for all species, specification and numbers of trees, shrubs and other soft landscaping to be planted including all areas of woodland planting, with details of protection of all trees, staking methods, irrigation, mulching and any other details relating to shrub and grassland planting.
- b. a specification for the protection and establishment of all new planting, including areas of woodland planting (e.g., temporary fences, rabbit guards, mulching);
- c. details for hard surfacing (where not a part of the highway) and the materials to be used.
- d. details of fences, walls, piers, bollards and all other means of enclosure.
- e. details of all furniture (seats, bins, play equipment etc)
- f. A landscape management plan describing all management operations that will be needed to ensure the establishment and future quality of the designs for all public spaces,

- g. a method statement and programme for hard and soft landscaping implementation
- h. construction and surfacing materials and details for all public area paths and boardwalks including details of how they will remain flood resilient and the arrangements to be made for maintenance in perpetuity of the paths and boardwalks.

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 and to comply with Policy ENV3 and the site-specific Policy in the local plan.

28. **Maintenance of landscaping in public areas**

Prior to the occupation of any of the dwellings hereby permitted a long-term management and maintenance scheme to provide for hard and soft landscaping future maintenance in perpetuity for public areas shall be submitted to and agreed in writing with the LPA. The scheme shall include the long-term management and maintenance of all shrub, grasses and tree planting in public areas which includes all public open spaces, ANRG areas, drainage basins and play areas, and the maintenance of other public facilities including benches and bins and other elements of hard landscaping and public infrastructure works.

Reason: To ensure that the development takes place in an appropriate way and to ensure that such areas are properly managed and maintained as public open spaces and ecological assets in the public interest, and to comply with Policy ENV3 and the site-specific Policy in the local plan.

29. **Play equipment and play area details**

Prior to the commencement of development (and notwithstanding the submitted landscape drawings showing play facilities) the outstanding details of the play areas in the first phase of development shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a detailed design of all play areas and its immediate landscape design including all level changes, hard and soft landscape elements, as well as detailed specifications for play equipment, furniture, signage, and any boundary features to be provided.

No development shall take place unless these details have been approved and then only in accordance with those details. Implementation shall be undertaken in accordance with the phasing plan to be submitted with the exception of the main play area (LEAP) which shall be completed prior to first occupation of any with other doorstep play areas completed as per the phasing plan.

The maintenance of all play facilities and play areas shall be carried out in accordance with the other conditions referring to future maintenance set out above and in accordance with any clauses contained in the allied S106

Agreement.

Reason: To ensure the provision of and maintenance of play opportunities as part of a landscape led design in accordance with policies CS7 and ENV3 as well as to ensure that prospective residents are made aware of and have access to the locations for play provision at the earliest opportunity.

30. Minerals safeguarding

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.

- i) a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and,
- ii) 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.

Reason: To comply with Local Plan policy STR9

31. Foul sewerage

Prior to the commencement of development foul sewerage drainage details must be submitted to and agreed in writing with the Local Planning Authority to establish whether the site can be served by one sewage pumping station rather than two as set out in the submitted Foul Drainage Statement. Details must include a statement assessing the whole life cost of the two systems over a period of 40 years.

Reason: To ensure the site is served by a sustainable drainage system with due regard to environmental impact

32. Drainage details for first phase (SUDS basins)

Prior to the commencement of development final detailed drawings of all SuDS retention basins together with any headwalls and outflow details including cross sections both long and short shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed and in any event prior to the first occupation of any dwelling on the site.

Reason: To ensure that the design of such basins is appropriate and acceptable in the interests of the visual appearance of the development so as to comply with Local Plan policy ENV 3 and Local Plan policy CS7

33. Drainage details for first phase (all details)

No development shall begin on any phase of the development until a

detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and supplementary drainage documentation, 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. Details of swales and cut off drains including exceedance flow routes and any required culverts beneath footpaths.
- c. Confirmation of base levels for soakaways and ponds.
- d. Details of ponds including outfalls, inlets, forebay, wet areas and planting details.
- e. Evidence to demonstrate that imported material for land raising has a suitable level of infiltration in comparison with the existing material.
- f. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure that the final scheme is appropriate to serve the site and complies with best practice

34. First phase drainage scheme maintenance

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 maintenance schedules for each drainage feature type and confirmation of ownership

Reason: To ensure there is a long term strategy to deal with future maintenance of all drainage features on the site.

35. Drainage details for all phases

Prior to the commencement of each phase and accompanying future reserved matters applications, a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and supplementary drainage documentation, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.

- Details of swales and cut off drains including exceedance flow routes and any required culverts beneath footpaths.
- Confirmation of base levels for soakaways and ponds.
- Details of ponds including outfalls, inlets, forebay, wet areas and planting details.
- Evidence to demonstrate that imported material for land raising has a suitable level of infiltration in comparison with the existing material.
- Evidence that urban creep has been included within the calculations
- Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure that the final scheme is appropriate to serve the site and complies with best practice

36. **CEMP (EHO specific)**

No demolition works or development within any development phase, shall commence on site until a Construction Environmental Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include details of –

- (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
- (v) The proposed point(s) of access/egress for construction traffic
- (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.

37. Unexpected contamination reporting

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.

38. 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.

39. Noise assessment reserved matters

At reserved matters stage, a noise assessment shall be submitted considering noise from the community hub in accordance with BS4142:2014+A1:2019. This shall consider the Rating Level (L_{Ar},Tr) of the noise against the background (L_{A90}) level at the boundary of the nearest residential properties. Where the rating level (L_{Ar},Tr) is found to exceed the background level, mitigation measures shall be proposed. The scheme shall be agreed in writing by the Local Planning Authority and shall be installed, retained, and maintained in accordance with the approved scheme.

Reason: In the interests of the amenity of future and existing residents

40. Acoustic Design Statement - reserved matters

At reserved matters stage, a full stage 2 Acoustic Design Statement (ADS) including the four key elements in accordance with ProPG: Planning and Noise 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: In the interests of the amenity of future residents of the site

41. Archaeology

- A. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - 1. The programme and methodology of site investigation and recording
 - 2. The programme for post investigation assessment
 - 3. Provision to be made for analysis of the site investigation and recording
 - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made

for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure any archaeological findings from the site are properly recorded and lodged as formal records.

42. House details materials first phase

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted the materials for all hard surfaced areas including any roadways, pavements and footway/cycleways, fences and walls (with typical elevation sections including straights and where there are changes in alignment supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed.

For the first phase of development the facing, roofing materials as shown in the submitted plans shall be implemented in full. All soil and vent pipes and other flues shall be dark coloured. All electrical meter boxes shall be painted or otherwise coloured to match closely the colour of the facing brickwork or render wall as appropriate.

Reason: In the interests of the appearance and character of the dwellings and to accord with Local Plan Policy ENV3

43. PD restrictions on certain plots

With specific regard to special house types (plots 26-31, & 105), the Whitsbury house type, and apartment units on plots 42-55, & plots 77-83, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes AA, A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the bespoke design and layout of these specific plots the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual character and appearance of the dwellings and amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

44. Community Hub restrictions on use

Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 2020 (as amended) the community hub uses shall not include Class F2(c) or F2(d). Any such change to these uses shall not take place without a specific grant of planning permission. In addition, there shall be no change of use from any Class E or Class F use to a residential use without a further grant of planning permission.

Reason: To ensure the community uses are vibrant and/or support community usage without undermining Local Plan policy requirements, reducing local sustainability and causing other planning or amenity issues in accordance with Local Plan policies STR1, STR8, ENV3 and SS18.

Further Information:

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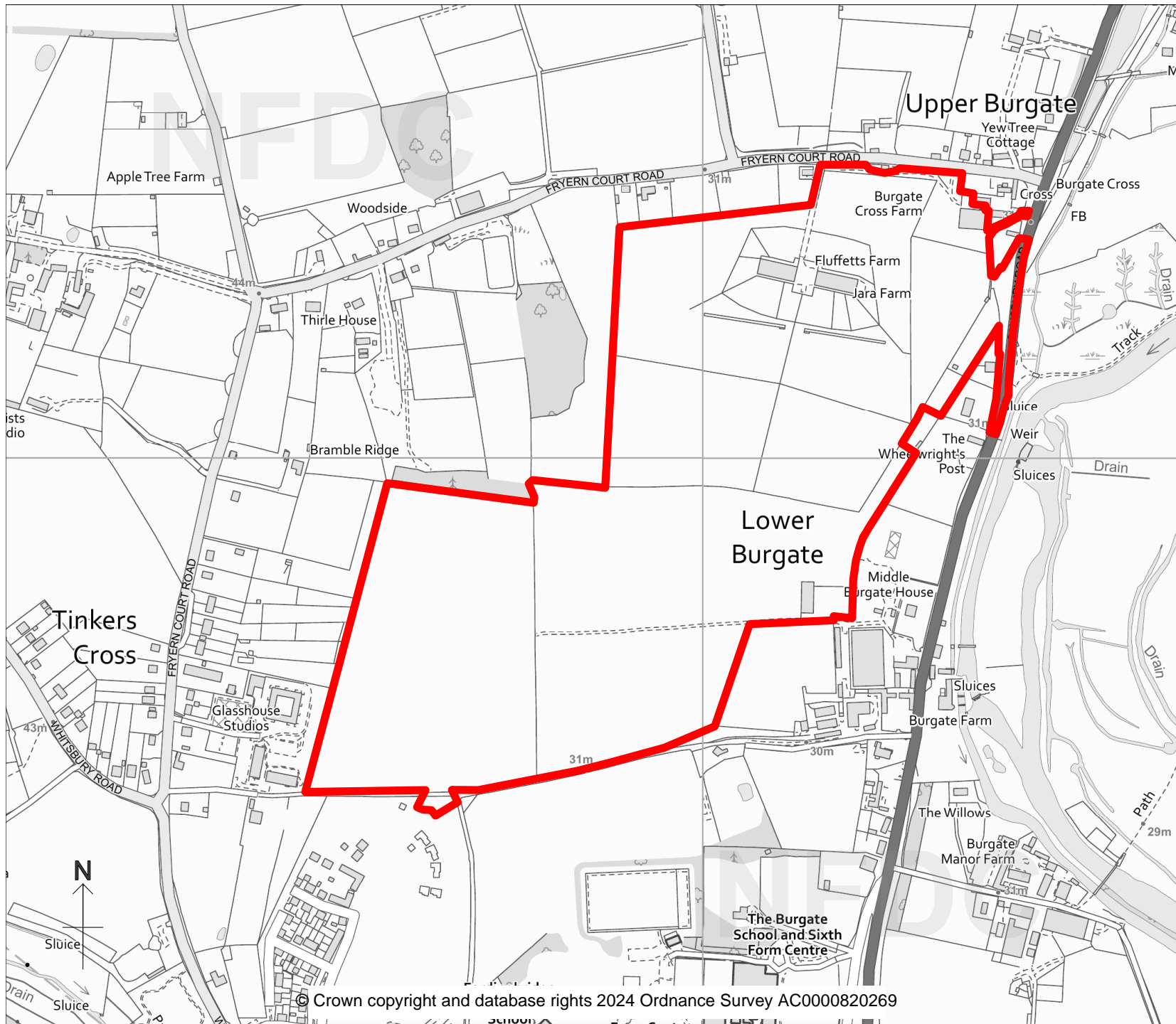
PLANNING COMMITTEE

February 2024

Land West of Burgate
Salisbury Street
Fordingbridge
21/11237

Scale 1:6315

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



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