

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 8 MAY 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

Kate Ryan
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 13 March 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 at Everton Nurseries, Christchurch Road, Everton, Hordle (Application 23/10623) (Pages 7 - 46)**

Erection of 20 dwellings and associated access, parking and landscaping.

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 to secure Provisions to be secured via a S106 Agreement:
 - a. Affordable housing requirement is 10 units in accordance with Policy HOU2 of the Local Plan Part 1. (50%).
 - b. On site informal open space provision as shown on the approved plans
 - c. On site play area provision as shown on the approved plans
 - d. Air quality monitoring contribution of £2,180
 - e. Habitat Mitigation (Access Management and Monitoring) Contribution of £7,245
 - f. Habitat Mitigation (Bird Aware Solent) Contribution of £15,764
 - g. Habitat Mitigation (Infrastructure) Contribution of £112,855.
 - h. Recreational Habitat Mitigation commencement Monitoring Charge of £847.
 - i. Affordable Housing on site monitoring of £847
 - j. Biodiversity Net Gain monitoring £5,225.
- ii) the imposition of the conditions set out in the report.

(b) **Land South of Hythe Road & east of St Contest Way, Marchwood (Application 23/10172) (Pages 47 - 70)**

Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities.

RECOMMENDED:

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

- i) the completion of a Section 106 Agreement, to secure delivery of a strategy for species translocation, timings and future management and maintenance of the receptor site.
- ii) the imposition of the conditions set out in the report.

(c) **SS18 Middle Burgate House, Salisbury Road, Burgate, Fordingbridge (Application 22/11268) (Pages 71 - 130)**

Hybrid Application – (Outline) 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 and Extension of an Existing Building to form 4 flats and Erection of a further Block of 8 Flatted Units (53 Dwellings Total).

RECOMMENDED:

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

- i) the completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:
 - Affordable housing provision and maintenance
 - Air quality monitoring contribution
 - ANRG, POS and play space provision and maintenance
 - Biodiversity net gain including any off site contributions
 - County Council S106 agreement preparation charge
 - District Council monitoring charges
 - Drainage management and monitoring arrangements
 - Habitat mitigation non infrastructure contribution
 - Footpath 84 maintenance sum contribution
 - S278 site access provision
 - Footpath and cycle connections to FP83
 - Provision and maintenance of reptile hibernacula
- ii) such agreement to be completed by end of December 2024.
- iii) the imposition of the conditions set out in the report and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

(d) **Croquets, Linford Road, Hangersley, Ringwood (Application 23/10926) (Pages 131 - 150)**

Alterations to existing dwelling; erection of three dwellings; associated parking, landscaping and alterations to access.

RECOMMENDED:

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

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

ii) the imposition of the conditions set out below.

- (e) **3 Priestlands Place, Lymington (Application 23/10454) (Pages 151 - 158)**
Single-storey rear extension

RECOMMENDED:

Grant subject to Conditions as set out in the report.

- (f) **3 Priestlands Place, Lymington (Application 23/10516) (Pages 159 - 164)**
Rear extension (Application for Listed Building Consent)

RECOMMENDED:

Grant listed building consent subject to conditions as set out in the report.

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
Allan Glass
Matthew Hartmann

Councillors:

David Hawkins
Joe Reilly
Janet Richards
John Sleep
Malcolm Wade
Phil Woods

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Planning Committee 08 May 2024

Application Number:	23/10623 Full Planning Permission
Site:	LAND AT EVERTON NURSERIES, CHRISTCHURCH ROAD, EVERTON, HORDLE SO41 0BF
Development:	Erection of 20 dwellings and associated access, parking, and landscaping
Applicant:	E.G Dunford Ltd
Agent:	Ken Parke Planning Consultants
Target Date:	25/09/2023 (Extension of time granted to 28/06/2024)
Case Officer:	Judith Garrity
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	Hordle Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development including Green Belt considerations
- 2) Layout and impact on character and appearance of the area
- 3) Residential amenity
- 4) Highways and parking
- 5) Ecology, BNG and habitat mitigation

2 SITE DESCRIPTION

The application site is 8 hectares in size and comprises Everton Nurseries, which is located on the western edge of Everton. The site is in a fairly prominent location being situated along the A337 which is the main road from New Milton to Lymington. When entering Everton from the west, Everton Nurseries are the first substantial buildings that are visible.

The Everton Nurseries site directly abuts the built up area boundary but it is located within the Green Belt and countryside. The settlement boundary is located on the western edge of the housing areas of Honeysuckle Gardens and Shepherds Way. Accordingly, it is located within the Green Belt and countryside.

Everton Nurseries is an established garden centre. It comprises a mixture of buildings and uncovered planting beds, internal roads and car parking areas. The main single storey building with attached glasshouses are predominately used for retail in association with the garden centre, although there is also a restaurant/ coffee shop. There are currently two access points to the Everton Nurseries site, the main one being from the A337 and the other secondary access from Farmers Walk.

The eastern part of site - which is the subject to this planning application - is relatively long and narrow and is used in association with the garden centre which extends to its north-western boundary. There are a number of large glasshouses and polytunnels on the application site which are single storey structures which vary in size and design. There are in

addition some structures along the eastern boundary of the site that are in a generally poor condition that are currently used for general storage including machinery which is used in association with the nursery operations at the site.

3 PROPOSED DEVELOPMENT

The current planning application seeks full planning permission to redevelop the eastern part of the Everton Nurseries site. The proposals are to demolish the existing buildings on this part of the site which are currently used in part of the nursery site (including glasshouses and dilapidated timber buildings) and replace them with a total of 20 dwellings.

This would comprise 16 houses (comprising 4 no 3 bed and 6 no 4 bed) and 4 no. 1 bed flats (total of 20 units) with associated parking and landscaping. The proposed dwellings would be 2 storey with pitched roof forms and traditional materials and detailing.

It is proposed that 50% of these units would be affordable housing (10 units including 4 no. 1 bed flats; 5 no 2 bedroom and 1no 3 bed houses). The tenure mix would be 30% Shared Ownership /70% Affordable rent . The Affordable rented units to be split 40% social rent and 30% affordable rent.

Informal public open space and a doorstep children's play area would be provided. The main area of informal public open space would be located in the central area of the site with a number of smaller areas within the proposed overall site layout. This public open space (POS) would be managed by a private management company and not transferred for public adoption or maintenance.

The main access from the A337 (Christchurch Road) will be retained to serve Everton Nurseries. The existing secondary access from Farmers Walk would serve the proposed new development. Farmers Walk is a cul de sac which has a semi-rural character and no pavements.

A total of 48 parking spaces would be provided on the site. There would be 19 unallocated spaces - including 6 unallocated spaces for the flats on Plot 1-4 - and 29 on-plot parking spaces when including garages. The proposals would require the relocation of 16 existing parking spaces that serve Everton Nurseries to provide the access to the new development.

A re-arranged car parking layout for the nursery has been submitted to demonstrate that there would be no loss of parking spaces for Everton Nurseries as a result of these proposals, with 104 spaces to remain for the existing use.

4. PLANNING HISTORY

05/85674 - Extension to garden centre to include entrance hall, display area, warehouse, coffee shop, staff facilities - Granted with conditions - 18th November 2005.

90/44931- Extension to office building - Granted with conditions - 7th February 1989.

84/26894 - Erection of a garden centre shop, display glass house and installation of a septic tank - Granted with conditions - 31st July 1984.

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 ENV4: Landscape character and quality
Policy HOU1: Housing type, size, tenure and choice
Policy HOU2: Affordable housing

Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy IMPL2: Development standards
Policy STR3: The strategy for locating new development
Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

None

Core Strategy (saved policy)

CS7 - Public open space.

Supplementary Planning Guidance And Documents

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

National Planning Policy Framework December 2023

National Planning Policy Guidance

Plan Policy Designations

Green Belt

6 TOWN/PARISH COUNCIL COMMENTS

Hordle Parish Council

Par 4: Recommend REFUSAL.

Although Hordle Parish Council welcomes the level of affordable homes in this application, it has concerns about other aspects of this application, as follows:

1. Green Belt policy
Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development.
2. Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy.
The Parish Council is concerned that some properties in Shepherds Way and Honeysuckle Gardens can be overlooked by the new housing. The ridge heights of the new properties are much higher than the greenhouses they replace.
3. Creating healthy and safe communities through good design and Impact on provision of open space, sport and recreation, community services and infrastructure.
Link to Shepherds Way Public Open Space ? the Parish Council, as freeholders of this public Open Space, has not been consulted about the proposed link, which the

Parish Council would need to agree to by way of a Deed of Easement. The Parish Council understands that this may have connectivity benefits for the wider community but it could be in contravention to the covenant that "the Open Space Area shall only be used as open space for recreational purposes" if it becomes a pedestrian through-route. A link would change the nature of the open space, with a thoroughfare effectively created through this currently enclosed area which is a safe space for children to play.

The Parish Council endorses the comments of NFDC's Open Spaces Officer and would like to see play equipment for use by children of the whole community of Everton provided on the open space within the site boundary.

4. Impact on the character and appearance of the area.

Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development. It is concerned about the density/ layout of the affordable housing which appears cramped.

The Parish Council endorses the suggestions of the Urban Designer to refine the style of the housing to be more compliant with policies GBE03- and GBE04 from the Village Design Statement.

5. Impact on ecology and in particular protected species.

The Parish Council would like to see the installation of swift boxes, bat roosts and hedgehog pathways as well as native planting around the site to comply with policy GE04 from the Village Design Statement, should permission be granted.

6. Impact on highway safety, including matters relevant to car parking.

Hordle Parish Council has several concerns, as follows:

- i. Traffic safety on Farmers Walk ? The Parish Council notes the proposed closure of vehicular access to the nursery here. However, this narrow lane has no pavements and has cars parked along its length throughout the day. This forces residents to walk on the carriageway and poses serious safety concerns, particularly with an additional 48 cars travelling along it to access the new development.
- ii. The Parish Council is concerned that construction traffic could be routed through Farmers Walk, which would pose serious safety concerns in addition to those outlined above.
- iii. Parking ? although the scheme is compliant with NFDC Parking Standards, it is unclear where the visitor spaces are for the affordable homes and the Parish Council is concerned that visitors will park on Farmers Walk, thus exacerbating the previous issue. Some of the parking spaces ? particularly plots 14 & 15 have a poor parking layout and the spaces for plots 9 & 10 are across the road from the properties. Plots 11 & 12 have a double garage but only 1 parking space each.
- iv. The Parish Council would like to see direct vehicular access onto the A337 to mitigate the issues above.
- v. There appears to be few pavements in the proposed scheme, leading to potential safety concerns.
- vi. No streetlighting has been detailed, which could have safety and security implications for residents.
- vii. The location of the separate access for the flats onto Farmers Walk could pose a hazard for road users, being so close in proximity to the main access for the rest of the development.
- viii. The Parish Council draws attention to policy RRTS02 of the Village Design Statement Future development. "This should be influenced by the need for safe

access and egress onto existing roads and the suitability of existing roads to carry any increased volume of traffic. New development proposals should ensure that roads and pedestrian safety concerns are addressed through dialogue between Highways and the Parish Council at the planning stage

7. Impact on public health and safety (land contamination, air quality, hazardous substances).

The Parish Council concurs with the comments of the Environmental Health Officer.

AMENDED PLANS Re-consultation:

Hordle Parish Council

Par 4: Recommend REFUSAL.

Although Hordle Parish Council welcomes the level of affordable homes in this application, it has concerns about other aspects of this application, as follows:

1. Green Belt policy
Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development. The proposed development will have a detrimental effect on the openness of the Green Belt and is contrary to planning policy and the Parish Council does not consider there to be any very special circumstances which would justify such inappropriate development. The proposal would therefore be contrary to Policy ENV2 of the Local Plan Part 1 and paragraphs 152 and 154 of the National Planning Policy Framework. The Council is further concerned that if this section of land is deemed to be PDL (Pre-Developed Land) then this could set a precedent for the remainder of the site. If the land has not had a change of use application and is not PDL, then development should not be possible and this application should not be successful.
2. Impact on residential amenity of adjacent neighbouring properties, in respect of light, visual intrusion and privacy.
The Parish Council is concerned that several properties in Shepherds Way and Honeysuckle Gardens will be overlooked by the new housing. The ridge heights of the new properties are much higher than the glasshouses they replace, consequently affecting light levels into the existing houses and gardens. In addition, due to air source heat pumps required, there will be a significant and constant noise disturbance to adjacent properties. Increased traffic flow will raise these levels of disturbance further, specifically in evenings after 6pm and mornings pre 9am.
3. Creating healthy and safe communities through good design and Impact on provision of open space, sport and recreation, community services and infrastructure.

Link to Shepherds Way Public Open Space – the Parish Council, as freeholders of this public Open Space, has not been consulted about the proposed link, to which the Parish Council would need to agree, by way of a Deed of Easement. The Parish Council understands that although this may have connectivity benefits for the wider community, it could be in contravention to the covenant on the land that "the Open Space Area shall only be used as open space for recreational purposes" if it becomes a pedestrian through-route. A link would change the nature of the open space, with a thoroughfare effectively created through this currently enclosed area which is currently a safe space for children to play. The Parish Council agrees with Hampshire County Council Highway's view that "if the additional pedestrian links are implemented into the adjacent land, some residents could become annoyed if

their private driveway is suddenly turned into a pedestrian link.” The Parish Council endorses the original comments of NFDC’s Open Spaces Officer and would like to see play equipment for use by children of the whole community of Everton provided on the open space within the site boundary. The amended plan still shows a link to the Public Open space in Shepherds Way and no details of play equipment in the centre of the proposed development. The Parish Council would like to know the purpose of the white area adjacent to plot 20. It is not identified as turning area (no vehicle manoeuvring data available) nor appears to be part of plot 20.

The Council has concerns regarding the accessibility for emergency vehicles and large wheely bin collection lorries as there will likely be on-road parking which will cause issues.

4. Impact on the character and appearance of the area.
Hordle Parish Council is concerned that this development will expand the settlement boundary of Everton village and could set a precedent for future development. It is concerned about the density/ layout of the affordable housing which appears cramped. It considers the current plans to be overdevelopment of the site and that houses have poor relation to parking provision. The Parish Council agrees with NFDC’s Landscape Officer that “resin bound paths through the POS are not in keeping with the setting and character of the area have not been addressed and are still relevant.”. The Parish Council endorses the suggestions of the Urban Designer to refine the style of the housing to be more compliant with policies GBE03- and GBE04 from the Village Design Statement.
5. Impact on ecology and in particular protected species:
The Parish Council would like to see the installation of swift boxes, bat roosts and hedgehog pathways as well as native planting around the site to comply with policy GE04 from the Village Design Statement, should permission be granted. We also wish planting to be unlikely to cause future proximal issues with built structures.
6. Impact on highway safety, including matters relevant to car parking. Hordle Parish Council has several concerns, as follows:
 - i. Safety on Farmers Walk – The Parish Council notes the proposed closure of vehicular access to the nursery here. However, this narrow lane has no pavements and has cars parked along its length throughout the day from residents in Rodbourne Close, who have insufficient parking allocation in their development due to poor design. They have no option other than to park on Farmers Walk. This forces pedestrians to walk on the carriageway, which poses serious safety concerns, particularly with an additional 48 cars travelling along it to access the new development.
 - ii. The Parish Council is very concerned that construction traffic could be routed through Farmers Walk. This would pose serious safety concerns in addition to those outlined above.
 - iii. Parking – it is unclear where the visitor spaces are for the affordable homes and the Parish Council is concerned that visitors will park on Farmers Walk, thus exacerbating the issues identified above. Some of the parking spaces – particularly plots 14, 15, 19 & 20 have a poor parking layout and the spaces for plots 9 & 10 are across the road from the properties. Plots 11 & 12 have a double garage but only 1 parking space each. Plots 9 and 10 only appear to have 1 space each across the road from the houses and are not demarcated as “belonging” to these plots. Visitor spaces are also not included in this part of the design, which could lead to difficulties resulting from on street parking. The Parish Council considers these design issues to be hugely problematic for future residents. Furthermore, the inclusion of garages as parking spaces is problematic; the Department of Transport’s Manual for Streets states: “8.3.39 Garages are not always used for car parking, and this can create additional

demand for on-street parking. 8.3.40 Research shows that, in some developments, less than half the garages are used for parking cars, and that many are used primarily as storage or have been converted to living accommodation.” Given this, the Parish Council queries whether the proposed design meets NFDC’s Parking Standards.

- iv. The Parish Council would like to see direct vehicular access onto the A337 to mitigate the issues above.
 - v. There appear to be few pavements in the proposed scheme, leading to potential pedestrian/vehicle safety concerns.
 - vi. There is also no provision for cycle connectivity.
 - vii. No streetlighting has been detailed, which could have safety and security implications for residents.
 - viii. The location of the separate access for the flats onto Farmers Walk could pose a hazard for road users, being so close in proximity to the main access for the rest of the development.
 - ix. The Parish Council draws attention to policy RRTS02 of the Village Design Statement – Future Development. “This should be influenced by the need for safe access and egress onto existing roads and the suitability of existing roads to carry any increased volume of traffic. New development proposals should ensure that roads and pedestrian safety concerns are addressed through dialogue between Highways and the Parish Council at the planning stage.”
7. Impact on public health and safety (land contamination, air quality, hazardous substances).

The Parish Council concurs with the comments of the Environmental Health Officer and also has concerns about noise levels.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist: Comment. The bats surveys have been undertaken and roosting bats are not considered to be impacted as part of the proposed works. The mitigation and enhancements need to be secured by a condition. The BNG offset requirement can be secured by a suitable condition with a net gain site registered.

NFDC Landscape: No objection. The LVIA covers the approach to the site although there are no viewpoints from the residential areas to the east of the proposed development. The perceived openness of the Green Belt site is affected by the development due to the positioning of the block of flats to the front of the site on what is currently space planted with ornamental planting. The buildings are set back in line with the form of the existing line of houses along Farmers Walk and the retention of the existing Liquidambar and the addition of other trees mitigates the visual impact of the new buildings on the openness of the site.

NFDC Urban Design: Comment only

NFDC Tree Team: No Objection Subject to conditions.

NFDC Open Space Officer: Comment Only on the need to meet requirement for public open space provision in accordance with Policy CS7 of the Core Strategy.

NFDC Building Control: Comment only. Need to comply with Approved Documents in relation to access for fire service vehicles and minimum opening sizes for means of escape (for the flats) Solar gain should be limited to accord with Approved Document O and electric car charging provided in accordance with Approved Document R1.

NFDC Environmental Health (Pollution) : No objection subject to conditions on submission of noise impact assessment, a construction environmental management plan (CEMP) and a sensitive lighting scheme.

NFDC Environmental Health Contaminated Land: No objection in principle to the proposed development subject to planning conditions relating to contaminated land.

HCC Highways: No objection but comments made. The access arrangements are acceptable and there are no highway safety concerns with the proposals. Additional consideration should be given to the number of points. However, it is noted that the site will not be offered for adoption

HCC Surface Water: Further details have been provided to prove that the drainage network can function at a shallow depth. The LLFA has no objection to the proposals subject to conditions on further details of surface water drainage and its long term maintenance arrangements.

Southern Water: Recommend conditions on details of foul and surface water drainage schemes.

Natural England: Comment on the need to mitigate impacts on designated sites and ensure nitrate neutrality. Biodiversity Net Gain, ecological enhancements and a sensitive lighting are recommended.

NHS Foundation Trust: 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. At this time there is no requirement for a contribution towards NHS Primary Care infrastructure from this application, although a contingency is recommended.

SSEN: No comments.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

First consultation:

For: 6

Against: 29

Comment: 1

Policy:

- Object to the development of green belt land
- Inappropriate development in the Green belt land which is contrary to policy unless it meets certain exceptions, including affordable housing to meet local needs
- Site was not allocated in local plan or village plan for future housing development
- Site lies outside of the village boundary.
- Precedent of allowing this development if Previously developed land is accepted on Green Belt land.
- Reference to Previously developed land (PDL) and NPPF definition – garden centre should be consider as agricultural land.

- NPPF policy on Green Belt openness exceptions do not apply to this site
- Impact on openness of development of the site with taller buildings and limited new landscape proposed.
- Proposals would have a greater impact on the openness of the Green Belt, public views and views from nearby residential properties.
- More openness in the centre of the site is to provide an advantageous layout for developer.
- No openness in southern part of the site where affordable flats are proposed.
- Reference to Hordle Village Design Statement which requires development in village and not in countryside.
- Employment sites such as this need to be retained
- Nursery has been growing plants for over 100 years
- Land could be used in a more gainful way such as employment as the current greenhouse and land are underutilised and neglected.
- Reference to the planning history of the garden centre shop and conditions restricting good sold
- Application site is divided into two parts with the south part being ornamental planting and to the north is glasshouses and sheds are part of the original horticultural (Agricultural) use having not formed part of the previous planning applications and so remain in that use class.
- Agent acknowledges that the “garden centre” grows and sells plants on a wholesale basis so it is part of the nursery business. As the nursery sells plants within the garden centre that are grown in its own nursery reinforces this view.
- Policy DM20 relating to 30% increases not relevant as the existing buildings are not dwellings. Refer to Previous developed land arguments and previous planning conditions
- No general retail use on the site
- Appearance of low level glasshouses does not justify new 2 storey dwellings as they are lower than proposed houses with less physical presence. Comparison is inappropriate
- Comments on the southern section of the site is misleading as this is open ornamental gardens.

Character and visual impact:

- Overdevelopment – excessive number of units are proposed.
- Inappropriate scale, design and density of development.
- Over intensive development of the narrowest part of the site with a design and layout constrained by the nursery and existing housing making it inefficient.
- Objection to flats which are out of keeping with the area and streetscene
- Cramped, unsympathetic to character appearance and local distinctiveness.
- Generous market housing but affordable housing is located where the site is most restricted.
- Proportion of hard surfacing relative to existing developments
- Density of development is not distributed equitably across the site.
- Misleading urban grain information as it does not consider the height and roofs of the dwellings – drawings have been submitted with representations made about this point
- Impact on existing character due to low level nature of the nursery buildings on southerly aspect.
- Lack of separation and space between buildings, particularly affordable flats (Plots 1-4) and existing dwellings where separation could be improved with garages
- Urbanising impacts and quiet character will be lost.
- Loss of ornamental gardens at front of the site would be detrimental to the area.
- Increase bulk and mass of built development on the site
- Provision of affordable housing in 2 storey development is out of keeping.
- Need to integrate affordable housing into the scheme more effectively

- Bike and bin stores on the boundary will interfere with the continuity of planting and tree screen on boundary and would be better relocated
- Misleading information submitted on HT6 and HT6 V1

Amenity:

- Impact on amenity of local residents.
- Lack of separation between facing windows and existing adjoining dwellings.
- Discrepancy in separation between flats/ new dwellings and existing houses.
- Overlooking from windows – particularly to Shepherds Way and Honeysuckle Close properties and gardens. Specifically Plot 15 has 2 bedrooms facing 14 Honeysuckle Gardens rear windows and gardens.
- Orientation of 4a Shepherds Way projects closest to the boundary.
- Plot 7 and 8 are closer to the boundary with 4a at ground level and less than 20m separation to the boundary
- Need to have a layout that would have a better spatial relationship between new and existing dwellings in order to generate a better designed environment
- Loss of light
- Overbearing impact.
- Densest development alongside existing market housing.
- Noise and disturbance
- Noise impacts as nursery only operates in business hours. Currently limited noise during the day and only during business hours.
- Noise during construction
- Query Air Quality Management Statement
- Air pollution impacts

Highways and Parking

- Farmers Walk is narrow, quiet and unlit no through road with no pavements and grass verges and ditches along the road that is and unsuited to increased traffic.
- Farmers Walk not suitable for additional traffic.
- Increased pedestrian traffic and no footpath on Farmers Walk and lack of a designated footpath may lead to conflicts.
- Lack of visibility.
- Access is not feasible or warranted
- Additional construction and residential traffic
- There is a need to do a safety audit and a more comprehensive traffic survey to be undertaken.
- Safety concerns. HCC need to visit the site to view the situation in relation to highway safety. Survey undertaken as a snapshot and these observations of traffic on that day are not typical. Surprised that no cars parked at time of survey
- TA only concerned with internal on site layout and not Farmers Walk
- Only once accident reported on Farmers Walk in TA but have been scratches, damage and near misses.
- On street parking on Farmers Walk is particularly high in the evenings, early morning and weekends and is mainly on north side of road. Photographic evidence of parking on Farmers Walk has been submitted.
- No account taken of cars parking on Farmers Walk which reduce the road to a single carriageway
- Residential and highway safety on Farmers Walk
- Visitors and deliveries to nursery exceed speed limit.
- Dangerous access for refuse and emergency vehicles.
- Visibility to Plots 1 -4 blocked by planting in adjoining property
- Need to close off Farmers Walk to through traffic if the development goes ahead.
- Site should be accessed directly from main road with a joint access with the nursery – with possible roundabout - to serve the development from A337 which is required where there is good visibility.

- Farmers Walk should be stopped off beyond Trewan to allow turning for service vehicles
- Trip generation for the proposed development is questioned as it seems too low.
- Garages are too small for larger cars
- Parking on Farmers Walk make access difficult
- Lack of parking provision on the site and no visitor parking on site so Farmers Walk will be used
- Traffic generation will increase, particularly a night when the nursery is currently closed
- New access arrangements will restrict residents on Farmers Walk accessing the main road through the nursery.
- Reference to lack of parking at development at Rodbourne Close with footpath access to Farmers Walk.
- No right hand turning lane from Everton Road. Can currently walk to Everton Nurseries from Farmers Walk.
- Nursery car park will need to be rearranged
- Already new development for 3 dwellings being built on Farmers Walk leading to on street parking.
- Limited bus services available
- Congestion
- Limited infrastructure
- Consultant not aware of the split of the site with the garden centre.
- Hazardous impacts of increased traffic
- Traffic from 20 houses high compared to nursery and will add substantially to traffic on Farmers Walk
- Already 15 properties with access from Farmers Walk, development would exacerbate issues
- Need to also consider traffic from new development at Arnewood Close
- Gully along Farmers Walk which hinders pedestrian movement/safety
- A suitable barrier that is visible day and night. Need more details to be provided of this
- Lack of adequate pedestrian access to the propose estate from Everton Road particularly as there is no footway eastwards towards Everton Road.

Open space and environmental issues:

- Under provision of POS on site which does not allow for its meaningful use as open space.
- Lack of POS will compromise future residents, particularly the flats where there is limited amenity space provided.
- Open space areas in front of HT1 and flats are left over space are not of substantial benefit to residents, local community or street scene
- Resultant pressure on other public areas due to under provision
- Link to existing POS on Shepherds Way is not supported in community. A link with Shepherds Way POS which will affect its quiet and open character. This area will cease to be a recreational open spaces and become a footpath to the detriment of those who use it and surround it. Consequent impact by creating a thoroughfare.
- Shocking destruction of green infrastructure.
- Tree loss particularly to boundaries that currently contribute to screening the site and maintaining privacy of neighbours
- Insufficient consideration of planting on the site.
- Need to preserve trees in G13. Removal of trees adj 4B Shepherds Way will affect amenity, an important green edge, character and amenity of existing dwellings.
- Inaccurate tree information with respect to trees on boundary with 4A Shepherds Way and RPA plotted incorrectly. Impact of soakaway to Plot 7 to RPA of oak tree on boundary affecting its roots and integrity
- Landscape plans show little opportunity for replacement trees.

- Loss of trees, rare plants and wildlife.
- Reliance on new hedgerows separating the development from existing properties which is unacceptable particularly due to multiple ownerships
- Impact on the environment;
- Disturbance and loss of wildlife which is protected by legislation, including bats
- Areas is rich in wildlife including bats, badgers, birds, owls, hedgehog and stag beetles;
- Wildlife surveys provided are inadequate
- Loss of hedgerows;
- Disruption/destroy secluded green area which is safe and secluded and used for recreational activities.

Comment on landscaping plan:

- Proximity of plots 7 and 8 to first floor bedroom (dormer of 4A Shepherds Way)
- RPA of TPO oak is not shown correctly.
- Fence rear of plots 3-8 does not continue to the rear of 4A and existing site condition rear of 4A is not recognised.
- Tree proposed plot 7 – location and species not desirable as it has a height of 8-12m and spread 4-8m resulting in overshadowing and shed leaves into the small garden of 4a. This tree would harm the TPOd tree.

Other matters -including non-planning

- Support is from people who do not live in the area
- No public engagement before the planning application was submitted. Pre app documents are not published.
- Inconsistencies in the plan and information -The block plan of existing is incorrect and mapping not complete in the vicinity of the site, the site layout on the satellite image is misleading,
- Disposal of hazardous materials – include asbestos – needs consideration
- Potential future phases of inappropriate development
- Reduction in ability to provide fully functioning nursery business following years of diversification.
- Strain on local infrastructure- schools, health care facilities, drainage, waste management and transportation systems.
- Lack of broadband in the area
- Will benefit the developer /owner (*non planning matter*)
- Parish Council own adjacent POS and there are covenants. Restrictive covenants by residents on Shepherds Way.(*civil matter*)
- Boundary maintenance issues (*civil matter*)
- Trees not on the site shown to be removed (*civil matter*)
- Impact on views (*non planning issue*)
- Anxiety and stress for older people due to influx of people and traffic

Objection from 13 residents on Shepherds Way

- Object to link of development with POS due to creation of footpath and pedestrian thoroughfare.
- Benefits to future residents and Everton Nursery but impacts on Shepherds Way residents
- Breaking covenant
- Impact on character of Shepherds Way POS
- Nuisance to existing residents

- A full legal agreement was made between the developer (Hill Reed Homes Ltd) and NFDC (dated 4 September 2001) which states that the Council will not allow the Open Space to be used for any purpose which will become an annoyance or nuisance.
- POS will not be retained exclusively for recreational purposes
- Security concerns due to link

AMENDED PLANS RE-CONSULTATION:

Additional comments:

For: 0

Against: 18

Comment: 0

Summary of additional issues raised:

- Previous comments and objections still apply.
- Revised plans to not address previous concerns and are minor in nature.
- Green belt policy applies to this site and development is contrary to NPPF. There are no exceptional circumstances in this case.
- Contrary to development strategy for main village of Hordle as proposed development is not small scale or proportionate to its location.
- Existing development on Farmers Walk defines built up edge to Hordle with application site providing a transition from village to countryside.
- Apartment blocks and Plots 5-10 in particular would be a stark wall of built development and incongruous in views.
- Access and traffic concerns remain, Farmer Walk is narrow with no footways.
- Access to the development should be from A337
- Impact on Farmers Walk have still not been addressed.
- Limited existing traffic and no deliveries for the nursery use are from Farmer Walk
- Full traffic survey is required.
- Provision of visibility splays would affect on planting within the control of neighbours (Trewan)
- Inadequate parking provision and no visitor parking on site.
- Additional overspill parking would be on Farmer Walk
- Overdevelopment
- Loss of privacy and sunlight to gardens (in particular 4a/4b, 5, 6, 8 and 10 Shepherds Way).
- Plot 15 - 2 bedroom windows facing rear of 14 Honeysuckle Gardens .
- Plots 15,16,17 and 18 would adjoin and overlook entire garden and side/rear windows of 12 Honeysuckle Gardens
- Facing windows would effect on wellbeing and light to 10 Honeysuckle Gardens
- Westerly aspect of Trewan would be significantly and adversely affected by the development which has a shared boundary with the site due to proximity of the development part plot 5,6,7 and 8.
- Short rear gardens of plot 5-10 in particular would have an adverse impact on Trewan and overlooking /overbearing impact.
- Noise and disturbance and light pollution.
- Limited opportunities for landscaping
- LVIA lacks viewpoints from Trewan.
- Location of affordable housing on narrowest part of the site.
- Other major housing scheme proposed in Hordle with affordable housing
- Lack of adequate infrastructure for more houses.
- Shepherds way POS is in ownership of Hordle PC and no link is possible due to covenant and reference to this link should be omitted.
- Location of bin stores close to gardens of exiting residents

- Possible second homes.
- Need for a fence along the boundary with 4A Shepherds Way.
- Selection of new tree in Plot 7 and impact on TPOd oak with overshadowing of rear garden of 4A Shepherds Way
- Inaccuracy of the information with respect to tree RPA and drainage
- Extent of existing hedges, location of proposed fences and incorrect information about existing fences.
- Latest drainage layout is based in incorrect data - the oak tree is plotted incorrectly as it is on the boundary with 4a, RPA should be 10.8m, trunk diameter is 450mm.
- Many extensions of time for determination of application
- Lack of opportunities for third parties to comment on proposed changes.

10 PLANNING ASSESSMENT

The principle of development

The application site is located outside of the defined built-up area of Everton. It is in the Green Belt and countryside and so is subject to relevant national and local Green Belt and countryside policies.

The Council's spatial strategy, as set out in Policies STRA 1 – 9 of the Local Plan Part 1 seeks to provide for sustainable development by locating new residential development primarily within the towns and larger villages and by retaining and supporting the Green Belt. More generally, the policy also seeks to safeguard the countryside and coast from encroachment by built development.

Policy DM20 of the Local Plan Part 2 states that residential development in the countryside will only be permitted in a limited number of circumstances, such as for replacement dwellings and agricultural workers dwellings, but these exceptions do not apply to these proposals. However, Policy HOU5 of the Local Plan Part 1 does permit small scale developments for affordable housing to meet a local need.

The National Planning Policy Framework (NPPF) advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. In accordance with the NPPF, the construction of new buildings in the Green Belt is inappropriate although there are a small number of exceptions. Substantial weight should be given to any harm to the Green Belt. New development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. *“Very special circumstances”* will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

NPPF para 154 sets out a limited number of exception where new buildings are not considered as inappropriate development within the Green Belt. Para 154 (g) allows 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; not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the LPA area.

In order to be considered acceptable any development must accord with Green Belt policies and with the relevant policies of the Development Plan.

Previously developed land

Previously developed land is defined in the NPPF as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be*

assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure". The exclusions include "land that is or was last occupied by agricultural or forestry buildings".

The planning submission states that the overall site should be considered as previously developed land and that it has a lawful Sui Generis use as a garden centre. The submitted information has been considered carefully in making the planning assessment.

The whole of the existing Everton Nurseries site is considered to be a single planning unit which is currently all used in connection with Everton Nurseries as a garden centre and for purposes associated with the nursery. The nursery has expanded since 1922 beyond a horticultural use to be a mix of horticulture and other commercial activities which include the display and retail of plants to members of the public, areas to grow plants, a shop selling a range of gardening products, a café, incidental storage, offices, a large car park and other hardstanding areas.

The planning unit is the site of Everton Nurseries as a whole which includes the current application site and the wider land holding as shown in the 1984 planning application. Areas for the display of plants for sale have expanded and a garden centre building was erected in the south-west of the site in 1985. A number of storage buildings, covered display areas and glasshouses have been erected on the land for display sales purposes, storage and other uses incidental to a garden centre. In 2005, permission was granted for an extension to garden centre.

Furthermore, there is a clear and obvious physical and functional inter-relationship between the various areas and uses on the site and no separation between them which would be necessary to distinguish the planning application site as a smaller planning unit. The planning history demonstrates that the wider site has been used as a garden centre for many years. Previous planning permissions did not restrict sales exclusively to plants grown on the site so it is reasonable to conclude that the use is a sui generis one, that does not fall within any defined Class of the Use Classes Order

Having assessed the evidence and submissions made as part of this planning application, it is concluded that the current planning application site is part of the overall single planning unit of the garden centre and it is not physically or functionally separated from it. The garden centre use is a lawful Sui Generis use and not an agricultural or horticultural use.

It is therefore accepted that the application site should be considered to be previously developed land (PDL).

Green Belt openness:

Accepting that the site as previously developed land (PDL) the further provisions of NPPF para 154 need to be considered. NPPF para 154 allows scope for redevelopment of PDL subject to consideration of the impact on the openness of the Green Belt. For a development to be acceptable on PDL it should "*not cause substantial harm to the openness of the Green Belt*" and "*contribute to meeting an identified affordable housing need*"

The impact on the openness of the Green Belt arises from a buildings physical presence typically assessed in terms of its floorspace. However, openness has a spatial as well as a visual aspect, so this assessment is not narrowly limited to a volumetric approach but

includes other considerations. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.

The existing site comprises a number of glasshouses, and polytunnels, along with other relatively low key single storey structures and open areas. However these existing buildings have a cumulative presence and a consequent impact on the openness of the Green Belt. Areas outside of the existing buildings are used as part of the overall commercial use including the parking of vehicles, open storage and other activities which also have an impact on the Green Belt.

Although some of the glasshouses are substantial in form with quite large footprints they have low shallow transparent roofs and are separated from each other by internal access tracks and there are associated open areas within the site that affects their visual impact. Furthermore, the existing buildings are grouped towards the northern half of the site with their visual impact and effect on the openness of the site mostly concentrated within this area. There is an open landscaped area in the southern portion of the site adjacent to Farmers Walk which is visible from public vantage points.

Whilst the glasshouses on the site are substantial in form and their demolition would be beneficial, these existing buildings are typically functional structures that were historically used for agricultural purposes that you would expect to see in the countryside and Green Belt. The proposed dwellings would have a different visual impact which would be more domestic in scale and built form with an urban character. The proposed housing layout shows development across the majority of the site area including a long access road running along the western boundary and a small parking court for Plots 1-4 served by a new second access from Farmers Walk.

The agent has submitted evidence and plans to demonstrate that the proposals layout would result in significantly less built form on the site in terms of both footprint and volume when compared to the existing glasshouses, other buildings and hard surface. The total proposed footprint of the dwellings including garages would be 1553m². The existing buildings have a footprint of 2232.3m². The existing buildings are single storey but of a variety of heights. The proposed total floor area of the proposed dwelling over both ground and first floor would be 1881m². This is less than 85% of the floor area of the existing buildings.

These figures are accepted but openness is not just limited to a quantifiable assessment of impact but it also relates to a spatial assessment. The proposed dwellings would be of a domestic two storey scale. The layout also includes single and double garages, boundary treatments and car parking areas. However, there would be generous spacing between Plots 10 and 11, and the POS would be centrally located within the site and this spaciousness would be perceived in views towards the site across the Everton Nursery car park. The proposed development would be of a greater height and scale than the existing buildings and it would be laid out across the whole site although there would be more meaningful spaces between each building and open spaces and landscaping within the site that make a positive contribution to appearance and openness of the site.

Whilst it is accepted there are a number of structures and buildings that would be demolished, the south corner of the site adjacent to Farmers Walk is currently open with greenery and trees and the structures along the eastern boundary are single storey and of a modest scale. A new two storey block (Plot 1-4) together with associated car parking and landscaping areas is proposed in this area which could have an impact on openness but the building would be set back from Farmer Walk by 17m.

Although the site is not in a sensitive location or within a sensitive landscape a Landscape Visual Impact Assessment (LVIA) has been submitted to assist in the assessment of the impact on the openness of the Green Belt. The LVIA concludes that with the proposed landscaping any impact will be neutral on public views and minor on views from residential

properties. This impact is due to change rather than a harmful change with the proposals removing unsightly buildings and clutter and replacing it with the new development.

The LVIA covers the approach to the site although there are no viewpoints from the residential areas to the east of the proposed development. The perceived openness of the Green Belt would be affected by the development even if the quality and volume of built form on the site is reduced. This is due, in particular to the positioning of the block of flats to the front of the site in an area which is currently open and planted with ornamental planting. However this proposed building is set back in line with the existing houses along Farmers Walk and the retention of the existing Liquidambar and the addition of other trees adequately mitigates the visual impact of the new building on Green Belt openness. Furthermore, there would be visual enhancement across the wider site with the removal of the existing buildings.

Therefore, on balance whilst the overall impact on openness would undoubtedly be different due to the height and scale of the proposed dwellings, it would not be significantly greater as the proposed layout with its associated landscaping and new tree planting and the spaces around and between the new dwellings would enhance the appearance of the site within its context at the edge of the built up area.

As such, the impact of the proposed development on Green Belt openness would not cause substantial harm to the openness of the Green Belt when compared to the existing development, particularly as it would also contribute to meeting an identified affordable housing need. Refusal of planning permission on these grounds could not therefore be reasonably justified. The proposals are therefore acceptable in this respect and would be in accordance with NPPF para 154.

Five housing year land supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF). Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

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; 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’.

In light of the recently published NPPF (December 2023), planning applications registered before 19 December 2023, such as this application, remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply. In such circumstances, the Council is not currently able to demonstrate a 5 year housing land supply with only 3.07 years of supply. This position was exemplified in the recent appeal decision at Orchard Gate, Noads Way, Dibden Purlieu (Appeal Ref: APP/B1740/W/23/3324227), received 16 January 2024. The appeal site was within the built up area and the Inspector concluded that permission should be granted, as paragraph 11(d) of the NPPF was engaged due to the lack of a 5-year housing land supply.

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

Taking NPPF paragraph 11(c), if the proposed development accords with the Council's local plan it should be approved.

If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

The current proposal is for a modest level of housing provision and, as set out in the assessment below, is considered to be acceptable in planning terms in respect of character, amenity and habitat impacts, which weighs in favour of the proposal. There are however, specific policies in the NPPF relating to the Green Belt which indicate that development as proposed would be inappropriate except in specific number of limited exceptions apply. However, development should not be restricted unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

Affordable Housing

In accordance with Policy HOU2, the proposed development should make an Affordable Housing contribution of 50% of the total number of units proposed. The tenure mix required should be 70% affordable homes for rent split between social and affordable rent and 30% intermediate or affordable homes ownerships.

The current proposals is for 10 units (50%) to be offered for affordable housing which would be policy compliant. The proposed tenure mix would be 3 (2 no. 2 bed and 1 no. 3 bed) units (30%) as Shared Ownership and 7 units (70%) as Affordable rent. The Affordable rented units to be split between 4 no 1 bed units (40%) as social rent and 3 no 2 bed units (30%) as affordable rent. This split involved some rounding. The social rental numbers have been rounded up as these affordable units will be the 1 bed flats within the single building (Plots 1-4) and this approach would enable the tenure mix not to be split. The number of affordable rented units being rounded down accordingly. This is acceptable given the relatively small number of affordable housing units being delivered on this site and so is accepted as policy compliant in this instance.

The affordable housing can be secured by way of a legal agreement before any planning permission is issued.

Public Open Space provision:

In accordance with (saved) Policy CS7, the proposed development would need to provide public open space on the site which is based on 3.5 ha per 1000 population. As the development site is in excess of 0.5 hectares, appropriately designed provision of informal public open space and children's play space is required on site. There is a policy requirement for the provision of 1100 sq. m of informal Public Open Space and 110 sq. m of play on the site. (Total 1210 sq m).

Provision is made for 1030 sq m of POS which includes 100 sq. m of play space. The main area of POS would be centrally located and it would contribute to the setting of the development. This POS - which includes a doorstep play area - would be convenient and accessible for residents. This area would have natural surveillance opportunities and is designed and located as an integral part of the overall site layout. Other smaller areas of informal POS would be located to the side (west) of Plots 1-5 and Plot 16.

The total POS provision proposed does not however meet the CS7 policy requirement with a shortfall of 180 sq m. However, due to the nature of the informal "doorstep" play area provided – which would not be a designated area with play equipment - it would be reasonable to accept some overlap of these areas particularly given the small size of the site. However even taking this approach there would remain a modest shortfall of POS which needs to be considered in reaching a balanced view on the acceptability of the overall development proposed.

Formal Public open space would usually be provided off site by way of a financial contribution. However, as there are no formal open space projects in Everton that have been identified in the infrastructure delivery plan it would not be appropriate to seek a contribution for formal open space in this instance.

Future potential linkage from this site to the existing open space off of Shepherds Way (identified as Policy HOR13) and Honeysuckle Gardens (identified as Policy HOR11) has been identified on the submitted plans. This potential link has raised some objections from third parties and the Parish Council. However any future potential link would be the subject of a separate negotiation and is not a requirement of this planning application to achieve.

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

The overall scale and massing of the two storey dwellings would be appropriate within their context and would not have any adverse visual impacts when viewed from outside the site. In terms of the appearance, 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.

The proposed layout indicated how the new dwellings would address the new street effectively whilst retaining an open character and landscape setting of the development. This would be reflective of the character of the area and ensure that the development is not dominated by hard surfacing, access and parking. Frontage parking bays to Plots 5 -8 would not be over dominant within the street scene being set back behind the area of open space at the entrance to the site (to the west of Plots 1-4). Furthermore, these spaces would be surfaced in contrasting materials and divided by landscaping beds.

Rear gardens to the dwellings would be a minimum of 10 m deep with some being in excess of this or of a greater width. This would meet the needs of residents for private

outdoor amenity space and would be appropriate to the context and character of the site and the wider area.

The design features proposed reflect the local distinctiveness of the area and utilise materials and local features that are appropriate to this context with variety and interest of building form and design. Plots 11 and 16 have been designed with chimney features and windows on their side elevation would address both the site access and the central area of informal public open space.

The proposed flats within Plots 1-4 would be accommodated within in a two storey block which has a domestic scale with articulated roof form, uses a variety of materials, chimneys, porches and detailing to propose a high quality building. The double fronted design of this building would face both Farmers Walk and the site access in order to create an appropriate entrance to the site.

Although this building would be located within the more open area of the site it would remain set back from Farmers Walk and behind a new area of landscaped informal open space which would be enclosed by hedging. As such the block would not have a dominant impact within the street scene or adversely affect the existing semi-rural appearance or openness of the site.

The layout shows a new central access to serve a small parking courtyard of six spaces serving these flats. This area would be enclosed by new hedging and new/retained trees and use different surfacing so that the green frontage of the site and its visual impact on the character of the area would be acceptable.

The proposed flats in Plots 1-4 would have an area of shared amenity area to the east of the building as well as provision for functional needs of residents with drying facilities and cycle and bin storage provision.

Overall the design and layout of the scheme would fit comfortably into the street scene, be appropriate for the character of the area and protect the visual amenity of existing residents and provide appropriate standard of amenity for prospective residents.

Residential amenity:

Consideration of the impacts of the proposed development on the residential amenity of existing adjoining residents and prospective future residents needs consideration in accordance with amenity related provisions of Policy ENV3.

Flats:

The two storey building for the flats (Plots1-4) would be separated from existing property of Anoush on Farmer Walk by a minimum of 25 m and furthermore a driveway serving Trewan runs along part the eastern boundary of the site with the flats offering further separation to the private amenity space of to Anoush. This relationship is considered to be acceptable

The main orientation of the flats would be to Farmers Walk and to the new access into the site. The area closest to the eastern boundary with existing residential properties would be retained as garden space.

There would be a first floor window in the east (side) elevation which would serve a bedroom and an obscure glazed bathroom window to the northern elevation. Due to the separation distances with Anoush and Trewan and the secondary nature of the bathroom window no harmful loss of privacy would result to these properties or new residents in adjoining Plot 5 where there is only a secondary landing window facing south

The new parking for the flats on the Farmer Walk frontage would be set back 4 m from the eastern boundary and screened by landscape planting and existing mature trees.

Houses:

The proposed layout would result in back to back distance of approx 20m between the rear of Plots 5 – 8 with existing adjoining properties. Plots 5 and 6 have rear facing bedroom and bathroom windows with a separation of 20 m between the first floor and facing windows on Trevan. The ground floor element of Plots 7 and 8 would be located 11 m from their rear boundary with 4a Shepherds Way. Whilst there would be a minimum of 18 m separation from the ground floor rear projection of these new properties and the rear of 4a Shepherds Way the first floor is recessed further from the boundary with more than a 20 m separation between the first floor and the rear facing windows and dormer of this neighbour. In addition, there is existing screening – including a protected tree – on the rear boundary and the window relationship would be an oblique one with the bedroom window looking between the existing dwellings at 4a and Trewan. This makes the resultant relationship acceptable.

The two storey dwelling on Plot 12 would have a minimum of 5 m separation from the side boundary of 4b Shepherds Way and located to the north of this existing property. An attached single storey element including a study and a double garage would be located to the west. The existing mature hedge to the boundary of No 4b would be retained to ensure suitable screening and any amenity impacts are acceptable mitigated, Any impact on light would be acceptable and dominant impact would not result particularly given the existing structures in this area if the nursery compound that would be removed. Plot 12 would have one first floor side bathroom window (east elevation) bathroom which is set back 5 m for the boundary with 4b with a separation of 6m. This window is a secondary one and will be obscure glazed so no loss of privacy would result. There would be a 12.5 m rear garden to the property on Plot 12 with a separation of over 22m between existing properties at 5 & 6 Shepherds Way.

Although the boundary is more open, there would be a minimum of 24 m separation between Plot 13 and 14 and 7-10 Shepherds Way which is acceptable.

Plot 15 is angled on its plot and is closest to the front elevation of 12 Honeysuckle Gardens. There is a mature tree in the north-western corner of this plot offering some screening. With a separation is a minimum of 16 m so there would be no over dominant impact. Although located to the south of this existing property the separation would ensure light would not be affected. Rear windows of Plot 15 would be 20 m from the front of 14 Honeysuckle Gardens and any views towards this property would be oblique ones.

12 Honeysuckle Gardens has 3 side facing ground floor windows and 1 first floor window in its gable end. There would be approximately 15 m separation between Plot 17 and 18 and the side of this existing dwellings. There would be two rear facing bedroom window windows and a bathroom window in each of the new properties on Plots 17 and 18. The closest windows that would face this boundary are in Plot 17 and would look predominantly towards the side flank wall of No 12 which would screen any views toward the rear garden such that harmful overlooking of this adjoining property would not result.

Plot 20 has a side elevation to 10 Honeysuckle Gardens and garden boundary with No 9. A separation of 13 m would be provided and there are no first floor side windows proposed. This new dwelling would be located to the north west of No 9 such that unacceptable impact on light or overdominant impact would not result. Rear facing windows face north and have oblique views only to No 9.

The proposed layout would provide suitable separation between the new properties safeguarding light and limiting any overdominant impact. The new access would separate

the new plots from the retain nursery buildings to the west and make this relationship acceptable. The proposed dwellings have been designed so there would only be limited or secondary side fenestration such that any overlooking between the new dwellings would be oblique and at a level which would be reasonably expected in a residential area. Suitable rear gardens and private amenity areas would be provided and overall this would deliver an acceptable level of residential amenity for future residents.

Having made this planning assessment it is therefore concluded that the proposed layout would respect the residential amenity of existing adjoining properties and future residents on the site. It would limit any over dominant impact and effect on light and privacy due to the separation and orientation of the dwellings and arrangement of fenestration of the proposed dwellings.

Furthermore, as the proposals are for residential use, any associated noise and disturbance is likely to be domestic in nature. Parking areas are set off of the new access and away from the boundaries with existing properties and this relationship it is likely to result in an improvement to amenity due to the associated loss of storage/commercial use close to existing residential boundaries. As such the proposed development would be acceptable and comply with Policy ENV3.

Highway safety, access and parking:

The access arrangements are acceptable and HCC highways have no highway safety concerns. HCC have commented that additional consideration should be given to the tracking speeds used, dimensions for bin drag distances for refuse collection, potential for multiple manoeuvres to access spaces in the northern plots and potential conflict between parked cars on the carriageway and a refuse or fire tender vehicle. The applicant has considered the points raised above but has not provided any additional supplementary information in response. However, it is noted that as the site will not be offered for adoption. The access would be a shared surface where lower overall traffic speeds would be expected with various materials used to differential the surface, as well as making it a more appropriate access treatment on this rural edge. As such this is considered to be acceptable.

Parking is a matter for NFDC to consider in accordance with its adopted car parking standards SPD. This SPD guidance is used to inform as to an adequate provision of car and cycle parking on the site. In order to accord with the adopted NFDC parking standards the development is recommended to provide 35 shared parking spaces or 48 on plot parking spaces and cycle provision should include 53 long stay spaces and 20 short stay spaces.

There would be a total of 48 shared and on-plot parking spaces. The proposal would provide 19 shared parking and 29 on-plot parking spaces when including garages. Parking provision for residents in the scheme includes a mainly of driveway/on-plot based parking and car ports. This includes tandem parking and side-by-side parking on driveways, for individual properties. The submitted layout shows side by side car parking spaces will be 3 metres wide which accords with the SPD. Cycle parking would be provided in garages, sheds or cycle stores.

As such, the proposed car and cycle parking provision complies with the Council's Parking Standards, subject to the parking spaces for Plots 1 – 8 being retained as unallocated. This can be secured by a planning condition.

Third parties have commented on the narrow rural character of Farmers Walk and lack of pavements - with pedestrians walking in the road - as well as concerns about existing parking on Farmers Walk. There are local concerns about the increase in traffic on Farmers Walk from this development and the impact on both pedestrian and highway

safety. These concerns has been considered and whilst the narrow rural nature of Farmers Walk and existing parking is noted, the existing secondary access to the nursery would be closed. The access to the proposed development would be a shred surface where low speeds are anticipated, it would provide visibility splays and parking provision on site would meet current standards. As such, it would not harmfully impact on pedestrian or highway safety on Farmers Walk.

The access to the new development would impact on the existing car parking for Everton Nurseries. However, a re-arranged car parking layout for the nursery has been submitted to demonstrate that 104 spaces would remain for the existing retained nursery use and that there would be no loss of parking spaces for Everton Nurseries as a result of the current proposals. As this land is within the blue line on the submitted plans the provision and retention of these parking spaces can be secured by a planning condition.

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 trees:

The important existing trees would be retained and new trees are proposed as part of the landscaping scheme.

The Oak tree adjacent to the northeast corner boundary and adjacent Oak tree on the south east corner boundary are protected by Tree Preservation Orders. An Oak tree, Norway Maple and a Liquidambar tree have recently been protected by Tree Preservation Order TPO/0006/23. These trees provide public amenity value to the area and are considered a constraint to development.

An Arboricultural Implications Assessment has been submitted which identifies 43 individual trees and groups on or immediately adjacent to the site. 20 individual and 7 groups of trees will be lost by this proposal. However, the trees shown to be removed are small stature ornamental garden trees and so are not considered to be a constraint to the development. The protected trees, on and adjacent to the site are shown to be retained and the submitted tree report demonstrates this as part of the scheme

The applicant has submitted an amended drainage layout plan that shows the proposed soakaway for Plot 8 moved outside the root protection areas of protected trees. This is a positive change to the scheme. In addition, the submitted Landscape Strategy Plan provides sufficient details on tree planting specification and the addition of 54 trees to the site is welcomed.

As such, there is no objections on tree grounds subject to the conditions relating to tree protection, details of a method statement and engineering drawings for hard surfaces with root protection areas and the new trees to be included within the landscape plan .

Drainage & Flooding:

The application site is within Flood Zone 1 and is therefore located within an area at low risk from flooding. A foul and surface water drainage strategy and drainage maintenance and management plan have been submitted.

HCC LLFA have been consulted and originally raised an objection. Three successive tests were required for infiltration testing to be representative of saturated conditions and concerns were initially raised over locally high groundwater levels that may mean infiltration

is not viable. Further details have now been provided to prove that the drainage network can function at shallow depth.

The LLFA has no objection to the proposals subject to conditions relating to detailed design of the surface water drainage scheme on the site based on the principles of the Drainage Strategy and submission and agreement of long term maintenance arrangements of the drainage

Air Quality and noise:

NFDC adopted an Air Quality SPD in June 2022 which provides guidance on when an Air Quality Assessment is required and what the assessment needs to address. Where necessary to enable development to take place, appropriate mitigation measures will be required, and the SPD contains suggested mitigation measures. As this is a major development an Air Quality assessment is required in accordance with recently adopted SPD unless the specific exceptions apply. In this case there would be less than 100 average daily traffic flows for heavy vehicles (outside of a AQMA) an Air Quality Statement (AQS) would suffice which has been submitted with the planning application. This AQS concludes that there would be no air quality issues as a consequence of the development. Dust suppression during construction can be dealt with through the construction environmental management plan. Electric car charging, landscaping cycling and walking infrastructure will be provided and there would be no solid fuel appliances and low carbon technologies would be adopted including the use of solar panels.

The impact of surrounding noise sources on the residents of the proposed dwellings needs further consideration. The agent has confirmed that the nursery is shut outside normal hours and is not a noise generating use, there is no mechanical equipment by the proposals and the deliveries, during opening hours are to the other side of the site away from the residential development. The previous delivery area was adjacent the residential properties and there are other glasshouses adjacent the residential areas further to the north and there are no issues of noise or complaints.

However, a Noise Impact Assessment is required which needs to consider the retained nursery, its associated activities (to include road traffic and commercial noise sources) and the compatibility of these two uses given their close proximity. This assessment needs to demonstrate that noise levels within the dwellings and in external amenity areas do not exceed the normal thresholds and to determine appropriate acoustic mitigation measures to achieve these levels. It is appropriate that this Noise Impact Assessment is secured by a pre-commencement condition.

The details of a Lighting Scheme for any external lighting is also recommended as a planning condition.

In addition, a construction environmental management plan (CEMP) is required to ensure appropriate controls are in place during the construction period in order to minimise and mitigate harmful impacts on residential amenity. This can be secured by a condition.

Contamination:

This site has been used a nursery for many years which includes potential contaminative activities. Both a Phase 1 and 2 investigation would be required to include a Desktop Study and Site Investigation to inform as to whether remediation would be necessary for the proposed use. Contaminated land planning conditions are therefore recommended to ensure the site is safe and suitable for use.

Ecology, on Site Biodiversity and protected species

With regard to ecology matters, given the extent and type of built form covering much of the

site at present, there may be limited scope for wildlife, although there may be opportunities for species to have become established within and around the glasshouses. However, the site also adjoins large areas of open countryside and Green Belt where there could be a diverse mix of ecological interests.

A Biodiversity net gain of at least 10% will be required to be demonstrated in accord with Policy ENV1 and this became legal statute on 12th February 2024. However there are transitional arrangements with respect to BNG that apply to applications already submitted prior to this date and so the current planning application needs to be considered in accordance with local policy

An updated Ecology and Biodiversity Net Gain Report has been submitted. Biodiversity Net Gain (BNG) based upon the Statutory Biodiversity Metric (2024). Based on the Statutory Biodiversity Metric Calculation Tool, the proposed development will result in an overall net loss of -41.98% in habitat units, and a net gain of 448.32% (3.26 in units) in hedgerow units and 14.40% in watercourse units.

A 10% net gain is not therefore achievable on site. As such, it will be necessary to secure a suitable biodiversity offset to deliver the requisite minimum 10% biodiversity net gain for area based habitats. This offset requirement can be agreed and would be secured through a planning condition where units can be purchased from an offset provider or a scheme worked up by the applicants and a net gain site registered. In addition a financial contribution will be required to monitor the BNG that is provided.

Bats surveys have been undertaken but no bats were recorded emerging or re-entering the buildings. Roosting bats are not therefore considered to be impacted as part of the proposed works.

The submitted ecology report (Section 5) identifies ecological enhancement measures will be provided. These include total of 20 bat roosting tubes, 40 swift boxes, 40 bee bricks. These ecological enhancements can be secured for provision prior to occupation and retained in perpetuity by way of a planning condition.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

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

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. In this case, the applicant will enter into a Section 106 legal agreement, which secures the required air quality monitoring contribution prior to a planning consent being issued.

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is included in the recommendation.

11 OTHER MATTERS

The Parish Council is the freeholder of this Public Open Space and have not been consulted about any future proposed pedestrian through-route through the application site. The Parish Council would need to agree to this by way of a Deed of Easement. Whilst there may have connectivity benefits for the wider community it could contravene the covenant that "the Open Space Area shall only be used as open space for recreational purposes". In addition the Parish Council comment that a link would change the nature of the open space, with a thoroughfare effectively created through this currently enclosed area which is a safe space for children to play.

Amended plans have been provided to indicate that this is a "potential future link" and further discussion will be undertaken with the Parish Council following any planning permission being granted.

Many of the existing buildings on the site are in need of repair and for operational reasons the uses associated with these buildings would be better located elsewhere on the wider site. Consideration of the planning issues associated with any re-provision does not form part of the current planning application but this needs to be achieved without an adverse impact on Green Belt openness. However, the agent has stated the viability of the remaining part of Everton Nursery will be maintained and the nursery will continue to operate without the need for further built development if the land that is subject of this planning application is redeveloped

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement. These contributions include the uplift from April 2024:

- Affordable housing requirement is 50% (10 units) in accordance with Policy HOU2 of the Local Plan Part 1.
- On site informal open space provision as shown on the approved plan
- On site doorstep play area provision as shown on the approved plan
- Air quality monitoring contribution of £2,180
- Habitat Mitigation (Access Management and Monitoring) Contribution of £7,245
- Habitat Mitigation (Bird Aware Solent) Contribution of £15,764
- Habitat Mitigation (Infrastructure) Contribution of £112,855
- Recreational Habitat Mitigation commencement Monitoring Charge of £847
- Affordable Housing on site monitoring is £847
- Biodiversity Net Gain monitoring is £5,225

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	2372	2202.5	169.5	169.5	£80/sqm	£18,514.62 *

Subtotal:	£18,514.62
Relief:	£0.00
Total Payable:	£18,514.62

12 CONCLUSION / PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

‘If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise

As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

The lack of a five year land supply, consistent with the Noads Way appeal decision means, however, that the titled balance in paragraph 11 (d) of the NPPF is engaged for this application.

The application seeks planning permission for the development of the site 20 houses within the Green Belt and countryside . The proposed development is located in the Green Belt but officers consider that the site meets the definition of previously developed land where development can be accepted it is concluded that the proposals would not cause substantial harm to the openness of the Green Belt and it contributes to meeting an identified affordable housing need therefore complying with NPPF Para 154. As such, the principle of the development is acceptable.

The development of 20 dwellings on the site would represent an appropriate density and layout which would deliver 50% affordable housing in accordance with Policy HOU2. Whilst there would be a modest shortfall of POS provision made on the site, this is a small scale of this development. The POS that would be made is integrated into the layout and centrally located to meet the needs of future residents. Accepting the principle of development, when this is considered in the context of the urgent need to provide both housing and affordable housing in the district, on balance, the modest POS shortfall is acceptable in this instance.

The level of third party objection to this development is acknowledged and the concerns expressed have been carefully considered. The impact of the proposed development on the amenity of existing adjoining residents has been assessed, and it is concluded that there would be no resultant demonstrable harmful impacts that would justify refusal of planning permission. Parking provision made on the site would meet NFDC standards so that additional on street parking on Farmers Walk detrimental to highway or pedestrian safety is unlikely to result.

The proposal would make a small, positive, contribution to the Councils Housing Supply. The above report sets out the benefits of the proposal such as the provision of affordable housing, the associated landscaping and visual enhancements to the site as a result of the removal of the existing glasshouses and other structures . When these benefits are weighed against the harm the balance falls in favour of the scheme and subject to the necessary section 106 agreement being completed and appropriate planning conditions, the proposal is therefore recommended for approval.

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 Provisions to be secured via a S106 Agreement:

- a. Affordable housing requirement is 10 units in accordance with Policy HOU2 of the Local Plan Part 1. (50%)
- b. On site informal open space provision as shown on the approved plans
- c. On site play area provision as shown on the approved plans
- d Air quality monitoring contribution of £2,180

- e. Habitat Mitigation (Access Management and Monitoring) Contribution of £7,245
- f. Habitat Mitigation (Bird Aware Solent) Contribution of £15,764
- g. Habitat Mitigation (Infrastructure) Contribution of £112,855 .
- h. Recreational Habitat Mitigation commencement Monitoring Charge of £847
- i. Affordable Housing on site monitoring is £847
- j. Biodiversity Net Gain monitoring is £5,225

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:

6075-WLA-DR-A-0010 A	Site Location Plan
6075-WLA DR-A-0011 B	Proposed block plan
6075-WLA-XX-ZZ-DR-A-0112 K	Amended Proposed site plan
6075-WLA-XX-ZZ-DR-A-0122A E extract	Proposed site plan northern
6075-WLA-XX-ZZ-DR-A-0112B F extract	Proposed site plan southern
6075-WLA-04-XX- DR-A-0115 HT1-V1	Proposed plans HT1 V1
6075-WLA-04-XX- DR-A-0116 HT1 -V1	Proposed roof plans HT1 V1
6075-WLA-04-XX- DR-A-0117-HT1-V1	Proposed elevations HT1 V1
6075-WLA-04-XX- DR-A-0120 HT2	Proposed plans HT2
6075-WLA-04-XX- DR-A-0122 HT2	Proposed elevations HT2
6075-WLA-04-XX- DR-A-0130-A HT3 plans HT3	Proposed floor and roof
6075-WLA-04-XX- DR-A-0132 HT3	Proposed elevations HT3
6075-WLA-04-XX- DR-A-0137 HT3 -V1	Proposed elevations HT3 V1
6075-WLA-04-XX- DR-A-0133-A HT3 -V1 plans HT3 V1	Proposed floor and roof
6075-WLA-04-XX- DR-A-0140-B HT4	Proposed plans HT4
6075-WLA-04-XX- DR-A-0142-A HT4	Proposed elevations HT4
6075-WLA-05-XX- DR-A-0150-A HT5	Proposed plans HT5
6075-WLA-05-XX- DR-A-0151-A HT5	Proposed roof plans HT5
6075-WLA-05-XX- DR-A-0152-A HT5	Proposed elevations HT5
6075-WLA-04-XX- DR-A-0165-A HT6 V1 V1	Proposed floor plans HT6
6075-WLA-04-XX- DR-A-0167-HT6 V1	Proposed elevations HT6 V1
6075-WLA-07-XX- DR-A-0170-B HT7	Proposed plans HT7
6075-WLA-07-XX- DR-A-0180 HT8	Proposed plans HT8

6075-WLA-07-XX- DR-A-0182 HT8	Proposed elevations HT8
6075-WLA-07-XX- DR-A-0183- HT8	Proposed section HT8
6075-WLA-DR-A-0192-A	Apartments Proposed
elevations	
6075-WLA-DR-A-0190-A	Apartments ground floor
plans	
6075-WLA-DR-A-0191-A	Apartments first floor plans
6075-WLA-DR-A-0193-A	Apartments roof plans
6075-WLA-04-XX- DR-A-0200	Proposed single garage
6075-WLA-04-XX- DR-A-0201	Proposed double garage
6075-WLA-04-XX- DR-A-0204	Proposed bin and bike store
6075-WLA-XX-ZZ-DR-A-0117 C	Public Open Space Plan
2442-TFC-00-00-DR-L-1001 P10	Landscape Strategy Plan
23151-GAP-XX-XX-DR-C-9000 REV P03	Drainage Layout
5888/001 A	Access 1 Plan
5888/002	Access 1 Plan
Site wide surface water drainage design	Godsell Arnold Partnership
Ltd 26th March 2024	
Arboricultural implications assessment	Broad Oak Tree Consultants
Ltd, Ref J62.57 dated 18th April 2023	
Ecology and BNG Assessment Report	ARB Ecology Ltd Dated 5th
April 2024	
Air Quality Statement	Ken Parke dated May 2023
Affordable housing delivery statement	Sturt and Company dated 3rd
April 2023	
Design and Access Statement Rev A	WLA Dated Sept 2023
Transport Statement	Bellamy Roberts April 2023
Ref DE/588/TS.2	
Stage 1 Road Safety Audit	Gateway Road Safety
Engineering/Bellamy Roberts	

Reason: To ensure satisfactory provision of the development.

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

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

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan 6075-WLA-XX-ZZ-DR-A-0112 K and for the parking and garaging of motor vehicles and cycles and the re-arranged car parking layout for Everton Nurseries shown on block plan DR-A-0111 B have been provided. The spaces shown on plan 6075-WLA-XX-ZZ-DR-A-0112 K for the parking and garaging of motor vehicles and cycles and rearranged car parking layout for Everton Nurseries shown on block plan DR-A-0111-B shall be retained and kept available for parking purposes for the dwellings hereby approved and Everton Nurseries at all times. The parking spaces for Plots 1-8 shall remain unallocated 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.

6. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shown as the access visibility splays of 2.4m x 43m shown on the approved access plans 5888/001 A and 5888/002.

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

7. Before development commences above DPC level a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) 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
- (d) a Landscape Strategy Plan and reptile management plan
- (e) details and specification of the Public Open Space and doorstep play area to be provided on the site
- (f) areas for hard surfacing and the materials to be used;
- (g) other means of enclosure;
- (h) a method and programme for its implementation of the landscaping scheme and public open space provision
- (a) details to provide for the future maintenance of the landscaping, the public open space and reptile receptor area.

After the planting of all new trees on site as approved within the Landscape scheme, the tree planting schedule and Landscape Strategy Plan notice shall be given to the Local Planning Authority Tree Officer to inspect the trees. If it is found that the planting is not in accordance with the approved plans and documents, further works and/or replacement planting will need to be undertaken and agreed with Local Planning Authority Tree Officer.

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.

8. 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.

9. No development, demolition or site clearance shall take place until a method statement and engineering drawings for the installation of any new hard surfaced areas/pathways encroaching the rooting areas of the retained trees has been submitted and agreed to in writing with the Local Planning Authority: Development shall only take place in accordance with these approved details.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. The trees 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 Broad Oak Tree Consultants Ltd, Arboricultural Implications Assessment for Proposed Residential Development at Everton Nurseries, Ref J62.57 dated 18th April 2023.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. Prior to construction (including demolition) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Details of any construction lighting and measures to control light spill and glare from any floodlighting and security lighting installed.
- Pest control

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

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity [and highway safety] and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy.

12. Prior to the commencement of the development, a full stage 2 Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This Noise Impact Assessment shall include the four key elements in accordance with ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise for New Residential Development (May 2017) and to ensure that internal and external noise levels for the residential accommodation shall not exceed the designated minimum standards stated. The scheme as approved in writing by the Local Planning Authority shall be implemented, maintained, and retained.

Reason: To ensure that appropriate internal and external noise levels are achieved for the dwellings hereby approved in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the NPPF.

13. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details (Ref Ecology and Biodiversity Net Gain Assessment ARB Ecology Ltd Final V 1 dated 3.4.2024) submitted with planning application 23/10623 unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancements identified in Section 5 of this report shall be implemented prior to occupation of the dwellings on the site and thereafter retained in perpetuity.

Reason: To safeguard protected species and ensure ecological enhancement are provided 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).

14. Before the development commences, a scheme for the offsetting of biodiversity impacts at the site, providing a minimum 10% biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority. This should be supported by the statutory biodiversity metric completed for the site and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements.

The Offsetting scheme shall include:

- i. Identification of offset site or sites;
- ii. Details of the offsetting requirements of the development in accordance with statutory biodiversity metric;
- iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:
 - a. Description of all habitat(s) to be created/restored/enhanced within the scheme including expected management condition and total area;
 - b. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;
 - c. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - d. Identification of persons responsible for implementing the works;
 - e. A timetable of ecological monitoring to assess the success of all habitats creation/enhancement. Ecological monitoring reports should be submitted to the LPA as a minimum in years 2, 5, 10, 20 and 30.
 - f. The inclusion of a feedback mechanism to NFDC, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme

Reason: To ensure Biodiversity Net Gain and its monitoring and management is secured in association with the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management), the Environment Act 2021 and Statutory framework for achieving BNG as set out in the NPPG.

15. Prior to the erection of any external lighting on site, a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following:

- a) Details of all proposed operational external lighting;
- b) A lighting plan showing locations and specifications of all proposed lighting;
- c) Details to demonstrate that light spill into adjacent premises has been minimised and avoided, and where appropriate the lighting shall be fitted with shields such that the bulb shall not be visible from any residential premises. .

The approved scheme shall be implemented as approved and any shielding shall thereafter be retained and maintained.

Reason: To protect the amenities of the area in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

16. 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.

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

Reason: To ensure the development remains appropriate to its location and to ensure that any future development proposals do not adversely affect the openness of the Green Belt, the visual amenities of the area or 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 and the NPPF

18. Before development commences a detailed surface water drainage scheme for the site, based on the principles within the approved drainage strategy, has been 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 drainage strategy.
- b) 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 take place in accordance with the approved details.

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

19. 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 hereby approved. The submitted details shall include:-
- a) Maintenance schedules for each drainage feature type and ownership
 - b) Details of protection measures

Maintenance of the surface water drainage system shall be undertaken in accordance with these details so approved.

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

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

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

21. 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 25 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. 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. 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. 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).

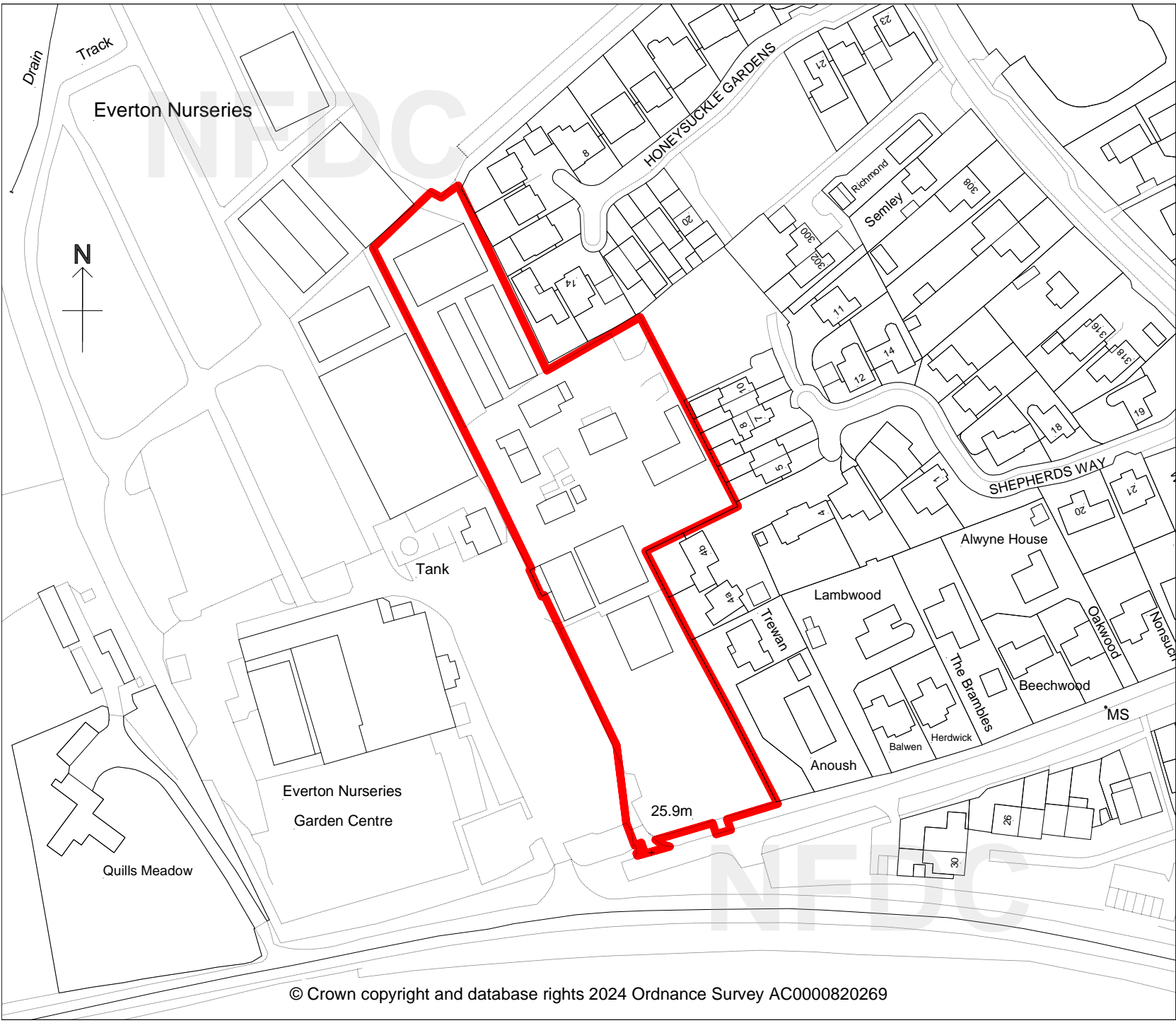
25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements 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).

Further Information:

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DISTRICT COUNCIL

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PLANNING COMMITTEE

May 2024

Land at Everton Nurseries
Christchurch Road
Everton
23/10623

Scale 1:1541

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

Planning Committee

08 May 2024

Application Number:	23/10172 Full Planning Permission
Site:	LAND SOUTH OF HYTHE ROAD & EAST OF ST CONTEST WAY, MARCHWOOD SO40 4WU (PROPOSED LEGAL AGREEMENT)
Development:	Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities
Applicant:	LNT Care Developments (3) Limited
Agent:	LNT Construction
Target Date:	26/07/2023
Case Officer:	James Gilfillan
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	Marchwood Parish Council contrary view

May 2024 Update to Planning Committee

In March 2024 the planning committee supported the officer recommendation, resolving to delegate authority to the Planning Service Manager to complete a S.106 agreement and grant planning permission subject to conditions.

Since that resolution Officers have sought to prepare the S.106 in accordance with the Heads of Terms:

Completion of a Section 106 Agreement, to secure delivery of a strategy for species translocation, timings and future management and maintenance of the receptor site.

In subsequent discussions with the Councils solicitors it has been agreed that such an approach is not required, as the mitigation strategy is not solely based on off site translocation of the rare Narrow Leaved Water Dropwort and mechanisms for monitoring its success can be secured by condition and do not require a commitment from off site land owners or another Local Planning Authority, to contribute to monitoring or managing the mitigation strategy.

The Planning Practice Guidance at paragraph 11 to the "Use of Planning Conditions" chapter encourages Councils to make use of conditions rather than a S.106 agreement, where the matter could be resolved by either mechanism.

An acceptable mitigation strategy to preserve the rare plant had been received, however upon implementation it became clear to officers that the ecological survey, identifying the presence of the species on site, had significantly under represented the number of specimens present on site. The mitigation strategy needs to be updated to ensure an appropriate number of the specimens are retained.

This does not alter the conclusion in respect of the need for a S.106 agreement, however an additional condition is considered reasonable and necessary to ensure the mitigation strategy is sufficiently robust.

The following condition is proposed for addition to the original list of conditions:

Prior to the commencement of development a revised mitigation strategy for preservation of the Narrow Leaved Water Dropwort, identified as being on site, shall first be prepared then submitted to and approved in writing by the Local Planning Authority. It shall include a time table for works, mechanisms for monitoring and verification, to include appropriately qualified specialists, of the mitigation strategy which shall be reported to the Local Planning Authority. The approved strategy shall then be implemented in accordance with its agreed timetable.

Revised Recommendation:

Grant subject to Conditions as set out in the report, shown below, including the condition added by the update sheet and now proposed by this update.

Original report presented to Planning Committee March 2024.

1 THE MAIN ISSUES

The main issues are:

- 1) The principle of development and housing need
- 2) Impact on the character and appearance of the area and trees
- 3) Highway Safety
- 4) Residential Amenity
- 5) Ecology

2 SITE DESCRIPTION

The site is on the south side of Hythe Road on the edge of Marchwood defined built-up area. The A326 Marchwood bypass adjoins the southern boundary, and the boundary with the New Forest National Park lies immediately beyond the road.

The site is an open field and is allocated for housing by Policy Mar3 of the Local Plan part 2. There are trees along the east, south and west boundaries, protected by Preservation Orders.

There are field gate accesses in the north-east and west corners, from Hythe Road and St. Contest Way respectively, the latter being obstructed by concrete barriers. There is a public footpath linking Hythe Road with Marchwood by-pass, along the eastern edge of the site.

To the east is the Pilgrim pub, with hotel rooms. To the west are residential properties. The area has a mixed character, being at the point of transition from farmland and countryside to the east, with residential development on both sides of the road to the west.

There are two separate parcels of land designated as Sites of Importance for Nature Conservation to the north and south-west of the application site.

The site rises away from Hythe Road, towards the south by approximately 0.7m at its greatest.

3 PROPOSED DEVELOPMENT

Erection of a two-storey 66-bed care home (Use Class C2) with associated access, parking and landscaping and ancillary facilities

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
Application Site			
23/00599. Formation of vehicular access from Hythe Road	09/11/2023	Granted Subject to Conditions	Decided
Adjoining land			
02/76051 Form new estate road. Construct 31 houses and 6 flats with associated garages and car parking (Approval of details following outline permission 65657)	11/11/2004	Granted Subject to Conditions	Decided
NFDC/99/65657/OUT Residential development	29/05/2000	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
Policy STR3: The strategy for locating new development
Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy HOU3: Residential accommodation for older people
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 CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity
DM10: Residential accommodation for older people
MAR3: Land south of Hythe Road

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

National Planning Guidance

NPPF (December 2023)
Planning Practice Guidance (Web based resource)

Tree Preservation Order: 49/00/T3

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: Objection PAR 4 – Members agree that the development was in appropriate within the neighbourhood. The development did not provide enough on site parking therefore, the lack of parking on an area already being negatively impacted by on street parking during busy periods would not be appropriate.

Patrons of the neighbouring public house were utilising the road during busy times; visitors to the dentist were also using the highway to park and parents during school drop-off and pick up times. The area was congested and dangerous to existing road users.

It was considered the addition of the development would further inbound the problems for residents of St Contest Way and the surrounding area. Members also agreed that public transport was lacking in the area and was not adequately provided for this would result in staff of the home having to use their own vehicles.

7 COUNCILLOR COMMENTS

Cllr Richard Young - Due to the paucity of public transport in the area, the level of parking proposed is inadequate and would result in highway safety risks for school children and adversely impact on local residents.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

New Forest District Council

Conservation: No harm to designated or non-designated heritage assets.

Ecologist: TBC

Environmental Health (Pollution): No objection subject to conditions.

Environment Design Team: It is not considered that the proposals are appropriate for the location or draw sufficiently on local context. Function appears to be the main driver of the design and this must be balanced against the other requirements of Policy ENV3. In addition, there is insufficient evidence in the LVA regarding potential landscape and visual effects and how these have informed the design and led to the most appropriate and positive design, as required by Policy ENV4.

Tree Team: Minor concerns regarding the proximity of the building to protected trees but accepts pruning and tree management could maintain separation. No objection subject to conditions.

Hampshire County Council.

Countryside Services: Acknowledges that the application site has been amended to remove the public right of way. Requests the applicant makes a £20,000 contribution to resurfacing the path and removes styles from either end of its route across the applicants land and replaces them with gates.

Highways: Acknowledges that the proposed access matches that already approved. No objection to the likely vehicle movements.

Surface Water: No objection to the revised site and drainage layout.

Others

Hampshire Fire & Rescue Service: Highlights fire safety design requirements, access requirements and points out concerns about on site energy storage batteries.

Southern Water: No objection.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Excessive development not for locals
 - Parking conflicts and highway safety concerns.
 - Conflict with school drop off and children walking to school
 - Increased traffic movements
 - Increased pressure on GP surgeries
 - Developer not local
 - No need as a care home is for sale locally
 - Noise and disturbance generated by shift working patterns of staff
 - Impact of construction and delivery vehicles on residents amenity
 - Poor design of the building
 - Poor site drainage inappropriate for construction
 - Loss of greenspace and the impact on wildlife
-
- Many representations recognise that the amended plans relocating the position of the access would avoid some impacts on residents of St. Contest Way.

For: 0

Against: 19

10 PLANNING ASSESSMENT

1. Principle of Development

The site is located within the built up area of Marchwood as defined by the Local Plan. It is allocated for residential development by policy MAR3 "Land South of Hythe Road of the Local Plan Part 2: Sites and DM policies adopted in 2014. The policy states:

MAR3: Land south of Hythe Road

Land south of Hythe Road is allocated for residential development, specifically to

provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy. Seventy percent of the dwellings provided will be affordable housing. The site will be developed in accordance with the following site specific criteria:

- provision of vehicular access from St. Contest Way;
- provision of pedestrian/cycle access to the site which link with footpaths and cycleways, including a direct pedestrian link through the development to the Hythe Road footway;
- retention of important trees and hedgerows on the perimeter of the site;
- provision of a landscape buffer between the development and the A326 in order to screen the development, attenuate traffic noise and enhance biodiversity;
- provision of public open space in accordance with Core Strategy Policy CS7, to include natural play space for young children on the site.

Whilst a number is not included in the policy, supporting text suggests the site could accommodate around 15 dwellings.

The principle of residential development is appropriate. The scheme however, does not propose residential development within use class C3, but a residential care home that would fall within C2 of the use classes order.

The "Housing Supply and Delivery" section of the Planning Practice Guidance allows for other forms of residential development to count towards an area's housing land supply. This includes an allowance for residential care homes.

Policy HOU3 of the Local Plan Part 1, supports development of Care homes in locations appropriate to residential use. The character of the area adjoining this site is residential and the land is allocated for residential development, therefore it is a location appropriate for residential development in principle and therefore appropriate for a C2 care home.

The Justin Garner Consulting evidence base of Objectively Assessed housing need to support the Local Plan Part 1 also considered the specialist housing needs for the aging population, supplemented by demographic projections for the plan area, identifying that there would be significant increases in the percentages of the total population falling within in older age categories would need housing designed to cater for their health and mobility needs as residents live longer.

The report predicts 970 care bed spaces would be required in the District over the plan period, the greatest amount would be in the Totton and waterside 'sub-area' at 425. The provision of 66 bed spaces by this application would make a significant contribution towards that target, weighing heavily in favour of the application.

Whilst comments received from local residents object to the need for a care home locally, based on the evidence supporting the local plan there is clear need for the form of specialist residential care accommodation being provided for by the application.

Not only would the scheme make a significant contribution to the supply of specialist housing for the elderly, it would also result in the release of predominately under occupied housing locally. It is common place that residents moving in to care do so from a family home they have occupied for many years, potentially as single occupants of larger family homes, thereby releasing those homes to the open market.

As a care home falling within use class C2, the scheme is excluded from the requirement to provide affordable housing.

Whilst the site is allocated for housing, the principle of a care home provides a specialist form of housing for which there is a significant need. The PPG allows for this form of residential care to contribute towards meeting housing need. The principle of the development is considered acceptable.

The scheme would deliver economic benefits during construction but also provide employment in a range of roles supporting the operation of a care home, including building and grounds maintenance. It would achieve environmental benefits of delivering major scale development in an urban area capable of supporting such a scale of development. It would have social benefits of delivering much needed specialist care housing, in an area where there is a shortfall in the supply of housing and the significant welfare benefits for residents in need of such care and support.

These benefits contribute to the delivery of a sustainable development in accordance with policy STR1 and the NPPF.

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

The site is at the edge of the built up area of Marchwood, with the defined boundary wrapping around the site. Built form does not extend beyond that boundary line to the east with the presence of the Pilgrim Public House and hotel rooms.

The site is allocated for residential development and being within the built up area, there is a presumption that a change in the character and appearance of the site, from the current open field, will occur and can be accommodated.

The scheme proposes a 66 bed care home, designed to ensure effective and efficient care can be provided, comply with care standards and provide attractive, safe and functional accommodation for its residents.

In addition to the 66 bedrooms for residents, communal lounges and dining rooms would be provided, as well as operational kitchen and laundry, staff welfare, offices, reception and stores.

The building is laid out with 4 wings accommodating all of the bedrooms, allowing all bedrooms to have views of the gardens. The operational facilities would be on the ground floor of one wing facing the car park to allow ease of access for deliveries. Communal lounges, dining rooms, reception areas would be located in the centre of the building, in order to bring residents together and would face onto and allow access in to the gardens.

Whilst the 'H' shape floor plan, providing the four wings, does break up the mass of the building when viewed from the sides, the front and rear elevations will cover the majority of the width of the site, the appearance of which would be larger than the prevailing pattern and layout of the area along Hythe Road.

The front and rear elevations has been articulated through the use of gabled projecting bays, a prominent entrance, recessive hipped roofs at either end and materials to break up the facade. These features reduce the perceived institutional scale of the building and the 'H' floor plan reduces the height of the roof that a large building might commonly include, however it will still be a large building in contrast to those around it

However due to its position on the site, set back from the frontage the large and prominent trees framing the site along the side boundaries would still be readily visible in front of it and views of dwellings on St. Contest Way and the thatched building at the Pilgrim Inn will still be prominent in views along the road.

In views from the A326, Marchwood by-pass, at the rear, the building would be glimpsed through the existing dense landscape. The articulated design to the elevation will not be readily appreciated due to the restricted views. However despite its size and form as a single building, those glimpsed views would not perceive the scheme as any larger or more dominant than any residential development that may occur in accordance with the allocation of the site for development.

The 'H' shape results in internal elevations of the wings that are not readily visible and do not include the same detailed design as the front and rear elevations. Given their position this has no bearing beyond the site. However the shape does significantly reduce the scale of the building when viewed from the neighbouring sites, two side elevations of a scale commensurate with the neighbouring sites would be visible close to the edge of the site, entirely acceptable and likely had a scheme of dwelling houses been proposed.

The communal lounge and dining rooms located in the centre of the building will have entirely glazed elevations to create light and airy internal environments to benefit residents, but sufficiently recessed within the building footprint that they would not have material impacts beyond the site.

The position of the building does allow for space around it in which to plant new trees and plants to enhance the landscape setting, especially along the frontage to Hythe Road where the building would be most readily viewed. It retains the majority of the hedgerow along its frontage, preserving the soft edge to the road a strong characteristic of Hythe Road.

Boundary fences proposed for the rear of the site would be absorbed in to the density of the existing and proposed landscape along the rear boundary, with the A326, preserving the character of that road.

Whilst detailed landscape proposals for the communal gardens on the site would be positive for the amenity and well-being of the residents, they would not be readily perceived from outside the site, due to the maturity and scale of existing trees and landscape along boundaries.

The design of the front and rear elevations has evolved in response to concerns of the NFDC Environment Design Team, however the applicant acknowledges that it would not be possible to break up his scheme to respond more closely to the prevailing pattern of layout surrounding the site and in this case the function of the site has to influence the form in order for it to perform for its intended use and therefore he would not be able to overcome the concerns raised..

The site is adjacent to the open countryside however it is within the defined built up area and it is important to make efficient use of land in the urban area in order to protect the more sensitive sites beyond the built up area. Furthermore concerns that insufficient planting is proposed to screen the development pre-supposes that being able to see the building causes harm and the surrounding environment can not adapt to or absorb change. The extent of glimpsed views should not be considered to cause such an impact to be harmful, or that the surrounding environment can not accept.

The NPPF at para. 182 requires great weight is given to conserving and enhancing the landscape and scenic beauty of National Parks. The scheme would not result in the loss of any important views into or out from the National Park, or erode the existing landscaped boundary.

The Public Right of Way that crosses the site, continues in to the National Park across the A326, allowing a degree of public access, the area of the National Park immediately inside its boundary appears to be private paddock grazing land rather than open common land from which wider panoramas of the National Park are enjoyed by visitors. As such any views of the building, most likely its roof visible in longer distance views would not interrupt any scenic beauty of the National Park and the character of built form visible around its edges would be preserved.

The site specific policy 'Mar3' sought to achieve a degree of permeability that would not be required or appropriate for the proposed development. As access is on to Hythe Road there is no direct conflict with the requirement to provide pedestrian and cycle access on to Hythe Road. Nor would Public Open Space be necessary for the specialist care nature of the proposal. Boundary landscape will be retained and enhanced.

The scheme strikes a balance between providing a development functional for its intended use with the design and layout of the site and area, making efficient use of the site and whilst this may not fully comply with ENV3 and the preferred process of design evolution, it does not render the scheme harmful..

Impact on and relationship with trees

There are mature trees along the site boundaries and overhanging the site covered by Tree Preservation Orders. All of which are identified as category A or B trees by the supporting Arboricultural survey and therefore material constraints to development of the site. There are some lower quality groups of trees and a hedgerow that would not be considered constraints.

None of the trees would be removed to facilitate the development. The proposed building is located beyond the rootzones of the trees avoiding direct impact on their health and retention.

The building is positioned close to the crowns of several trees which may give rise to a poor relationship between the trees and the building. However due to the design and layout of the building it would not result in any direct impacts on the well being of residents by way of overshadowing or obscuring views from windows and would simply require standard pruning of trees to maintain a reasonable separation, this would not have consequences for the health or retention of the trees.

Some minor landscape works, such as boundary fences and garden footpaths would be installed within rootzones, subject to using appropriate construction techniques these would not harm the trees and are acceptable to the NFDC Arboricultural officer.

Protective fencing is advocated during construction and ground protection required where fencing would compromise the construction process. This is accepted in principle and detailed proposals will be secured by condition.

A section of the hedge along the road frontage would be removed to facilitate the access. This is a low quality hedge so its removal is not unacceptable on arboricultural grounds.

By retaining all of the important trees on and around the site and avoiding any material harm during construction and unsustainable relationships for future health and well being, the scheme complies with policy MAR3 and local policy ENV3 and ENV4.

3. Highway safety, access and parking

The allocation policy for the site, as set out above, requires access to be provided for from St. Contest Way. Many of the representations received from local residents objected to that approach as originally included in the scheme.

Whilst adopted as Public Highway, the application site does not abut St. Contest Way, a section of land along the edge of St. Contest Way, designated as Public Open Space by the development having been retained in separate ownership.

The scheme subject to this application was amended to provide access from Hythe Road at the front of the site. In doing so the concerns of many of the local residents were resolved.

The safety of such an access has already been considered and accepted by the planning application for an access on to the site granted planning permission in 2023.

Sufficient visibility can be achieved along Hythe Road and sufficient access width to enable all vehicles likely to visit the site to manoeuvre in and out of the site in a forward gear and safely.

The bus stops on Hythe Road could be relocated to account for the proposed access, in doing so they would be improved to provide level access to buses.

The access and local highway network would adequately be able to accommodate the vehicle movements generated by the development.

As raised in representations, there will be short term conflicts with highway safety due to parents parking to drop off and pick up children from nearby schools. This is an existing problem that this application would not be able to solve, however there is no technical evidence or concern raised by Hampshire CC Highways Officers to suggest that such short term conflicts would render the scheme unacceptable, or that would give rise to severe cumulative impacts on the road network.

The scheme proposes 34 parking spaces for staff and visitors. For the size of the development that is a 7 space shortfall compared with the adopted parking SPD. The applicant has significant experience in operating care homes and contends that the proposed number of parking spaces is entirely adequate for the needs of the development.

The parking standards presume that all staff will drive to work, which is somewhat counter to the concept of locating developments of this nature in existing built up areas where alternative forms of travel can be achieved and encouraged, such as walking and cycling. It should also be noted that there are bus stops directly outside the site that would allow for staff to travel by bus.

The application is also supported by a travel plan setting out measures by which staff and visitors would be encouraged to take advantage of alternatives to single occupancy private car travel.

The adopted parking SPD does recognise that it is important to apply some flexibility to ensure land is use efficiently, the realistic needs arising from the proposed development and the accessibility of the location by other travel modes.

The applicant has increased the original number of parking spaces proposed. As considered in the design and layout assessment above, the extent of hard surfacing across the front of the site strikes a balance between providing parking but with sufficient landscape setting for the site and area. It would be inappropriate to dominate the frontage with parking that would be required on infrequent occasions.

Concerns raised in representations received regarding over spill parking at the point of the change in shifts have failed to recognise the incremental nature of the shift change over and most particularly the much small number of staff present overnight.

Staff employed in catering, cleaning, medical, laundry and management roles would not remain on site overnight, furthermore they would all depart throughout the afternoon rather than en-masse. As such it is highly unlikely that overnight staff would arrive to find the car park already full. The applicant identifies that peak staff numbers on site occur between 10am and 2pm, in the unlikely event that the car park is full and off site parking required during this period, due to existing parking restrictions and residents predominately being at work highway safety and residential amenity in the area would not be compromised.

It is entirely plausible that there might be occasions, when there is a peak in visitors, such as Bank Holidays, Easter, Christmas or Mothers Day, however there are no visiting hours imposed by the care home, thereby avoiding artificial peaks in demand and visitors are unlikely to stay for prolonged periods of time that would materially compromise the amenity of local residents.

Furthermore those suggested peaks would be unlikely to co-incide with school parking peaks and there is no evidence to suggest the parking pressures arising from the school has a significantly harmful impact on highway safety.

It is considered that the scheme strikes an appropriate balance between providing for the reasonable parking needs of the development with the desire to achieve a landscape setting along the frontage. It is considered that the applicant has a clear understanding of the parking needs of their development and the shortfall, when assessed against the parking standards, is on paper only and would not result in demands for off site parking that are likely to be common or would prejudice highway safety and the amenity of residents

Sufficient manoeuvring space is provided, including for delivery vehicles likely to visit the site to ensure vehicles can enter and exit in a forward gear.

A bin store is proposed in an accessible location adjacent to the car park, where refuse wagons can wait without compromising access to the site or along Hythe Road.

Sufficient cycle storage is provided for in a prominent position at the front of the site to encourage and support visitors and staff to cycle to work. A shower and changing room would also be available for staff.

There is a Public Right of Way crossing the existing field, along the east boundary linking Hythe Road with the A326 Marchwood by-pass, where it continues beyond that road. The application site excludes the position of the path as shown on the definitive PROW maps. The PROW officer from Hampshire CC does not object to the proposal though requests details of the proposed boundary treatment along its

length. They also request a contribution of £20,000 to resurface the path and that the stiles at either end are replaced with gates.

There is no clear link between the proposed development and increased use of the PROW to justify the request for the financial contribution to improve the surface, however the applicant has indicated a willingness to replace the stiles with gates as part of the changes to the boundary treatment of their site. A suitably worded condition will be imposed to secure these works.

The scheme is considered to meet its parking and transportation needs in a manner that would not prejudice highway safety or residential amenity. It is located in the built up area close to existing residential areas providing staff and visitors with options to use by sustainable modes of travel. Highway and pedestrian safety will be maintained in accordance with STR1, ENV3 and CCC2.

4. Residential amenity

There are residential properties facing the site across St. Contest Way from the west and Hythe Road from the north. Those across Hythe Road are sufficiently far away that there would be no direct impact on the amenity of the occupiers from the proposals. The properties across St. Contest Way are approximately 27m from the proposed building, as such there would be no loss of light or outlook materially detrimental to the amenity of the occupiers. Furthermore there are mature trees along the west boundary and the design of the building would preclude any overbearing or loss of privacy.

Concerns raised by representations regarding the impact of vehicle movements on the amenity of residents along St. Contest Way have been resolved by the revisions to the position of the vehicular access on to the site.

There is nothing about the nature of a residential care home that would be inappropriate in a residential area, despite the number of residents they would still use the site in a manner commensurate with gardens in a residential area. The scheme does include a kitchen and laundry of a scale to serve the needs of the care home, however these are located in the eastern most part of the building, sufficiently far from the residential neighbours.

Similarly the residents of the development would not be exposed to noise and disturbance from the Pilgrim Inn Public House to the east of the site. The Public House and garden of that site being screened from the application site by the mature trees along the boundary and a large outbuilding, providing bedrooms associated with the pub, in the intervening space.

Noise from vehicles on the A326 to the south of the site has the potential to cause disturbance to residents. However as identified in the supporting noise assessments the design of windows and ventilation can ensure suitable internal amenity is achieved. Fences designed to limit noise ingress to the garden would satisfactorily minimise disturbance in the rear gardens. The wings of the building would offer adequate screening for the courtyards from road noise.

Therefore adequate internal and external amenity would be delivered for the residents of the scheme.

Whilst operation of the Care Home would not give rise to noise and disturbance out of character or harmful to the amenity of local residents, due to the size of the building and length of time to construct there could be short term disturbance and

nuisance caused during construction. A construction management plan will be required by condition.

As such, subject to suitable conditions, the proposal accords with Local Plan Policy ENV3 criterion (ii).

5. Ecology

The site is not designated as a national or local site for nature conservation interest. There are Sites of Interest for Nature Conservation (SINC) nearby. Whilst the New Forest National Park boundary is immediately to the south of the A326, land therein is not subject to any of the international protection for nature conservation, that much of the National Park is designated for.

The scheme is supported by a detailed ecological survey of the site and impact appraisal. That survey concludes the scheme would not be likely to have any direct impact on any of the SINC's designated close to the site, such as Marchwood School field and Hythe Meadow north.

It does identify that the site is used, inhabited or has the right environment to support bats, reptiles and invertebrates and potentially a rare plant species, the narrow leaved water dropwort.

Surveys identified Slow worms are present on site, no notable rare invertebrates were identified on site, those recorded are common and widespread. Bats were identified as commuting through the site. Identification of the presence of the Narrow Leaved Water Dropwort on site is surprising as this species is a nationally scarce and threatened species that has not been recorded in Hampshire previously, being found predominately on sites along the River Severn.

It is readily possible to mitigate the effect of the development on Slow Worms through tried and tested capture and relocation methods and Bats by way of sensitive lighting design and supplementary planting on site. These are secured by conditions.

Due to the spread of the Narrow Leaved Water Dropwort across the centre of the site it would not be possible to undertake this or any other development of the allocated site whilst retaining the majority of it. The ecological appraisal has suggested that it would be possible to preserve part of the site currently inhabited. Seed collection and provision to Kew Gardens has already occurred. The majority of the specimens would be translocated to an appropriate donor site, in Hampshire, where hydrological and soil nutrient and pH conditions are compatible. A draft translocation strategy is proposed. Details, timings and protection for the receptor site can be secured by condition and S.106 agreement.

It should be noted that due to its rarity and the time of year it has proved difficult to guarantee the species identified on site is Narrow Leaved Water Dropwort. At this stage the applicant has undertaken a precautionary approach in proposing the above mitigation strategy as a worst case scenario.

Being mindful of the proximity of the site to the National Park and locally designated SINC's it would be prudent to secure a construction environmental management plan (CEMP) to ensure construction does not have a materially detrimental impact on sensitive habitats and species close to the site. An appropriately worded condition will be added.

Whilst ecological mitigation can be secured on site, because the size of the site and extent of the ecological baseline, it is unlikely that 10% Bio-diversity Net Gain can be achieved on site. A condition can be used to secure details of that scheme, how it delivers 10% net-gain and the monitoring and review mechanisms.

Habitat Mitigation

The site falls within the catchment of the New Forest and Solent protected habitats. However the scheme proposes a form of residential care accommodation that would not give rise to increased visits to those sites by residents. As such it can be screened out from giving rise to likely significant effects. This is recognised by the Mitigation Strategy for European Sites SPD.

Nitrate neutrality and impact on Solent SAC and SPAs

Whilst recreation impacts on New Forest and Solent habitats may not occur, the scheme proposes new overnight accommodation and will still give rise to increased nutrients being discharged that need to be mitigated for.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Subject to conditions and S.106 agreement the scheme would comply with adopted policies STR1 and ENV1.

Other matters.

Drainage

The site is not at risk of tidal or fluvial flood risk. There is a small area in the north west corner of the application site predicted to suffer surface water flooding, however this area is not subject to any of the proposals. Despite this, the ground conditions could not support soakaway drainage of storm water captured by the roofs and hard surfaces of the proposed development.

The applicant has looked at off site surface water drains and proposes to provide attenuation on site before discharging to a piped drain in Hythe Road. Hampshire CC accept that sufficient calculations have been undertaken and a suitable solution identified.

There is a highway ditch along the A326 along the edge of the application site, that would provide a more sustainable solution to surface water drainage, being higher up the drainage hierarchy than the identified piped discharge. The applicant is in

discussions with Hampshire CC highways regarding this as an alternative source of surface water discharge. A condition could reasonably be imposed seeking agreement to the final drainage solution to facilitate this more sustainable solution if the applicant can agree details with Hampshire CC.

Developer Contributions

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

- Delivery of a plant translocation strategy, site and future monitoring and management of that site.

11 CONCLUSION / PLANNING BALANCE

When this application was submitted the Council was unable to demonstrate it had a 5 year supply of land for housing, the provision of Care bed spaces would contribute to reducing this shortfall. Furthermore the scheme would make a very significant contribution towards the provision of specialist elderly residential accommodation where demand is predicted to be very high over the plan period.

The site is allocated for housing development as such its character and appearance would undoubtedly change. The size of the scheme would have a significant impact on the appearance of the site, but would retain and enhance important landscape features and is a consequence of delivering much needed specialist housing for care.

The scheme would preserve highway safety. The shortfall of parking when considered against the adopted parking standards should not weigh against the scheme on the basis of the detailed parking needs assessment and analysis given by the applicant. Concerns alleging harm arising from overspill parking are given little weight as not proven to occur or cause conflict with highway safety to the result in an objection from the Local Highway Authority. In any event the benefits of the scheme would materially outweigh such harm.

The scheme has economic, environmental and social benefits that contribute to delivery of a sustainable development.

12 RECOMMENDATION

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

- i) the completion of a Section 106 Agreement, to secure delivery of a strategy for species translocation, timings and future management and maintenance of the receptor site.
- 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:

Location Plan: SO40 4WU-A-01A rec'd 26/04/23
Proposed Site Plan: SO40 4WU-A-03D rec'd 05/03/24
Proposed Floor Plan: SO40 4WU-A-04A rec'd 26/04/23
Proposed Elevations: SO40 4WU-A-05 rec'd 28/06/23
Proposed Internal Elevations: SO40 4WU-A-05.1 rec'd 26/04/23
Proposed Long Sections: SO40 4WU-A-08A rec'd 26/04/23

Reason: To ensure satisfactory provision of the development.

3. Provide final drainage design

Prior to the commencement of development hereby approved, details of the final design of the surface water drainage strategy, including specifications for its maintenance, shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall then be installed and available for use prior to occupation of the building, maintained in accordance with the maintenance regime and thereafter retained.

Reason: In order to ensure the most sustainable drainage solution is provided, to ensure it is sufficient for the scheme, does not cause down stream flooding and to protect trees on and adjoining the site and in accordance with policies ENV3 and CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the NPPF.

4. Prior to the commencement of development hereby approved a revised scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

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

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

Reason: To reflect the revised parking proposals and 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. Install tree protection fencing.

The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Wharton Natural Infrastructure Consultants Arboricultural Impact Assessment Ref: 230511 1582 AIA V3 received 30th August 2023 and Tree Protection Plan Ref 230127 1582 TPP V3.

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

6. Pre-comm Arb check

Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as specified at para 7.9 of the Wharton Natural Infrastructure Consultants Arboricultural Impact Assessment Ref: 230511 1582 AIA V3 received 30th August 2023.

Reason: In the interests of protecting important trees on and adjoining the site and in accordance with policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

7. CMP

Prior to the commencement of development on site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include, but not limited to, the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways, including preserving safe use of the PROW during construction.
- Details of parking and traffic management measures, site compound, delivery routes and storage areas.
- Measures to control light spill and glare from any floodlighting and security lighting installed.
- Pest control

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

Reason: In the interests of highway, pedestrian safety and residents amenity and in accordance with CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

8. **CEMP**

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include, but not be limited to, measures to provide:

- Protective fencing and buffering of land proposed for Narrow Leaved Water Dropwort retention on site;
- Dust control and minimisation
- Pollution prevention measures;
- Lighting control;
- Noise control and minimisation
- Vegetation removal under supervision / timing of works e.g. birds and dormice; and
- Methods to prevent badgers (and other mammals) getting trapped in excavations.

The agreed plan shall then be implemented and followed for the duration of construction as appropriate to the nature of the works and impact.

Reason: In the interests of protecting sensitive features of nature conservation and in accordance with Policy CCC1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM02 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

9. **Slow Worm relocation**

Development hereby approved shall not commence until the reptile mitigation strategy proposed at Appendix 7 to the Ecological Impact Assessment received 29/01/24 has been complied with and a verification report has been received and approved in writing by the Local Planning Authority.

Reason: In order to protect sensitive species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

10. **PROW gates**

Prior to the commencement of development, details of the precise siting and design of gates to be installed at either end of the PROW along the east edge of the site shall be provided and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to the commencement of use and thereafter retained and maintained.

Reason: In the interests of improved access to the public right of way network.

11. **BNG**

Prior to the commencement of development, a strategy for the delivery of Biodiversity Net Gain and a Monitoring and Management Plan shall be submitted and approved in writing by the Local Planning Authority. It shall include:

- Methods for delivering an increase in existing site BNG in accordance with the most up to date Natural England bio-diversity metric;
- Responsibilities for delivering 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;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.

The BNG monitoring report shall be produced by a suitably qualified and experienced ecologist and shall include the following for the target habitats:

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

marked site plans to show the actions;

- Photographs from the fixed monitoring points detailed in the management plan using high quality images. The agreed methods of delivering BNG shall then be implemented in accordance with agreed timetable and thereafter managed and monitored as agreed.

Reason: In order to ensure appropriate delivery of bio-diversity net gain and in accordance with policies STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014.

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

A water efficiency report to demonstrate the measures the scheme will employ to minimise its water use shall be submitted to and approved in writing by the Local Planning Authority. The approved measures must be installed before first residential 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.

13. Acoustic Fence details and installation

Prior to the commencement of development above Damp Proof Course of the building hereby approved, details, alignment and specifications of the acoustic fence to be erected along the rear boundary, as indicated by the

Venta Acoustics report received 29/06/23 and shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to first residential occupation of the building and thereafter retained and maintained.

Reason: In the interests of the amenity of residents and in accordance with policies ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

14. **Sensitive lighting design**

Prior to the commencement of development above Damp Proof Course of the building hereby approved details, layout and specification of external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The design shall be in accordance with the Bat Conservation Trust and Institute of Lighting Professionals guidance (BCT & ILP, 2023). The submitted details shall also demonstrate that internal lighting from the communal lounge and dining rooms no's 1-4, as shown on the approved plans, do not compromise the sensitive design of the external lighting.

Only the approved measures and lighting design shall be implemented and thereafter retained and maintained in accordance with the manufacturers instructions.

Reason: In the interests of protecting sensitive species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

15. **Materials**

Prior to their use, details of all external facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used.

Reason: In order to ensure the design detailing is delivered and in accordance with ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

16. **Electric vehicle charging**

Before first occupation of the building hereby approved, electric vehicle charging infrastructure shall be installed to serve the parking spaces as shown on the approved plan. It shall be made available to staff and visitors, maintained in accordance with the manufacturers instructions and thereafter retained.

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

17. **Do Access and parking.**

Prior to the commencement of use of the development hereby approved, the parking, access, manoeuvring space and pavements as shown on the approved plans shall be completed and available for use. They should thereafter be kept clear and available for use.

Reason: In the interests of highway and pedestrian safety and to ensure parking is available in accordance with policies STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

18. **Comply with Acoustic report mitigation**

The conclusions and recommendations of the Venta Acoustics noise impact assessment received 29/06/23 shall be implemented and installed during construction and thereafter retained.

Reason: In the interests of the amenity of residents of the scheme and in accordance with ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

19. **Relocate Bus stops**

Residential occupation of the development hereby approved shall not occur until the bus stops on Hythe Road in front of the site have been relocated as shown in principle on the approved plans.

Reason: In the interests of highway safety and to support sustainable modes of travel and in accordance with policies STR1 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

20. **Do travel plan measures**

Concurrent with the commencement of use of the development hereby approved, the proposals and measures of the Travel Plan received 17/02/23 shall be implemented. It shall be reviewed and updated annually as recommended therein.

Reason: In the interests of promoting a sustainable approach to travel and in accordance with CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

21. **Details of outbuildings**

Prior to the commencement of development, details of the design and appearance of the outbuildings, as shown on the site layout plan hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented.

Reason: In the interests of the appearance of the site and character of the area and in accordance with policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

22. **Bat/bird boxes**

Prior to the commencement of construction above damp proof course of the scheme hereby approved, details of the provision and location of at least 6 bat bricks/boxes and 10 swift bricks/boxes shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented prior to first occupation of the development and thereafter retained.

Reason: In the interests of supporting ecology in the area and in accordance with policy DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

23. **Narrow Leaved Water Dropwort mitigation.**

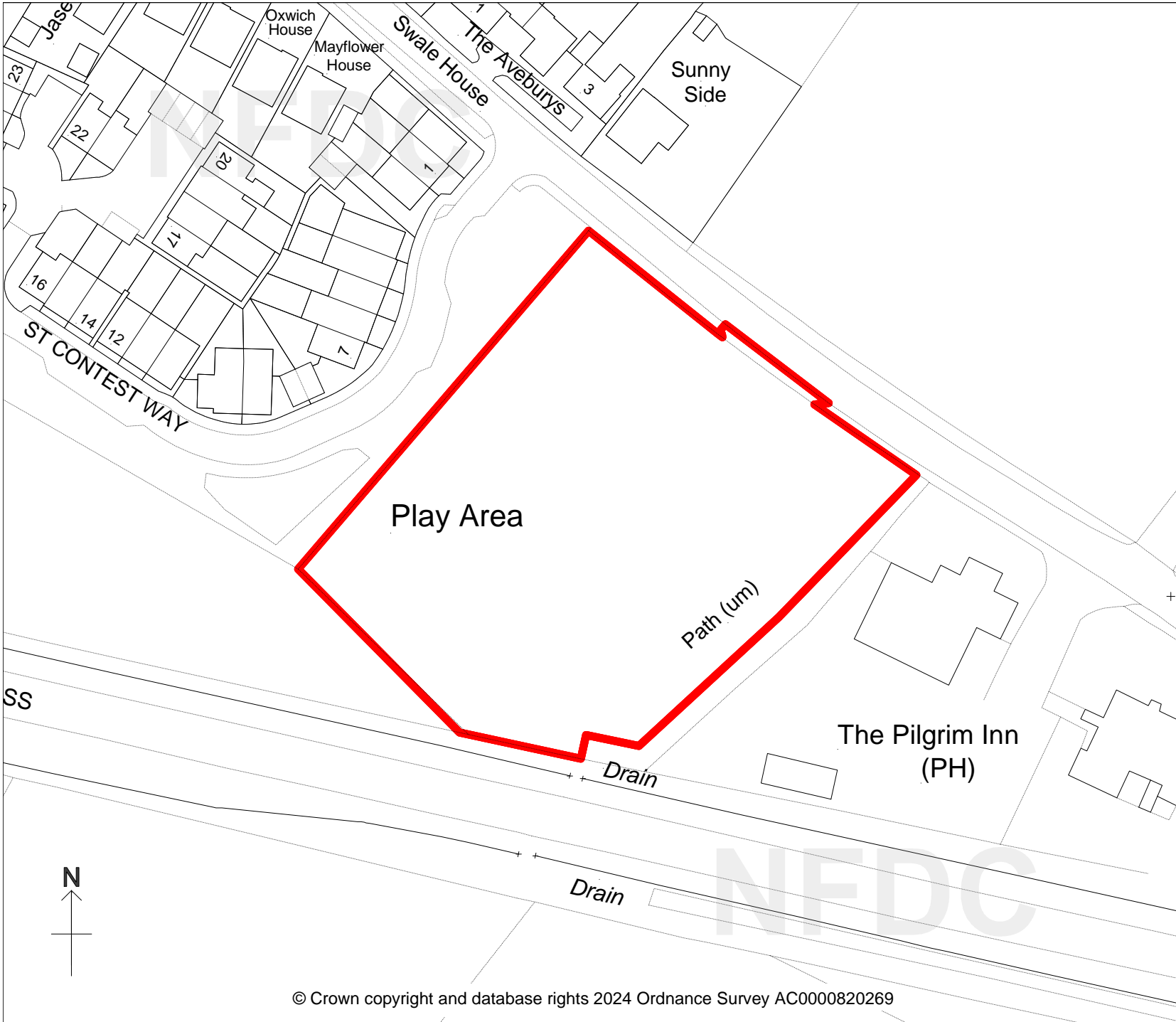
Prior to the commencement of development a revised mitigation strategy for preservation of the Narrow Leaved Water Dropwort, identified as being on site, shall first be prepared then submitted to and approved in writing by the Local Planning Authority. It shall include a time table for works, mechanisms for monitoring and verification, to include appropriately qualified specialists, of the mitigation strategy which shall be reported to the Local Planning Authority. The approved strategy shall then be implemented in accordance with its agreed timetable.

Reason: In the interests of preserving a rare plant species and in accordance with DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014.

Further Information:

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DISTRICT COUNCIL

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PLANNING COMMITTEE

May 2024

Land South of Hythe Road and
East of St Contest Way
Marchwood
23/10172

Scale 1:1000
N.B. If printing this plan from
the internet, it will not be to
scale.

Planning Committee 08 May 2024

Application Number: 22/11268 Full Planning Permission

Site: SS18 MIDDLE BURGATE HOUSE, SALISBURY ROAD,
BURGATE, FORDINGBRIDGE SP6 1LX

Development: Hybrid Application – (Outline) 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 and Extension of an
Existing Building to form 4 flats and Erection of a further Block
of 8 Flatted Units (53 Dwellings Total)

Applicant: Mr Currie

Agent: Ken Parke Planning Consultants

Target Date: 17/02/2023

Case Officer: Stephen Belli

Officer Recommendation: Service Manager Grant subject to S106 Agreement

**Reason for Referral
to Committee:** Strategic site development

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development including 5-year land supply and tilted balance
- 2) Affordable Housing and Housing Mix
- 3) Landscape impact including nationally protected landscapes
- 4) Site layout, number of dwellings overall, design of dwellings, 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.
- 5) Impact on setting of heritage assets
- 6) 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)
- 7) Flood risk, surface, and foul water drainage
- 8) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, car parking provision
- 9) Environmental health and protection considerations

- 10) Impact on residential amenities of neighbours and wider public
- 11) Minerals safeguarding and sustainable use of minerals on site
- 12) Education and school place planning
- 13) S106 contributions and Heads of Terms
- 14) Planning Balance and Conclusions

2 SITE DESCRIPTION

The site is located within the settlement boundary of Fordingbridge as shown in the adopted Local Plan 2016-2036 and comprises part of Strategic Site 18 which is the most northerly of the three Fordingbridge Strategic Sites. The site is situated alongside the A338 Ringwood to Salisbury Road. A composite plan of all three strategic sites can be seen along with the specific policies for Site 18 (see pages 161-175).

The site comprises a small parcel of generally flat land some 4.3 hectares (10.6 acres) in area currently in a mixed use of agriculture, storage and residential. The majority of the land is now unused former agricultural and horticultural land with many of the remaining buildings on the site now in a state of disrepair and being used for ad hoc storage. The single dwelling on the site Middle Burgate Farm was originally the farmhouse that served this land but is now used as a house in multiple occupation occupied by no more than 6 persons living together as a shared house. The house sits in its own private garden which immediately adjoins the former agricultural and horticultural use and old buildings.

Part of the western section of the site is in a separate ownership bordering with the main Site 18 parcel to be developed and owned by Pennyfarthing Homes. (see planning history below).

The house comprises a traditional red brick early 20th Century house which has been modified over time with various extensions. Whilst the house is not a Listed Building it can be considered to be a non-designated Heritage Asset of some local value and historical significance.

The site is bounded to the east by the A338 Ringwood to Salisbury Road; to the north by a small parcel of agricultural land which is also part of the Strategic Site 18; to the west by the main Pennyfarthing holding the subject of planning permission 21/11237; and to the south by further agricultural grazing land, a range of derelict farm buildings, an employment site known as the Fairgate Centre, and a single dwelling Lower Burgate Farmhouse which is a grade II Listed Building and Designated Heritage Asset, currently used as a pair of holiday lets.

The site sits west of the A338 road which in this area forms the boundary of the New Forest National Park. The Fairgate Centre which comprises a single large portal frame industrial building and which is split into a number of different businesses sits in the middle of the site and separates the northern and southern development parcels. Middle Burgate Farm house has its own vehicular access direct from the A338 and lies just to the north of the Fairgate Centre. The only other vehicular access to the site is from the south via a private track with its own access onto the A338 near Lower Burgate Farmhouse. This track is a Public Right of Way footpath (PROW FP83). This PROW separates the site from a further parcel of Site 18 being

currently developed by Metis Homes to the south. There are no other PROWs within the application site.

The other points to note are that the Cranborne Chase and West Wiltshire Downs National Landscape (formerly known as AONB) lies approximately 2.5kms to the west. In addition, a further selection of Listed Buildings centred around Lower Burgate fronting the A338 lies to the south. The Listed Buildings centred around Upper Burgate situated around the junction with Fryern Court Road and the A338 lies some 350 metres to the north. The site lies approximately 1.4kms from Fordingbridge town centre. Finally, the site is approximately 150 metres to the north of the Burgate Sixth Form and Secondary School and around 500 metres from the Fordingbridge Junior and Infants School both to the south. The former can be reached on foot with a soon to be constructed new footpath and cycleway link leading through the new Metis Homes development, and the latter via PROW FP83 and then southwards on PROW FP 84.

Prior to its now defunct agricultural/horticultural use the site was used during the second world war as a wartime food and supplies depot containing a range of large curved Nissen hut type structures. The site also contained the line of the former Fordingbridge to Salisbury Railway with its own sidings serving the food depot. The site therefore has some local historical significance but is not formally designated as a Heritage Asset.

3 PROPOSED DEVELOPMENT

The application is made in hybrid form (part outline and part full) for a total of 53 new dwellings and the use of land for public open space (POS) and alternative natural recreational greenspace (ANRG).

The full part of the application centres on Middle Burgate Farmhouse. This element has full details of site layout, and existing and proposed floorplans and elevations of the existing and new buildings. The old house is to be modified and extended to form 4no. flatted units on two floors, whilst the land just to the north of the house is to accommodate a new two storey flatted block which will be used for a total of 8no. new flats. This part of the site will be served by a primary access for vehicles utilising the existing access in an improved form. The access will enter the site and then turn immediately southwards into a new car parking courtyard to serve the new flats. Added to this there is a parcel of land between the buildings which will be devoted to a mix of private communal garden and POS.

The element of the application seeking outline planning permission comprises a development of 41no. residential units with matters of site layout and access included for consideration now, and matters of scale, appearance and landscaping reserved for future approval. This part of the development is supported by a Design and Access Statement which includes a Design Code setting out the intended character and appearance of the development albeit this is for illustrative purposes only at this stage with a further application to be made to agree those details. The site layout however is in detailed form and shows a single point of access from the A338 which then turns northwards to serve the northern parcel of the site and turns southwards squeezing through a pinch point formed by the land boundary of the Fairgate Centre to serve the southern part of the site. The Fairgate Centre retains its own direct access from the A338.

The outline part of the site contains the main POS and ANRG areas. With regard to the latter this is formed partly within the applicant's own land and partly on land owned by Pennyfarthing Homes (PFHL) to the west. A separate private agreement

has been made between the applicant and PFHL for this land to be used in this way. This parcel of land is included in the application site and if the application is approved the land will be controlled by Section 106 Agreement (with PFHL a party to the agreement).

Amended plans

Following discussion with officers the original scheme has been amended with an increase in the overall number of units from 46 to 53 and a new build flatted block now being introduced into the full permission part of the scheme – with a subsequent reduction in the works to the old house removing an originally planned community use and reducing the number of residential flats from five units to four. The overall extent of the application site remains the same however and the outline element of the scheme apart from some minor changes to road layout has not changed either. The amended plans have been the subject of a full re-consultation exercise.

The proposed housing mix is as follows –

Outline element (all open market – 41 units – 77% of total no. of units)

- 3 x 1 bed dwellings
- 19 x 2 bed dwellings
- 11 x 3 bed dwellings
- 8 x 4 bed dwellings

Full element (all affordable – 12 units – 23% of total no. of units)

- 2 x 1 bed social rent in new flatted block
- 2 x 2 bed social rent in new flatted block
- 2 x 1 bed affordable rent in new flatted block
- 2 x 2 bed affordable rent in new flatted block
- 4 x 2 bed flats shared ownership in old house

4 PLANNING HISTORY

Site History

Various historic applications for alterations to Middle Burgate House, and in connection with the use of the land for horticulture and commercial uses but no recent planning permissions since the adoption of the New Forest Local Plan in July 2020.

Other Fordingbridge Strategic Site applications

Site 16

23/10316 Application for full planning permission to provide 198 dwellings (including affordable housing provision), new pedestrian and cycle routes, landscaping, parking, public open space, Alternative Natural Recreational Greenspace, improvement of existing access, drainage and all other necessary on site infrastructure; and demolition of former outbuildings and agricultural buildings.

SS16 LAND NORTH OF, STATION ROAD, FORDINGBRIDGE SP6
1JW

08/11/2023 - Committee resolution to grant subject to S106
09/04/2024 – Planning permission issued

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 – Pennyfarthing Homes.

29/09/2022 – Committee resolution to approve (342 dwellings) - awaiting signature of S106 Agreement.

20/11469 Erection of 64 dwellings, change of use of land for Alternative Natural Recreational Greenspace, new accesses onto Whitsbury Road, and all necessary on-site infrastructure

LAND AT TINKERS CROSS, WHITSBURY ROAD, TINKERS CROSS, FORDINGBRIDGE SP6 1NQ– Pennyfarthing Homes

Planning permission granted 2 November 2022 – site under construction with completion due in Spring 2025.

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 - Metis Homes

Planning permission granted 14 April 2022 – site under construction with completion due end of 2024.

21/11237 Hybrid planning application comprising: Outline planning application (all matters reserved except means of access only in relation to new points of vehicular access into the site) for residential development and change of use of land to Alternative Natural Recreational Greenspace, together with a community hub (to comprise a mix of some or all of; local food retail, local non-food retail, community use and business use) and all other necessary on-site infrastructure. Full planning application for the first phase of development comprising 112 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure

LAND AT BURGATE, FORDINGBRIDGE – Pennyfarthing Homes

11 January 2023 - Planning Committee (404 dwellings) resolved to grant subject to S106 Agreement. Permission issued on 21/02/2023 – works to commence April 2024

23/10518 Construction of link road from Augustus Avenue to the A338, forming part of the SS18 allocated site, including landscaping, permanent and temporary drainage infrastructure and other associated infrastructure (enabling early delivery of the highways infrastructure of hybrid application reference 21/11237)

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

Application approved 09/08/2023 – works commenced Autumn 2023 with completion by Spring of 2025.

5 PLANNING POLICY AND GUIDANCE

The Local Plan Part 1: Core Strategy 2009

Policy CS7: Open Spaces, sport and recreation

Local Plan Part 2: Sites and Development Management

Policy DM1 Heritage and Conservation

Policy DM2 Nature conservation, biodiversity and geodiversity

Local Plan Review 2016-2036 Part One: Planning Strategy

Policy STR1 Achieving sustainable development

Policy STR2 Protection of the countryside, Cranborne Chase AONB, and New Forest National Park

Policy STR3 Strategy for locating new development

Policy STR5 Meeting our housing needs

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

Policy ENV1 Mitigating the impact of development on International Nature Conservation sites

Policy ENV3 Design quality and local distinctiveness

Policy ENV4 Landscape character and quality

Policy HOU1 Housing type: size tenure and choice

Policy HOU2 Affordable housing

Policy CCC1 Safe and healthy communities

Strategic Site 18: Land at Burgate, Fordingbridge

Policy IMPL1 Developer contributions

Policy IMPL2 Development standards

Supplementary Planning Guidance and other Documents

- SPD Mitigation Strategy for European Sites
- SPD Parking standards
- SPD Air Quality
- SPD Housing design, density and character
- SPD Fordingbridge Town Design Statement
- SPD Climate Change (for applications submitted after 3 April 2024)

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

Habitat Regulations 2017

63 – assessment of implications for European sites etc.
64 – considerations of overriding public interest

Listed Buildings and Conservation Areas Act 1990

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

Levelling Up and Regeneration Act 2023

Relevant advice

National Planning Policy Framework 2023

National Design Guide 2021

6 PARISH / TOWN COUNCIL COMMENTS

16 December 2022

Recommend PERMISSION under PAR3 as it is a nicely laid out site with interesting buildings

11 January 2024

While Fordingbridge Town Council support the provision of affordable housing with the scheme, they recommend REFUSAL under PAR4 for the following reasons:

- The proximity of the access to the main road and the possibility of traffic backing up onto the main road should there be any obstructions to access, such as may be caused by a stopped delivery vehicle, or a delay in opening the gates.
- The affordable housing is not integrated throughout the site but gated off from the rest of the community - a segregated ghetto.
- The form and appearance of the new flat block is not in keeping with the rest of the site. It is thought to look like an office block.
- The loss of the community building.
- The significant reduction in the S106 contributions

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

The following is a summary of comments received. Where a response to the amended plans has been received then this comment is provided. Where no comment has been made to the amended plans then the earlier comment only is provided.

Hampshire County Council (HCC) Highway Authority: No objection subject to conditions

- No objections raised in principle to new improved access. Detailed design to be agreed and secured through S278 Agreement.
- No objections raised with regard to trip generation and highway capacity
- Further details needed on site layout for outline section which can be conditioned.
- Pedestrian and cycle access from this site through Burgate Acres to be secured.
- Construction and Traffic Management plan to be conditioned

also support the Countryside Service request for future maintenance contribution towards Footpath 83

HCC Local Lead Flood Authority: No objection subject to conditions

The LLFA previously requested groundwater monitoring results and drainage calculations. Calculations have been provided showing the required soakaway sizes for different developable areas. This information is sufficient for us to recommend conditions:

HCC – Children Services: No objection subject to contribution.

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.

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 £248,748. This is based on the provision of two teaching spaces at a pro-rata cost at both Fordingbridge Infant and Junior School.

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 cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

HCC Countryside Service: No objection subject to contributions

The adjoining public right of way Footpath 83 will see increased use and we therefore require a maintenance contribution to be secured of £12,500. The service is also satisfied with future proofing other connections between this site and the site to the south, and to the use of bollards to prevent all but emergency vehicles accessing onto FP83. Also supports a new bridleway/cycleway along the line of the old railway within the site. As well as the contribution above also recommend and informative be applied to prevent hazards or hinderance of the FP83 during construction works.

Hampshire and Isle of Wight Fire Service: Comments

The proposed layout may not be in full accordance with the Building Regulations in terms of the location of units and access from a fire tender. Recommends the layout is considered further to ensure it does comply. Offers further advice on fire safety and fire prevention methods to be included in building designs.

HCC Planning Policy: No objection subject to condition

The Service notes the potential for safeguarding of any minerals that may lie within the site but notes that it would be uneconomic to extract such minerals in advance. The Service recommends a condition be imposed to allow for incidental use of any mineral resources during the construction stage.

HCC Public Health Team: Comments

We welcome this brownfield development together with the various elements of design and layout. Welcomes the large areas of ANRG and POS to be offered as well as the Community Use *[no further comments on amended scheme]*. Also welcome sustainable transport options. Recommend measures to mitigate against noise and pollution during and post construction.

Natural England: Comments

Habitat Regulations Assessment required for recreational and phosphate impacts. CEMP needed to mitigate against harmful impact on protected species during construction. BNG advice tendered as well as suggested lighting strategy and advice on designated landscapes. Further information required either now or by condition as appropriate

New Forest National Park Authority: Comments

The application site forms part of the wider SS18 site allocation in the adopted development plan for New Forest District and therefore the principle of development is established. It is clear from the submitted information that the need to ensure a comprehensive development of the whole site allocation has been recognised and this includes appropriate infrastructure provision across the different landownerships/development parcels.

It is noted that no on-site affordable housing is proposed *[comment made on original plans but no further comment offered to amended plans]*. We would encourage the District Council to carefully scrutinise the submitted evidence on viability to confirm whether the requirements of the site allocation policy could be met at least in part.

The submitted information indicates due consideration has been given to the internationally designated habitats of the New Forest, in accordance with the District Council's established mitigation scheme.

Archaeology No objection subject to condition

Notes the area of Site 18 has already yielded some archaeological results from trial trenching with some prehistoric finds dating from the late Bronze Age to early Iron Age. Whilst recommending that trial trenching is done prior to grant of permission if not this can be accommodated through a suitably worded planning condition allowing further investigation, and future recording. Also recommends further investigation and understanding of the Buffer wartime depot with appropriate recording and preservation by record before its loss.

New Forest District Council (NFDC) Building Control: Comments

Echoes comments of Fire Service *[commenting on original plans but no further comments received]*

NFDC Conservation; Comments

The application represents an overall improvement on the design of the buildings and layout. Furthermore, the scheme as proposed responds positively to the character of Burgate Farmhouse and responds to the heritage aspects of the former railway line.

There are some elements of harm with regard to the changes to and around Middle Burgate and the encroachment to the north of the scheme. That said this sits some way from the listed buildings at Lower Burgate and intervisibility is low due to the position of the Fairgate Centre buildings. These concerns sit at the much lower level of harm and as such can be balanced alongside the public benefits of the scheme.

The response to local distinctiveness across the proposal is encouraging. In particular the design response around the west of Burgate Farmhouse and to the heritage of the former railway line with simple and well-proportioned houses and terraces. This is a positive response to the impacts on setting and illustrates how well-designed schemes can constructively respond to sensitive locations such as this.

NFDC Ecologist: No objection subject to conditions

- No objections to consideration of designated sites or Habitat Regulations Assessment

- Nutrient neutrality – contributions required using the agreed scheme at Bickton Fish Farm
- BNG – not possible to provide on site 10% net gain so off site contributions will be required. Site at Keyhaven now available for contributions.
- BNG Monitoring and management plan required for on site habitat creation
- Advice tendered on landscaping arrangements
- Ecological enhancements for each dwelling to be conditioned
- Reptiles – site will be provided with a new refugia which needs to be maintained
- Bats – loss of roost needs IROPI assessment
- Birds – need to check buildings for roosts prior to demolition and see above for on dwelling enhancements for bird boxes and swift bricks
- Hedgehogs - gaps in fencing to be conditioned

NFDC Environmental Protection: No objection subject to conditions and contribution.

Contaminated land

The site may contain contaminated land and as such it is recommended that standard conditions 14a -e are applied to deal with this along with any potential remediation that may be required.

Air quality

Air quality contribution to be sought in line with SPD guidance to allow for future monitoring.

Noise and dust

No objections subject to conditions to deal with environmental management during and post construction as well as a lighting strategy to be agreed as well as a standard condition to require a CEMP to deal with noise and dust pollution. Any proposed energy plant needs to be the subject of further detailed consultation and a condition to require the submission of details.

NFDC Housing: Comments.

It is noted that the application is subject to an economic viability assessment, and that due to the costs of development, including remediation of the site it is not viable to deliver the policy requirement of 50% of the site as affordable housing. The provision of 12 units of affordable housing is current proposed, composed of –

- 8x 1 and 2 bedroom apartments split equally between social and affordable rent, within a new purpose built block.
- 4x 2 bedroom apartments for shared ownership, within the converted and extended existing Edwardian farmhouse.

The Local Plan confirms that affordable housing that forms part of strategic sites should be indistinguishable in appearance from the market housing and distributed evenly across the scheme.

However, it's recognised that for reasons of layout, design, number of affordable units proposed and whole scheme viability that on this site the affordable housing will be provided in a cluster within the centre of the development.

As a hybrid (outline) application we would expect details of the affordable housing to be agreed at an early stage in the application process, and for details of the affordable units to be scheduled within the s106 or other legal agreement for the site. This includes unit size, tenure and where appropriate plot details. To ensure the

affordable homes address the requirements of the Local Plan, local connection mechanisms will be sought for all tenures of affordable housing. In addition, to help ensure the affordability of any Affordable Rent units, initial rent for this accommodation will need to be aligned with the Local Housing Allowance for the area. We would expect any shared ownership units to be leased using Homes England's standard shared ownership lease, applicable at the time of sale. All affordable housing should be provided by the Registered Provider, regulated by the Regulator of Social Housing and agreed by the Council.

NFDC Open Spaces: No objection subject to conditions

Public open space and play areas to be provided on site are policy compliant in terms of their size. Monetary contribution to be sought for formal recreation to be provided off site. In terms of design, it is recommended that the main LEAP is more centrally placed. Design advice is offered on design of play equipment and on access routes through the site and how these can connect off site. Requires further information on drainage basins and noting concerns raised about groundwater information still needed. Offers advice on landscaping.

NFDC Trees: No objection subject to conditions

The recently submitted amendments to this proposal do not materially alter the impacts on trees and hedges on site that haven't already been agreed. No objection on tree grounds to these amendments. Recommendation for approval with a condition to safeguard trees and features of importance on the site.

NFDC Urban Design: Comments.

The application represents an exciting new design. Previous comments on the application have been considered and changes have subsequently been made and additional information supplied. At that stage, more information on landscape (including play) and street design was requested but also identified fundamental concerns about the green infrastructure especially the ANRG and SuDS. The ANRG area has advanced but remains somewhat ambiguous still with no circular footpath and no variation in meadow management to suggest amenity or active use at all, on the land beyond the ownership (the concern is that this may not invite use - remaining as a simple paddock with no landscape structure at all until delivered by the landowner as the adjacent developer, in completing their site. The SuDS delivery still suggest some soakaway features underground within the public realm which we would not support – there may be no need for these.

Various other comments made in respect of ANRG, drainage and play design. In conclusion the design addresses policy ENV3 in terms of functionality, appropriateness and attractiveness. It accords with strategic site policy and offers an example of a design code that will enable us to ensure compliance - provided that if a permission is granted it also contains conditions to link to this code, to the D&AS and to cover all aspects of hard and soft landscape design as well as a requirement for timely implementation, and future land management. This represents really strong design

NFDC – Waste Team : No objection

After looking at the new plan of this site and reading all comments and discussing with the area supervisor for Ringwood there is no reason why we cannot collect waste from this site. Need to ensure there is a drop kerb in front of the bin shed to make access for bins easier and safer because our employees should not be pulling/pushing bins up and down a standard kerb.

Wessex Water Authority: Comments

The LLFA will need to be satisfied with use of soakaways and the drainage strategy is acceptable. The need for a foul pumping station is questioned – the details of any such station should be agreed by condition and further consultation with Wessex Water. Adoption guidelines offered for advice.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

5 no. letters of objection raising the following issues

- Adverse effect on A338 and surrounding area by increasing traffic, noise and light pollution, increased traffic and tailbacks on Fryern Court Road
- Existing pedestrian walkway will be bisected by new access road making access to town more difficult
- Localised flood risk from land to the north – off site flood risk increased. Potential workability for soakaways not proven leading to flood exacerbation in the area
- Distinctive character of Fryern Court Road and its Listed Buildings will be harmed
- Impact on local wildlife both on site and in local watercourses
- Overshadowing and loss of privacy to local dwellings
- Disturbance through noise, dust and fumes
- Loss of property values
- Increased levels of crime through over population of area
- Impact on local infrastructure and services
- No need to build on greenfield as ample brownfield opportunities elsewhere

1 no. letter of support as follows

- Small scale not a huge development
- Imaginative and designed to incorporate ecology
- Good ratio of 1, 2 and 3 bed dwellings which are needed
- Recreation space is well considered
- Only concern could be a possible increase in traffic could justify a reduction in local speed limits reducing the chance of accidents turning in or out of the new development.

10 PLANNING ASSESSMENT

Principle of development

a) Local policy context

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. The policy needs to be read in conjunction with all policies in the plan rather than in isolation.

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. Focussing 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

The principle of development here is established by the allocation in the Local Plan.

b) Housing land supply and national policy context

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

For decision-taking this means: ‘...

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) 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; 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’.

In light of the recently published NPPF (December 2023), planning applications registered before 19 December 2023, such as this application, remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply. In such circumstances, the Council is not currently able to demonstrate a 5 year housing land supply with only 3.07 years of supply.

This position was exemplified in the recent appeal decision at Orchard Gate, Noads Way, Dibden Purlieu (Appeal Ref: APP/B1740/W/23/3324227), received 16 January 2024. The Inspector concluded that permission should be granted, as paragraph 11(d) of the NPPF was engaged due to the lack of a 5-year housing land supply and an appropriate balancing exercise was undertaken.

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

Taking NPPF paragraph 11(c), if the proposed development accords with the Council’s local plan it should be approved.

If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites and heritage assets.

Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

Affordable Housing and Housing Mix

Local Plan Policies HOU1 and HOU2 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 supporting table within the Local Plan (Figure 6.1 - below) 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 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. It is considered in this case that the market housing mix is acceptable as submitted.

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.

Policy HOU2 therefore requires that this development should aim to provide 50% affordable housing (which would be 27 units in this scheme) with

- 70% of the total affordable dwellings being split equally between social and affordable rent; and
- 30% of the total affordable dwellings provided as shared equity or intermediate tenure.

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.

	1-2 bed	3 bed	4+ bed
Affordable rental homes	60-70%	25-30%	5-10%
Affordable home ownership	55-65%	30-35%	5-10%
Market homes	30-40%	40-45%	20-25%

Figure 6.1: Indicative need for different sizes and tenures of home

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 current offer

As part of the applicants' viability assessment on their latest amended plans, they have provided the following mix of housing sizes across the development totalling 53 dwellings across all tenures:

Outline element (all open market – 41 units – 77% of total no. of units)

- 3 x 1 bed dwellings
- 19 x 2 bed dwellings
- 11 x 3 bed dwellings
- 8 x 4 bed dwellings

Full element (all affordable – 12 units – 23% of total no. of units)

- 2 x 1 bed social rent in new flatted block
- 2 x 2 bed social rent in new flatted block
- 2 x 1 bed affordable rent in new flatted block
- 2 x 2 bed affordable rent in new flatted block
- 4 x 2 bed flats shared ownership in old house

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

The applicants, in their submitted viability assessment, confirm that the proposed development is not policy compliant principally due to the development costs of bringing the site forward. That said the originally submitted scheme referred to above in the 'proposed development' section of this report proposed zero affordable housing allocation citing the cost of converting and extending the existing house, coupled with high development costs and the lack of value relating to the community use element of the scheme.

The new offer in the amended plans and as set out above is considerably improved on that starting position and now provides 12 no. units of affordable housing based on a policy compliant tenure split but still falling short of the 50% total required by Local Plan policy.

The percentage of affordable housing now offered equates to just under 23% which compares favourably with other recent approvals on other Fordingbridge strategic site parcels; the most recent being CALA Homes delivering 21%. All the Fordingbridge strategic sites to date have not been able to deliver a policy compliant scheme because of a range of issues surrounding land values, development costs and other factors. As per the CALA scheme this site also now delivers social rented units which are the most critically required tenure mix.

Independent assessor comments

The applicant's assessment has been reviewed by the Council's viability consultant Dixon Searle (DSP) for a full independent appraisal. On this occasion this has included a Quantity Surveyor (Martin Warren Associates) assessment of infrastructure and build costs put forward by the developer. Dixon Searle has considered these costs together with suggested benchmark land values, sale of finished house receipts and profit levels sought and has produced a report advising the Council.

The initial Dixon Searle report to the Council (dated 18 July 2023) was based on the originally submitted scheme and found that in essence there may be some further scope for discussion but that overall the values of the site including the existing large house depresses the opportunity significantly to offer affordable housing when taken together with the required S106 contributions and CIL costs and the economic strain caused by the proposed community element which has little economic value but significant delivery costs. The report referred to Government advice for the decision maker to assess the impact of the development and its sustainability overall taking into account all factors such as viability.

This initial report led to a period of reflection and discussion between the applicants and officers to consider how best to improve the ratio of site value to affordable housing delivery. The key mechanism here in doing so was to re-design the house layout part of the site such that a new flatted block could be introduced, which when coupled with the removal of the low value community element made some room for affordable housing delivery with the amended plans coming forward with a slightly higher number of units overall but crucially now with 12 no. units of affordable housing including social rent. The amended plans have resulted in an increase of affordable units from zero to twelve.

Dixon Searle were again asked to review the applicant's amended plans and consider the updated viability position. Their report (dated 4 April 2024) confirms that the applicant's viability statement is well reasoned and that overall whilst there has been a significant new offer of affordable housing this still means the development account is overall in deficit. Dixon Searle do however refer to the opportunity for the Council to further negotiate on some of the key costs relating to S106 contributions.

Officer assessment of affordable housing offer

Given the findings of the Council's independent viability assessor, on a balance of considerations, officers are minded that it is prudent to accept the applicants proposed Affordable Housing offer.

This takes into account the development viability of the site and the advice provided by Dixon Searle, the unknown state of the local and national economy and the time it may take to determine an Appeal in the event of a refusal, and the inclusion of a reasonable mix of social and affordable rented dwellings coupled with the shared ownership units in the old house are considered to be a reasonable mix and level of

units. When judged against other Fordingbridge schemes the current proposal compares favourably it is considered.

Officers are also minded that the overall proposed housing mix – for market and affordable housing alike - provides a suitable palette of dwellings in terms of size, tenure and typology.

Therefore, subject to a s106 planning obligation appropriately securing the Affordable Housing in perpetuity and a suitable condition for approved plans, the proposal would be acceptable given the provisions in policy IMPL1 and is considered to accord with Local Plan Policies HOU1 and HOU2.

However, this affordable housing offer is made on the basis of restricted contributions to those matters set out below under Section 106. Further consideration of this is set out towards the end of the officer assessment section of this report.

Landscape impact including nationally protected landscapes

This site is allocated for development in the adopted Local Plan and the principle of development in this location has been accepted and established.

Wider protected landscape impact

a) New Forest National Park (NFNPA)

There are two key factors relating to impact on the New Forest National Park. First the relationship of the site to the National Park and its intervisibility and impact of the development on setting. Secondly the impact of increased recreational use by new residents and on protected habitats. This latter impact is more widely discussed in the ecology section below.

The NPPF (para 182) sets out the key statutory tests applicable to National Parks (and AONBs- now called National Landscapes) echoed by Local Plan Policies STR1 and STR2 viz-

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks The scale and extent of development within all these 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.

Regarding the first issue the National Park boundary is located directly to the east, separated from the development by the A338. That said the proposed development itself is not visibly harmful when viewed from within land in the National Park and in terms of any impact on the setting of the National Park there is limited discernible impact on character for the reasons set out below.

The development includes the retention of a significant degree of open space within the site with the main elements of development centred around the old house or the land situated behind the Fairgate Centre which itself is a large building that

effectively will screen much of the southern portion of the site from views from within the National Park. To complement the development the draft landscaping proposals show a number of new trees to be planted together with the retention of the roadside hedgerow that borders the A338. The northern parcel of the site will be partially screened by the roadside hedgerow but again will also be provided with new tree planting to soften the impact of the development in views from the east.

It is considered that the development can be successfully assimilated into the local landscape with enhancement measures resulting in no significant harmful impact on the protected landscape or its setting. The applicants have submitted a Landscape and Visual Impact Assessment which assesses both landscape impact and impact on landscape character (LVIA). This document adequately demonstrates that whilst there will be some impact on the landscape character and appearance of the National Park including its overall setting this impact is not at such a level to warrant a refusal.

The National Park Authority in their consultation response are satisfied the development has been planned on a comprehensive basis with the rest of Site 18 and that the internationally designated habitats within the National Park have been properly considered in accordance with the Councils' established habitat mitigation scheme. The amended plans do not change this view.

In terms of overall impact on National Park purposes officers are satisfied that there are no substantive reasons to consider any adverse impact on those statutory purposes through landscape or other concerns. The impact in landscape and setting terms has also been considered at Local Plan allocation as well as at this planning application stage. There is no firm evidence that the development of this strategic site in combination with others will have such a detrimental impact on the setting of the New Forest National Park to warrant a refusal. The cumulative impact of this development in combination with the development to the west and south has also been taken into account and given the way that development is separated from the development the subject of this report means that the overall impact is not harmful either.

b) Cranborne Chase and West Wiltshire Downs National Landscape (formerly AONB)

The National Landscape is located some 2.5kms to the west of the site. The same requirements as for National Parks exist for LPAs who need to assess the impact and give great weight to the impact on and the need to protect the setting of the National Landscape. This is also underscored in locally policy set out above.

The small scale nature of this development and the distance from the boundary of the National Landscape help to mitigate any harm. The applicant's LVIA and viewpoints show the impact on the National Landscape is acceptable given the distance and intervening mature woodland that frames Site 18 to the north and west. The cumulative impact of this development in combination with the development to the west and south has also been taken into account. Given the way that the larger development to the west is separated from the development the subject of this report means that the overall impact is not harmful either. The impact of lighting on the International Dark Skies Reserve has also been taken into account and it is considered that the limited street lighting of this site can be adequately mitigated by a lighting strategy which takes into account the higher benchmark needed by location close to a National Park and National Landscape._

Local landscape impact

The applicant's LVIA demonstrates that the impact on local landscape character will be limited. The site locally will be read in context with the existing roadside development and the large Fairgate Centre industrial building which sits immediately to the east, south and north of the allocation. The site layout shows a significant area of the site devoted to public open space and ANRG and this creates a green wedge between this site and the development of the land to the south and west.

When the site was allocated its landscape impact was also considered at Local Plan stage. The site was considered suitable and not overly harmful to landscape character at that point. The application details now submitted have not changed that initial viewpoint. The proposal retains the significant roadside hedgerow and with new tree planting the impact will be very localised and well contained. The removal of the current unsightly and mostly derelict former agricultural buildings and their replacement with attractive new housing units will if anything enhance the tired and run down appearance of the current site. Similarly, the screening of the large Fairgate Centre industrial building by using smaller scale housing blocks to the immediate west of the building and further tree planting will soften the impact of this unattractive utilitarian building when viewed from the new public open space and ANRG land to the west.

The proposal in both local landscape terms and in terms of the impact on protected landscape is therefore considered to comply with both local and national policy.

With regard to the impact on local trees the Council's Tree Officer is satisfied that the impact is acceptable. The loss of one non-native Monkey Puzzle (Chilean Pine) which is subject to protection under a TPO is acceptable given it is a poor specimen and subject to a significant lean. This tree will be replaced by a heavy standard native tree within the nearby POS area.

Overall, it is considered that Local Plan Policy ENV4 which seeks to protect landscape character and quality is complied with.

Site layout, design, impact on local character

a) Site layout and building design

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.

Added to this local policy the Government has now revised its NPPF in December 2023, and this together with the Governments National Design Guide provides further advice in achieving improved standards of design in layout and house types.

The submission of this application follows a lengthy and iterative process of pre application engagement with officers. It was agreed by all parties that providing a design typology that had some grounding in the local history of this site was an

opportunity that should be grasped given its local and historic importance occupied as it was by a former wartime food depot and including the line of the former Salisbury to Fordingbridge railway, including a sidings to serve the depot. In addition, the site was used for many years for both agricultural and horticultural use.

The outcome of those discussions has resulted in an application which amongst all the strategic site submissions in Fordingbridge thus far best demonstrates a link to the site's past. Whilst appearance is a matter reserved for future approval, the housing design typologies submitted are based on four distinct typologies i.e. railway terraces, agricultural buildings, former Nissen Huts, agricultural farm houses and small outbuildings representing a stable type vernacular.

The applicants have submitted a Design Code which provides a template for those details to be submitted at Reserved matter stage. Compliance with this Design Code can be achieved through condition.

The increase in the number of dwellings brought about by the introduction of a new two storey flatted block situated in close proximity to Middle Burgate House picks up further on the agricultural typology and represents an appropriate building type. The comments of the Town Council are noted but the concept of providing a new block which has an agricultural appearance with timber cladding type materials is an appropriate one. The colour and details of the cladding and other materials can be conditioned. The very dark cladding shown can be lightened to give more of an agricultural barn like character.

The other comment raised by the Town Council relating to the affordable housing being all contained in one area does not cause any issue here. The appearance of both the house conversion and the new flatted block are not inferior in quality terms to the rest of the development. In that regard the affordable housing will be externally indistinguishable from the rest of the development and will be 'tenure blind' in that respect. The affordable housing units formed by the house and the new block will have a pleasant open outlook across public open space and a small play area. The separation of the car parking and access to this part of the site is a function of its location near to the main junction. There is a ready-made access to form both a parking area, bin storage area and private amenity space for the flats which works well, and which will be out of sight from public view. The word 'ghetto' is defined as a slum area inhabited by a deprived minority. (Collins English Dictionary). This small group of well-designed units which can be managed effectively does not fall within such a definition it is considered. The Local Plan policy and National guidance on 'pepper potting' and spreading affordable housing development throughout the site is less practical on this occasion. The small group of affordable dwellings will also be easier to manage as an 'estate' by a registered social housing provider (RSL) – a view supported on this application by the NFDC Housing Manager. This will make the proposal more attractive for a RSL to take on it is considered.

Finally, the alterations to Middle Burgate itself have now been scaled back with the removal of the large flat roofed community element and concentrates on consolidating the existing footprint of the building. The extensions to the building and demolition works do not detract from the simple character of this red brick New Forest farmhouse it is considered. The point about external cladding as mentioned by the Town Council can be picked up in conditions.

The proposed low build density of the site represents a balance between providing for the best use of land but at the same time respecting the countryside edge to the west and south in particular. In overall terms and stripping out the POS, ANRG and play areas from the site area the density of the site on developable areas for residential use is below 20 dwellings per hectare. This is considered appropriate for this sensitive site which borders the National Park to the east and which will retain a rural edge to the west bordering as it will the open space and ANRG provided by the Pennyfarthing development on 21/11237.

It should also be noted that overall Strategic Site 18 already has planning permission for a further 467 units which combined with the current site will provide for a total of 520 units which represents a 30% increase in the Local Plan allocation of a minimum number of 400 units. This represents therefore an efficient use of land in planning policy terms whilst still maintaining important local characteristics.

b) Sustainability and Climate Change SPD

The applicants have noted the adoption of the new Climate Change SPD and whilst this does not strictly apply to applications already in the system prior to the April 2024 Cabinet meeting they have nevertheless offered the following information. The principal objective of the Climate Change SPD is to encourage developers to take reasonable steps to minimise expected carbon emissions when designing and constructing new buildings. The following proposals are made in respect of this development which can be further detailed at reserved matters and discharge of condition stage.

The submitted Design Code which will form a condition of approval, and the Supplemental Sustainability Statement provides for the following -

- Building orientation to maximise opportunities for solar renewable for each property, maximise solar gain
- Compact one and two storey properties designed to minimise heat loss
- Fabric First approach to be adopted relating to thicker walls and higher levels of insulation
- Use of sustainable materials locally sourced where possible, and use of recycled materials
- No use of fossil fuels and focus on electrical technologies and communally for flats such as air source heat pumps
- Minimise use of private vehicles and encourage sustainable transport forms
- Use of SuDS and surface water management
- Fully compliant drainage and flood risk strategy
- CEMP to reduce energy use and emissions during construction
- Lighting strategy to use low energy features
- Water appliances and consumption to be up to date to meet Building Regulations
- Significant use of landscaping to provide cooling and shade
- Biodiversity enhancements throughout the site and buildings
- Overheating of buildings assessment at detailed stage of design to minimise such issues
- Mechanical ventilation heat recovery to be accommodated throughout
- High speed broadband and electrical charging points throughout the development.

Overall, it is considered that the development pays due regard to the new SPD and that there are opportunities to incorporate various sustainable build features into the development.

c) Public open space, play areas and ANRG

For the 53 dwellings proposed under NFDC Policy CS7 the development should provide

- 1.04 ha ANRG, (1 hectare = 10,000 square metres)
- 0.45 ha. informal public open space, and
- 0.0324 ha (324m²) play.

In this case the development proposes a total of 2.19 ha of open space which can be split to provide at least 1.2ha of ANRG land, and 0.99 ha of POS and 0.05 play as follows

- 1.22 ha of ANRG land (including the land under the control of Pennyfarthing – NW part of site)
- 0.79 ha. of public open space in the SW part of the site
- 0.20 ha of public open space in eastern and central part of site
- 0.052 ha. of play space split between a LEAP and LAP (520 square metres)

The application includes an area of land (0.9ha) currently under the control of Pennyfarthing Homes as part of their development site under 21/11237 directly to the west. This parcel of land which is due to accommodate public open space and a shallow drainage basin in the latest Pennyfarthing proposal is included in the current Middle Burgate application so as to make the ANRG dog exercise area more useable potentially as an off lead exercise area which can be fenced. Pennyfarthing Homes have their own collaboration agreement with the current applicant to include this parcel of land which can be controlled by the required Section 106 agreement entered into between the Council and the applicant. In this case Pennyfarthing Homes will be a signatory to the S106 so that this land can come forward at an earlier stage than planned as part of their own development. This parcel of land is not needed to fulfil open space requirements as part of their development. It can therefore be used by the Middle Burgate scheme and managed accordingly. This is in line with the collaborative approach put forward in the Local Plan where two landowners with separate strategic site parcels can co-operate to provide a comprehensive development acceptable in policy terms. The concern raised by the Council's Urban Design manager can be picked up as part of the detailed landscaping conditions set out below.

The SW area of POS shown on the plan can be used for a mixture of dog walking and informal open space e.g., as a kickabout space etc.

Overall, there is an over provision of public open space, ANRG and play areas which makes the development compliant with policy, particularly with reference to saved Local Plan Policy CS7

With regard to formal open space provision (playing pitches) see the S106 section below for further information.

Impact on setting of heritage assets

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

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

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2023.

- Paragraph 203 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

Criterion iii(a) of Strategic Site 18 policy in the Local Plan requires any development to conserve and enhance the setting of the listed buildings in Upper and Lower Burgate.

In the current application the main impact regarding Listed Buildings concerns Lower Burgate Farmhouse situated in the southern part of the site and bordering both the A338 and the public right of way FP83 to the south. This grade II Listed Building constitutes a traditional Hampshire thatched farmhouse with a range of outbuildings which are of less importance and non-traditional in nature. Added to this Lower and Upper Burgate combine to form an attractive linear settlement of Listed and non-Listed buildings situated close to the A338. The Listed Buildings at Upper Burgate and Burgate Cross are at some distance from the northern boundary of the application site (some 345m+) whilst the Listed Buildings at Lower Burgate (excluding the adjoining Lower Burgate Farmhouse) are much closer at around 60m to the former Tudor Rose Inn (now Fordingbridge Day Nursery) with some further Listed Buildings to the south. The Listed Buildings affected are the former Surma Valley restaurant (known as the Hour Glass previously), and Duveen. All of the buildings referred to are Listed Grade II.

To set this matter in context Members will note the adopted concept Masterplan for this part of site 18 shows a brown residential development zone immediately adjacent to Lower Burgate Farmhouse and adjacent to FP83 which lies in close proximity to the other Listed Buildings at Lower Burgate.

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

In particular the setting of Lower Burgate Farmhouse will change dramatically from its previous setting seen as part of an agricultural landscape with farm buildings and fields directly to the east. That building relationship and historic setting will change but this was inevitable given the Local Plan allocation in this area. That said the non-traditional nature of the farm buildings adjoining Lower Burgate has harmed its setting in a visual sense.

The new arrangement of a much lower single storey range of stable type barns 'converted' to small residential units will replicate the current intimate courtyard of Lower Burgate itself and will if anything enhance its setting. Other proposed buildings along the southern boundary of the site pick up on the agricultural theme and use a Dutch barn typology to represent what could be former agricultural buildings 'converted' to dwellings.

With regard to the other Listed Buildings at Lower Burgate these are further away and not seen in the same context relating more to the Metis Homes development site to the south. The impact on setting therefore will be much less marked than with Lower Burgate Farmhouse.

Similarly, the buildings at Upper Burgate are at some considerable distance and it is considered the setting of these buildings relates more to the Pennyfarthing development to the north and west which has taken into account through sensitive design along its edge the proximity of those Listed Buildings.

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

The Conservation Officer considers there to be less than substantial harm to the setting of the Listed Buildings which could be sufficiently offset either by other public benefits or the quality of the design and new buildings adjoining the heritage assets. This is a matter of judgement of course.

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

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

Overall, it is considered that the proposal meets the statutory legal tests, complies with Policies DM2, and ENV3 of the 2014 and 2020 Local Plans as well as NPPF advice set out above.

Ecological impact

a) Protected species, and opportunities for wildlife enhancement

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 advises that slow worms and bats are the main existing protected species that use the site with the possibility also of barn owls using some of the old agricultural buildings.

Bats - With regard to bats there will be a requirement that the Council takes into account the presence of bats and the development will result in the loss/disturbance of a day roost and feeding perch. The Council are therefore required to consider the likelihood of a European protected species license being granted by Natural England with the development complying with the need to show overriding public interest, with no satisfactory alternative and that favourable conservation status of the species would be maintained (IROPI test). The Habitat Regulations 2017 are thereby invoked.

The LPA considers that there is overriding public interest in this case whereby much needed housing land allocated in a Local Plan will come forward. The land is allocated and there is no satisfactory alternative that now exists. The 'do nothing' scenario can be ruled out as this is outweighed by the other public benefits of releasing open market and affordable housing as well as the biodiversity net gain and the other wildlife and mitigation enhancements achieved through this development. In addition, no action to the buildings currently acting as roosts will lead to the loss of this habitat facility through the eventual collapse of the buildings.

The Ecologist also considers that the applicant's Ecological Impact Assessment report is acceptable in that it recommends a sensitive lighting strategy be put in place together with alternative roost facilities through individual bat boxes placed throughout the site. Accordingly, it is considered that subject to these matters being conditioned there is every likelihood that a license will be granted by Natural England and that national and local policy are both satisfied.

Reptiles – an exceptional population of Slow Worms is present on the site along with a low population of Grass Snake. The application proposes a new reptile hibernaculum be established in the south western extreme corner of the site. This will also require a protective fence and translocation of any reptiles found on site prior to development commencing. The ECIA report suggests that the new habitat is protected by the S106 clauses and that an interpretation board is provided for educational purposes to limit encroachment and protection from dogs for the new protected area.

Birds – there is some evidence that Barn Owls have used the site in the past. This appears to be low usage and subject to a walkover survey before development commences the development is acceptable. The ECIA proposes individual swift bricks be incorporated into at least 23 of the dwellings. This can be accommodated in the conditions.

Hedgehog – The ECIA proposes incorporation of at least two gaps within close boarded fence lines to allow for movement between gardens and into the wider area. This can be confirmed by condition.

The Council has now developed a monitoring tool, and spreadsheet proforma which can list all the new features to be incorporated into the site and retained thereafter. This can be conditioned.

b) Biodiversity Net Gain (BNG).

There is now a national statutory requirement that all major development sites are subject to the 10% BNG improvement in local habitats enacted by the Environment Act 2021. Whilst this statutory requirement only applies to major applications submitted after January 2024. The current practice of the Council notwithstanding that point has been to require a 10% net gain on all major development sites based on the policy advice set out in the 2020 New Forest Local Plan.

The Council's Ecologist has reviewed the applicants BNG proposals. The updated calculations show a net on-site loss for area-based habitats and a net gain for on-site linear habitats. This will require an off-site improvement offset to be delivered and secured to deal with the shortfall. The BNG report identifies the Belport/Keyhaven scheme which is being developed in partnership with the Hampshire and Isle of Wight Wildlife Trust. This proposal is considered acceptable with some BNG provided on site and the shortfall accommodated by the purchase of credits for the approved local scheme. The BNG metric tool will need to be re-run at reserved matters stage given the hybrid nature of this application to establish the final amount of off-site credits to be secured. In addition, the BNG that is established on site will need to be monitored and managed and this can be achieved through a combination of condition and S106 Agreement.

c) Recreational Habitat Mitigation

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

In addition, any proposal for development of over 50 residential units must show mitigation on site. This is demonstrated in this case by the area of ANRG which is available for dog exercise such that potential trips to protected areas can be deflected by on site provision. The quantum of land available on site together with the way in which that land can be used including for off lead exercise complies with the Council's guidance on provision of ANRG as set out in its Habitat Mitigation SPD.

d) Phosphate impact on River Avon SAC (nutrient neutrality)

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon.

However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw.¹

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

¹ 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).

e) Air Quality impact on ecology

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

The applicant has confirmed that the necessary contribution can be secured through a S106 Agreement and consequently this matter can be considered to be resolved.

Overall, the proposal complies with Local Plan policies ENV 3 and CCC1 it is considered.

Flood risk, surface, and foul water drainage

The site lies wholly outside any Flood zone 2 or 3 which are the highest levels of flood risk from river and coastal flooding. The position of the River Avon directly to the east separated from the site by the A338 are designated as high-risk zone 3 flooding including functional river flood plain. The site however is not subject to such flooding concerns and is designated as zone 1.

With regard to surface water flood risk however the LLFA have asked for further information on disposal of surface water and sustainable drainage elements to ensure the site does not itself suffer from surface water flooding and the development can ensure that no off-site impacts will be exacerbated.

The amended drainage strategy makes the following general points

- The site is at a slightly higher level than road level and is not subject to any flood risk from the River Avon
- Existing ground conditions confirm the site is capable of a reasonable level of infiltration (water soaking into the ground naturally) rather than exacerbating run off.
- Recent groundwater monitoring has been carried out given the LLFA's concerns regarding the current high water table levels in the area
- The results of the monitoring shows infiltration is possible, which combined with a soakaways, swales and permeable surfacing can ensure no flood risk from surface water.

Members are referred to the comments of the County Council Local Lead Flood Authority (LLFA).

The applicants have taken into consideration the comments of the LLFA and provided a revised drainage strategy which can be the basis of final details to be agreed by condition.

Foul drainage can be catered for with sewage connecting to an adopted foul sewer in the vicinity of the site which runs along the southern boundary and installed by Metis Homes as part of their development. This will necessitate a single pumping station which can be accommodated with the eastern POS area of the site. Final details of the foul and surface water drainage scheme can be conditioned.

The LLFA in their latest comments also recommend a long term maintenance plan for drainage to be agreed prior to occupancy. This is added to the conditions.

Overall, it is considered that the proposal complies with Local Plan Policies ENV3 and CC1

Highway safety and sustainable transport

a) Access proposals

The proposal indicates a new T junction onto the A338 which incorporates the original access to the Middle Burgate House. The existing road-side hedgerows will be maintained and there is sufficient visibility when exiting the site both to the north and to the south. The existing pavement that runs along the eastern site boundary can also be maintained.

The Highway Authority have considered whether there is a need for a right turn lane and consider that it is not needed given the scale of the development and the improved access that can be created. The new junction will double in the short term as a construction access point for the new link road approved as part of Site 18 thereby negating the need to use the recent development estate road at Augustus Park as requested by Members in an earlier report on Site 18. The approved junction will therefore be in place at an early stage and there will be no difficulties in that respect with providing construction access for the Middle Burgate scheme without inconveniencing existing residents or for traffic having to use the town centre. A Section 278 Agreement with the Highway Authority will be required, and this can be accommodated in the S106 Agreement attached to any planning permission.

b) Site layout

The site layout is shown in detailed form for both the outline part of the development and the full part centred on Middle Burgate House and the new flatted block. The estate road layout provides a series of roads and cul de sacs serving the outline part of the site and a dedicated access point and new car park and turning facility for the flatted block and Middle Burgate house conversion site. The position of the side junctions onto the estate road are considered acceptable along with sufficient turning areas for refuse and emergency vehicle access. The Highway Authority have requested a construction traffic management plan and this can be conditioned.

The site layout indicates an emergency point of vehicular access onto the public right of way footpath 83 which runs along the southern boundary of the site. This is shown on the plans as for emergency use only and will be bollarded during normal operations with emergency use only should the main access into the site be blocked

for whatever reason. This will need to be conditioned in perpetuity as it would not be acceptable to use the public footpath as a right of vehicular access generally.

c) Trip generation and road capacity

The Highway Authority have considered trip generation from the new development and the capacity of local roads and have no objections on either count. There is sufficient capacity on the existing road network to accommodate the new development without further off site highway improvements.

d) Sustainable transport opportunities

The Highway Authority note the layout does allow for sufficient connection to the adjoining development parcels both to the south through the Metis Homes development and to the west through the Pennyfarthing Homes development. Opportunities are shown for new pedestrian pathways and cycleways from the development site to both of the adjoining sites. Direct access is available from the site to the footpath 83 to the south and from there onwards to the Metis Homes development and the dedicated path and cycleway in that scheme. Whilst the path and cycleway through the Metis Homes site will not be formally adopted as public highway this facility is still shown to be included within the public open space area of the development and the S106 Agreement for that site requires this area and the pathways to be kept available for general public use in perpetuity.

The application also provides dedicated cycle storage for every dwelling as well as electric charging points.

Access to the south gives a direct easy access to both the Secondary and Primary Schools. Access to the west gives a direct access to the new pathways and cycleways included in the road development currently under construction as well as to new bus stops for the diverted Bournemouth to Salisbury service which is to be diverted to travel along the new link road.

A narrow strip of land along the remainder of the southern boundary does lie in the ownership of a third party. Whilst the development shows pedestrian and cycle links over that land those links cannot be delivered at this stage as it would include land not in the applicant's control. That land which has no existing use other than agricultural land and may come forward at a later date through mutual agreement between the parties. In this case there is an alternative link between the two sites for pedestrian and cycle access.

The Highway Authority are therefore satisfied with sustainable transport options.

e) Car parking

Car parking is a matter for the District Council to consider rather than the Highway Authority. In this case the site is split into two parcels. The detailed site layout for the Middle Burgate conversion and new flatted block shows a new parking courtyard accommodating 20 parking spaces and 4 visitor spaces. The Council's Car Parking SPD indicates a need for 18 spaces for this part of the site catering for 1 and 2 bed units, so the development is compliant.

The outline estate development part of the site has a need for a minimum of two parking spaces per smaller dwelling and 2.5- 3 spaces for 3 and 4 bedroom units. The proposed car parking will be by way of a mix of on plot surface parking, garages and open fronted car barns. The Transport Assessment confirms that the SPD standards will be met on the site. Officers consider that the car barns should be retained as open fronted features so that car parking in those buildings will be encouraged. Similarly, any integral or closed garages will be conditioned such that they cannot be converted to additional living accommodation or outbuildings without a further grant of permission again to encourage their use for parking. The outline part of the site also allows for visitor parking on laybys or within courtyards. Each new dwelling will also have dedicated cycle and provided with electric charging points. Members are also referred to the final suggested planning condition which seeks to maintain garages and car ports as potential parking spaces.

There are therefore no objections on parking and layout grounds. It is considered that the proposal meets the requirements set out in the Council's SPD on parking.

Environmental health and protection considerations

i. Air quality

The applicants have submitted an updated air quality assessment. This considers impact from dust during construction, reference to in combination effects, and the Council's own Air Quality SPD. The earlier suggestion of an on-site energy plant has not been brought forward to the amended scheme given a level of uncertainty over that provision. The Council's Environmental Protection team are satisfied the development is acceptable subject to a construction environmental management plan being conditioned to cover dust management, noise and light spill amongst other matters. This can be included in the conditions.

ii. Noise – pre and post construction, and lighting

The Council's Environmental Protection team are satisfied that noise during construction and noise impact from the A338 post construction on the health of those new residents can be managed through a CEMP referred to above and an acoustic design statement (ADS). The latter has already been submitted and identifies some road noise and noise from the adjoining industrial units. This can be managed however by condition to ensure the development is carried out in accordance with the mitigation measures set out in the ADS.

With regard to external lighting no details have yet been submitted so a condition is recommended requiring a full lighting assessment to ensure that lighting does not adversely affect existing residential properties. It is important that any external lighting is compliant with the appropriate Environmental Zone. In this case given the proximity of the National Park it is considered that zone 1 is appropriate when designing the lighting layout. This higher standard will have the double benefit of ensuring no impact on human health receptors and the protected landscapes including the Dark Skies Reserve are protected. A condition will be imposed requiring a full lighting strategy for the whole of the site. This condition should also restrict future security lighting on the site which can be obtrusive. The lighting strategy should also take into account wildlife interests (particularly bats) as noted above.

iii. Contaminated land

The applicants have submitted a Contaminated Land Desk Study Report which concludes there is some potential for soils to have been impacted by the previous use of the site. The potential risk to site future users is assessed as moderate with a potential high risk to controlled waters. A site investigation is required to better understand actual ground conditions and conditions are suggested by the Environmental Protection team to cover these points. There are however no objections in principle to the development as presented.

Overall, it is considered that the proposal complies with Local Plan Policies ENV3 and CCC1

Impact on residential amenities of neighbours and wider public

Members will note above the limited local comments received to this application. The objections raised have all been considered either in this section or in other parts of this report. Some of the comments made have no evidentiary basis whilst some comments relating to loss of property values are not material considerations. Turning to an assessment of the impact on local amenity the following comments are made.

There will be a limited impact on the wider public amenity from this development given its limited frontage to the A338 and the retention of open countryside to the east of the site. This land being seen as part of the current open countryside will inevitably change arising out of the Local Plan allocations for this part of Fordingbridge. There are few local residents who currently walk along the A338 and those that do will probably use the much more convenient and attractive route running alongside the new link road in the future.

Turning to more localised impact on adjoining and nearby residents there will be some impact on those properties which currently front the A338 on the eastern side of the road. There are a group of such dwellings centred on the Avon Manor complex which includes a number of dwellings and holiday lets. Kingfisher Cottage and its own holiday lets is the most northerly of this group and is closest to the improved Middle Burgate access. This property in particular will experience a significant increase in traffic turning into and coming out of the development site but that said the improved junction lies to the north of the primary residential curtilage of this property so is not directly affected. The proposed extensions of Middle Burgate House will not significantly exacerbate any overlooking of Kingfisher Cottage. The A338 frontage development in the northern part of the site is separated from the road corridor mostly by POS so there will no impact. The dwellings to the south of Kingfisher Cottage will see no change in the current situation given their relationship with the Fairgate Centre and its access will remain unchanged.

Wheelwrights Post sits to the north of the development site and is separated from it by a parcel of other land included in the Site 18 allocation so there is no impact from the Middle Burgate development other than the increase in traffic referred to below.

In the south eastern corner of the site the development adjoins the curtilage of Burgate Farmhouse. This building is a Grade II Listed Building and is referred to above. In terms of residential amenity impact the development adjoining will be planned such that it is single storey in form and providing an attractive courtyard of

buildings similar to the Listed Building arrangements. Whilst that property owner has raised objections to the plans and this remains a material consideration, Officers are satisfied there will be no harm to privacy or overlooking from the new development. Access to Burgate Farmhouse is gained via vehicular rights to use the Public Right of Way (PROW) FP83 running along the southern boundary of the site. Vehicular use from the development site onto this PROW will be restricted to emergency use only so there will be no loss of amenity for Burgate Farmhouse in that respect. Flood risk and surface water matters have also been considered above and the detail of any mitigation can be conditioned. The property also has an adjoining party wall with the new development but any works to that wall will need to be separately agreed with the adjoining property given the wall is claimed by that property. The grant of planning permission gives no rights to carry out works to a wall in a separate ownership.

Doleswood sits just to the south of the FP83 route opposite Burgate Farmhouse. This property will be affected by the new single storey courtyard adjoining Burgate Farmhouse and will sit less than 20 metres away from the nearest new single storey building, but for the same reasons as above the new development will not directly affect Doleswood by virtue of overlooking or additional traffic.

Keepers Gate also sits alongside FP83 but has only one new property planned which is situated some 60m from its eastern elevation. There is no direct overlooking or loss of privacy albeit pedestrian use will increase alongside the FP83 route.

Finally, the Metis Homes development creates a new line of development which faces and backs onto the FP83. Again, the relationship with the new development planned for Middle Burgate will be an acceptable one with limited overlooking and a reasonable degree of separation in excess of the normal 21m distance guideline.

Overall, the concerns raised by a limited number of local residents have been fully considered but there are no unacceptable effects identified in the planning assessment, consistent with policy ENV3, which would justify a refusal of planning permission on this occasion.

Minerals safeguarding and sustainable use of minerals on site

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.

Education and school place planning

Hampshire County Council Children's Services have been consulted on the application. They confirm that the development as amended will generate a total of 12 additional primary age children and 9 secondary age children. The development is served by the Fordingbridge Infant and Junior School and the Burgate Sixth Form Academy. The County Council have prepared a Schools Places Plan within which it estimates and sets out a rationale for arriving at costs of expansion based on previous projects. In this case it is calculated based on the plan and the number of

new pupils that a financial contribution of £248,748. is required towards the expansion of the primary school. No contribution is being sought for the Burgate school as the school currently admits children from out of the County catchment area.

The Service confirms that 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 cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

With regard to the requested financial contribution, the impact of this element of contribution if taken as a S106 cost on affordable housing will mean that the affordable housing offer could be further reduced. As set out above, Officers have negotiated a position with the applicant whereby the scheme can now provide 23% affordable housing from a starting position of nil. The Education Authority is seeking a contribution of nearly £21,000 per place (only 12 school places are generated). Whilst the resourcing of the education system is a material consideration as a consequence of housing growth, a balance therefore needs to be struck between ensuring that provision is made for future education needs and the need to provide for affordable housing on the site. The County Council will be invited to make an application for CIL funding once the school expansion project is in place to cover this amount rather than see it be taken from the development as a S106 cost. In this case there will be sufficient CIL funding available to cover the amount required.

S106 contributions and Heads of Terms in the event of an approval

Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and the Council's latest 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 with contributions.

Affordable Housing – provision of 12 affordable dwellings including future monitoring costs comprising 4 social rent, 4 affordable rent and 4 shared ownership flats with the following mix

- 2 x 1 bed social rent in new flatted block
- 2 x 2 bed social rent in new flatted block
- 2 x 1 bed affordable rent in new flatted block
- 2 x 2 bed affordable rent in new flatted block
- 4 x 2 bed flats shared ownership in converted/extended house

Air quality monitoring contribution of £109 x 52 net no. of dwellings = £5668

ANRG, POS and play spaces 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.

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 with all trees and soft and hard landscaping maintained for minimum period of 30 years.

County Council charges for preparation of Agreement

District Council Monitoring Charges - all prior to first occupancy

- Recreational Habitat Mitigation commencement - £847
- Recreational Habitat Mitigation physical inspections £12,178
- Public open space monitoring £6863
- Biodiversity Net Gain monitoring £5225
- Affordable housing check - £847

Drainage - 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

Habitat mitigation non infrastructure contributions based on latest mix of housing across site of £40,868 (allowing for existing 4+ bed property deduction)

Footpath 84 maintenance sum contribution of £12,500 to go towards future maintenance of the newly improved path surface.

Site access to be subject to final approval through S278 mechanism in accordance with the submitted drawings and final technical drawings to be approved.

Footpath and cycle connections to FP83 and through the Metis Site – to be available for use and maintained in perpetuity.

Reptile Hibernacula – ongoing future protection and retention of the reptile hibernacula including the provision of public information board

Community Infrastructure Levy

As part of the development, subject to any relief being granted the following amount of Community Infrastructure Levy will be payable:
Liability for the 12 units which is the full part of the scheme is set at 944.89sqm which equates to £110,770.

*Affordable housing can reduce the headline rate of CIL payable and an application for social housing relief must be made prior to any demolition or other commencement.

The outline element of the scheme will have liability confirmed at reserved matters stage. Existing buildings and any allowance for same will be considered at the point the reserved matters application are determined.

Response to Town Council objections

Having considered all matters in detail the following is a response to comments received from the Town Council

- **Access concerns** – the Highway Authority have considered the amended plans in detail and there are no highway grounds to refuse the application.
- **Segregated affordable housing** - the report above responds to this point. There are no objections to the grouping of the affordable housing on this occasion. The appearance of the units are not inferior to the remainder of the site and the grouping of the buildings assists a registered social housing provider in being able to manage the group more effectively.
- **Design of flatted block** - The concerns raised by the Town Council are noted. However, officers consider that the theme of this building having an agricultural feel with board cladding works well with the history of the site and the applicant's desire to create a development based on the unique history and local characteristics of this site. The colour of the cladding will be agreed later. A lighter cladding rather than the black shown will underline the agricultural theme for this building.
- **Community building** - The failure to deliver a community building is regrettable. However, the adjoining site will provide a community building as part of the planning permission so there is no need to duplicate the facility in this application. Secondly, the provision of flats above a community building may have caused an element of discord between the two uses. Third the community building was a further significant drag on providing affordable housing given its low economic value, but high build costs. Such a facility therefore depressed the opportunity for affordable housing which is a high priority for the Council. Finally, such a facility whilst being an attractive proposition was not a policy requirement and there was no body coming forward expressing a wish to take it on and manage it in the long term.
- **S106 matters** - The significant reduction in the S106 contributions first suggested by the applicant in the amended scheme has now been tempered as above. The key priorities have all been addressed satisfactorily and all the key elements of need are satisfied in the way set out above.

Consequently, it is considered that the concerns expressed by the Town Council whilst being noted are not sufficient to sustain a reason(s) for refusal on this occasion.

Planning Balance and Conclusions

Members are aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay. The lack of a demonstrable five year land supply, consistent with the Noads Way appeal decision means, however, means that the tilted balance in paragraph 11d) of the NPPF is engaged for this application.

This site is allocated for development within the adopted New Forest Local Plan (Strategic Site 18) and will make an important contribution to the district's housing supply.

The development will deliver 41 open market dwellings and 12 dwellings for affordable housing with a range of apartments including four homes for social rent for those on lower incomes. The inclusion of a suitable viable mix of affordable housing weighs significantly in favour of an approval of permission. The remainder of the scheme brings forward a suitable mix of 1,2,3 and 4 bedroom market dwellings which is compliant with the policy requirements set out above.

The development will have no significant impact on landscape character, the setting of Listed Buildings, or local residential amenities. The development has no significant impact on the setting of protected landscapes i.e., the New Forest National Park and Cranborne Chase National Landscape and any landscape character impact has been mitigated through the measures set out in the application.

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. Subject to appropriate licensing from Natural England there are no adverse impacts on bats within the application site.

The development has evolved since its submission and whilst the earlier scheme was not considered to be acceptable for a number of reasons principally because of a lack of affordable housing, the amended scheme supported by an updated Design and Access Statement and a Design Code, and the other submitted plans weighs in favour of a permission. In particular, the high quality of the design and site layout coupled with new tree planting

are supported. The bespoke nature of the design and layout pay tribute to the varied history of this site which is welcomed as creating a well-designed development with a real sense of place and being compliant with policy ENV3 of the Local Plan.

The Council has had careful regard to the submitted plans and reports and their details and conclusions have been amended following discussions with officers. The 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. All local objections have been read and taken fully into consideration in reaching this recommendation.

The Council has carefully considered the impact on local residential amenities both in relation to those adjoining the site and to the wider public.

Overall given there are no technical objections to the proposal which coupled with the substantial public benefits including those centred on the release of much needed open market and affordable housing, the opening up of private land of 2.5 hectares (6 acres) to public beneficial use, and the sustainable development as set out in this report the proposal is considered to be generally in line with local and national policy and guidance. Essentially, the proposal is considered to comprise sustainable development in line with Local Plan Policy STR1.

As such, it is considered that the benefits of the proposal outweigh any of the identified harm. As such, the proposal is recommended for approval subject to conditions and the applicant first entering into a Section 106 agreement to deliver the benefits as set out above

13 RECOMMENDATION

Delegated Authority be given to the Service Manager (Development Management) to

GRANT PERMISSION subject to:

- i) the completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:
 - Affordable housing provision and maintenance
 - Air quality monitoring contribution
 - ANRG, POS and play space provision and maintenance
 - Biodiversity net gain including any off site contributions
 - County Council S106 agreement preparation charge
 - District Council monitoring charges
 - Drainage management and monitoring arrangements
 - Habitat mitigation non infrastructure contribution
 - Footpath 84 maintenance sum contribution
 - S278 site access provision
 - Footpath and cycle connections to FP83
 - Provision and maintenance of reptile hibernacula

- ii) such agreement to be completed by end of December 2024.
- iii) the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

Proposed Conditions:

1. Standard Time limit for full element

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. Reserved matters time limit

The application for the approval of reserved matters shall be made within a period of three years from the date of this permission. The development shall be begun no later than two years from the final approval of 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).

3. Reserved matters details

No development shall take place on any outline part of the site including site clearance and demolition works until the scale and appearance of the development which shall include detailed elevation and floor plans, and the hard and soft 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 the development, have been submitted to and approved in writing by the Local Planning Authority. 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. Design Code implementation of the development

The development shall be carried out in accordance with the submitted Design Code dated April 2024 and as supported by the Design and Access Statement dated October 2023, and the Supplemental Sustainability Statement dated April 2024 .

Reason: In the interests of achieving a well-designed development

5. In accordance with approved plans

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

P001 rev B Application site boundary
P002 rev Z Proposed site layout plan whole site
18036-4 Tree protection plan

Outline element

P009 rev D Proposed southern site layout
P010 rev D Proposed northern site layout

Full Element

P004 rev H Middle Burgate House site layout
P005 rev C Middle Burgate House proposed ground floor
P006 rev C Middle Burgate House proposed first floor
P007 rev C Middle Burgate House proposed roof plan
P008 rev C Middle Burgate House proposed elevations

P011 Flats proposed ground floor
P012 Flats proposed first floor
P013 Flats proposed roof plan
P014 Flats proposed elevations
P017 Bin and Bike Store

Reason: To comply with New Forest Local Plan 2020 Policy ENV3

6. Phasing of development

No development shall take place, including any site clearance and demolition works, until a detailed phasing plan, including all on and off-site works, plot construction programme, 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 works, has been submitted to and approved in writing by the Local Planning Authority (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

7. Materials and final drawings and details – full application

For the full element of the development prior to the commencement of any works above dpc level of any of the dwellings hereby permitted a final elevation and floor plan for the proposed flatted block and the conversion and extension to Middle Burgate House and the proposed cycle and bin store to include all materials (manufacturer names, type and colour) to be

used i.e. facing bricks, wall renders, weatherboarding, tile hanging including finish and colours, joinery details, roofing materials, eaves boards, ridge tiles, solar and photovoltaic panels or other renewable energy measures including the finish colour of the EV charging box to be used on individual plots, together with the materials and colour of rainwater goods, soil and vent pipes, meter boxes including their intended finish, shall be submitted to and agreed in writing by the LPA. The details as referred to in the Supplemental Sustainability Statement dated April 2024 shall also be included in the details set out by this condition.

In addition, the above details shall include the material and colours of all new windows and doors with typical reveal and cill details, external doors, garage doors, and rooflights (including flashings to be used with flush fitting preferred) to be submitted to and agreed in writing by the LPA together with the details of opening of windows with all windows to be sash or balanced casement rather than top hung except for fanlights.

The development shall be completed in accordance with the approved details.

Reason: In the interests of the appearance and character of the development

8. Final details of road infrastructure works

No development shall take place until a scheme has been submitted to and agreed in writing with the LPA showing the final details of levels and the design and surface materials for all new road infrastructure works and access roads within the site (including foot & cycle paths, pedestrian and cycle crossing points)

No dwellings shall be occupied until the approved details have been fully implemented in accordance with the agreed phasing plan.

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

9. Construction Traffic Management Plan

No development shall take place, including site clearance or other demolition works until a Construction Traffic Management Plan, to include details of provision to be made for the following -

- 1) on-site contractor's parking, and mess facilities
- 2) construction traffic access,
- 3) site exiting construction vehicle and road cleaning procedures,
- 4) the turning and parking of delivery vehicles within the confines of the site,
- 5) lorry and delivery vehicle routeing to and from the site
- 6) delivery times for construction materials including soil and hardcore
- 7) a programme of works including phasing

has been submitted to and approved in writing by the LPA. 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

10. **Access visibility**

Prior to first occupation the visibility and forward visibility at the site access onto the A338 as set out in the approved plans shall be provided. All such visibility shall be maintained thereafter with no vegetation over 600mm within such splays.

Reason: In the interests of highway safety.

11. **Prohibition of use of Public Right of Way FP83 for motorised vehicles**

There shall be no use of the public right of way Footpath 83 for motorised vehicles of any type from or to the development site other than during periods of emergency when the main junction and access into the site cannot be used. The access road leading to the southern boundary of the site as shown on the approved site layout plan P009 rev D shall be blocked to all such vehicular traffic by the use of lockable bollards the design and exact position of which shall be agreed in writing with the Local Planning Authority and implemented prior to the use of that part of the road referred to and maintained as such thereafter.

Reason: In the interests of highway safety and the protection and amenity of users of the public right of way.

12. **Car & Cycle Parking - outline element**

Prior to the commencement of development for the outline element of the development full details of all car parking arrangements for each dwelling including garages and car barns, and all cycle storage shall be submitted to and approved in writing with the LPA. The details shall include the means of ensuring that off plot spaces are allocated to particular units. All car parking spaces, garages, car barns, as well as a timber sheds to be provided for each dwelling for cycle storage shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be retained as such thereafter.

Reason: To ensure sufficient car parking and cycle parking is provided on a phased basis prior to occupancy of individual units in accordance with New Forest Local Plan Part One 2020 Policy ENV3 and CC2.

13. **Minerals safeguarding**

No development shall take place, excluding site clearance, enabling and demolition works, until a method statement covering the following matters has first been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that any minerals found on the site can be re-used in accordance with New Forest Local Plan Part One 2020 Policy STR9

14. **Surface Water drainage details**

No development shall take place until a detailed surface water drainage scheme for the site, based on the principles within the drainage strategy, has been first 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 drainage strategy.
- b) 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.

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

15. **Foul water drainage scheme details**

No development shall take place until a detailed scheme to deal with foul sewage, including connections to existing foul drainage systems, and the details of the proposed pumping station, have been submitted to and agreed in writing with the LPA. No occupation of any dwelling shall take place until the approved scheme is implemented.

Reason: To ensure that a foul drainage scheme is available prior to occupation.

16. Long term drainage maintenance arrangements

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

- 1) Maintenance schedules for each drainage feature type and ownership
- 2) Details of protection measures

The arrangements as approved shall be in place prior to first occupation and maintained as such thereafter.

Reason: To ensure that an adequate and satisfactory drainage system and flood risk measures are in place to serve the development so as to comply with Local Plan policy ENV 3 and CCC1

17. Phosphate mitigation and water efficiency

The development hereby approved shall not be occupied unless

- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

18. Archaeological evaluation and recording

- A) No development including any demolition and site clearance shall commence until an iterative programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under section A above.
- 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 section A and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Further archaeological work may be required subject to the findings of the evaluation.

Reason: To ensure that an accurate evaluation, assessment and record is made of any archaeological finds that may lie within the site in accordance with Local Plan Part Two 2014 Policy DM1

19. Tree Protection during works

No development shall take place including any demolition or site clearance until the tree protection measures as set out in submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement Ref: 18036-AA3-DC dated 5th April 2022 and corresponding Tree Protection Plan Ref: 18036-4 have been installed on the site. The protection works shall be retained throughout the construction phase of the development.

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

20. Final hard and soft landscaping details and landscape framework

No development shall take place until the following outstanding details of hard and soft landscaping of the whole site has first been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following for all parts of the site:

- a) a detailed landscape framework plan covering the whole site and larger scale hard and soft landscaping plans and details to cover sections of the site.
- b) tree planting details including species, size, protection, staking methods, irrigation, mulching and any other details.
- c) details of all soft landscape planting including plant species, size and numbers
- d) a specification for the protection and establishment of all new planting (e.g., temporary fences, rabbit guards, mulching);
- e) details for hard surfacing (where not a part of the highway) and the materials to be used to include details of all bridges and boardwalks
- f) details of fences, walls, piers, bollards and all other means of enclosure including typical elevations showing any decorative brickwork, soldier courses etc.
- g) details of all street and open space furniture (railings, bollards, seats, bins,) and all bin collection points
- h) a method statement and programme for hard and soft landscaping implementation
- i) at least two interpretation boards relating to the ANRG and ecological interest of the site with a separate reptile hibernacula information board relating to that part of the site.
- j) details of all service routes and any necessary tree protection measures or root barrier systems
- k) existing and proposed levels for all pathways, cycleways and boardwalks including details of any stepped sections

All external works for domestic and public spaces (hard and soft landscape) shall be carried out in accordance with the approved plans and details set out above and maintained thereafter as planted/built and subject to changes or additions only if and as shown in the landscape and ecological management plan and maintenance plan referred to below or as may be agreed in writing with the Local Planning Authority.

The development shall be undertaken in accordance with the approved details for all parts of the site

Reason: In the interests of complying with New Forest Local Plan Part One 2020 Policy ENV3

21. Landscape implementation and maintenance.

The approved hard and soft landscaping shall be carried out in a phased manner as agreed above. Within public areas of the site outside the curtilage of any dwelling any trees, hedgerows, plants and shrubs which die, become damaged or diseased within 30 years from the full completion of the landscaping scheme shall be replaced with the same species unless otherwise agreed in writing with the LPA in the next available planting season. Within public areas of the site all hard and soft landscape maintenance shall be carried out in accordance with the details pursuant to the LEMP condition below.

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

22. Public areas, landscape and ecological management and maintenance plan (LEMP)

Prior to first occupation of any dwelling detailed proposals for the management and future maintenance of all hard and soft landscaping in areas of the site outside any residential curtilage including all public open spaces, highways, footways, cycleways, flood detention and SuDs basins and swales, play areas and equipment, street and open space furniture, and ANRG areas within the site shall be submitted to and approved in writing by the LPA.

All such areas shall be managed in perpetuity for open access to the public and maintained as such thereafter in accordance with the approved management and maintenance plan and as required by the allied legal agreement pursuant to Section 106 of the Town and Country Planning Act attached to this permission.

Reason: In the interests of the protection of landscape and ecological assets on site and their continued protection and enhancement, and to ensure that all public areas are properly managed

23. Environmental protection - CEMP

No development shall take place, including any works of demolition, until a Construction Management Plan (CEMP) 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 continued liaison 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 ensure that construction works are not harmful to existing local residents who may be affected during the works and to comply with Local Plan policy CCC1

24. **Environmental protection Noise**

The proposed mitigation measures for dwellings set out within the approved Stage 2 Acoustic Design Statement (ADS), Clarke Saunders Acoustics dated 26 October 2022 (ref: AS11784.201026.ADS) shall be implemented in full prior to first habitation unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the health and well-being of any new residents who may be affected by noise

25. **Contaminated land overview and procedures**

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 nos.25-29 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 29 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).

26. **Contaminated land - risk assessment and appraisal**

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).

27. Contaminated land - 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).

28. Contaminated land - verification report

Where a remediation scheme has been approved in accordance with condition 27, 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

29. Contaminated land - reporting procedures

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 26, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27, 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 28.

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).

30. Environmental protection - CEMP

No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) 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:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- 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);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials, including permitted times for deliveries;

- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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);
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To ensure that construction works are not harmful to existing local residents who may be affected during the works and to comply with Local Plan policy CCC1

31. **Environmental protection Noise**

The proposed mitigation measures for dwellings set out within the approved Stage 2 Acoustic Design Statement (ADS), Clarke Saunders Acoustics dated 26 October 2022 (ref: AS11784.201026.ADS) shall be implemented in full prior to first occupation unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the health and well-being of any new residents who may be affected by noise

32. **Details of play equipment and associated facilities**

Within three months of the commencement of development a detailed specification of the detailed site layout (including any changes of levels) and design of all new play equipment and street furniture to be provided within the proposed LEAP and LAP within the site including any facilities such as benches and bins, shall be submitted for the written approval by the LPA.

In addition, details of the intended informal all-purpose recreational space in the south-western part of the site including any necessary ground remedial works and a management and maintenance regime for that area shall be submitted for approval by the Local Planning Authority.

The play details and associated facilities as may be agreed shall be provided and made available for use prior to the first dwelling being occupied, or in line with a phasing plan of provision to be agreed as part of this condition.

All play equipment and street furniture, and other facilities in connection with the use of the play areas, and other areas of POS shall be kept available for the public use in perpetuity and maintained in accordance with any

provisions set out in other conditions or as part of any Section 106 Agreement attached to this permission.

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

33. Biodiversity net gain - securing 10% uplift

Prior to the first occupation of any dwelling the details of a BNG package of on-site supplemented if necessary off-site of BNG shall be submitted to, and approved in writing by, the LPA. This package, whether on or off site or a combination of the two, should secure the identified 10% BNG arising from the development and include:

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

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

34. Ecological protection during construction

The development shall be carried out in accordance with the recommendations for ecological protection and mitigation set out in the updated Ecological Impact Assessment dated November 2023.

Reason: To ensure that all protected species on the site are adequately protected and dealt with throughout the construction period and to comply with Local Plan policies ENV3 and DM2.

35. Reptile protection and provision of new habitat and hibernacula

Prior to the commencement of any works in those areas of the site shown in the ECIA as being suitable reptile habitat including demolition and site clearance, the receptor site preparation works (i.e. management and planting) and the capture and translocation methodology as set out in the updated ECIA November 2023 shall be undertaken and a written report submitted to the LPA detailing the results of such work. The new hibernacula as set out in the ECIA shall be fully installed on site prior to any other works taking place including site clearance and demolition and securely fenced as set out in the approved details. The hibernacula and habitat created within the identified receptor site shall thereafter be maintained on site in perpetuity and maintained as part of the BNG management and monitoring plan set out above and in accordance with the terms of the conditions attached to this permission and any relevant clauses set out in the Section 106 appended to this permission.

Reason: To ensure that all protected species on the site are adequately protected and dealt with throughout the construction period and to comply with Local Plan policies ENV3 and DM2.

36. Wildlife enhancements for dwellings and site

No development shall take place above damp proof course level of any dwelling until a detailed scheme (to include the submission of the LPA's checklist and schedule proforma, together with a plan or series of plans showing the location of the features) for the placement of bird and bat boxes and swallow and bee bricks for each dwelling and apartment block, as well as any other wildlife enhancement schemes such as hedgehog highways has been submitted to and approved in writing with the LPA. The development shall be completed in accordance with the approved details for each house and apartment block at scaffold construction stage. The enhancements shall be in place prior to occupation of the building to which the enhancements relate and maintained as such thereafter. The scheme to be submitted shall follow the recommendations contained in the ECIA report submitted with the application.

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.

37. Lighting design strategy - ecology and human health

No phase of development shall take place until a "sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/23 'Bats and artificial lighting in the UK' for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- 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;

- 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 predictions of vertical illuminance (E_v) affecting nearby human receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light (GN01:2021)

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed on or around the dwellings hereby approved without the prior permission of the local planning authority

Reason: To comply with Local Plan Part Two 2014 Policy DM2 to ensure that protected species and their habitat are not harmed, and that human health is also safeguarded in accordance with Local Plan Part One 2020 Policy CCC1.

38. **Barn Owl check prior to commencement**

No development shall take place including site clearance and demolition of buildings, until a walkover of the site by a competent ecologist has taken place to check that none of the buildings or trees that will be affected by the works destroy or damage a roosting site. Should any Barn Owls be encountered, or evidence of roosting then further advice should be sought from the LPA.

Reason: To ensure that protected species are not harmed by the development in accordance with Local Plan Part Two Policy DM2

39. **Waste Collection**

The development hereby approved shall incorporate a dropped kerb on the front eastern elevation of the bin store to serve the flatted development, which shall be installed prior to first occupation of the residential units to which the bin store serves. Bin storage points shall also be provided as shown prior to occupation of that part of the site to which the bin storage point relates.

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

40. **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.

41. **Removal of pd rights on dwellings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any revocation, amendment or 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 high quality design and layout of the development 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.

42. **Maintenance of car parking spaces, garages and car ports**

Notwithstanding the provisions of the Town and Country General Permitted Development Order 2015 as amended, (or any revocation, amendment or re-enactment of that Order), 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.

Further Information:

Stephen Belli

Telephone: 023 8028 5430

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Planning Committee 08 May 2024

Application Number: 23/10926 Full Planning Permission
Site: CROCKETS, LINFORD ROAD, HANGERSLEY, RINGWOOD
BH24 3JN
Development: Alterations to existing dwelling; erection of three dwellings;
associated parking, landscaping and alterations to access
Applicant: Mr Ridsdale
Agent: Chapman Lily Planning Ltd
Target Date: 25/10/2023
Case Officer: Vivienne Baxter
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Ringwood Town Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on the residential amenities of the area
- 4) Trees
- 5) Highway matters including parking
- 6) Ecology
- 7) Housing land supply
- 8) Habitat and air quality mitigation

2 SITE DESCRIPTION

The site lies within the built up area of Ringwood close to the boundary with the New Forest National Park. It currently contains a detached two storey dwelling set to the rear of the site comprising study, dining room, WC, office, utility room and three bedrooms in the original part of the property with a large living room, hall, kitchen breakfast room, two bedroom and three bathrooms in the mid-20th century addition.

The existing dwelling, Crockets, is considered to be a non-designated heritage asset and is accessed off Linford Road along with Pembury, a dwelling built within the curtilage and in the same ownership but at a lower site level than Crockets. There is a brick wall along the road frontage of the site.

To the east of the site is a bridleway which leads to Nogales, a dwelling very closely sited to the host dwelling but now in separate ownership. Other dwellings accessed along this bridleway are within the New Forest National Park and Western Escarpment Conservation Area although the site is entirely within the Council's administration outside of the Conservation Area.

The site includes three protected trees, a Monterey Pine (close to the front boundary), Deodar Cedar (adjacent to the existing parking area) and Red Oak (along the access drive).

3 PROPOSED DEVELOPMENT

The current proposals are for the redevelopment of the site for a total of 4 dwellings, including the refurbishment of the existing cottage on the site; so a net gain of three units. It follows the previous scheme for 4 dwellings plus the reduction and refurbishment of the existing property, car ports and associated access alterations. Since the refusal, further pre-application advice has been given with further amendments made during the course of this application.

House 2 would be the refurbishment of the original property, Crockets, following the demolition of the more modern addition to the cottage. The dwelling would comprise kitchen/dining room, living room, utility and WC/shower at ground floor level with two bedrooms and a bathroom at first floor level. A new entrance porch would be provided to the eastern elevation. Two parking spaces are proposed for the retained cottage and would be accessed from the bridleway.

House 1 and house 4 are proposed to the west and south west of the retained cottage. Each new dwelling would comprise kitchen/dining room, living room, WC and utility room with three bedrooms (one ensuite) and a family bathroom upstairs. These two dwellings would be accessed through the existing vehicular access to Pembury and Crockets and each one would have two parking spaces.

House 3 would be situated to the south eastern corner of the site and in addition to the accommodation for houses 1 and 4, would have a study and fourth bedroom. Three parking spaces would be provided for this dwelling adjacent to the two proposed for the retained cottage. House 3 would utilise the bridleway for access purposes.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11728 Alterations to existing dwelling; construction of 4no. new dwellings, associated parking, landscaping and drainage, alterations to site access	25/04/2022	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

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

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development
SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Ringwood Local Distinctiveness

Neighbourhood Plan

The Ringwood Neighbourhood Plan is subject to modifications with the referendum due to be held in July 2024. It therefore has limited weight at this stage.

National Planning Policy Framework 2023

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

R(4) Recommend refusal. The Committee felt the proposal was overdevelopment of the site with too many dwellings cramped into the space available and it is out of keeping with the character of the area given the site is on the edge of the National Park and Western Escarpment Area. There is concern in relation to the access road, vehicle congestion, parking and the effect on Linford Road. The Committee was conscious of the number of issues raised by consultees and members of the public and highlighted the fact that one of the accesses to the site was a public right of way. Should the application go before NFDC Planning Committee, a more comprehensive response will be submitted.

Following re-consultation:

Ringwood Town Council

R(4) Recommend refusal. The Committee felt the amended proposals did not satisfy previous objections and they still apply. The proposals would be overdevelopment of the site with too many dwellings cramped into the space available and it is out of keeping with the character of the area given the site is on the edge of the National Park and Western Escarpment Area. There is concern in relation to the access road, vehicle congestion, parking and the effect on Linford Road. The Committee was conscious of the number of issues raised by consultees and members of the public and highlighted the fact that one of the accesses to the site was a public right of way. Should the application go before NFDC Planning Committee, a more comprehensive response will be submitted.

7 COUNCILLOR COMMENTS

No comments received.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist

Request condition

NFDC Tree Team

No objections subject to conditions

NFDC Conservation Officer

The proposal represents a lower level of less than substantial harm, conditions are recommended if approved

HCC Highways

No objection

HCC Countryside Planning

No objections subject to condition

New Forest National Park Authority

Offer advice with reference to the proximity of the site to the NFNP, conservation area and non-designated heritage assets (NDHA).

Natural England

Comment and offer advice relating to the Habitat Regulations, the water environment and resources and recreational impacts.

Wessex Water

No comment but offer advice relating to surface water drainage and development close to existing apparatus.

9 REPRESENTATIONS RECEIVED

Representations have been received from The Ringwood Society and 6 local households. The following is a summary of the comments received.

For: 1

- existing estates similarly close to the National Park are not considered to be harmful
- would help restore the neglected property
- would ease pressure on housing stock
- the applicant has addressed previously raised concerns

Against: 5

- visual intrusion/loss of privacy
- development is too dense/overdevelopment
- unsympathetic to character of area
- insufficient parking
- potential obstruction of the PRow
- previous concerns have not been addressed
- site plan is inaccurate
- Pembury has limited parking
- previous vegetation has exposed the site
- local drainage problems
- impact on views from Butlers Lane
- the cottage would be overwhelmed with the new builds
- bin store would encourage vermin
- loss of local distinctiveness

10 PLANNING ASSESSMENT

Background

The proposal follows a previous scheme for the redevelopment of the site where permission was refused for 6 reasons relating to the number of units and the associated impacts - overdevelopment, layout, hard surfacing, impact on residential amenity, impact on trees, lack of ecological information, recreation and air quality impacts and a lack of phosphate mitigation. Since that time, a pre-application submission for fewer dwellings has been considered and advice provided indicating further changes which were required. The report below details how it is considered these issues have been addressed.

Principle of Development

The site lies within the built up area of Ringwood. In such a location, new residential development is acceptable in principle as indicated in policies STR3 and STR4. However, this is subject to its consideration against other policies of the development plan and the matters discussed below.

Planning permission was sought for a similar development on this site in the past. Whilst that application was refused, the principle of housing was not a reason for refusal. It is therefore considered that the principle of development is acceptable.

Housing Land Supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF). Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

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; 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'.

In light of the recently published NPPF (December 2023), planning applications registered before 19 December 2023, such as this application, remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply. In such circumstances, the Council is not currently able to demonstrate a 5 year housing land supply with only 3.07 years of supply. This position was exemplified in the recent appeal decision at Orchard Gate, Noads Way, Dibden Purlieu (Appeal Ref: APP/B1740/W/23/3324227), received 16 January 2024. The appeal site was within the built up area, as per the application site, and the Inspector concluded that permission should be granted, as paragraph 11(d) of the NPPF was engaged due to the lack of a 5-year housing land supply being given due weight.

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

Taking NPPF paragraph 11(c), if the proposed development accords with the Council's local plan it should be approved. If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

The following sections of the report assess the application proposal against the Council's adopted local planning policies and considers whether it complies with those policies or not. Following this, the Planning Balance will weigh up the material considerations in this case.

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

The previous scheme was refused for the following reason:

'The proposal would result in overdevelopment of the site, by virtue of the cumulative impact of dwelling footprints, access, parking, car port and turning arrangements and poor level of space around the dwellings. Furthermore, the subdivision of curtilage and the appearance of built form would erode the character of this rural fringe location within the setting of the New Forest National Park, The Escarpment Conservation Area and a non-designated heritage asset, contrary to Policy ENV3 of the Local Plan Part 1, Policy DM1 of the Local Plan Part 2, the Ringwood Local Distinctiveness Document and Section 12 of the National Planning Policy Framework 2019.'

To address these concerns, a dwelling has been removed from the scheme, there are no car ports, the level of hard surfacing has been reduced and the dwellings are set back from the road much further. There are also changes to the size of the proposed dwellings.

Although the site is immediately adjacent to the New Forest National Park and its Western Escarpment Conservation Area, the site itself does not fall within these designations. It does, however, fall within Character Area 9 - 'Poulner and the rural edge' of the Ringwood Local Distinctiveness SPD. Although now considered to be a non-designated heritage asset, the existing property is not statutorily listed, nor noted within this document as a key building. However, within this section of the SPD, it is noted that forest cottages should not be crowded. At present, previous additions to the Crockets property including outbuildings and extensions have resulted in the original property being doubled in size and in very close proximity to a long, relatively modern building originally provided as a swimming pool enclosure

ancillary to Crockets, but subsequently used for residential purposes and is now a separately owned dwelling. The removal of the 1950s additions to the property are welcomed and allow for a greater degree of separation between the original cottage and built form to the west.

With regard to the proposed site layout, the two frontage dwellings would be set back between 11m and 12m from the edge of the carriageway, a distance comparable to Ardens and Chamberlain's Farmhouse to the opposite side of the road and Brook Cottage to the west at the end of Butlers Lane. This is in contrast to the previous plots 3 and 4 which were only around 6m from the edge of the carriageway (Linford Road).

The Conservation Officer is satisfied that the set back of house 3 from the National Park boundary (Poulner Common) and Linford Road addresses previous concerns about the potential urbanising effect of the development on the edge of the common. However, other changes to the layout of the site on the amended plans is considered to have resulted in houses 1 and 4 being located marginally closer to the retained cottage and result in a combined massing which could dominate the cottage, representing less than substantial harm to the setting of the cottage. This harm however, has to be balanced with the benefits of exposing the original 17th century property (discussed below) as well as the matters addressed in the rest of the assessment.

The Ringwood Local Distinctiveness SPD highlights much of Poulner as planned cul-de-sac groups of housing. Crockets and a handful of adjoining properties appear to be the exception to this general pattern of development. The National Park Authority have noted that the proposal follows a similar format to others in the locality and the applicants have indicated a similarity between the proposal and the built form at The Old Forge, a site developed around 15 years ago to the western end of Linford Road. Combined with the layout reflecting other planned sites in the area, the changes to the dwellings have resulted in associated changes to the amount of hard surfacing proposed and there are no longer additional car port buildings proposed, this allows for a greater level of green space and a less cluttered appearance to the site. Having regard to this, the proposal is not considered to result in overdevelopment of the site and part of the first reason for refusal is therefore considered to be addressed.

The houses are proposed to be of brick and tile construction (including tile hanging) which would be in keeping with the local vernacular although it is noted that there are also thatched and slate roofs locally as well as rendered walls, including on the host dwelling, Crockets. In view of previously expressed concerns, the proposed dwellings have been designed to suit their context rather than being of a standard repetitive design. As stated above, the indicative proposed materials are acceptable and as such there are no objections to the design of the dwellings.

Having regard to the previous reason for refusal therefore, it is considered that the current proposal offers a reduction on the footprint of the built form on the site through smaller, detached dwellings and removal of previously proposed car ports. The reduction in the size of the dwellings results in the need for fewer parking spaces and cumulatively, the amount of hard surfacing is reduced, addressing part of the first reason for refusal.

Impact on the Non-designated Heritage Asset and nearby Conservation Area:

As stated above, the existing cottage is considered to be a non-designated heritage asset (NDHA), as are other properties in the immediate area (including within the National Park). It is noted in the supporting documentation that the 17th century

core is substantially intact including the roof structure and the principle trusses to roof level. Removal of the 'modern' additions which are of little architectural merit, would significantly enhance the original three-bay, 17th century farmhouse, allowing it to be restored to a form of historic farmhouse which is evidenced in the historic pattern of development along the bottom of the Escarpment.

Setting back houses 3 and 4 from the road results in the proposed dwellings being closer to the NDHA. This would result in additional massing of built form in close proximity to the asset. The revised design of house 1, having a linear form parallel to the NDHA rather than an L-shaped building with gable end facing the property, also has implications for the setting of the asset. However, having regard to paragraph 209 of the NPPF, a balanced judgement is required with regard to the scale of this harm and benefits of re-establishing the farmhouse and providing additional residential development at a time when the Council does not have a 5-year housing land supply.

In terms of the impact of the proposal on the Western Escarpment Conservation Area, it is acknowledged that the proposal would impact on views along Linford Road and Butlers Lane towards the conservation area. However, this impact is much reduced from the previous scheme and as such is not considered to be harmful. It is considered that the setting of the Conservation Area would be preserved.

Overall, whilst it is acknowledged that there would be a small level of harm in terms of the setting of the non-designated heritage asset, previous concerns relating to over development and the combination of outbuildings, hard surfacing and space around the proposed dwellings are considered to have been addressed.

Residential amenity

The two frontage dwellings (houses 3 and 4) have been designed so as not to have any first floor windows which might overlook the rear sited dwellings or each other. Although house 4 does have a stair window and bathroom roof light to the rear (north) elevation, it is unlikely that these would adversely affect the residential amenities of house 1 which has two first floor windows facing house 4. These relate to an ensuite and a secondary bedroom window, both of which (together with the stair window to house 4) could be obscure glazed.

The western elevation of house 2 would be a new elevation for the existing cottage. There would be two first floor windows facing house 1 at a distance of around 7m. However, one window (serving the main bedroom) would have a limited impact on the amenities of house 1 as it would overlook the chimney/roof slope rather than any window openings. The other new window to Crockets would serve a landing and could be obscure glazed so as not to overlook the garden of house 1. With regard to the impact of House 1 on the retained cottage, although only 7m away, it should be noted that it is proposed at a lower level to Crockets. The difference between the levels is indicated on the submitted details for House 1 as being around 1m. This results in the eaves of the new box bay window to Crockets being marginally lower (approximately 0.28m) than the eaves level of the proposed 2-storey dwelling. The roof would also slope away from Crockets resulting in it having less impact on the future occupants of that property. Plot 2 also has an open aspect to the northern end of its garden beyond the extent of the roof of plot 1 such that the garden is not wholly enclosed by plot 1 and nor is plot 1 overbearing on the amenity of plot 2.

House 1 has a first floor window facing the garden of Nogales although it is 11m away from the boundary and sufficiently far enough from the dwelling so as not to give rise to adverse impact on residential amenity. The existing north elevation to

Crocketts has 4 first floor windows within 5m of the boundary with Nogales. Three relate to bedrooms with the fourth a bathroom. Of these windows, the smaller one is to remain and would serve a bathroom rather than a bedroom as it does at present. This represents a significant improvement on the level of amenity currently enjoyed by Nogales and is considered to address part of the previous reason for refusal 2. In addition to the improvements to privacy, the demolition of much of the existing dwelling would also result in increased light to the south western aspect of this property.

Pembury has a first floor window which looks down the shared access drive. As a chalet property, there are no side windows above ground level which would be affected by the siting of house 1. The property is relatively enclosed by a brick wall at present and one of the protected trees lies between it and house 1. There are unlikely to be any oblique views between the two properties which could cause a loss of privacy. House 4 is sufficiently far enough away from this property not to cause any amenity concerns. Other nearby dwellings are sufficiently far enough away not to be affected in terms of light or privacy.

The size of the amenity spaces for the dwellings was previously of concern. In view of the loss of a dwelling since the previous submission, the site offers a more spacious feel to the frontage properties. Those to the rear do have smaller rear gardens although they are both in excess of the minimum space recommended within the Ringwood Local Distinctiveness SPD. House 1 also has a large garden space to the front of the property.

Landscape impact and trees

The site has been cleared of much vegetation in recent years although there are still several trees and shrubs within and adjoining the site including along the roadside verge. Most of the site is laid to lawn although there are areas of weeds.

The previous scheme was refused for the following reason:

The protected trees surrounding the site would be threatened by the proposed development, leading to potential damage, loss and/or future pressure for works to be undertaken on these trees which would be detrimental to their public amenity value and character of the area. Specifically, the proposed development, due to the proximity of Unit 4 to T1 (Monteray Pine), is likely to result in the premature removal/or pruning that would significantly reduce the amenity value of this locally important tree. Furthermore, the application fails to demonstrate that non-dig and pile and beam construction method can be employed, due the existing level changes onsite in relation to this tree - T1 (Monteray Pine). In addition to this, a clear specification has not been provided to demonstrate how the significant alterations proposed to the surface root protection area around T2 (Deodar Cedar) can be undertaken without causing significant harm to this tree. As such the proposed development would be detrimental to the public amenity value of these important trees and character of the area, contrary to Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park and the Ringwood Local Distinctiveness Document.

The proposal has been amended in the current scheme and the proposed dwellings and associated access drives/parking areas have been amended so as not to cause significant harm to the root protection zones or result in future pressure to lop or fell. The revised scheme also ensures that new soakaways do not impact upon the root protection zones.

Having regard to these changes, the Tree Officer is now satisfied that the scheme now proposed can be achieved without significant harm to the trees and the above reason for refusal has therefore been addressed. However, a fully detailed method statement together with details of service runs and compound areas is required by way of condition. A landscaping condition is also required in order to ensure both adequate planting and appropriate surfacing is provided within the site.

Highway safety, access and parking

At present, the access for Crockets is shared with Pembury, built within the original curtilage in the early 1980s and still in the ownership of the applicant. It is noted that this property benefits from a parking space. The reduced house at Crockets (house 2) would not be able to use this access, making way for proposed houses 1 and 4. The reduced house Crockets would instead utilise the bridleway to the east (Poulner Common) which is also shared with Nogales and other properties within the National Park designation. House 3 would also use this eastern access point. The Highway Authority has not raised any objection to the proposal although it has indicated that an agreement will be required for the drop kerb works associated with the alterations to the access points.

The number of objections relating to a lack of parking has been noted. The recommended on plot parking provision is 10 spaces - two spaces for house 2, three spaces for house 3 and 2.5 spaces for each of houses 1 and 4. The proposed site plan clearly indicates adequate parking spaces for houses 2 and 3 and house 1 has a large drive area able to accommodate the half space not identified on the plan. House 4 has less space available to it although it is noted that the proposed spaces are longer than the minimum dimensions and it would be possible for an informal space to be provided off the access behind the spaces.

On this basis, it would be difficult to refuse permission on the grounds of a lack of parking provision. Three of the dwellings are shown as having cycle storage provision within their curtilage and there is adequate space to accommodate such provision for house 4.

The proposal would generate an increase in the level of vehicular movements along the bridleway to the east of the site. The bridleway is already the main vehicular access to several properties (mainly within the National Park). HCC Countryside Services (HCCCS) do not consider that the increase of two dwellings would create adverse risk to public safety. Part of the bridleway would be widened where it is within the site, closest to Linford Road. HCCCS have concluded that the proposed hoggin surface together with cellweb details are acceptable for these works. It is noted that there have been concerns raised regarding the potential obstruction of the rights of way within and adjoining the site. HCCCS have requested a condition is imposed to ensure that such obstruction does not occur, however an informative is more appropriate.

Concerns have been expressed about the parking facilities for Pembury. This property is relatively enclosed by brick walls and outside of the site area. The boundary walls are not shown as being altered and within this plot is space for parking as occurs at present.

Ecology

The previous application was refused for an ecology reason as follows:

The submission is not supported by the requisite level of ecological information to allow the proper assessment of the impacts of the proposal on protected species. In

the absence of such information the local planning authority cannot ensure any unavoidable impacts upon nature conservation interest are appropriately mitigated, contrary to the provisions of Policy DM2 of the Local Plan Part 2 for the New Forest District outside the National Park.

To address this concern, a Bat Survey Report identifies that the existing dwelling supports day roosts for brown long-eared and common pipistrelle bats. Not all of the existing dwelling would be removed as part of this application and there is scope to both maintain existing access points for bats and provide new ones in the new build dwellings.

Subject to the development being implemented in accordance with the submitted Bat Survey Report, it is considered that favourable conservation status of the species would be maintained in accordance with one of the three derogation tests of the Habitat Regulations. Having regard to the other two tests, it is not considered there are reasonable alternatives to the proposed partial demolition of the property in terms of securing the future of the original cottage considered to be a non-designated heritage asset. Redeveloping the site for much needed housing in a sustainable location would be of overriding public interest. An appropriately worded condition could secure the provision of bat and bird boxes in order to maintain habitats found within the building.

It is considered that reason 4 for refusal is satisfactorily addressed.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

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

Phosphate neutrality and impact on River Avon SAC

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

circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

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

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

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no kerbside development, no solid fuel appliances and gas boilers will meet the minimum standard.

Developer Contributions

As part of the development, the following will need to be secured via a Section 106 agreement. At the time of writing, this will be in the form of a unilateral undertaking:

- Habitat Mitigation £20,205
- Air Quality Monitoring £327

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	572	141	431	222	£80/sqm	£24,249.23 *

Subtotal:	£24,249.23
Relief:	£0.00
Total Payable:	£24,249.23

11 OTHER MATTERS

Concerns have been expressed about drainage matters in the area. The application form states that the properties would be added to the main sewer. Wessex Water did not raise any objections to the proposal and have advised that they would not allow surface water to be connected to the foul sewer. It is noted that the drives and turning areas would be permeable which should help to minimise the impact of the proposal.

Bin collection points are noted close to each access point. Whilst there have been concerns raised about these areas attracting vermin, they are intended as an area where residents would place their waste on the appropriate day rather than an enclosed area for storing waste. It is not anticipated that they would become area prone to vermin.

12 CONCLUSION / PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay. The lack of a five year land supply, consistent with the Noads Way appeal decision means, however, that the titled balance in paragraph 11d) of the NPPF is engaged for this application.

The application seeks planning permission for the development of housing within the urban area and in turn benefits from the support of Policies STR3, STR5 and HOU1 of the Local Plan. The proposal would make a small, positive, contribution to the Council's Housing Supply. The scheme addresses three of the previous reasons for refusal (residential amenity, trees and ecology). As such, the proposal is not considered to have any adverse impact on the protected trees within the site subject to appropriately worded conditions relating to their protection during construction. Improvements to the ecology of the site can be achieved through the provision of bat/bird boxes to the dwellings with further enhancements possible through a landscaping scheme. The development should offer a good level of amenity for future occupiers and this can be reinforced by requiring certain non-habitable or secondary windows to be obscure glazed. The Habitat Mitigation reason for refusal can be addressed through the completion of a S.106 Agreement to secure

appropriate financial contributions and phosphate matters are now resolved through the imposition of a Grampian style condition.

With regard to the impact of the proposal on the character and appearance of the area and non-designated heritage asset(s), the consideration of the less than substantial harm caused by the proximity of built form to the original cottage is finely balanced with the significant improvements to the historic cottage. The proposal would preserve the setting of the adjacent Conservation Area. When these benefits are weighed against the harm the balance falls in favour of the scheme and subject to the necessary section 106 agreement being completed and appropriate planning conditions, the proposal is acceptable for permission.

13 RECOMMENDATION

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

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

and

- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

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

- D-100 rev.A - location plan
- D-105 rev.A - block plan as existing and as proposed
- D-110 - site plan as existing
- D-112 rev.G - site plan as proposed
- D-120 rev.C - landscape plan
- D-220 rev.A - Crockets - floor plans and elevations as existing
- D-221 rev.B - house 1 - floor plans and elevations as proposed
- D-222 rev.A - house 2 - floor plans and elevations a proposed
- D-223 rev.A - house 3 - floor plans and elevations as proposed
- D-224 rev.B - house 4 - floor plans and elevations as proposed
- D-420 - site section & aerial view from NE
- D-430 rev.E - street scene & aerial view from SW
- D-431 rev.B - shadow diagrams
- D-432 - cellweb surface detail and tree scale diagram

D-440 rev.A - visibility splay diagram
D-500A - aerial view from south east
Arboricultural Impact Assessment & Method Statement dated 17 January 2024 ref. DS/43322/AC
DS/43322/AC Tree protection plan & Arboricultural Method Statement dated 17 January 2024
Heritage Statement dated August 2023
Planning Policy Statement dated August 2023
Design and Access Statement dated July 2023
Bat Survey Report dated 26 July 2023

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way.

4. 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 buildings.

5. 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) 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 safeguard trees and natural features which are important to the visual amenities of the area.

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

- The arrangements to be taken for the protection of trees and hedges on the site as identified for protection in the approved plans

- A scheme of arboricultural site supervision including a pre commencement site meeting
- A method statement and engineering drawings for the installation of new hard surfaced areas within the root protection areas of trees identified for retention in the approved plans
- A method statement and engineering drawings for the foundation design for Unit 4 of the approved development
- A plan showing the location of service routes, including the position of soakaways, and
- A plan showing the location of site compound and mixing areas.

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.

7. No development shall occur on House 1 above slab level before the following details in relation to House 2 (Crocketts) have been submitted to and approved in writing by the Local Planning Authority:
- a) Large scale joinery details (elevations 1:10 and sections 1:5) for all new windows, external doors, soffits and fascias,
 - b) Rainwater goods, and
 - c) Details for the repair and preservation of the historic cob walls, timber frame and infill-panels.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the Heritage Asset.

8. No development shall take place until a detailed structural methodology for the demolition and deconstruction of those parts of the existing building to be removed have been submitted to and approved in writing by the Local Planning Authority.

The methodology shall clearly evidence how the demolition works will preserve the historically significant elements of the non-designated heritage asset and how those elements shall be supported and protected against collapse and from the elements until the completion of the totality of the works hereby approved.

Development shall only take place in accordance with those details which have been approved.

Reason: To safeguard the architectural and historic significance of the heritage asset and the setting of the adjacent Conservation Area.

9. No development shall take place above damp proof course (DPC) level on plot 1 until the demolition and deconstruction works hereby approved to House 2 (Crocketts) have been completed in accordance with the details pursuant to condition 8 of this permission.

Reason: To safeguard the architectural and historic significance of the heritage asset and the setting of the adjacent Conservation Area.

10. Each dwelling within the development hereby permitted shall not be occupied until the spaces shown on plan D-112 rev.G for the parking of motor vehicles and cycles for that property have been provided. The spaces shown on plan D-112 rev.G for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

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

11. 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.

12. The first floor windows on the following elevations of the approved and retained dwellings shall be obscurely glazed and non-opening at all times unless the parts that can be opened are more than 1.7m above the floor and the windows shall be retained as such in perpetuity:

- House 1 south elevation secondary bedroom and ensuite windows
- House 2 west elevation landing window

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no other first floor windows other than those hereby approved shall be inserted into the east elevation of House 4 unless express planning permission has first been granted.

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

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

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

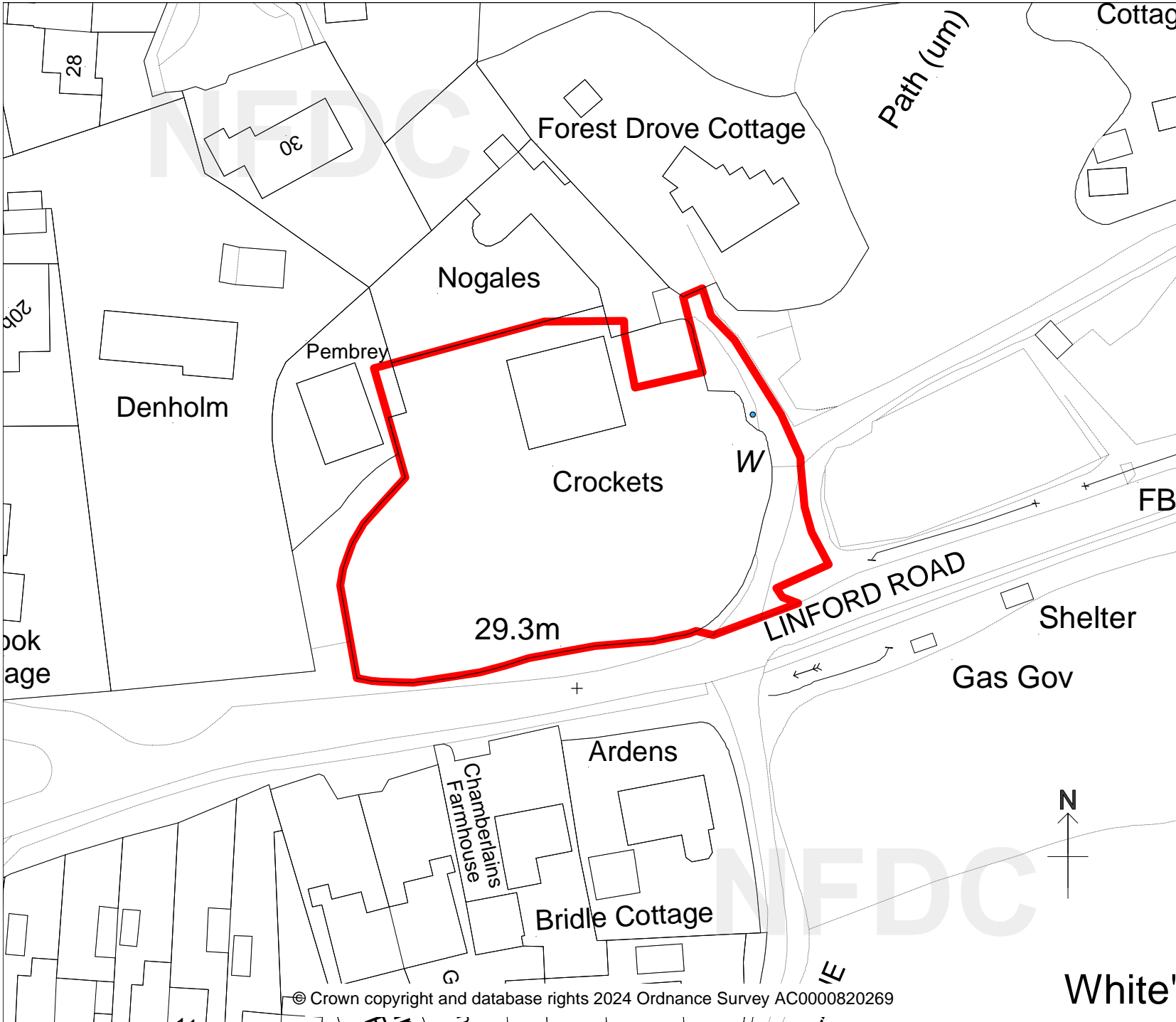
15. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures identified in Section 5 and Appendices E, F and G of the Bat Survey Report dated 26th July 2023, unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancement shall be provided prior to first occupation of each of the dwellings hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 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:

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PLANNING COMMITTEE

May 2024

Crockets
Linford Road
Hangersley
23/10926

Scale 1:750

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White's

Planning Committee 08 May 2024

Application Number: 23/10454 Full Planning Permission
Site: 3 PRIESTLANDS PLACE, LYMINGTON SO41 9GA
Development: Single-storey rear extension
Applicant: Mr Hart
Agent:
Target Date: 16/08/2023
Case Officer: John Fanning
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: District Councillor contrary view

1 SUMMARY OF THE MAIN ISSUES

The keys issues are:

1. Design and appearance with particular reference to the impact on the listed building, adjacent listed properties and the surrounding Lymington Conservation Area
2. Amenity and neighbour impacts
3. Legal issues

2 SITE DESCRIPTION

The application site is situated just outside of the defined Lymington Town Centre. The property forms part of a row of terraced properties, with the application site being occupied by a Grade II listed building within the surrounding Lymington Conservation Area.

3 PROPOSED DEVELOPMENT

The application proposes a single-storey extension to the rear of the building.

4 PLANNING HISTORY

23/10516 - Rear extension (Application for Listed Building Consent) - under consideration (to be considered at this Committee)

5 POLICY CONTEXT

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

SPG - Lymington - A Conservation Area Appraisal

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Permission but would accept a delegated decision

7 COUNCILLOR COMMENTS

Cllr England: Objects to proposal:

- Concerns regarding Conservation Area and listed building / heritage
- Negative design impact with regard to Conservation Area
- Additional density of development and associated impact on surrounding environment

8 CONSULTEE COMMENTS

Conservation Officer

Following amendments, no objection subject to suitable conditions to secure final detailing and materials.

Note: Rooflight referred to in final comments was removed following recommendation of Conservation Officer

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Note: A number of letters of correspondence were received, with some representees submitting multiple representations and some submitting representations only on one of the two associated full and listed building consent applications. For the avoidance of doubt, the below represents a summary of all representations received on both applications, with representations received from a total of 7 separate addresses.

For: 3

Against: 4

Supports

- Development appears similar to alterations on neighbouring properties
- Would not have a harmful impact
- Proportionate and sympathetic to existing dwelling
- Scale of works is within context of existing garden
- Alley is redundant

Objects

- Insufficient advertisement/consultation
- Potential disruption during construction works

- Overshadowing impact
- Overlooking
- Potential light pollution
- Concern about privacy if CCTV cameras were installed following development
- Insufficient detail in submitted information
- Insufficient quality of proposed works
- Proposal would disrupt a right of access
- Prevents future maintenance of neighbouring properties
- Misleading plans
- Proposal could not be constructed as drawn and would be contrary to Building Regulations
- Excessive amendments to proposal

10 PLANNING ASSESSMENT

Design, appearance and heritage impacts

The existing residential property at 3 Priestlands Place is a Grade II listed building within the Lymington Conservation Area. The dwelling is set within a terrace of residential properties at 1-7 Priestlands Place that are all Grade II listed. As such, special regard must be given to the particular impacts of the proposal on the special character and appearance of the listed buildings and the wider Conservation Area. Any development should preserve or enhance the character of the Conservation Area and the existing building, and should not result in harm to the special architectural features or character that justified the designation of the property and area as being of special significance.

The Lymington Conservation Area Appraisal Supplementary Planning Guidance (SPG) is relevant to this application. This SPD identifies the site as falling within the defined 'western' zone of the Conservation Area which is noted for its residential character. The application site forms part of a row of listed cottages. While there would be some visibility of the site from the more modern residential development to the rear of the site, these views are not considered to be significant within the context of the Conservation Area. The extension would primarily be visible within the context of the rear gardens of neighbouring properties, and would have no appreciable visual impact from areas of public realm. As such, this would naturally limit the development's impact on the Conservation Area.

The row of properties currently has a mixed appearance to the rear, including extensions of a number of differing designs and forms. The proposal does not seek to directly replicate either of the adjacent dwellings but does follow the general building line established in terms of depth of projection.

While the proposal would increase the footprint of the development, it is considered the proposed rear extension would not be unusual within the surrounding context and would integrate with the appearance of neighbouring properties and the host dwelling within the context of the Conservation Area.

The scheme has been through a number of iterations following its initial submission so as to address a number of detailed design concerns. Fundamentally, it is considered that a single-storey rear extension would not cause harm to the character and significance of the Listed Building. It is recognised that the application does propose a physical intervention into the historic fabric at the rear of the building. However, with regard to the comments of the Council's Conservation Officer, following the amendments to the proposal,

it is not considered that the alterations to the existing fabric and layout of the building would be harmful to the special features and characteristics that justified its designation. The proposal is considered to be of an appropriate scale and appearance and sympathetically designed.

Furthermore, with regard to the most recent comments of the Council's Conservation Officer, it is considered that the proposed extension would be of an appropriate size, scale, depth and appearance, being broadly reflective of the size and depth of existing extensions to other adjacent properties within this terrace of listed residential properties. The proposed extension would therefore be acceptable within the context of the listed building and would preserve the character of the surrounding Conservation Area subject to suitable conditions to secure further specific details of the final finish.

It is noted that concerns have been raised about the density of development. Whilst accepting that the proposal would result in a modest increase in the amount of built form on the site, this would not be inappropriate or harmful to the wider residential context.

Amenity

The proposed extension would be similar in depth to neighbouring extensions on either side. The existing extension to the property at number 2 Priestlands Place (to the west) has a number of side facing windows, and so the proposed extension would be clearly visible from this neighbouring extension, noting that the boundary wall separating the 2 properties is relatively low at this point. However, the neighbouring extension is also served by south facing windows to the rear. Given the retained outlook and access to light and given the modest height of the proposed extension, it is not considered that the proposal would have a materially harmful impact on neighbouring occupiers, either through the creation of an overbearing form of development or one that would cause harmful overshadowing or an unacceptable loss of light.

The site levels drop somewhat to the rear, with the application proposing new rear facing windows in this elevation which are somewhat raised above the natural ground floor level. Taking into account the existing relationship between properties and existing windows in the rear elevation, it is considered that the proposal would not result in a harmful overlooking impact or otherwise be harmful to the amenities of neighbouring occupiers within the context of the existing residential use and function of the land.

Legal issues

Some concerns have been raised in relation to the potential implications of the proposed development on a potential right of access on the land. Given the circumstances, it is considered that this would be a private matter between the relevant parties to resolve prior to any implementation of development. It is not considered that it would be reasonable or appropriate to refuse planning permission with regard to this matter.

Concerns have also been raised about the accuracy of the red line submitted with the application. This point has been queried with the applicant, and they are content with the proposal as submitted. It is the applicant's responsibility to ensure that the correct notice has been served, and in this case it is noted that the neighbouring property was consulted on the proposal and have submitted representations during the course of the application.

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

For the reasons outlined above, it is considered that the proposed development would integrate with the special character of the existing property and respect the appearance of the listed building and preserve the character of the surrounding Conservation Area. The proposed development would preserve the existing special character and significance of the plot, and would have an acceptable relationship to neighbouring properties. Other matters do not justify the refusal of the application. As such, the recommendation is to grant planning permission subject to conditions.

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

(Revised Floor Plans and Elevations) Dated: 18.04.2024, Received: 18.04.2024

(Roof detailing) Dated: 22.11.2023, Received: 05.12.2023

(Existing Floor Plans and Elevations) Dated: 06.06.2023, Received: 21.06.2023

(Site location plan) Dated: 11.05.2023, Received: 21.06.2023

Reason: To ensure satisfactory provision of the development.

3. Prior to their installation on site, full details of the proposed new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a door schedule, cross-sections, profiles, materials, mouldings, working arrangements, finishes and colour. The development shall thereafter be implemented and completed in accordance with the approved details.

Reason: To protect the character and architectural interest of the Listed Building and the character and appearance of the Lymington Conservation Area.

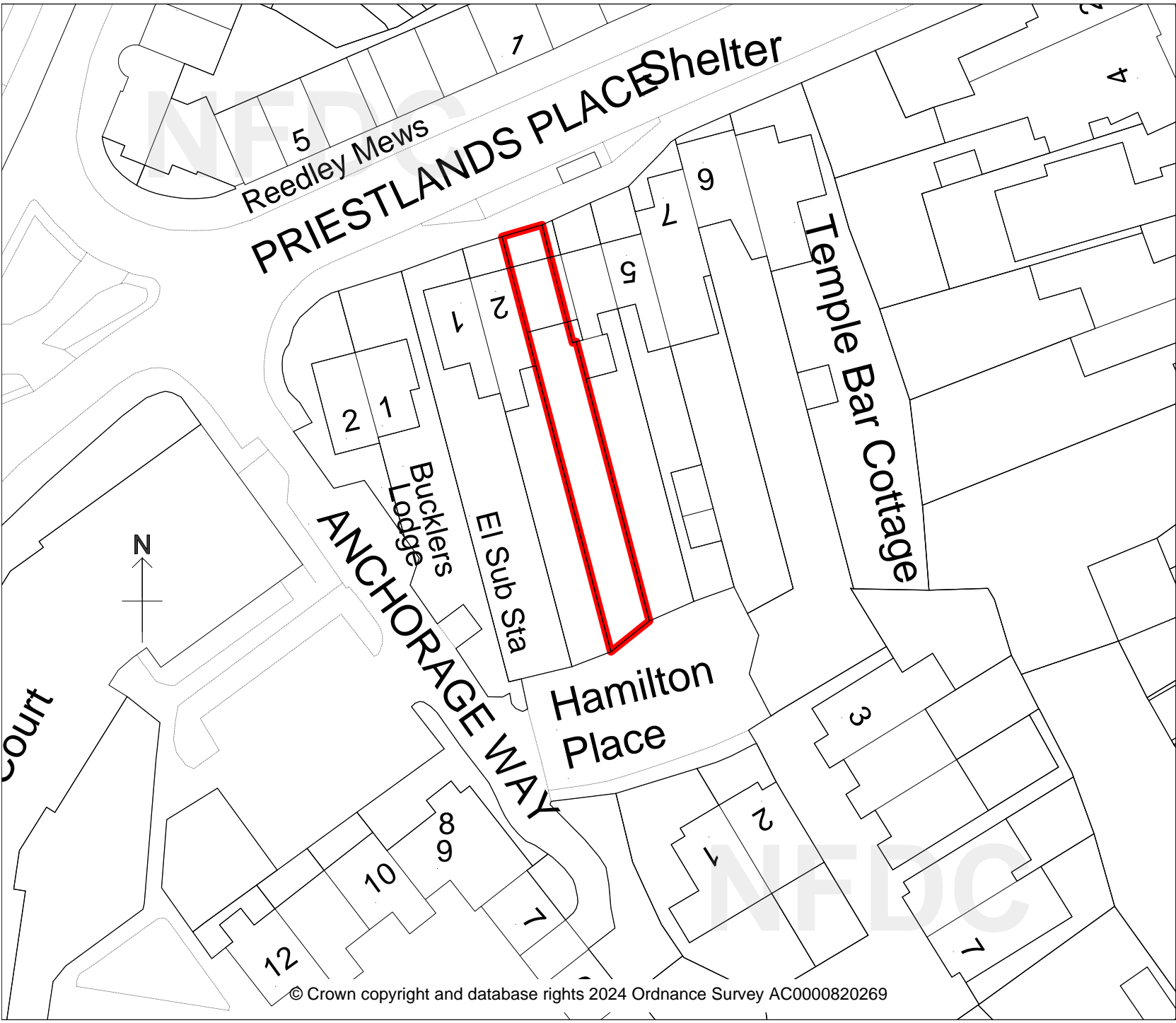
4. Prior to the construction of the development hereby permitted above damp proof course level, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the character and architectural interest of the Listed Building and the character and appearance of the Lymington Conservation Area.

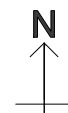
Further Information:

John Fanning

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PLANNING COMMITTEE

May 2024

3 Priestlands Place
Lymington

23/10454 and 23/10516

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Application Number:	23/10516 Listed Building Alteration
Site:	3 PRIESTLANDS PLACE, LYMINGTON SO41 9GA
Development:	Rear extension (Application for Listed Building Consent)
Applicant:	Mr Hart
Agent:	
Target Date:	16/08/2023
Case Officer:	John Fanning
Officer Recommendation:	Grant Subject to Conditions
Reason for Referral to Committee:	District Councillor contrary view

1 SUMMARY OF THE MAIN ISSUES

The keys issues are:

1. Heritage impact with particular reference to the impact on the existing Grade II listed building
2. Legal Issues

2 SITE DESCRIPTION

The application site is situated just outside of the defined Lymington Town Centre. The property forms part of a row of terraced properties, with the application site being occupied by a Grade II listed building within the surrounding Lymington Conservation Area.

3 PROPOSED DEVELOPMENT

The application proposes a single-storey extension to the rear of the building.

4 PLANNING HISTORY

23/10454 - Rear extension (Application for Planning Permission) - under consideration (to be considered at this Committee)

5 POLICY CONTEXT

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

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

SPG - Lymington - A Conservation Area Appraisal

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend Permission but would accept a delegated decision

7 COUNCILLOR COMMENTS

Cllr England: Objects to proposal

- Concerns regarding Conservation Area and listed building / heritage
- Negative design impact with regard to Conservation Area
- Additional density of development and associated impact on surrounding environment

8 CONSULTEE COMMENTS

Conservation Officer

Following amendments, no objection subject to suitable conditions to secure final detailing and materials.

Note: Rooflight referred to in final comments was removed following recommendation of Conservation Officer

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Note: A number of letters of correspondence were received, with some representees submitting multiple representations and some submitting representations only on one of the two associated full and listed building consent applications. For the avoidance of doubt, the below represents a summary of all representations received on both applications, with representations received from a total of 7 separate addresses.

For: 3

Against: 4

Supports

- Development appears similar to alterations on neighbouring properties
- Would not have a harmful impact
- Proportionate and sympathetic to existing dwelling
- Scale of works is within context of existing garden
- Alley is redundant

Objects

- Insufficient advertisement/consultation
- Potential disruption during construction works
- Overshadowing impact
- Overlooking

- Potential light pollution
- Concern about privacy if CCTV cameras were installed following development
- Insufficient detail in submitted information
- Insufficient quality of proposed works
- Proposal would disrupt a right of access
- Prevents future maintenance of neighbouring properties
- Misleading plans
- Proposal could not be constructed as drawn and would be contrary to Building Regulations
- Excessive amendments to proposal

10 PLANNING ASSESSMENT

Heritage Impact

The existing residential property at 3 Priestlands Place is a Grade II listed building within the Lymington Conservation Area. The dwelling is set within a terrace of residential properties at 1-7 Priestlands Place that are all Grade II listed. As such, special regard must be given to the particular impacts of the proposal on the special character and appearance of the existing listed building at 3 Priestlands Place. Any works should preserve or enhance the existing building and should not result in harm to the special features that justified the designation of the property as a Grade II Listed Building.

The scheme has been through a number of iterations following its initial submission so as to address a number of detailed design concerns.

The extension proposed would project off the rear wall of the existing Grade II Listed building. As such, the application does propose a physical intervention into the historic fabric of the Listed Building. However, with regard to the comments of the Council's Conservation Officer, following the amendments to the proposal, it is not considered that the alterations to the existing fabric and layout of the building would be harmful to the special features and characteristics that justified its designation.

Furthermore, with regard to the most recent comments of the Council's Conservation Officer, it is considered that the proposed extension would be of an appropriate size, scale, depth and appearance, being broadly reflective of the size and depth of existing extensions to other adjacent properties within this terrace of listed residential properties. The extension would not harm the plan form of the Listed Building or result in a harmful loss of historic fabric. It would be a suitably subordinate extension that would be acceptable in its proportions and detailing.

As such, the proposed extension would be acceptable in terms of its impact on the character and significance of the Listed Building subject to suitable conditions to secure further specific details of the final finish.

Legal issues

Some concerns have been raised in relation to the potential implications of the proposed development on a potential right of access on the land. Given the circumstances, it is considered that this would be a private matter between the relevant parties to resolve prior to any implementation of development. It is not considered that it would be reasonable or appropriate to refuse Listed Building Consent with regard to this matter.

Concerns have also been raised about the accuracy of the red line submitted with the application. This point has been queried with the applicant, and they are content with the proposal as submitted. It is the applicant's responsibility to ensure that the correct notice has been served, and in this case it is noted that the neighbouring property was consulted on the proposal and have submitted representations during the course of the application.

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

For the reasons outlined above, it is considered that the proposed works to the Listed Building at 3 Priestlands Place would have an acceptable impact on its historic character, appearance and significance. As such, it is recommended that Listed Building Consent be granted.

13 RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

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

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to their installation on site, full details of the proposed new internal and external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a door schedule, cross-sections, profiles, materials, mouldings, working arrangements, finishes and colour. The works shall thereafter be implemented and completed in accordance with the approved details.

Reason: To protect the character and architectural interest of the Listed Building.

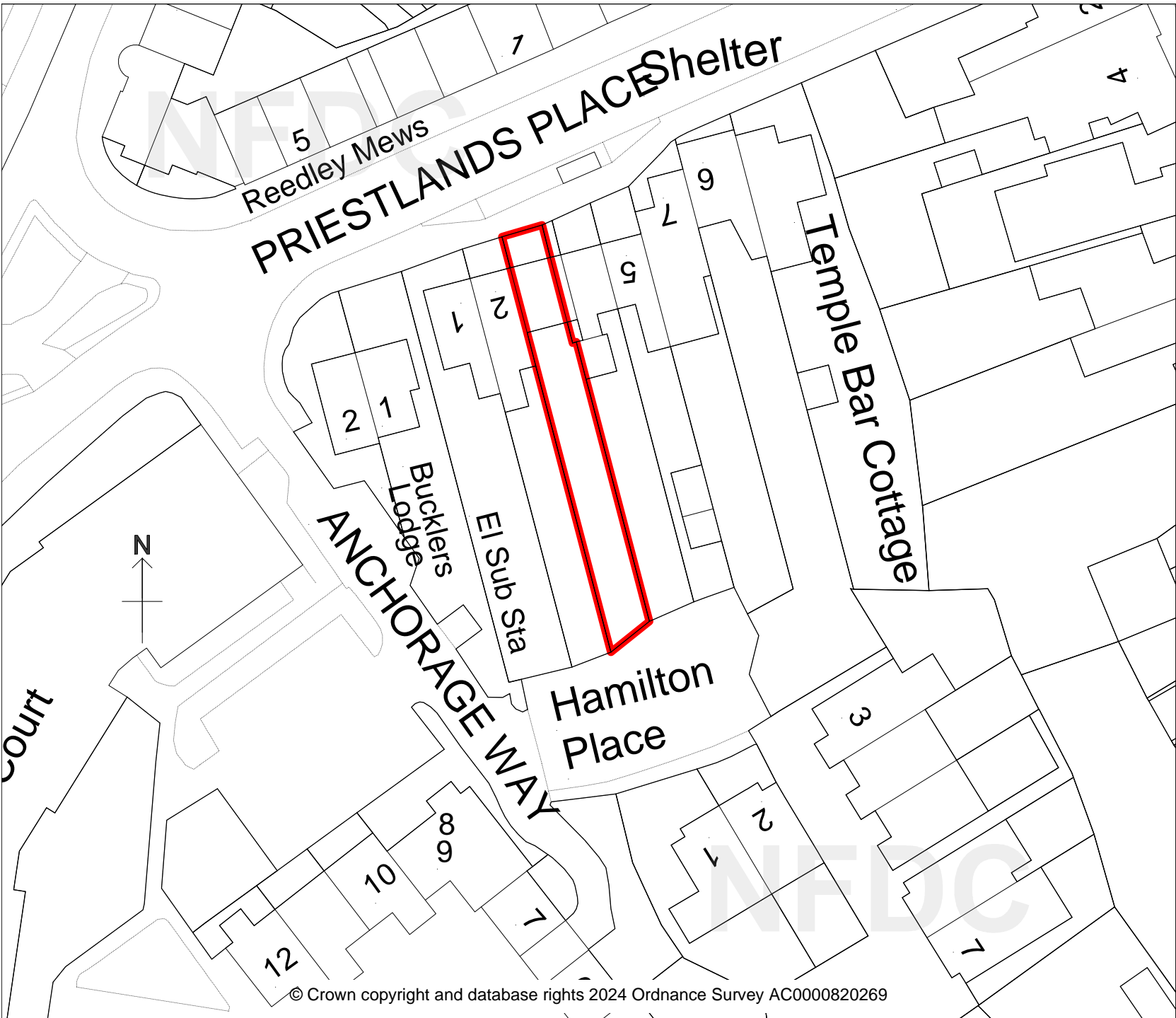
3. Prior to the construction of the works hereby permitted above damp proof course level, samples of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To protect the character and architectural interest of the Listed Building.

Further Information:

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PLANNING COMMITTEE

May 2024

3 Priestlands Place
Lymington

23/10454 and 23/10516

Scale 1:500

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