

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 12 MARCH 2025 AT 9.00 AM

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

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
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### **PUBLIC INFORMATION:**

This agenda can be viewed online (<https://democracy.newforest.gov.uk>). It can also be made available on audio tape, in Braille and large print.

Members of the public are welcome to attend this meeting. The seating capacity of our Council Chamber public gallery is limited under fire regulations to 22.

Members of the public can watch this meeting live, or the subsequent recording, on the [Council's website](#). Live-streaming and recording of meetings is not a statutory requirement and whilst every endeavour will be made to broadcast our meetings, this cannot be guaranteed. Recordings remain available to view for a minimum of 12 months.

### **PUBLIC PARTICIPATION:**

Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's [public participation scheme](#). To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Kate Ryan**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
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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 12 February 2025 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) Calmore Croft Farm, Salisbury Road, Calmore, Netley Marsh SO40 2RQ (Application 24/10199) (Pages 7 - 54)**

Outline planning application for the erection of up to 22,000sqm of employment use for logistic/warehouses (Use Classes B2 and B8) and ancillary office space with all matters reserved except for access

#### **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 the matters set out in the report;
- ii) 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.

#### **(b) Land adjacent to the Wheelwrights Post, Salisbury Road, Burgate, Fordingbridge, SP6 1LX (Application 24/10837) (Pages 55 - 92)**

Erection of a 70-bedroom care home (Use Class C2) with associated access, parking, landscaping and ancillary facilities

#### **RECOMMENDED:**

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

- i) Take receipt of and have regard to any comments from Natural England in response to the Council's Appropriate Assessment
- ii) the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the matters set out in the report

Then GRANT PERMISSION subject to 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 comments from Natural England and due to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

(c) **Land rear of Waltons Avenue, Holbury, Fawley SO45 2LU (Application 24/10656) (Pages 93 - 112)**

Variation of condition 2 (approved plans) of planning permission 22/11140 to allow change in design, including dwellings being closer together, and the addition of a flat porch over the front doors and bin and cycle storage details.

**RECOMMENDED:**

Grant subject to conditions

(d) **Woodbury, 2 Viney Road, Lymington, SO41 8FF (Application 25/10039) (Pages 113 - 128)**

Replacement dwelling

**RECOMMENDED:**

Grant subject to conditions

(e) **Threeways Cottage, Rockbourne, SP6 3NL (Application 24/11008) (Pages 129 - 150)**

Use of existing ancillary accommodation as an independent dwelling with associated car parking, highways works and ancillary infrastructure.

**RECOMMENDED:**

Refuse

(f) **Walcot House, Blackfield Road, Fawley, SO45 1ED (Application 25/10058) (Pages 151 - 156)**

Double sided sign mounted on two poles with reflective text (Application for Advertisement Consent) (Retrospective)

**RECOMMENDED:**

Grant advertisement consent

(g) **Site of 41 and 43, Manor Road, Ringwood, BH24 1RB (Application 24/10919) (Pages 157 - 174)**

Demolish the existing pair of semi-detached houses and erect two pairs of semi-detached houses (4.no total) with associated access and parking, including detached garage for Unit 4

**RECOMMENDED:**

Grant subject to conditions

(h) **Vicarage Moor Cottage, The Common, South End, Damerham, SP6 3HR (Application 24/11007) (Pages 175 - 182)**

Proposed garden room

**RECOMMENDED:**

Grant subject to conditions

(i) **6 Albert Road, New Milton BH25 6SP (Application TPO/0008/24) (Pages 183 - 192)**

**RECOMMENDATION:**

To confirm the Tree Preservation Order

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

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

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

Human Rights

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

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civil partnership, 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)  
Jack Davies  
Philip Dowd  
Richard Frampton  
Matthew Hartmann  
David Hawkins

**Councillors:**

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

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Planning Committee 12 March 2025

<b>Application Number:</b>	<b>24/10199</b> Outline Planning Permission
<b>Site:</b>	CALMORE CROFT FARM, SALISBURY ROAD, CALMORE, NETLEY MARSH SO40 2RQ
<b>Development:</b>	Outline planning application for the erection of up to 22,000sqm of employment use for logistic/warehouses (Use Classes B2 and B8) and ancillary office space with all matters reserved except for access.
<b>Applicant:</b>	McCarthy Investments Ltd
<b>Agent:</b>	Planning Issues Ltd
<b>Target Date:</b>	03/06/2024
<b>Case Officer:</b>	James Gilfillan
<b>Officer Recommendation:</b>	Service Manager - Grant
<b>Reason for Referral to Committee:</b>	One of the Council's Strategic Sites Parish Council contrary view

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## 1 THE MAIN ISSUES

The issues considered in section 10 are:

- a. The Principle of Development, Strategic policy compliance, Employment land supply.
- b. Highways and Access
- c. Parameter Plans Character, Layout, Landscape and Trees
- d. Amenity
- e. Ecology and Habitat Mitigation
- f. Drainage
- g. Other Matters

## 2 SITE DESCRIPTION

The site is located on the southern side of the A36 Salisbury Road, at its junction with the A326. The site straddles the boundary between Totton and Eling Town and Netley Marsh Parish. It is a substantial portion of the Local Plan Strategic Allocation SS1 'Land to the North of Totton' that covers a larger area of land from the existing residential area of Calmore, either side of Pauletts Lane, to the A326 in the west and beyond the A36 Salisbury Road, towards the M27 in the north.

The site consists of a combination of agricultural fields, hard surfaces and low scale structures associated with a pig farm, known as Four Acres Farm and construction yard, known as Calmore Croft farm. There are also three vacant houses, one large detached house known as Highlands and two bungalows used as agricultural workers dwellings.

There are mature trees around the edges of the site and along former field boundaries. Many of the trees are protected by a tree preservation order and some are veteran trees.

There are two existing vehicular accesses from Salisbury Road in-to the application site. One of the vehicular accesses is shared with a neighbouring industrial site known as Brookes Hill Industrial Estate, this is outside the application site and not indicated as being within the control of the applicant.

The other existing vehicular access is opposite the junction between the A36 and A326 and serves Highlands and Four Acres Farm. This is within the application site and within the control of the applicant.

The ground levels fall from Salisbury Road, predominately in a southerly direction.

The land surrounding the application site is currently used for grazing, it is included in local plan policy SS1 mixed-use, residential-led local plan allocation. To the north of Salisbury Road residential development has been approved. The New Forest National Park is located immediately to the west of the A326, to the west of the site.

### **3 PROPOSED DEVELOPMENT**

Outline planning application for the erection of up to 22,000sqm of employment use for logistic/warehouses (Use Classes B2 and B8) and ancillary office space with all matters reserved except for access.

Matters under consideration by this application are:

The principle of the use of land for up-to 22,000sqm floor space of employment development.

Access to the site for all vehicles and cycles from the A36 Salisbury Road as shown in detail.

The application is supported by detailed plans of the new access from Salisbury Road for all vehicles and cyclists.

The scheme proposes to form a traffic light controlled cross-road junction, in order to ensure safe and sufficient access to the application site is achieved. This cross-road would consist of the existing A326 south-bound slip road on the north side, the A36 to the east and west and the access into the application site to the south.

The A36 would be widened, by using land already within the adopted highway verges, to provide space to accommodate right turn lanes in-to the application site when approaching from the west and right turn on-to the A326 slip road when approaching from the east, complemented by straight on/left turn lanes along the A36, with the appropriate tapers and lane segregation and islands.

Access to the application site will be by way of a three-lane road, consisting of two lanes exiting the site and one lane entering. A lay-by is proposed for traffic signal maintenance alongside the new access road within the application site.

Three Parameter Plans are provided to support the principle of the development;

- Developable Areas, including areas of maximum building heights of 12.5m and 15.5m high, and non-vehicular access options;



- Landscape Framework;
- Landscape Strategy.

For reference, the proposed detailed design (appearance, landscape, layout and scale) of the buildings and supporting spaces around them will be determined in subsequent Reserved Matter application(s).

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
24/10048 Demolish single detached dwelling and outbuilding (Demolition Prior Notification)	08/02/2024	Details not required to be approved	Decided	
23/10136 Full demolition of bungalow (Demolition Prior Notification)	14/03/2023	Details not required to be approved	Decided	
23/10137 Full demolition of bungalow (Demolition Prior Notification)	14/03/2023	Details not required to be approved	Decided	
20/10824 Use as a dwelling-house (Lawful Use Certificate for retaining an existing use or operation)	12/11/2020	Was Not Lawful	Decided	
17/11692 Use of sheds as B1 (industrial) and B8 (storage); use of 2 bungalows as C3 (residential) with no agricultural tie (LDC)	07/03/2018	Was Not Lawful	Appeal Decided	Appeal Allowed in Part
16/10508 Temporary siting of agricultural workers' mobile dwelling with ancillary agricultural storage sheds (retrospective) and container	16/08/2016	Granted Subject to Conditions	Decided	
16/10366 Agricultural building (Agricultural Prior Notification)	13/04/2016	Prior Approval refused	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

##### Relevant Legislation

Planning and Compulsory Purchase Act 2004  
 Planning (Listed Buildings and Conservation Areas) Act 1990  
 National Parks and Access to the Countryside Act 1949  
 Levelling Up and Regeneration Act ('LURA') (2023)

##### National Planning Guidance

National Planning Policy Framework (NPPF) 2024  
 Planning Practice Guidance

## **New Forest District Development Plan**

### **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 STR6: Sustainable economic growth

Policy STR7: Strategic Transport Priorities

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy ECON1: Employment land and development

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL2: Development standards

Strategic Site 1: Land to the north of Totton

### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Air Quality in New Development.

SPG - Landscape Character Assessment

SPD - Planning for Climate Change

SPD - Parking Standards

## **New Forest District Council Corporate Plan 2024 to 2028**

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

#### **Totton & Eling Town Council. April 2024.**

Par 2. We recommend REFUSAL, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

- The increased employment opportunities the development would offer are welcomed, and no objection is raised to the use.
- The site has good transport links for industrial use.
- The retention of important trees had been considered and these would help screen the site whilst retaining important wildlife habitat.
- The main areas of concern are the overall proposed number of units within the site and potential parking concerns due to NFDC Parking Standards not being met.
- Notwithstanding the car ports with solar panels, the overall lack of renewable energy options to power and heat the proposed buildings was disappointing.

The recommendation is based on the information provided and absence of information relating to site access.

### **Netley Marsh Parish Council. April 2024**

Par 4. We recommend REFUSAL, for the reason listed below

- Access: the proposed access is a hazard and is a totally unsuitable location, access should be via the new link road with planned nearby estates.
- The heights of the proposed buildings, on a rise, will adversely affect the adjacent National Park. This is urbanisation in a rural area. There will be a major visual impact.
- There are flooding concerns with plans to fill in a ditch.
- Warehouse type employment is likely to only create a few posts so the employment gain will be minimal.
- Biodiversity gain is minimal, and the proposal to remove the planned solar panels in the parking area will make this worse. This also relates to the legal case in West Oxford DC in February ref. the Planning and Energy Act 2008.
- The proposals are contrary to policy ENV3. It is felt that before there is any development on this site, a Section 106 agreement is essential.

### **Netley Marsh Parish Council. February 2025**

Par 4. We recommend REFUSAL, for the reason listed below

- It is understood that there are bats onsite but there is currently no information on a European Protected Species mitigation licence.
- Flooding issues, Southern Water comments will not be received until later.
- Access was a concern on the original application and has not been changed.
- The height of the buildings and low skilled employment opportunities are also of concern.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Hampshire County Council**

#### **HCC Highways: No objection subject to S.106 and conditions**

The proposed access from the A36, including the revisions to the design of the existing junction between the A36 and A326 are required to make the development safe in highway terms. The scheme secures safe access for pedestrians and cyclists and connectivity with adjoining land.

#### **HCC Countryside Services: No objection.**

Requests informatives regarding protecting Public Right of Ways (PROW) during construction are included in any approval.

**HCC Lead Local Flood Authority: No objection**

Clarifications provided to support the preliminary drainage strategy are acceptable. A condition seeking detailed drainage calculations and design would be acceptable.

**New Forest District Council**

**Archaeologist: Objection**

No Heritage Asset Statement has been prepared or assessment of the presence of archaeology undertaken.

**Conservation: No objection.**

**Environmental Health (Contamination): No Objection subject to conditions.**

The submitted Site Investigation report dated July 2023, details no plausible contaminant linkages for the proposed commercial development. However, within the southeastern corner of the site, where deep Made Ground is present, additional assessment is recommended as the possibility of ground gases cannot be entirely discounted at this stage. Standard Contaminated Ground conditions can ensure sufficient surveys and mitigation are secured.

**Environmental Health (Pollution): No Objection subject to conditions.**

Air Quality. A dust management plan should be secured as part of a Construction management plan. Increases in vehicle movements will not detrimentally impact on the nearest Air Quality Management Area at Millbrook in Southampton City.

Nuisance. A noise assessment has been undertaken, its conclusions are acceptable and a condition limiting noise should be imposed.

**Environmental Design Team: Objection.**

The scale of built form and parameters are a concern. It is unclear how the buildings will relate to existing topography. The LVIA does not adequately assess the sensitivity of the area or demonstrate that the scheme has been informed by a thorough analysis of the site opportunities and constraints. The green spaces surrounding the retained trees are welcomed but will offer greater biodiversity, visual screening and particulate capture if more areas of native shrubs are included. The revised access position has no greater or lesser impact on local landscape.

**Tree Team: No objection.**

The proposed access is acceptable. The developable areas plan now indicates development is outside tree protection zones. No object to tree loss proposed. Changes to ground levels as part of reserved matters application will need to prove no harm to retained trees.

**Others**

**Active Travel England: No objection.** Standing advice applies.

**Environment Agency: No objection, subject to conditions.**

The site is in flood zone 1 and there are no flood risk issues arising from the proposed development. Ground contamination identified is not considered to be significant. A precautionary condition requiring further assessment should unexpected contamination be identified is merited.

**Hampshire Swifts. Objection.**

Insufficient intent to install ecological enhancements, specifically swift bricks/boxes, is made by the ecological appraisal.

**National Highways: No objection, subject to conditions.**

The development will not result in significant impact on the safe and efficient operation of the strategic road network. Conditions securing a Construction Traffic Management Plan and Operational Management Plan are requested.

**Natural England: No objection.**

Indicate the shadow Habitats Regulations Assessment is acceptable. Mitigation for potential impacts on protected species, biodiversity enhancement and sensitive lighting should be secured.

**NatureSpace: No Objection.**

It is determined that this proposal is unlikely to impact great crested newts and/or their habitats. The on-site pond was tested negative for great crested newts and the off-site pond had a 'poor' HSI score. The other ponds in the landscape are beyond the A326 and the A36 which are barriers in the landscape for the terrestrial dispersal of great crested newts.

**New Forest National Park Authority: No Objection.**

The District Council will need to consider the potential impacts on the National Park in accordance with the legal duty in Section 11(A) of the National Parks and Access to the Countryside Act 1949.

**Southern Water: No Objection**

Southern Water will contact the developer to agree enhancements to the capacity of the foul sewer, or phased implementation. The design of the surface water drainage system should be such that it doesn't result in inundation of the foul sewers.

**9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

6 letters have been received objecting to the proposals on:

Principle

- Unacceptable to consider the application in isolation. Failure to provide full details of proposals for development of all land within the allocated site.

Design

- The scale of the scheme does not provide suitable transition to landscape character of the New Forest National Park
- Impact on the rural character of the site
- Loss of trees

Highways

- Existing access to the site is insufficient for the proposals
- Access to A326 north bound from A36 is congested with traffic from Paultons Park in the summer and is unsafe.
- Cumulative impacts of traffic generated have not been fully assessed
- Use of minor roads close to the site would become rat runs detrimental to safety and amenity

Amenity

- Noise disturbance and air pollution would be detrimental to resident's amenity and wellbeing

Ecology

- Impact of uses causing pollution on wildlife, including surface water drainage

Drainage

- Additional surface water runoff exacerbating flood risk on Pauletts Lane

## 10 PLANNING ASSESSMENT

### **A. The Principle of Development, Strategic policy compliance and Employment 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 (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF (December 2024) Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Taking NPPF paragraph 11(c), if the proposed development accords with the 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).

However, the New Forest District Local Plan provides development plan policies relevant to the determination of this proposals, most particularly:

- Policy STR3: The strategy for locating new development
- Policy STR4: The settlement hierarchy
- Policy STR6: Sustainable economic growth
- Policy ECON1: Employment land and development
- Policy SS1: Land to the north of Totton

These policies, as part of the New Forest District Local Plan: Planning Strategy, adopted on 6th July 2020 are still up-to-date.

Footnote 8 to this paragraph confirms that irrespective of the age of the development plan, for the purposes of applications involving the delivery of housing, the relevant

policies are to be considered out-of-date if the council is unable to demonstrate it has a five-year supply of deliverable housing sites.

The council is unable to demonstrate a five-year supply of deliverable housing sites, however, this planning application does not involve the delivery of housing, as such the relevant policies which are most important for determining the application are not considered out-of-date.

It is therefore considered that the presumption in favour of sustainable development (the so called 'titled balance') set out by paragraph 11(d) does **not** apply in this case and the application falls to be considered against the policies of the development plan as per section 38(6) of the Act.

Local Plan policy STR1 'Achieving sustainable development' sets the overarching requirements expected of developments to achieve sustainable development. The following three criteria are particularly relevant to this application;

- ii) Requiring a context led approach to the design of development and secure a high quality design that maintains local distinctiveness, safeguards landscapes and heritage assets and has appropriate regard to the purposes of the New Forest National Park;
- iv) Ensure development contributes to a diverse and thriving local economy, providing an overall balance of uses accessible by sustainable transport modes as well as by car;
- v) Ensure communities and workers are safe and the risks to people, places and the environment from potential hazards are minimized.

Policy STR3 'The Strategy for Locating New Development' presents the strategy for locating new development, seeking to direct development to accessible locations that help to sustain the vitality and viability of the towns and villages of the plan area.

Policy STR4 'The Settlement Hierarchy' sets a settlement hierarchy for the New Forest. The site falls within Totton, included in the list of 'Towns', the largest settlements in the hierarchy, considered to be the most sustainable locations for large scale development, such as the scheme proposed by this application.

Policy STR6 'Sustainable Economic Growth' sets economic growth targets to enable a vibrant and prosperous local economy. The delivery strategy identifies a need for 126,000sqm floor space across the plan area. It expects around 70,000 sqm floor space will come from allocated mixed use Strategic Site allocations SS1, SS4 and SS14.

The site is allocated for mixed use development as part of Strategic Site SS1 - Land to the North of Totton. The adopted strategic site policy states (emphasis added):

#### **Strategic Site 1: Land to the north of Totton**

- i. **Land to the north of Totton, as shown on the Policies Map is allocated for residential-led mixed use development and open space and will comprise the following:**
  - **At least 1,000 homes, dependent on the form, size and mix of housing provided.**
  - **A commercial core west of Pauletts Lane including around five hectares of land for business and employment uses.**

- A community focal point in a prominent location including ground floor premises suitable for community use.
  - Contributions to educational provision to include two hectares of land to be reserved for a primary school.
  - On-site provision of formal public open space.
- ii. The masterplanning objectives for the site as illustrated in the Concept Master Plan are to create a well-designed and integrated extension to Totton whilst maintaining the rural character of Hill Street and Pauletts Lane and a countryside edge to the New Forest National Park. Development will be required to:
- a. Create an integrated network of natural green spaces to frame development, using and enhancing important tree belts, hedgerows and woodland blocks (including Bog Plantation, Hatton's Plantation and Kilnyard Copse), and by making a positive feature of water courses, to connect new greenspace to existing footpaths and rights of way to Loperwood, Sharveshill Plantation, Wade Hill Drove and Testwood Lakes.
  - b. Set development behind the ridge line on the northern and northwestern edges to maintain an open landscape and an appropriate westbound transition from urban Southampton to the countryside edge of the New Forest National Park.
  - c. Provide traffic calming and crossing points for the A36 (Salisbury Road) and creating a choice of vehicular routes including an alternative route west of Pauletts Lane between the A36 and Loperwood suitable for two-way traffic including buses, and an east west pedestrian and cycle route across Pauletts Lane.
- iii. Site-specific Considerations to be addressed include:
- a. The need for an agreed comprehensive development framework for the whole allocation to ensure the effective coordination between multiple land interests to deliver an integrated, whole-site approach to the provision of access, community facilities, open space and natural recreational greenspace for habitat mitigation.
  - b. Design and other appropriate measures to mitigate potential noise and air quality impacts from the M27/A31, A36 and the A326.
  - c. To assess the need for, and to provide where necessary, enhancements to the A326 and A36 junctions to provide safe vehicular access for the development.
  - d. The Grade II listed building Broadmoor Cottage, Pauletts Lane should be retained within an appropriate setting so that its significance can be appreciated.
  - e. The preparation of a detailed site-specific Flood Risk Assessment (FRA) will be required which would demonstrate that there will be no inappropriate development within Flood Zone 3b.



When prepared the policy (criterion iii (a)) recognised a need for the multiple land ownership interests to come together and prepare a comprehensive development framework for the entire allocation in order to ensure delivery of an integrated, whole site, approach to the provision of routes across it, the mix of uses and facilities and spread of green space. It has not been possible to secure such a development framework. However, this should not and can-not preclude consideration of applications, assessment on their merits and discharge of the duty of the Local Planning Authority to determine planning applications submitted to it.

The location of the development, within the built-up area of Totton, as defined by the Local Plan policies map, is appropriate for the proposed development and in accordance with local plan policy STR3. Furthermore, Totton is in the list of towns the highest tier of settlements in the district identified by local plan policy STR4. Towns are considered to be the most sustainable locations for the form of large-scale business development proposed by this application.

The application site is a small part of the overall area subject to Local Plan strategic site policy SS1. The development proposes employment uses which is consistent with the mixed-use requirements at paragraph (i) of SS1, whereby the policy expects around five hectares of land shall be for business and employment uses. The application site covers approximately seven hectares of land.

The concept master plan supporting policy SS1 (Local Plan Part 1, page 111) sets out an illustrative approach to the layout of built development and open spaces across the wider site. That master plan illustratively indicates the application site is appropriate for employment development. As such it is considered an appropriate location for the proposed development within the allocated site in principle.

However, the area covered by the application site does extend in-to areas illustratively shown in the concept master plan to be appropriate for residential development, as well as the broad area suggested for the heart of the community with a community focal point and a school, reducing the space available to deliver such alternative forms of development.

The Local Plan has adopted a strategy to meet the objectively assessed housing needs of the District, this allocated site, land north of Totton, is part of that strategy and is required to achieve the identified housing need. Whilst the loss of land identified by the illustrative concept master plan considered to be appropriate for residential development could potentially impact reaching the local plan policy target of at least 1000 dwellings, there remains extensive parts of the allocation, illustratively indicated as being appropriate for residential development, yet to be subject to planning applications.

Moreover, as of March 2025 a total of 614 dwellings have either planning permission or a resolution to grant planning permission, towards the policy target of at least 1000 homes. Furthermore, some of the development parcels identified for housing in the illustrative concept master plan have provided more than that set out in the Local Plan supporting text. For example, the sub-parcel of the overall allocation located north of the A36 has delivered in excess of 325 homes, compared to the indicative figure of 260 homes presented by paragraph 9.43 of the local plan.

Additionally, the concept master plan does not reserve any land specifically for the other non-residential uses such as schools. Therefore it has to be accepted that some of the land illustratively identified as being appropriate for residential development either could or would be used for other non-residential uses.

Based on the amount of housing already subject to planning permission or with resolution to grant planning permission, alongside the amount of land remaining available elsewhere within the strategic site allocation boundary, it is considered that the loss of some of the land broadly considered appropriate for residential development will not compromise delivery of the overall policy SS1 requirements and the contribution of the site towards the strategy for housing delivery across the District.

Whilst not included in the description of development, it should be noted that the proposed development will result in the loss of three houses present on the site. The loss of residential dwellings will reduce the availability of housing in the district. However, these three houses are all vacant and have prior notification consent for demolition. All three are covered by development proposals by the illustrative concept master plan, supporting policy SS1, so their loss was likely. In this instance their demolition isn't directly related to this planning application so would not weigh against this scheme in the planning balance.

#### New Forest National Park (NFNP).

The Levelling Up and Regeneration Act ('LURA') (2023) and Section 11(A) of the National Parks and Access to the Countryside Act 1949, places a duty on the council to seek to further the purposes of the National Park, being:

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified; and
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

Local Plan policy STR2 requires development not to have an unacceptable impact on the special qualities and purposes of the adjoining NFNP. In the determination and implementation of development proposals including planned growth, great weight will be given to ensuring that the character, quality and scenic beauty of the New Forest National Park are protected and enhanced.

The application site is close to the boundary of the NFNP, which is beyond the A326, to the west of the site. Being site close to the west edge of the land allocated for development by local plan policy SS1 there would be no other proposals for development yet to be considered, that may provide screening or a transition from this development. However, it should be noted that the application site and strategic site SS1 do not share a contiguous boundary with the NFNP, the A326 dual carriageway and highway verges, which is located outside the National Park, provide an intervening buffer.

The area of the NFNP closest to the site consists of small clusters of buildings spread amongst dense areas of mature trees, hedges and fields, but includes more intensely developed sites such as the NHS site at Tatchbury Mount and the Paultons Park theme park, close to the application site to the south and north respectively.

As described above the land subject to this application is allocated for development by local plan policy SS1. That concept master plan illustratively indicates the application site as appropriate for employment development.

As a point of principle, the current proposal accords with the land use requirements of local plan policy SS1. By illustratively indicating the site as appropriate for employment development, it had to have been considered that such a form of development was compatible with preserving the statutory purposes of a National Park.

With respect to the two purposes of National Parks, listed above, it is considered that the principle of the development will:

- (a) conserve the natural beauty, wildlife and cultural beauty by proposing development of land that doesn't share a contiguous boundary with the National Park and avoiding land providing supporting roles to those aspects of the National Park.
- (b) deliver development away from land publicly accessible where the public can enjoy the special qualities and most particularly existing tranquil areas of the National Park.

As an outline application the appearance, layout and scale of the development are matters reserved for future applications, so their effect on the specific characteristics of this part of the NFNP and the purposes of the National Park would be considered by such reserved matters applications.

However, where details of the development and scale parameters and landscape frameworks, specific to the proposed scheme, have been presented to support the principle of this proposed development, the relationship to the appearance and special qualities of the NFNP are considered below at section 10(C).

#### Environmental Impact Assessment.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development has been subject to a request from the applicant for the Council to adopt an EIA screening opinion.

Industrial estate development is listed at schedule 2 part 10 (a) 'Industrial estate development projects' of the list of forms of development likely to require an EIA. The schedule includes a threshold of 0.5 hectares and above. The proposed development is circa seven hectares in size, as such it is considered appropriate that the scheme is subject to a screening request from the applicant.

The Council has reviewed the applicants supporting report, consulted relevant statutory consultees and had regard to the conclusion of a Planning Inspector in concluding the development at Cooks Lane (ref:22/10219), also within the mixed-use strategic site allocation SS1, would not have such environmental impacts alone, or in combination with the totality of development planned for across SS1, to be EIA development.

#### Employment land delivery.

NPPF chapter 6 seeks to build a strong, competitive economy. NPPF paragraph 85 expects planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

In addition to local plan policy STR6 setting a growth target for employment development, policy ECON1 supports the development of employment uses on employment sites, including those with a local plan allocation such as this site, provided that:

- a. Safe and suitable access can be provided for pedestrians, cyclists and for the types of vehicles likely to visit the site; and

- b. The proposal would not unacceptably impact on the environment, the landscape, or on the amenity of nearby residents; and
- c. The proposal would not have a significant detrimental impact on the operation of other businesses in the locality; and
- d. the use proposed is proportionate in scale for the location with regard to the settlement hierarchy.

The design and site-specific requirements listed at criterion (a-c) are considered in further chapters of this report below, however, the site falls within built-up area of Totton, one of settlements in the highest tier of the settlement hierarchy identified by STR4, as such the development is considered to comply with criterion (d) above.

In order to support the aspiration of maintaining and enabling a vibrant and prosperous local economy Local Plan policy STR6 identifies a need to provide 126,000sqm of employment floorspace. The delivery strategy relies on the residential-led mixed-use Strategic Site Allocations to deliver over half of this floorspace.

The 22,000sqm of floorspace proposed by this application would account for approximately 17% of the target set by policy STR6. This makes a very significant contribution to meeting the Local Plan employment floorspace target.

To date the council has not published any monitoring data of the delivery of employment floorspace since the local plan was adopted. Whilst there is no trajectory for the rate of delivery incorporated in the policy, none of the other Strategic Site allocations, identified by policy STR6 to provide employment development, have delivered any employment floorspace.

The application proposes the development will be for uses falling within use classes B2 and B8, those being defined by the General Development Use Classes order (1987) as amended, as:

B2 - General Industrial.

B8 - Storage and Distribution.

Third party representations have criticised the scheme for providing B8 uses (Storage and Distribution) which would not provide a high number of jobs. Paragraph 7.5 of the Local Plan clearly defines "Employment Uses" as comprising industrial, office, business and storage & distribution uses.

The objectively assessed economic growth needs supporting preparation of the existing local plan did not identify growth needs in specific use classes, and as such policy STR6 does not provide a breakdown of needs for different uses.

Whilst local plan policy STR6 criterion (iii) does seek to encourage a greater presence of higher value, knowledge-based businesses, it does not set a floor space target or prioritise use of employment sites for those uses, many of which, based on the definition, provided in the glossary at appendix B to the local plan, are considered to be town centre uses.

Furthermore, Strategic Site policy SS1 does not define any requirements in respect of the range or proportion of uses, merely expecting delivery of a commercial core to include around five hectares of land for business and employment uses.

In the absence of any such preference or priority for use classes in the Local Plan, it is not considered necessary to seek to control the extent of the development that is provided in either use class. Although in the first instance it will be appropriate to restrict the use of the development to those use classes and prevent any change of use, away from predominately employment business uses, allowed for by the General Permitted Development Order.

Whilst it is acknowledged that B8 Storage and Distribution uses may not generate a high number of jobs for the size of the buildings. However, such logistic and warehouse centres make a very significant contribution to supply chains across a wide range of services, markets and industries, including jobs involved in servicing the site such as HGV drivers, that may not be visible on the site.

The importance of the role performed by such B8 uses has been demonstrated by the applicant in their Employment Need Statement (Planning Issues rec'd 19/02/25), setting out the changes in supply chain logistics to respond to the significant growth in home 'online' shopping and the approach of companies like Amazon providing goods directly to the consumer. Furthermore, it advises that due to supply chain delay and instability, largely arising from Brexit and the Covid-19 pandemic, some companies now look to store large inventories closer to consumer markets.

The Employment Need Statement goes on to describe the importance of the building heights applied for, in meeting market needs. Mainly focussed on the potential efficiencies, the additional storage capacity would allow for and making better use of limited land availability. It also gives examples of many other schemes given planning permission in Hampshire and Dorset over the last five years with eaves heights at or above those likely to be delivered by this planning permission, demonstrating demand in the logistics market for such building sizes.

However, the application includes proposed use of the site for use class B2 'General Industrial' uses. These uses will make provision for a variety of jobs, including potentially skilled manufacturing and workshops, including supporting ancillary office based roles.

The NPPF at paragraphs 86 and 87 makes specific regard to ensuring local plan policies and decisions pay particular regard to facilitating development to meet the needs of a modern economy, including identifying locations for freight and logistics, storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods to support the supply chain. Essentially it is considered that the proposed development meets this requirement.

With respect to criteria (c) of local plan policy ECON1, as described above, it is considered that occupation by businesses falling within use class B8 are likely to support existing business operations in the local area by providing a ready and reliable supply of goods and products required by that existing business. As a site allocated in part for employment business development, to meet the identified growth needs of the district, occupation by businesses falling within use class B2 would not compromise any existing business operation in a manner that the planning process could consider.

The consequences of the loss of land illustratively considered appropriate for residential development by the concept master plan, for the delivery of housing, is discussed above. However, the proposed provision of additional land for employment development, is considered to be acceptable given the illustrative nature of the Local Plan concept master plan for SS1 and the high potential for delivering the minimum number of residential dwellings required in Policy SS1 within the residual area of the

allocation site.

In the absence of any published employment monitoring data it is not possible to confirm the scale of delivery of employment development in the plan area. However, it is known that planning permission has not yet been granted for employment development at either Fawley (SS4) or Ringwood (Land north of Hightown Road SS14), the other mixed-use strategic site allocations required to deliver the strategy for sustainable economic growth included in local plan policy STR6. As such the delivery of more than the indicative five hectares of employment land, included in local plan policy SS1, proposed by this application will contribute positively to job creation in the district and make up for the lack of delivery elsewhere.

Being within the defined built up area and on land allocated for business and employment development as part of a mixed-use strategic allocation, the principle of the development is acceptable and accords with policies STR3, STR4 and ECON1, making a positive contribution to the successful implementation of the development plans approach to meeting its identified need for employment floorspace and in doing so contributes to meeting the economic growth needs of the district over the plan period, in a sustainable manner required by STR6. Whilst not an adopted planning document, the proposal would also contribute towards the Corporate Plan theme of Prosperity by attracting investment and increasing skills and employment opportunities.

In conclusion it is considered that the principle of the proposed development accords with local plan policies STR2, STR3, STR4, STR6, ECON1 and SS1.

## **B. Highways and Access**

Access to the site is the only detailed 'Matter' before the Council as part of this Outline Planning Application.

In accordance with Local Plan Policy CCC2 (Safe and Sustainable Travel) proposed development is required to deliver safe and sustainable travel, by prioritising safe and convenient pedestrian access within developments, provide or contribute to the provision of dedicated cycle routes and lanes, consider the impact of development on bridleways, provide sufficient car and cycle parking in accordance with the parking standards SPD, provide infrastructure for electric vehicles and contribute to the provision of highway or public transport measures.

It also recognises that the Strategic Site Allocation Policies may make site specific requirements. In this case policy SS1 makes two specific references to the provision of highway infrastructure, namely:

- (ii) Masterplanning objectives criteria (c)  
Provide traffic calming and crossing points for the A36 (Salisbury Road) and creating a choice of vehicular routes including an alternative route west of Pauletts Lane between the A36 and Loperwood suitable for two-way traffic including buses, and an east west pedestrian and cycle route across Pauletts Lane.
- (iii) Site-specific consideration criteria (c)  
To assess the need for, and to provide where necessary, enhancements to the A326 and A36 junctions to provide safe vehicular access for the development.

## Access

The proposal is supported by the following plans and reports;

- Detailed Access design received 20/12/24
- Developable Areas parameter received 26/02/25
- Transport Assessment received 04/03/24
- Addendum Transport Assessment received 08/08/24
- Highways Rebuttal received 20/12/24
- Framework Travel Plan received 08/08/24

The existing access that serves the dwelling known as Highland and former farmland known as Four Acres Farm will be closed. This access would not be safe for the scale of the proposed development and can-not be improved to accommodate the movements, safely or efficiently, in and out of the site. The access to the existing construction compound on the east side of the site operated by Churchill Retirement Living is not in the application site and the applicant does not have ownership control of it or land either side, as such that route can-not be improved, by the applicant, to serve this development.

The application proposes to form vehicular access from Salisbury Road, close to the existing house at Highland, forming a traffic light controlled cross-road junction with the A36 Salisbury Road and the existing A326 southbound slip way. It is this junction that criteria (iii(c)) of local plan policy SS1 requires assessment of.

The proposed design of the access to the development site has been subject to extensive assessment and negotiation between the applicant and Hampshire County Council highways officers (HCC). This has included additional input from HCC highway engineers.

The proposed design includes widening the A36, within the confines of the existing adopted Highway, in order to provide right turning lanes in to the site and the A326 southbound slip-road, in addition to straight on/left turn lanes along the A36, with the appropriate tapers and lane segregation. Access to the application site will be by way of a three-lane junction, consisting of two lanes exiting the site and one lane entering. All vehicle movements on all four arms of the crossing will be under the control of traffic lights. Lane widths, traffic islands and junction radii have been designed to accommodate the size of vehicles expected to visit a large industrial employment site.

In line with the comments received from HCC Highways, the principle of the design is considered to be acceptable for the proposed development.

Furthermore, inter-visibility between junctions and lights, and forward visibility for approaching and waiting vehicles has been demonstrated to the satisfaction of the HCC highways officers, ensuring technical safety standards are achieved.

The potential impact of the increase in vehicle movements generated by the scale of development proposed by Local Plan policy SS1 have been assessed by the planning applications received to date. Whilst the initial applications, within the allocated site, north of Salisbury Road (A36), did not trigger a requirement for improvements to be made, it did demonstrate that improvements would be required to accommodate all of the development planned for by policy SS1.

Whilst the development proposed by this application needs the scale of access shown, in order to be acceptable in highway safety terms, the design of the junction delivers the enhancements required to accommodate the cumulative impact of the development proposed by local plan policy SS1.

Much of the land required to deliver the proposed vehicular access is outside the land within the applicant's control. However, it is within the adopted highway, that ensures deliverability and the 'red-edge' defining the application site abuts the adopted highway. Those parts of the access falling within the adopted highway will require technical consent from Hampshire County Council as Local Highway Authority. For the purposes of the planning application a sufficiently detailed access design has been presented in principle and will be secured for delivery by a S.106 legal agreement.

Hampshire CC raise no objections to the proposed access, accepting that sufficient widths and visibility can be achieved to preserve highway safety and accommodate the cumulative volumes of vehicle movements, in accordance with policies SS1 (iii(c)) and CCC2 of the Local Plan.

### Trip Generation and Vehicle Movements

The application is supported by a Transport Assessment, an Addendum Transport Assessment and Transport Rebuttal (Paul Basham Associates) that undertakes appropriate modelling to identify likely trip generation and distribution. It also models cumulative growth from other developments, including the remaining development potential within strategic allocation site SS1 and background growth over time up to the year 2036.

Recognising that the planning application proposes to allow for businesses that fall within use classes B2 and B8, without any restriction or control over the split of floorspace within either category, the modelling has assessed worse-case scenario of the entire development being put to uses falling in use class B2 'General Industrial', that generate more vehicle movements than uses in use class B8 'Storage and Distribution'.

That modelling work is based on implementation of the proposed traffic light controlled access, assesses the capacity of local routes including junction Two of the M27. The conclusions of the modelling have been accepted by National Highways and HCC highway officers, and do not identify any unacceptable impacts to the free flow or safety of traffic on the highway network, including A326/A36 north bound slip-road roundabout, A36/Pauletts Lane junction and Calmore Road roundabout.

Concerns raised by representations received from residents regarding the potential conflict between the development and traffic generated by Paultons Park visitor attraction, on the A326 northbound slip-road roundabout are acknowledged. As indicated above, that roundabout was subject to the modelling work accepted by HCC highways officers. However it is accepted that large attractions such as Paultons Park will generate very high volumes of traffic at peak opening and closing times that could disrupt the free flow of traffic on nearby roads. These peaks are difficult to accommodate in modelling and predict as likely to occur differently on a day-to-day, week-to-week basis and heavily influenced by the weather and seasonal promotions. Whilst such scenarios are inconvenient for local residents, it is considered that such peak congestion can not be resolved by the application under consideration here, or that highway infrastructure is expanded to accommodate the short term impacts in the same way as daily flows are provided for.

Whilst accepting that the proposed development will not have a significant impact on the safe and efficient operation of the strategic road network, in their consultation response, National Highways have requested a condition is imposed requiring the applicant to prepare an Operational Management Plan in order to further minimise the impact of the development on the effectiveness of the M27 trunk road. A condition



could be drafted to seek such a plan, however, it would prove very difficult for the Council to monitor and also difficult for the developer and any future occupier to dictate and comply with. It is considered that flexibility in delivery and departure timings is key to the efficiency of the modern 'just-in-time' nature of use class B2 and B8 businesses.

The application is however supported by a framework travel plan, whereby the developer and future occupiers can seek to influence the travel patterns of staff. Movements that are considered to be more readily within the gift of the developer to influence than deliveries to and from the site. Details of this are covered in more detail below.

### Connectivity

The concept master plan supporting the policy SS1, illustratively indicates that a new north-south route linking Salisbury Road (A36) with Loperwood, included at criteria (ii(c)), could use the vehicular access proposed by this application and cross this application site before continuing to the south across adjoining land in separate ownership.

Whilst this outline planning application does not provide details of the potential layout of the buildings and routes within the application site, none of the plans, assessments or supporting material indicate that such a new north-south route is proposed to be subsequently included in this development.

The transport assessments undertaken to support the application do not indicate that this scheme needs such a route in order to be acceptable in highway capacity and safety terms. Nor does local plan policy SS1 indicate a scale of development that triggers the need for such a route or provide any explanation in the text supporting the policy relating to the purpose of such a route.

The applicant does not wish to allow residential traffic to pass through their site due to the potential highway safety and security conflicts. In addition, it is their view that it would be poor urban planning, that is likely to result in commercial vehicles passing through residential areas. Furthermore, at this time there is no committed development to the south of this site for such a route to connect to and serve. The land to the south of this planning application site is fragmented and in multiple ownership, as such it is not clear whether there is a realistic prospect of development occurring on that land, which is illustratively shown by the concept master plan supporting the policy as being appropriate for greenspace to support the proposed development.

Hampshire CC Highways officers have not objected to the application for not making provision to include such a route. As such it is considered that there is no justification in highway safety and planning terms to resist this development based on its failure to make provision for such a route as illustratively shown on the Local Plan concept masterplan for SS1.

It is considered likely that a north-south route could be required to support development within the strategic site. Officers will continue to work with land owners and developers to identify a deliverable option that meets the policy objectives.

In addition to the detailed design of the access to the site for vehicles, the Developable Areas plan indicates where non-vehicular access could be delivered to provide connectivity with adjoining land for pedestrians and cyclists. The Landscape Strategy demonstrates how the developable areas, within the application site, could be linked.

Connectivity options for pedestrians and cyclists to access the site have been indicated on the Developable Areas plan. This plan includes proposals to ensure staff are able to access bus stops on Salisbury Road safely, which coupled with ensuring convenient and safe routes for pedestrians and cyclists is important to deliver a development that can be accessed by sustainable forms of travel. This presents two routes to connect to Salisbury Road and neighbouring land.

Route 1 proposes a path along the north edge of the site, through land to be retained as strategic landscape setting, as shown by the Landscape framework parameter plan. This would exit the site at the point currently used to access the existing construction compound in the east corner of the application site. Subject to development presented on land to the east of the application site, it would allow residents and employees to travel east towards Pauletts Lane or turn north and join Salisbury Road at the roundabout junction to the Bloor Homes residential development on the north side of Salisbury Road, making use of routes being delivered therein to access residential properties or bus stops, as required.

Route 2 proposes a route north to the boundary of the site with Salisbury Road, where it would turn to follow Salisbury Road, being located within the deep highway verge, to arrive at the roundabout junction to the Bloor Homes residential development.

The principle of both routes have merit and are considered acceptable as convenient and safe routes to support and encourage opportunities for active travel and ensure connectivity throughout the wider land included in the strategic allocation.

Preliminary details of the provision of a shared route for pedestrians and cyclists along Salisbury Road to link to the roundabout junction with the Bloor homes development have been provided. This route may require removal of landscape along the edge of Salisbury Road. However, the amount of land within the adopted highway along the highway verge could accommodate the route on the south side of the landscape, as has been suggested by the Developable Areas plan.

As the detail of routes across the site would be considered in detail by reserved matter applications for layout and landscape, and development of the adjoining land may influence the most appropriate route, it is considered reasonable and appropriate to impose a condition securing final details of the route to be provided.

#### Travel Plan.

Due to the scale of the development, it requires the support of an employee travel plan in order to ensure employees are encouraged to travel sustainably. In the absence of details of the proposed development, the particular attributes of business occupiers and scale of employment generated, in order to develop a precise range of measures and targets, it would not be possible to prepare a detailed travel plan. However, a Framework Travel Plan (Paul Basham Associates), that sets the parameters and principles of what a detailed travel plan would be expected to achieve, has been submitted in support of the application. HCC highways officers have no objection to its detail.

A financial bond of £49,500 is required to cover the costs of HCC should they be required to step-in and deliver the travel plan measures. Such a bond, along with securing the detailed scheme specific travel plan can be secured within a S.106 legal agreement.

### Other highway matters.

Comments from HCC Countryside Services regarding the protection of PROWs during construction are acknowledged. However, there are no PROWs crossing the site or abutting any of its boundaries. As such it is considered unlikely that construction of the proposed development will be likely to conflict with any PROWs.

As described, details of the layout of buildings, external spaces and routes between them, including space for manoeuvring and parking vehicles, will be considered by detailed reserved matter applications. However, based on the size of the developable areas shown on the parameter plans, it is considered that the site could be able to provide adequate manoeuvring space and vehicular parking to meet the standards required in the NFDC Parking Standards SPD.

Based on the size and likely duration of construction for a development of this scale it would be appropriate to secure a construction management plan. Most particularly this will need to demonstrate how the site will be accessed safely during construction. Whilst the proposed access will adequately accommodate construction traffic, that access will require construction. However, a condition gives the Applicant and respective Councils time to agree a solution based on construction phasing before commencement. A condition will be included in the recommendation.

In conclusion, the planning application proposes detailed designs for a vehicular access that will accommodate the scale of vehicle movements in-to and out from the site sufficiently, without prejudicing highway safety and the free flow of traffic on the surrounding highway network. Provision is made for sustainable forms of travel. As such, subject to S.106 obligations and conditions the development accords with local plan policies CCC1, ECON1(a) and SS1.

### **C. Character, Layout, Landscape and Trees**

In respect of character, design and landscape Local Plan Policy Strategic Site 1 (Land to the north of Totton) sets out at paragraph (ii) the masterplanning objectives for the site are inter alia:

"to create a well-designed and integrated extension to Totton whilst maintaining the rural character of Hill Street and Pauletts Lane and a countryside edge to the New Forest National Park".

It goes on to require development to:

- a. Create an integrated network of natural green spaces to frame development, using and enhancing important tree belts, hedgerows and woodland blocks (including Bog Plantation, Hatton's Plantation and Kilnyard Copse).
- b. Set development behind the ridgeline on the northern and northwestern edges to maintain an open landscape and an appropriate westbound transition from urban Southampton to the countryside edge of the New Forest National Park.

Local Plan Policy ENV3 (Design quality and local distinctiveness) sets out that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate and attractive. New development will be required to address specific design criteria (i) to (vii).

Local Plan Policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance the landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context.

The national Planning Practice Guidance (PPG) sets out additional guidance over and above that set out in the National Planning Policy Framework (NPPF). The PPG confirms that applications for Outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward.

The PPG also confirms that Parameter Plans can include information on the proposed land use, building heights, areas of potential built development, structure of landscape and green infrastructure, access and movement and other key structuring and placemaking components. Parameter Plans can provide elements of the framework within which more detailed design proposals are generated, but they are not a substitute for a clear design vision and masterplan, and need to be used in a way that does not inhibit the evolution of detailed proposals. For example, setting maximum parameters for aspects such as building heights can still allow flexibility in determining the detailed design of a scheme.

#### Parameter Plans

The application is supported by Parameter plans setting out the following:

- Potential Development Areas. Indicating where development would occur within the site and the maximum heights of buildings within those areas. It includes two options for access to the site for non-vehicular travel, from adjoining land.
- Landscape Framework. Indicates the strategic landscape layout that will surround the developable areas. Provides illustrative options for landscape enhancements and opportunities to complement existing landscape features.
- Landscape Strategy. Places the proposed development in context with surrounding development, existing constraints, built features and policy aspirations.

#### i) Potential development Areas.

This indicates three principal developable land parcels. The west parcel would limit building heights entirely to 12.5m high. The central and east parcels would limit building heights to 12.5m along their north edge and allow heights up to 15.5m across the majority of the to the southern boundary.

The developable areas will include all aspects of the built form, including any hard surfaces for access roads around the site, parking areas and storage.

The plan indicates development would fit within the existing pattern of field divisions, a feature of the existing landscape. This is considered to be an important response to the constraint of the existing landscape by a proposed form of development that does not readily provide the flexibility or fine grain of layout that a residential layout would be more readily capable of achieving.

The building heights are set to respond to the location of the land in respect of the sensitivity of land beyond the site, the proximity to public realm along roads passing the site and relationship to land likely to deliver additional residential development.

It should be noted that these are maximum heights, not necessarily those that will be proposed in detailed designs, nor will buildings cover all of the area considered appropriate for development. As described above from the PPG, this plan provides flexibility in the detailed design of the scheme.

This plan includes options for non-vehicular access to the site, described in detail above under highway connectivity considerations.

ii) Landscape Framework.

This identifies the extent of land that will be protected from development. It provides space for strategic landscape setting for the development, preserves space around the important and protected trees across the site. It complements the developable areas in preserving the pattern of fields on the site at present.

iii) Landscape Strategy.

This plan places the site and proposed development in the context of surrounding land, highlighting opportunities and constraints, including aspects of the indicative layout of development shown on the concept master plan supporting local plan policy SS1.

It identifies the potential for land to the north of the site to be available for residential development and the need to avoid compromising the development potential of that land, as well as use of enhanced buffer of landscape screening around the majority of the edges of the site.

It provides broad locations for connectivity between the developable areas across the site, having regard to the identified constraints.

Impact on Character.

The existing site has a mixed character. Whilst evidence of agricultural activity is present, the site is no longer in any purposeful agricultural use. A large part of the site is being used for the storage and maintenance of materials and equipment by a nationwide residential builder. This has introduced a degree of industrial activity to the character of the site, especially the use and storage of a crane on site to assist with the operations undertaken.

The existing trees located along former field boundaries are the significant landscape features of the site and area. Some of the trees are over 20m high and several are identified as being veteran category trees. The need to preserve and respect these important landscape features form the basis for the Landscape Framework parameter plan. This framework largely influences the extent of developable areas, but ensures these mature and important landscape features are given adequate space and to allow for new landscape setting for the development.

Furthermore, preserving this existing established landscape ensures the distinctive features of the site are retained and extensive screening is provided for the development, especially given the size of some of those trees.

The applicant has provided justification to support the need to deliver large scale buildings to meet the demands of the market for employment development as set out above in chapter 10 A). Whilst the parameters being established do not preclude lower building heights, the benefit of delivering planning permission with flexibility to meet modern employment needs, as advocated by paragraphs 76 and 77 of the NPPF, needs to be considered carefully.

The application is supported by a Landscape Visual Impact Appraisal (LVIA). The NFDC Environmental Design team in their representation has made an objection that the LVIA has failed to properly consider the sensitivity of the surrounding landscape and therefore the scale of the effect of the development on that landscape has not been fully considered. The representation also challenges the lack of 'wire-frame' outlines or verified photomontages to demonstrate the potential visual effects.

The applicant has responded that the sensitivity assessments undertaken is the professional assessment of the consultant preparing the LVIA. The consultant has indicated it would not be possible to provide a wire-frame or photomontage as there is insufficient detail proposed to provide a fair representation of the development.

It could however, be entirely reasonable to request such photomontages to support reserved matter applications, to demonstrate that a scheme subject to detailed design does fit within its landscape setting. It is considered that the concerns of the NFDC Environmental Design officer can be resolved by the extent of detail expected to be presented by reserved matter applications.

The scheme is limited to floorspace of 22,000sqm, the developable areas parameter plan shows the extent of land that could be used to deliver the buildings and other hard surfaces and built form expected to support the development. As such, it should be recognised that not all of the developable areas will be covered by buildings up to the heights proposed.

Furthermore, the size of the footprint of any single building will be limited by the retention of existing landscape features and the constraint of the landscape framework parameter. This will break up the potential massing of the buildings and limit the impact on the character of the wider area.

Due to the sensitivity to change and opportunity for close range views where the developable areas are close to the roadside boundaries with the A36 along the north edge and A326 along the west edge, a lower building height limit is considered appropriate. This includes those parts of the site that have a close visual relationship with the NFNP and the ridgeline of land described by paragraph (ii(b)) of local plan policy SS1.

Where the ground falls towards the southern boundary and the site is screened by intervening trees and separated from roads and the PROW by land in separate ownership, taller buildings can be provided without significant harm to the wider landscape. Furthermore, buildings located along the north and west edge of the site are likely to allow for a transition in scale and provide screening to taller buildings.

Long cross-section drawings across the application site have been provided showing potential changes to ground levels. The changes shown are predominately central to the site and propose a reduction in ground levels as such they would have limited impact on the wider character and appearance of the site.

However, the cross-section drawings do show ground levels to be raised close to the southern edge of the site in order to form level developable ground. The ground drops further from that point towards the edge of the application site. The extent of changes to the ground level are small in the context of the scale of the site and the distance across they would be seen.

Whilst the size of the buildings proposed is likely to be a particularly evident feature of the appearance of the area in views from the south and east, it will be possible to consider this aspect as part of the detailed design of the appearance, layout and

scale of the development to ensure the perceived elevated position, when viewed from the south, will preserve the character and appearance of the area.

The landscape strategy plan indicates it would be appropriate to make provision to enhance the landscape screening around the edges of the site. This is considered entirely appropriate and the landscape framework plan makes provision for such additional planting. The reserved matter application for Landscape will provide the detailed layout and species of such landscape matters.

The proposed access will have a significant impact on the character and appearance of the site and area. However, it is considered that it would not be possible to deliver the scale of development proposed by Local Plan policy SS1 without an access of the scale proposed. The proposed vehicular access is also broadly in line with that set out in the illustrative concept master plan. As such, the proposed change is accepted in principle.

Furthermore, as significant as the change will be in the immediate vicinity, highway infrastructure and built form is already a significant characteristic of the existing area. Further changes to the effect of the highway on the character of the area are committed along Salisbury Road (A36) to accommodate other development required to successfully implement Local Plan policy SS1.

However, due to the position and scale of the proposed access, its formation will open up views into the site of category A and B trees. The trees will provide a dominant landscape backdrop to the access road, contributing positively to ensuring existing landscape features contribute to the evolving character.

It is therefore considered that the landscape impact of the access proposed by this application is acceptable as part of the natural evolution of the character of the area required to support the scale of development it is allocated to deliver.

### New Forest National Park

The site is close to the boundary of the New Forest National Park (NFNP). Whilst the principle of the use of the land for employment purposes has been considered in the Principle of Development sub-section above, in accordance with the Levelling Up and Regeneration Act ('LURA') (2023) and Section 11(A) of the National Parks and Access to the Countryside Act 1949 and Local Plan policy STR2 it is necessary to assess the details of this outline scheme on the purposes and character of the NFNP itself.

In the determination and implementation of development proposals including planned growth, great weight will be given to ensuring that the character, quality and scenic beauty of adjoining NFNP are protected and enhanced.

In addition to Local plan policy STR2, criterion (ii(b)) of local plan policy SS1 seeks to direct development behind the ridgeline on the north western edge, maintain a landscape edge and west bound transition from urban Southampton to the countryside edge of the New Forest.

The application site does not have a contiguous boundary with the NFNP, the densely wooded corridor of the A326 dual carriageway separating the application site from the boundary. As described above some of the trees in this corridor are taller than the height limits proposed. However, it is considered that the presence of development on the application site will be perceived and appreciated from the A326, however that will only be glimpsed through the trees in the foreground mostly by people in moving vehicles.

Whilst the elevated position of the site, in the context of the M27 corridor, may also result in the silhouette of the development being perceived in long distance views, that is likely to be in the context of intervening residential development and accompanying landscape enhancements.

The provision of additional land, by this application, for employment development would have no greater impact on the character and appearance of the NFNP. The additional land is to the east of the area shown on the illustrative masterplan as being appropriate for employment development. As such none of the proposed development is any closer to the NFNP than envisaged by the concept masterplan, ensuring the landscape edge can be preserved. Furthermore, it is positioned on land illustratively shown for development.

Whilst the detailed design of the buildings and the layout of the site considered by Reserved Matter applications will present the opportunity to further refine the scheme to protect the character and scenic beauty of the NFNP, it is considered that the restrictions imposed by the parameter plans will ensure that the purposes and character of the NFNP will be preserved.

As such, subject to conditions, the proposal would not in principle have an unacceptable impact on the NFNP and its setting and therefore accords with Local Plan Policy STR2 and NPPF paragraph 189 and the LURA section 245.

### Trees

There are 65 trees and groups included in the tree survey of the site. Almost all are located along the boundaries between fields or alongside the A36. Many of them are high value category A Oak trees. There is a Tree Preservation Order covering much of the site, ref:1425/18/88.

The proposed access is located where low-quality category Leyland Cypress evergreen trees can be removed from the frontage of the site to the A36 without material harm to the landscape quality of the site. There is however a line of high-quality category A and B Oak trees extending into the site immediately adjacent to the proposed access road.

The NFDC Tree officer has reviewed the proposed access and road plans and supporting arboricultural assessment, and has not raised an objection to the proximity of the access to the row of trees. Category C Ash and Cypress trees will be removed to facilitate the access road, but sufficient separation to the category A and B Oak trees can be achieved to ensure their retention.

Other low category trees distributed across the site are proposed for removal to facilitate the development. These are not considered to be constraints to development and there is no objection to their removal.

However, there are three category A Oak trees proposed for removal to facilitate the development. The NFDC Tree officer has visited the site to review the quality and contribution of these trees to the amenity of the area. One of these three trees, located close to the east edge of the site, has limited public amenity as it is obscured by nearby trees, and is not covered by the preservation order. The other two are more central to the application site and also largely obscured from public view by boundary trees, one is in decline with a substantial portion of the crown dead and the other is small in stature with limited amenity value. Subject to ensuring sufficient space is available for the reserved matter application of Landscape to be able to provide adequate replacement planting, there is no objection to the removal of these



two trees.

Objections from the NFDC Tree officer regarding the proximity of the development parcels to many of the trees shown to be retained has been largely resolved by the overlay of the developable areas plan on the tree protection plan. This plan has highlighted a need to restrict development in the east corner of the site to hard surface treatment only to prevent structures interfering with the canopy of a category A veteran Oak tree. This approach is acceptable as the tree already has hard surfaces associated with an existing access within its root zone.

Whilst the developable areas are now indicated to avoid conflict with root zones around the trees, any work associated with retaining structures as part of forming level plateaus for development, close to the edges of the developable areas, presented by reserved matter applications will need to demonstrate they can be undertaken without causing harm.

In conclusion, whilst the size of the development proposed will inevitably have an urbanising effect on the site, that effect has to be considered in the context of the allocation of the site for the form of development proposed, and recognise the evolution of the character of the surrounding area. Based on the parameter plans presented to establish the principle of development, the distinctive important landscape features will be retained and contribute to preserving the appearance of the area and limit the extent of the urbanising effect. Opportunity for new landscape planting, that will help preserve the appearance of the area, is included. These principles will preserve the wider character of the area and maintain the purposes of the New Forest National Park.

As such, subject to suitable conditions, the proposal accords with local plan policies SS1, STR2 and ENV3 and NPPF paragraph 189 and the LURA section 245.

#### **D. Amenity**

Local Plan policy ENV3 at paragraph (ii) requires development, to avoid unacceptable effects by reason of visual intrusion, overbearing, overlooking, shading, noise and light pollution.

The application site is located on land illustratively identified by the concept master plan for SS1 as being appropriate for employment development. There are existing residential properties close to the site, Brookeswood Farm house 50m to the south, Calmore Croft Farm house 40m to the east and Four Winds 60m to the north. There are residential properties to the west on Loperwood Lane across the A326 and new residential dwellings are likely to be delivered both adjacent to the site to the east and across the wider site allocated for development by Local Plan policy SS1.

As set out, the proposal seeks permission for the buildings to be occupied by uses and activities falling with Use Classes B2 and B8. Without end users identified, or detailed building designs and layouts proposed, it would not be possible to assess the potential noise and nuisance impact of the development on existing residential receptors around the site.

However, a noise survey, assessment and supplementary technical note (24 Acoustics 16/08/24 and 11/02/25) have been submitted in support of the application to identify existing background noise levels at different times of day and night. Whilst a condition could limit noise generated by the development to no greater than those measured background noise levels, the applicant is concerned that such a condition would be too restrictive. In this instance it is considered that the background noise surveys, taken in 2024, do not recognise the likely incremental increase in

background noise arising from the growth planned for and already permitted in the area immediately around the site.

As this application is for outline planning permission, the context and circumstances around the application site could change in the time period between the time when the surveys were taken and when operation commences. As such it is considered reasonable to impose a condition requiring the applicant to support the reserved matters application with an updated noise assessment, to include a noise management plan and incorporate any additional screening or mitigation measures as part of the detailed design of the layout and appearance of buildings, or the landscaping of the site including boundary treatment. The NFDC Environmental Health officer agrees that this approach is reasonable and gives an opportunity to be more precise in setting any limits or controls.

The proposed location for the vehicular access to the site is in excess of 100m distance from the existing and future residential receptors, and as such vehicles queuing to enter or exit the site are considered unlikely to have a significant impact on the amenity of occupiers of nearby residential dwellings.

The design and layout of the buildings proposed by reserved matters applications for layout may act as barriers to allow for activities, plant and equipment to exceed those limits within the site, but only where the noise levels are demonstrated to diminish in the subsequent distance to the sensitive receptors close to the edge of the site.

Whilst the Reserved Matter applications for the detailed designs for the appearance, layout and scale of the development will determine what, if any, impacts of shading, loss of privacy or loss of outlook, the development may give rise to. Based on the developable areas parameter plan and landscape framework plan it is considered unlikely that there will be any unacceptable effects that would be detrimental to the amenity of existing or future residents.

As such, subject to suitable conditions, the development accords with the amenity provisions of Local Plan policies ECON1(b) and ENV3.

### **E. Ecology and Habitat Mitigation**

Local Plan policy DM2 seeks to preserve or avoid impacts on features of nature conservation interest, including international, national and local designations and species.

The site does not include any sensitive, rare or protected habitats. Ecological surveys and mitigation plans have been submitted in support of the scheme. (Tetra Tech Ecological Appraisal and Bat Activity report 30/09/24. GCN Survey 16/04/24) Beyond the protection of important trees, there are no features of nature conservation interest on the site that act as a constraint to development.

Comments made by Netley Marsh Parish Council and the NFDC Ecologist regarding the presence of bat roosts in the existing residential properties on site are acknowledged. However, this application does not propose the demolition of those dwellings, consent for which has already been granted under a Prior Notification consent in accordance with Part 11 of the General Permitted Development Order, as such that development is not within the gift of this planning application to control. The applicant has noted those comments and confirmed in writing the duty against them to comply with any licence requirements before undertaking that consented demolition.

An appropriate range of ecological mitigation measures, including a Construction Environmental Management Plan (CEMP), that will manage the time of year works occur and temporary measures during construction, have been proposed. The mitigation plan indicates a range of enhancements to correspond with the Landscape Framework parameter plan are advocated. In the absence of detailed proposals for the layout of the development and its landscaping, a condition securing the inclusion of features on the buildings, such as Swift bricks/boxes as requested in the representation from Hampshire Swifts would be appropriate. This approach is agreed by the NFDC Ecologist.

The scale of the scheme meets the requirement to make the mandated 10% Biodiversity Net Gain improvement. Whilst the outline application does not provide sufficient details of the scale of the development or landscape proposals, it is unlikely that sufficient biodiversity enhancements can be delivered on site to demonstrate an overall net gain, as such the applicant proposes to secure credits at a compensation scheme. The existing baseline of habitats on the site has been assessed and a report submitted in support of the application (Tetra Tech 05/02/25). This is agreed by the NFDC Ecologist and a decision to grant planning permission will be conditional on compliance with the legislative 10% net gain in biodiversity requirement.

#### Habitats Regulations Assessment.

The site is close to protected habitats in the New Forest and Solent where development is identified as likely to have an adverse impact on the integrity of those habitats. However, in accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') a shadow Habitats Regulations Assessment (sHRA) (Tetra Tech 11/02/25) of the potential for likely significant effects to arise and if so what if any mitigation is necessary to avoid the impact, has been prepared to support the application.

Non-residential uses, such as those proposed by this application, have not been identified to give rise to likely significant effects from recreational activities that lead to adverse impacts harmful to the integrity of those habitats and the species they support, because they do not introduce new residential occupation close to the sensitive habitats that results in increased recreation activities. It is accepted that potential employees are likely to already live within the catchment areas of both the New Forest and Solent sites.

Similarly, guidance indicates that new non-residential development, such as that proposed by this application, does not give rise to additional nutrients being discharged in foul water, that would be harmful to water quality in protected habitats in the Solent as employees are already likely to live in the same water catchment.

There will be significant levels of additional traffic movements generated by the development. These movements are likely to pass through protected sites in the New Forest and give rise to additional exhaust fumes that can contribute to nitrogen deposition on the protected habitats. This is not confirmed as a likely significant effect of development, as demonstrated by the strategic Habitats Regulations Assessment undertaken to support the New Forest Local Plan that concluded there is insufficient evidence to demonstrate harm is occurring. However, financial contributions are being taken from new residential development to undertake monitoring of the habitats to identify whether harm is occurring.

However, in assessing the potential for the development to give rise to an impact, the sHRA concludes that as the nearest protected site is 1.2km away from the application site, it is beyond the 0.2km distance that Natural England advise impacts can be associated with a non-residential development.

As described above, the site does not provide any supporting habitats used for breeding or feeding by protected species that inhabit the sensitive protected habitats in the New Forest and Solent.

These effects have therefore been screened out of the shadow Habitats Regulations Assessment.

The potential for surface water run-off to carry hydrocarbons or other pollutants from the site into protected habitats along the River Test and Solent during construction and operational phases is considered to be likely to occur and can-not be ruled out, alone or in combination.

It is considered that these effects can be managed and avoided through the implementation of a Construction Environmental Management Plan (CEMP) during the construction phase and inclusion of interceptors in the subsequent surface water drainage network installed as part of the development.

Natural England and the NFDC Ecologist have accepted the conclusions of the sHRA. In the absence of any objections or concerns regarding the assessment and its conclusions, NFDC as competent authority will adopt the sHRA.

As such, subject to conditions the scheme accords with local plan policy DM2.

#### **F. Drainage and Flood Risk**

Local plan policy CCC1 seeks to ensure that development does not result in hazards that prejudice the health and safety of communities and the environment, and also take opportunities to address existing hazards. It confirms that in areas of flooding, vulnerable development will not be permitted unless in accordance with the sequential and exceptions test. Paragraph 8.12 confirms that the Council will apply national policy as set out in chapter 14 of the NPPF.

Based on the recently published Strategic Flood Risk Assessment for the district, the application site is in fluvial flood zone 1, being the land outside areas identified as being at risk of flooding under current or future flood scenarios from rivers.

However, there are areas within the existing construction compound in the eastern portion of the application site identified as being at risk of surface water flooding.

The application is supported a drainage assessment and strategy (Awcock Ward Partnership 22/08/24. Applicant Drainage Response 29/01/25) . Surveys of the ground conditions confirm it to be of insufficient permeability for surface water to be disposed of by a network of soakaways. A preliminary drainage scheme has been designed to capture surface water, store it in attenuation tanks and drain it to existing open ditches close to the site. However, as the planning application reserves the layout and scale of the development for future application(s), only worst case scenarios can be used to inform the principles of the design.

The site is currently made up of three drainage catchments, the land in the north west corner of the site drains to the west towards the A326, the land across the north edge drains into ditches along the A36, and the rest of the site, being the majority follows the topography and drains to ditches to the south.

The preliminary scheme proposes to capture the surface water runoff from the developable areas, store it in underground attenuation tanks, one each for the three development parcels. Then control the discharge of water through the use of valves

and hydrobrakes at existing greenfield run-off rates, initially to a swale on site that will flow into an area of wetland on the site, and then off site into an existing ditch along the southern boundary.

The flow control can include screens and interceptors to remove petrochemicals or similar pollutants from the water, as well as the filtering that will occur as the water passes through the swale and wetland before flowing off-site, thereby avoiding contaminants being released into the local watercourses.

Whilst the system is designed to factor in the effect of climate change on rainfall intensity, exceedance flows have also been considered. These will seek to retain water on site in hard surfaced areas in the first instance, to flow through the designed system once capacity allows, or direct flows to on-site green areas and follow the topography to ditches to the south of the site, as would occur at present, should such rainfall achieve such intensity.

Hampshire CC as Lead Local Flood Authority has considered the principles being established by the proposed strategy and the response of the applicant that explains aspects of the strategy. The consultation response from HCC confirms that they have no objection to the proposal and a condition should be imposed to secure a detailed design, based on the calculations for the detailed design of the development.

A desk top study undertaken by Southern Water has indicated the existing foul sewer network may need reinforcement in order to ensure adequate network capacity is available for the development. They do indicate a willingness to work with the developer to assess the opportunity to deliver enhancements in due course and that there may be some capacity in the foul sewer network for some of the development to be occupied in advance of reinforcement being delivered. They have requested the development is phased to allow any required reinforcements to be delivered in a timely manner.

An outline planning permission, such as the application under consideration here, requires subsequent Reserved Matter application(s) before development can occur, there may be sufficient time for sewer reinforcement to be completed, however, as planning permission has been granted for a significant amount of additional residential development that will also be reliant on the same sewer being reinforced, the reinforcement project may not be delivered as quickly as required.

A phasing condition will be included in the recommendation, preventing occupation of the development until the proportionate foul water drainage capacity is available.

Sufficient analysis and information have been provided to demonstrate to the satisfaction of the HCC as Lead Local Flood Authority that the scheme can safely deal with surface water drainage and avoid risks to adjoining land. As such, subject to conditions, the scheme is in accordance with the requirements of Local Plan policy CCC1.

## **G. Other Matters.**

### **Air Quality and Pollution**

Local Plan policy CCC1 sets out the health and safety of communities should not be prejudiced by pollution or hazards, including air quality. The Council has adopted an Air Quality in New Development SPD.

The scheme is supported by an Air Quality assessment and a technical note (Air Quality Consultants 12/09/24, 11/02/25). That report assesses the impact of the increase in vehicle movements generated by the development on air quality. This

assessment is based on the traffic generated and distribution agreed in the Transport Assessment. It includes assessment of the cumulative impact of the development planned for by Local Plan policy SS1. The assessment has considered the impact locally, on the A36 in-to Totton and the nearest Air Quality Management Area (AQMA) along Millbrook Road in Southampton.

The assessment concludes that in all locations the vehicle movements generated by the development would not have a material impact on air quality, alone, or in combination with the growth planned for by local plan policy SS1. The NFDC Environmental Health officer (EHO) has accepted these conclusions.

It should be noted that whilst the NFDC EHO has not raised any concerns regarding the contribution of the proposed development on air quality in the Millbrook Road AQMA, as this AQMA is in Southampton, the Southampton City Council Air Quality team have been consulted. No response has been received.

The scheme will make provision to support sustainable forms of travel and installation of electric vehicle charging equipment to minimise any further impact on air quality.

At present there are few residential neighbours of the site, however due to the location of the site within the large mixed-use allocation there could be more residents living closer to the site by the time construction occurs. Furthermore, due to the size of the scheme it is likely to result in employees of the development being on site before all dust generating construction has been completed. The dust management plan will need to consider the sensitivity of these receptors and any residents living near the development.

As discussed in the 'Highways' chapter above, a construction management plan will be secured by condition, which will include a requirement that a dust management plan is provided to minimise the potential impact of dust being produced during construction.

Subject to conditions the scheme accords with Local Plan policy CC1 and the air quality in new development SPD.

#### Climate change and sustainable construction.

Local Plan policy IMPL2 'Development Standards' requires commercial development over 1000sqm to meet or exceed the Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard to help minimise their environmental impact.

Local Plan Policy ENV3 at criterion (v) requires new development to incorporate design measures that improve resource efficiency and climate change resilience and reduce environmental impacts wherever they are appropriate and capable of being effective.

The Council have adopted the 'Planning for Climate Change' supplementary planning document (SPD), which seeks to encourage development that is optimised to deal with climate change before an application is submitted, by setting out best practice approaches and standards to take all steps to decarbonise the running of buildings, to meaningfully reduce embodied carbon in construction and to ensure the development is climate change adapted.

The principle of development of this site is considered to be sustainable. It will deliver new jobs close to residential areas limiting the carbon used by employees travelling to work.

Unlike residential development, the types of buildings and uses proposed by this application are unlikely to be designed to maximise passive solar gain for heating or lighting or prioritise such matters over an efficient and effective site layout that suits occupier's business needs.

As an outline planning application there is little detail provided regarding the layout and arrangement of the built form, or any forms of construction. However, a condition can be imposed to ensure that the development is in accordance with Local Plan policy IMPL2 and achieves BREEAM 'Excellent' standard. The planning for climate change SPD recognises this is an appropriate assessment tool for the non-residential development proposed by this application.

Whilst the energy demands of occupiers can-not be calculated at this time and may vary very significantly between different types of businesses, the size of the development of up to 22,000sqm of floorspace will result in buildings with large roof surfaces in which to incorporate solar photo-voltaic panels.

The adopted NFDC parking standards SPD and local plan policy IMPL2 require development, including non-residential development, to make provision for charging points for electric vehicles. Reducing reliance on carbon-based fuel sources would contribute to reducing the impact of the development on the climate and air quality.

Subject to conditions the scheme is considered to be in accordance with local plan policy IMPL2 and the planning for climate change SPD.

#### Ground contamination

Local Plan policy CCC1 sets out the health and safety of communities should not be prejudiced by pollution or hazards. Criterion (iv(c)) sets out that on contaminated, polluted or unstable land unless it is first adequately remediated or otherwise made safe for the proposed use and for the local community prior to occupation.

The application is supported by a Contaminated Land Site Investigation report (Crossfield Consulting 04/03/25). This report indicates sufficient potential for contaminants or ground gas to be present on site to require further surveys and potential mitigation. The NFDC Environmental Health Contaminated Land officer agrees with this position and requests standard conditions are imposed to secure a phased approach to surveys, analysis and subsequent remediation or mitigation. Such conditions are included in the recommendation to grant planning permission.

As such, subject to conditions, the scheme will accord with criterion (iv(c)) of Local Plan policy CCC1.

#### Heritage

Local plan policy DM1 requires development proposals to conserve and seek to enhance the historic environment and heritage assets. All heritage assets will be protected in proportion to their significance. Development proposals should conserve or enhance the significance, character and appearance of heritage assets. Any development that may affect archaeological remains should demonstrate the likely impact upon the remains and where appropriate include mitigation measures to reduce that impact.

There is a duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision makers to have special regard to preserving or enhancing setting and special qualities of a listed building.

The National Planning Policy Framework 2024 (NPPF) makes it clear 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.

There are no designated heritage assets on the site. There are listed buildings to the north of Salisbury Road at The Thatched Cottage on Hill Street, to the east of the application site at Testwood House on Salisbury Road and to the south of the application site at Broadmoor Cottage on Pauletts Lane. The latter of which is within the SS1 site allocation and referenced in local plan policy SS1, criterion (iii(d)).

The listed buildings are circa 750m, 850m and 500m away from the application site respectively. As such it is considered the proposed development does not fall within the setting of those listed buildings. Furthermore, due to the topography, existing landscape and mature trees and separation distance, it is considered that there will not be a visual relationship between the proposed development and those designated heritage assets. As such the significance of the three listed buildings will be preserved.

There is a further Grade II listed building, known as Shorne Hill, on Loperwood Lane in the New Forest National Park. Whilst this residential property is on the west side of the A326, it is approximately 420m from the south west corner of the application site, closer than the listed buildings referenced above. The house is set in extensive grounds, including grazing fields and gardens, screened from the A326 by large mature trees. The extent of tree coverage on its site, along with those either side of the A326 and on the site subject to this application would provide adequate screening so as the proposals would not be visible from the immediate grounds around the listed building. Furthermore, due to the topography, separation distance and mature trees it is considered unlikely that there would be any location whereby the two sites would be visible together.

There are no archaeological constraints already flagged on the site. However, as a site predominately in agricultural use there is always potential for there to be archaeological remains in situ. Archaeological surveys and investigations have been undertaken on sites north of Salisbury Road, reporting a range of finds and evidence that it is considered appropriate that further investigations are undertaken. The consultation response from the Archaeologist objects to the development on the basis of the lack of assessment. However, as this is an outline application it is considered reasonable to impose a condition securing a written scheme of investigation is prepared and surveys carried out before the submission of Reserved Matters applications in order that any archaeology present on site can be assessed for its significance and if necessary influence the detailed design of the Layout of the scheme.

As such, subject to conditions, the scheme will preserve the setting and special qualities of listed buildings close to the site and the significance of heritage assets, including any archaeological remains identified, in accordance with Local Plan policy DM1, the listed buildings and conservation areas act and NPPF.

#### Developer Contributions

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

- Delivery of highway access alterations at junction of site entrance, A326 and A36 prior to first occupation.
- Delivery of pedestrian crossing refuge on west arm (A36) of roundabout serving 'Bloor homes' residential development.



- Preparation and delivery of detailed Employee Travel Plan(s)
- Provision of a £49,500 Travel Plan bond
- Biodiversity Net Gain on-site monitoring £5,225.00

## 11 PLANNING BALANCE AND CONCLUSION

Planning Committee Members will be 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, NPPF paragraph 11 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.

Whilst the Council cannot demonstrate a five year supply of land for housing, this application is not for housing development, the local plan is up-to-date and has policies relevant to the proposed development, as such the so called 'tilted balance' does **not** apply to this application.

With respect to the relevant criteria of Local Plan policy SS1, delivery of employment business development on this site could make a significant contribution towards delivery of the mixed-use aspects of strategic site. It meets site specific criteria (iii(c)), potentially delivering enhancements to the junction between the A326 and A36 prior to increased vehicle movements arising from development of the entirety of development expected by Local Plan policy SS1.

The job creation, during both construction and operation, will be an economic benefit that is given significant weight in favour of the development. Furthermore, provision of new employment opportunities in a range of uses, close to new and emerging residential areas will make a significant contribution to achieving a mixed and balanced community and successful implementation of the development plan, this weighs in favour of the development.

This location close to existing and new residential areas gives potential future employees scope to travel via sustainable non-motorised and active modes of travel which is considered to be a potential environmental benefit of the scheme.

The detailed proposals for access to the site will deliver improvements to highway infrastructure required to support delivery of the development.

Based on the parameter plans under consideration in this outline application the principle of the layout of the scheme would respect and retain the principal landscape setting including trees, preserve residential amenity and designated heritage assets. It will not have an unacceptable impact on the character of the New Forest National Park and maintain its statutory purposes.

The applicant has provided justification to support the need to deliver large scale buildings to meet the demands of the market for employment development as set out. Whilst the parameters being established do not preclude lower building heights, the benefit of delivering planning permission with flexibility to meet modern employment needs, as advocated by paragraphs 76 and 77 of the NPPF, has been considered

carefully against alleged harm to the character of the area.

The development of part of this allocated site will undoubtedly change and have an urbanising impact on the local character, this must be balanced against the allocation of the site in the Local Plan and the need to deliver new employment opportunities, especially having regard to the lack of delivery on other sites to deliver the employment growth needs of the district.

The planning consideration undertaken at chapter 10, demonstrates that, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the scheme is in accordance with the development plan.

Overall, it is considered that the balance of considerations is one of clear approval taking into account the public benefits balanced against the limited environmental harms and the loss of three existing residential dwellings.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policies SS1, STR2, STR3, STR4, STR6, ECON1, ENV3, ENV4 CCC1, CCC2, DM1, DM2, IMPL2 and National Planning Policy Framework paragraph 189 and paragraph 245 of the Levelling Up and Regeneration Act 2023.

### **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

- Delivery of highway access alterations at junction of site entrance, A326 and A36.
- Preparation and delivery of detailed Employee Travel Plan(s)
- Provision of a £49,500 Travel Plan bond
- Biodiversity Net Gain on-site monitoring £5,225.00

ii) 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. Reserved Matters Timescales**

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

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

2. **Reserved Matters**

Except for off site highway works secured to support this proposal, no development shall take place until approval of the details of the Appearance, Landscape, Layout and Scale ("the reserved matters") has been obtained from the Local Planning Authority. The development shall only be carried out in accordance with the details which have been approved.

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

3. **Commencement time limits**

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

4. **Approved Plans**

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

Site Location plan ref:PA006B rec'd 04/03/24  
Access plan ref: PBA 135.0041.0012 rev P04 rec'd 20/12/24

Reason: To ensure satisfactory provision of the development.

5. **Approved parameter plans**

The reserved Matters details to be submitted in accordance with conditions 1 and 2 shall be substantially in accordance with the Development Parameter Plans comprising:

Developable Areas plan ref:P-010 rec'd 26/02/25  
Landscape Strategy ref:GLS\_110\_131\_1900 rev J rec'd 20/12/24  
Landscape Framework ref:GLS\_110\_131\_1901 rev B rec'd 20/12/24

Reason: To ensure satisfactory provision of the development.

6. **Phasing**

Prior to the commencement of development on site, a plan and strategy for the phased delivery of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how the scheme will be delivered and proportionate delivery of Foul Water Sewerage network upgrades will be provided to match the needs of occupation. The approved strategy shall then be implemented unless with prior written consent to any variation.

Reason: In order to ensure timely and appropriate delivery of the development and in accordance with Policies STR1, ENV1 & CCC1 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.
- Details of construction access from the public highway, 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, and such structures, buildings and accesses removed as appropriate in accordance with the phased delivery secured by condition 6.

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 all retained hedgerows and trees, as shown on the Developable Areas Tree Protection Plan Ref:17037-18 Option 2 rec'd 25/02/25;
- 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. **Archaeology**

Prior to the submission of any application for any matter reserved by condition no.2 a archaeological desk based statement, geophysical survey and associated interpretive report of the site marked for development by this Outline permission, shall be undertaken and submitted to and approved in writing by the LPA.

In accordance with the findings of the desk based statement and geophysical survey a Written Scheme of Investigation for Trench Evaluation of the site marked for development shall be submitted to and approved in writing by the LPA before trenched evaluation begins.

A Trench Evaluation report of the findings and any recommendations, including timetable for action to be taken, shall be submitted to and approved by the LPA and used to inform the design of any application submitted for the Reserved Matter of Layout and Landscape required by condition no.2 of this permission. The recommendations and timetable of the report shall then be implemented as approved.

Reason: In order to identify, document and assess the significance of any archaeological remains of features on the site and in accordance with DM1 of the New Forest District Local Plan Part 2: Sites and DM policies 2014 and NPPF.

## 10. **Foul sewerage reinforcement**

The development hereby approved, shall not be occupied for operational use, until such time as it has been demonstrated in writing that sufficient foul water sewerage drainage capacity has been agreed as available to serve the development, or phase of development, with Southern Water.

Reason: In order to ensure appropriate and sufficient disposal of foul water drainage is provided.

## 11. **Surface water drainage.**

No development shall take place until a detailed surface water drainage scheme for the site, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. A technical summary highlighting any changes to the design from that previously submitted.
- b. Evidence to show that no additional flows are being directed into the southern catchment area
- 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. Information on the existing watercourses within and adjacent to the site showing how they will be retained and confirming who is responsible for maintenance for each.
- 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.

The approved scheme shall be implemented prior to first occupation of the development, maintained in accordance with the agreed maintenance schedule and thereafter retained.

Reason: In order to ensure appropriate drainage capacity and to prevent down stream flood risks in accordance with policy ENV3 of the New Forest District Local Plan part 1: Planning Strategy and the NPPF.

## 12. **BREEAM standards**

Occupation of each phase of development as agreed by condition 6 of this permission, shall not occur until a post development certificate from an accredited BREEAM assessor, demonstrating the scheme has achieved BREEAM 'Excellent' rating, has been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure delivery of an energy efficient and sustainable development in accordance with policy IMPL2 of the New Forest District Local Plan part 1: Planning Strategy 2020.

## 13. **Revised Ecology surveys and mitigation plan**

Prior to the commencement of development hereby approved updated ecological surveys and mitigation strategies shall be undertaken and submitted to and approved in writing by the LPA. This should have regard to CIEEM's April 2019 Advice Note on the lifespan of ecological reports. The supplementary surveys shall be of an appropriate type for the habitats and/or species on site and survey methods shall follow national good practice guidelines. The development shall not be carried out other than in

compliance with any survey findings and mitigation measures required, which shall be implemented prior to first occupation of each phase of development as approved by condition 6.

Reason: Due to the outline nature of this application and to ensure the development is in accordance with advice and other legislation governing protected species.

#### 14. **Ecological Enhancement Schedule**

Prior to the commencement of development above damp proof course, a monitoring schedule of the approved ecological enhancements measures, including their form and location, shall be submitted to the Local Planning Authority

Reason: In order to assist monitoring of the delivery of the approved ecological enhancements.

#### 15. **Use restrictions**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used for Use Classes B2 and B8 purposes only and for no other use purposes, without express planning permission first being obtained.

Reason: In accordance with the development applied for, the supporting highway assessments and to retain certainty in accordance with policies SS1, STR6 and CCC2 of the New Forest District Local Plan part 1: Planning Strategy 2020.

#### 16. **Scheme of remediation**

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. 17 to 19 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 20 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).

**17. Contamination site characteristics**

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).

**18. Contamination Remediation**

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).

19. Where a remediation scheme has been approved in accordance with condition no.18, the approved remediation scheme must be carried out in accordance with its terms and agreed timetable, 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 in writing and submitted for approval to the Local Planning Authority in accordance with the agreed timetable.

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).

20. 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 no.17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no.18, 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 no.19.

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).

**21. Close existing access**

The existing access to the site from Salisbury Road serving the house known as Highland, shall be closed up in accordance with details approved by condition 2, of this planning permission, for the reserved matter of Landscape. The works to close the access shall be undertaken prior to the commencement of development hereby approved and thereafter retained.

Reason: In the interests of highway safety during construction and operation.

**22. Noise review**

Any application for the approval of reserved matters (pursuant to condition 2 of this planning permission) shall be accompanied by a revised noise survey and assessment undertaken in accordance with BS 4142:2014+A1:2019. The Assessment shall include a noise management plan for the development and demonstrate how good acoustic design has been incorporated within the detailed design of the development, what mitigation measures are required to maintain the amenity of nearby sensitive receptors and the strategy for implementation. The development shall be undertaken in accordance with any approved details.

Reason: In order to recognise the site is in a location of planned growth and not to unduly restrict operation of the development and to preserve the amenity of sensitive receptors near to the site.

**23. Delivery of non-vehicular access**

Development above damp proof course of the development hereby approved shall not take place until a timetable and strategy to deliver non-vehicular access to the site from the public highway as shown illustratively by the approved Developable Areas plan and highways plan 'Southern Provision Terminating at Bloor Homes Roundabout' ref:135.0041-0010 (contained in Highways Rebuttal rec'd 20/12/24) has been submitted to and approved in writing by the Local Planning Authority.

The approved details shall then be implemented in accordance with the agreed timetable.

Reason: In order to make provision for supporting safe sustainable and active forms of travel and to best respond to any additional options available when development occurs.

24. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones as shown on the Developable Areas Tree Protection Plan Ref:17037-18 Option 2 rec'd 25/02/25, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

25. **Complete Vehicular Access**

The access hereby approved shall be completed as shown on the approved plan ref: PBA 135.0041.0012 rev P04 rec'd 20/12/24, prior to first commercial occupation of the development hereby approved.

Reason: In order to ensure safe and sufficient access and to preserve highway safety

26. **Sensitive lighting strategy**

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to ecological interests in accordance with Policy DM02 of the New Forest District Local Plan Part 2.

**27. T3 development restriction**

For the avoidance of doubt, notwithstanding the parameter plans approved by condition 5, no building shall be erected within the root protection area of the oak tree V3 as shown on the Developable Areas Tree Protection Plan Ref: 17037-18 Option 2 rec'd 25/02/25.

Reason: In order to avoid conflict with the important tree shown for retention.

**Further Information:**

James Gilfillan

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NFDC



# New Forest DISTRICT COUNCIL

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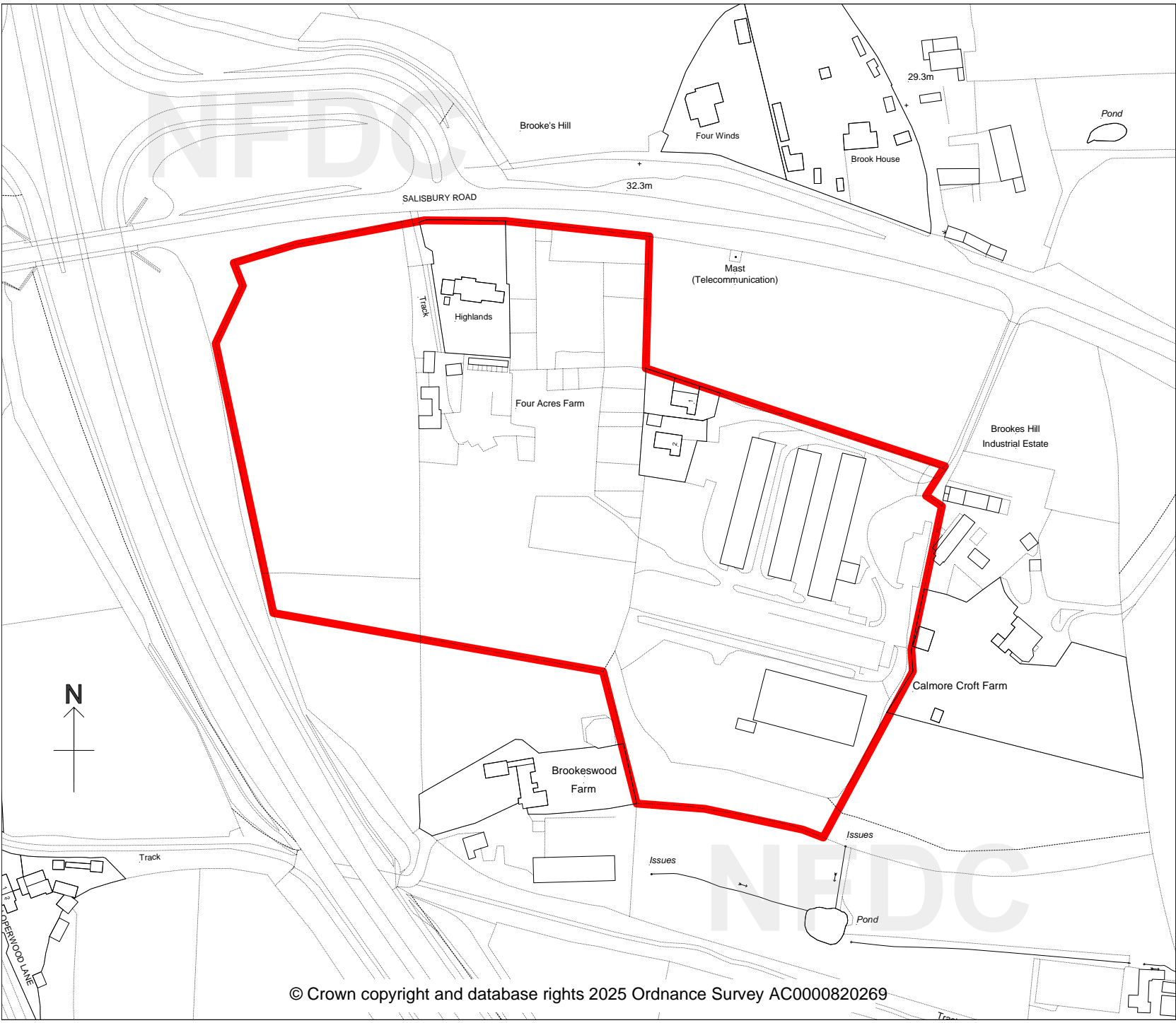
## PLANNING COMMITTEE

March 2025

Calmore Croft Farm  
Salisbury Road  
Calmore  
24/10199

Scale 1:2500

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the internet, it will not be to  
scale.



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Planning Committee 12 March 2025

**Application Number:** 24/10837 Full Planning Permission  
**Site:** LAND ADJACENT TO THE WHEELWRIGHTS POST,  
SALISBURY ROAD, BURGATE, FORDINGBRIDGE, SP6 1LX  
**Development:** Erection of a 70-bedroom care home (Use Class C2) with  
associated access, parking, landscaping and ancillary facilities  
**Applicant:** Frontier Estates Ltd  
**Agent:** Gillings Planning Ltd  
**Target Date:** 26/12/2024  
**Case Officer:** Stephen Belli  
**Officer Recommendation:** Service Manager Grant  
**Reason for Referral to Committee:** The site forms part of Strategic Site 18 - Land at Burgate

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development including 5-year housing land supply
2. Site layout, design and impact on the character and appearance of the area, including designated landscapes and wider landscape implications
3. Designated heritage assets
4. Access, car parking provision, highway safety and sustainable transport
5. Flood risk and drainage
6. Ecology and impact on sites designated for nature conservation, and matters relating to Biodiversity Net Gain (BNG)
7. Environmental protection: air quality, contaminated land, minerals and noise
8. Section 106 Heads of Terms and infrastructure contributions
9. Planning balance and conclusions

## 2 SITE DESCRIPTION

The site is located within the settlement boundary of Fordingbridge as shown in the adopted New Forest Local Plan 2016-2036. The site comprises a square parcel of grassland approximately 0.65 ha in area and which forms part of Strategic Site 18 'Land at Burgate' allocated for development in the adopted Local Plan.

The site is located adjacent to the A338 Salisbury to Ringwood Road on the northern edge of Fordingbridge. Directly to the east of the site lies the A338 which separates the site from the boundary of the New Forest National Park; to the south a further parcel of Site 18 development land (Middle Burgate); and to the west lies a larger parcel of Site 18 which has planning permission for 404 dwellings and other infrastructure works including a retail and community hub and a new vehicular link road. To the north of the site lies a dwelling known as Wheelwright's Post. This dwelling comprises the main house which lies close to the A338 and a long garden to the rear which accommodates a number of individual holiday let units.

### **3 PROPOSED DEVELOPMENT**

The development is for full planning permission for the construction of a 70 bedroom two and a half storey inverted U shaped building to be used as a care home under Class C2 of the Town and Country Planning Use Classes Order 1987 (as amended). Class C2 is defined as being residential development for the following -

*Use Class C2 (residential institutions) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.*

The proposal sets out a building with three principal elevations facing north, east and west with a central courtyard facing to the south. The internal courtyard will be landscaped along with the boundaries facing south, east and west.

The proposed development includes a new vehicular access to replace the existing agricultural field gate, with a staff and visitor car park to the north of the building. The development will also be provided with other facilities such as cycle parking, bin storage electricity substation, and a compound housing air source heat pumps in the northeastern corner of the site near to the northern boundary.

The proposed care home will deliver care accommodation to the locality and district. The applicant states this will respond to an identified local need. It will provide accommodation for the elderly, with the capability for all care needs to be met on site, including end of life, nursing and specialist dementia care. Internally the care home is designed to respond to differing resident needs and likely to be occupied by individuals requiring advanced levels of care. Communal facilities are provided to include lounges, dining rooms, seating areas, private dining room, cinema and activity room, café and hair and beauty room. In addition, a fully functioning kitchen, medical stores and nursing stations will be provided along with changing and plant rooms. Externally the site will be laid out with its own amenity gardens and further landscaping. Residents may receive individual tailored care dependant on their needs.

It is anticipated that 64 direct staff could work in the building on a shift basis but with no staff sleeping on site. On average it is expected that there will be 21 staff on site at any one time.

#### **Amended Plans**

Following a first round of consultations and detailed discussions with officers the applicants have submitted a set of amended plans and supplementary reports on 30 January 2025 which have further improved the site layout in terms of access, design and landscaping, with addendum reports on noise, drainage, and ecology . The consultation and public response provided below set out the latest comments received.

### **4 PLANNING HISTORY**

Apart from a pre- application submission which included an element of community engagement there is no relevant planning history on the site itself. Strategic Site 18 which incorporates and adjoins the site to the south and west does have a detailed planning history which is set out below for information.



- 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 development now complete
- 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 – Pennyfarthing Homes
- LAND AT BURGATE, FORDINGBRIDGE
- 11 January 2023 - Planning Committee (development up to 404 dwellings) resolved to grant subject to S106 Agreement. Permission issued on 21/02/2023 – phase 1 for 112 dwellings under construction.
- 22/11268** 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)
- SS18 MIDDLE BURGATE HOUSE, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX
- Planning Committee resolution to approve on 9/04/24 subject to legal agreement which is still being drafted.
- 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) – Pennyfarthing Homes
- 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 due by end of 2025.

## **5 PLANNING POLICY AND GUIDANCE**

### **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**

STR1 Achieving sustainable development

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

STR3 Strategy for locating new development

STR5 Meeting our housing needs

STR9 Minerals safeguarding

Strategic Site 18 Land at Burgate, Fordingbridge

ENV1 Mitigating the impact of development on International Nature Conservation sites

ENV3 Design quality and local distinctiveness

ENV4 Landscape character and quality

HOU3 Residential accommodation for older people

CCC1 Safe and healthy communities

CCC2 Safe and sustainable travel

IMPL1 Developer contributions

IMPL2 Development standards

Hampshire Minerals and Waste Plan (2013)

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

- SPD Planning for Climate Change adopted April 2024
- SPD Air Quality adopted June 2022
- SPD Parking standards adopted April 2022
- SPD Mitigation Strategy for recreational impact on European Sites adopted 2021
- SPD Housing design, density and character adopted April 2006
- Ecology and Biodiversity Net Gain Interim Note

### **Relevant Hampshire County Guidance**

Local Transport Plan Four (February 2024)

### **Relevant Legislation**

Planning and Compulsory Purchase Act 2004

Habitat Regulations 2017

Listed Buildings and Conservation Areas Act 1990

Environment Act 2021 (including Local Nature Recovery Strategies)

Levelling Up and Regeneration Act 2023

### **Government Planning Guidance**

- National Planning Policy Framework 2024 (with February 2025 amendments)
- Planning Practice Guidance
- National Design Guide 2021

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

Recommend PAR5: We are happy to accept the decision reached by the District Council's Officers under their delegated powers, with the same comments as previously made; that there is an identified need for additional provision of care services in the area, but also that Fordingbridge Town Council has concern about traffic from the site accessing the A338, and the difficulties in recruiting care staff. Councillors considered this to be an appropriate site for a care home.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Natural England (NE) – further information required**

An Appropriate Assessment under the Habitat Regulations should be submitted for our consideration so that NE can agree there will be no adverse impact on New Forest European sites and the River Avon Catchment through additional recreational impact or nutrient enrichment. An Appropriate Assessment relating to phosphate mitigation also required.

### **Hampshire and Isle of Wight Fire and Rescue Service – comment:**

Refers Council to the various elements of fire safety under the Building Regulations.

### **Hampshire County Council (HCC) Highways – no objections subject to conditions and S106 obligations**

The Highway Authority has considered technical issues relating to layout design and access and the further details now provided have satisfied the Authority. The details of the new access can be secured by a Section 278 Agreement under the Highways Act. A pedestrian and cycle link can be delivered by virtue of the adjoining site when that comes forward for Reserved Matters approval. The applicants have agreed to install a gate for staff and visitors to the care home on their western boundary and this should be conditioned.

The Highway Authority considers the development will not have a severe impact on the highway network through additional traffic.

The Highway Authority requires conditions covering a Construction Management Plan, vehicle cleaning measures, and the gated western access to be submitted and agreed. In addition, a full Travel Plan needs to be secured along with the S278 for the new access in a S106 Agreement.

### **HCC Local Lead Flood Authority (LLFA) – no objection subject to conditions**

The LLFA have assessed groundwater modelling and infiltration rates at this site and have considered the latest information submitted on 20 February 2025, the groundwater data collected for the site, including the additional measurements taken in February, demonstrates that the groundwater levels remain at an acceptable level to allow for the infiltration drainage strategy.

The LLFA have undertaken further research and review of historic groundwater measurements from various sources covering the area surrounding the site. The available data indicates that groundwater levels are not likely to rise to the point that would preclude the proposed infiltration strategy.

Peak groundwater levels can only be confirmed when the groundwater monitoring is concluded in April. Ongoing groundwater monitoring on the site that is currently being undertaken must be continued either until April or until the peak groundwater level has clearly been identified in the measured data.

In consideration of the above, the LLFA is satisfied that the principles of the surface water drainage design appear appropriate for the site. If planning permission is granted, we recommend that conditions are applied to ensure the conclusion of the groundwater monitoring investigation and to cover the minor amendment required to the infiltration rate used in the design of the infiltration tank / permeable paving and any required changes to the tank dimensions and paving subbase depths resulting from this.

### **Hampshire Swifts – No objection subject to condition**

Recommends use of Swift bricks at least one per home in accordance with best practice. There is a good opportunity here for these to be included in the development which also then meets with local policy requirements.

### **New Forest District Council (NFDC) Conservation - comments**

Whilst there are no designated or non-designated heritage assets within the site there are a total of 10no. Listed Buildings in the surrounding area. These designated heritage assets are some distance from this site and the impact of the proposal on the setting and significance of the heritage assets relates to the Strategic Site 18 allocation effectively linking Upper and Lower Burgate. In order for Upper and Lower Burgate to remain distinct, this proposal will have to be carefully designed, sited and landscaped.

## **NFDC Ecologist – no objections subject to conditions and S106 obligations**

### Nutrient neutrality and recreational impact

The site lies within the Avon Catchment and a mitigation package is required to ensure nutrient neutrality in accordance with the Conservation of Habitats and Species Regulations 2017. In addition, there is a need to ensure no adverse impact through additional recreational use of New Forest European sites.

The submitted drainage strategy shows no adverse impact on the River Avon SAC through pollution. The Shadow Appropriate Assessment is considered acceptable. The Council will need to provide a final Appropriate Assessment to confirm the above.

### BNG

The application will be subject to the statutory requirement to ensure 10% net BNG. There will be a deficit of habitat units on this site so additional BNG off site habitat units will be required which can be secured from an appropriate provider. This is secured by the deemed condition that applies to all major development applications submitted after 12 February 2024. Wildlife enhancement measures can also be achieved through bat and bird boxes which can be secured by condition

### Protected species

A lighting scheme is required to protect bat species to be secured by condition. Works must avoid bird nesting season and if this is not possible a survey must be undertaken with mitigation measures agreed. With regard to reptiles an off-site receptor site has been identified, and this will need to be secured along with a methodology of translocation, and future management of the site through a S106 Agreement. This must include reptile hibernacula and a management strategy for the site to keep scrub on site at an acceptable level. Additional information has now been submitted which is satisfactory subject to a condition. With regard to Great Crested Newts the additional information now provided confirms that a precautionary method of working will be acceptable. An informative can be attached to any permission.

## **NFDC Environmental Design and Landscape – objection**

The scheme is one that introduces a fairly large footprint into a relatively rural edge setting, albeit alongside a busy main road. The juxtaposition with sensitive landscape of the Avon Valley (within the National Park) lends a high importance to any design in making sure the context is well considered. The design and access statement sets out how combining landscape quality with an architecture that breaks down the building mass into an apparent collection of sympathetic building forms should prove successful. As a result this can represent a high quality of design that aligns with local plan policies, being functional, appropriate and attractive.

There are still some concerns about ensuring the hedgerow alongside the road is properly managed; that access to the adjoining site is secured; question mark over accuracy of the northern site boundary; and design of the access bellmouth.

Recommends various conditions to secure appropriate materials and landscaping are recommended. No further comments received on amended plans.

### **NFDC Trees – no objections subject to tree protection measures condition**

There are, currently, no protected trees within this site. The majority of the trees that will be impacted by this proposal are situated along the northern boundary of the site. The Hawthorn hedge is a positive feature to the character of the area and is an important habitat and food source for wildlife. The majority of this hedge row will be retained, with a section removed to facilitate the access to the site. The protection measures set out in the submitted Kleen Consultants Drawing no. 2316-KC-XX-YTREE-TPP01RevA Tree protection plan provides sufficient protection measures for the remaining hedge that is shown to be retained.

The overall landscaping for the site is generally characterised by ornamental garden trees. Given the proposed use and the space constraints on site, in this instance, I have no objections to the proposed trees planting mix, subject to any comments from Environmental Design.

### **NFDC Environmental Health (Air quality) – No objection subject to condition**

The impact on air quality can be through both the operational phase and construction phase. The Council is satisfied that there will be no adverse impact through the operation of the building as a Care Home. Secondly any construction impact can be managed through a CEMP condition

### **NFDC Environmental Health (Noise, odour and lighting) – no objections subject to conditions**

Noise impact assessment indicates main sources of noise through traffic noise and noise from plant such as air source heat pumps. Enhanced glazing on elevations facing the A338 can be secured by condition. Odour control measures from cooking appliances can be secured by condition. Some additional sound insulation in certain parts of the building may be required. A scheme for noise insulation of any plant can also be secured along with a lighting design for the site. Finally, a Construction and Environmental Management Plan (CEMP) should be conditioned to protect local residential amenities from construction noise and dust etc.

### **NFDC Environmental Health (Contaminated Land) – no objections**

### **New Forest National Park Authority (NPA) – no objection subject to condition**

The NPA notes the position of the site which adjoins the New Forest National Park but has no objection to landscape impact on this occasion. There is however a potential impact from lighting on this site given the relatively dark area within which the site sits. It is therefore recommended that a lighting strategy is submitted which reduces the impact of lighting on the National Park.

### **Archaeologist – No objection subject to condition**

Several developments in the area have been subject to archaeological investigation and evaluation to assess possible archaeological remains. There is high potential for there to be unrecorded archaeological deposits from the prehistoric to early Bronze

Age period. The applicant's desk-based assessment and geophysical survey does show some evidence of activity on this site, but the results so far are inconclusive. On that basis it is recommended that conditions are attached requiring a stripping of the site and trench evaluation and recording is carried out of any archaeological remains

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

4 letters of objection raising the following concerns –

- Adverse effect on character of Upper and Lower Burgate
- Increased traffic flows to and from the site causing highway safety issues
- Additional noise and light pollution from traffic and building use for this purpose
- Ecological impact
- Adverse impact on local watercourses
- Potential for greater flood risk through surface water run off
- Lack of suitable foul sewer connections
- Inappropriate location with poor access to local facilities
- Impact on local health facilities which are already under pressure
- Dispute over position of site boundary
- Impact on holiday use adjoining through noise and disturbance – requests an acoustic fence to reduce lighting and noise impact from car parking through noise and disturbance
- Location of car parking exacerbating disturbance
- Additional lighting will create an adverse impact
- Building out of scale and character with local area

## 10 PLANNING ASSESSMENT

### Principle of development

Local Plan Policy STR1 refers to sustainable development and the opportunities to create a thriving local economy. Policy STR3 provides a strategy for locating new development. In addition, the site forms part of Strategic Site 18 allocated for development for housing in the adopted Local Plan. The allocation for residential development incorporates the potential for standard housing under Town and Country Use Classes Order C3 as well as care homes under Class C2. Given this allocation and the site's position within the settlement boundary there is an acceptance in principle to new residential development subject to consideration of the environmental impact and the tests and definition of sustainability as set out within the Development Plan Policy STR1 and the NPPF.

The form of residential development in this case is for Class C2 rather than Class C3 for housing.

*Class C2 is defined thus - Use Class C2 (residential institutions) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.*

It is therefore a requirement of the use that any occupiers are in need of higher-level care which extends beyond that normally associated for example with an apartment complex catering to those who wish to downsize or retire (usually over 55s), including some residents who have need for any care being at a lower level such as by a visiting health care worker offering personal assistance in daily tasks.

The Town and Country Planning General Permitted Development Order 2015 (as amended) does allow for other uses within Class C2 and the change of use of any such building to a state funded school for education purposes under Part 3 Class T of that legislation. Such other uses as are contained within the definition of C2 such as a boarding school, residential college or training centre use would also not be considered acceptable however due to additional traffic movements and noise and should be conditioned out of any planning permission. Such other alternative C2 uses could result in organised visits for study or recreation to the protected areas referred to below in the habitat mitigation section of the report.

Policy HOU1 of the Local Plan requires that a mix of residential development is provided to address diversity of housing needs of local people at all stages of life with the supporting text including specialist care facilities.

There is no affordable housing requirement in relation to C2 type accommodation. This is in line with Local Plan policies HOU2 and HOU3.

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.

Policy HOU3 also requires that there is an identified local need for such care bed spaces.

The Justin Garner Consulting evidence base of Objectively Assessed housing need to support the New Forest Local Plan Part 1 is a relevant consideration. The study considered the specialist housing needs for the District's ageing population, supplemented by demographic projections for the plan area. The study identifies that there would be significant increases in the percentages of the total population falling within in older age categories and who 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, and 203 specifically needed within the Avon Valley and Downlands sub area of which Fordingbridge forms a part.

The applicants have commissioned their own study to assess needs (Christie and Co.). This study has assessed the need for care home-based spaces within a 10km catchment and has been submitted in support of the application. The study states that there is a shortfall of provision of 309 bed spaces within the catchment and this is projected to increase to 397 spaces with an ageing population by 2034.



Consequently, it is considered that the proposal is acceptable in principle, meeting an identifiable housing need for this type of accommodation in line with Local Plan Policies HOU3, STR1, STR3 and SS18. The development will assist towards meeting overall housing need requirements and also provides a range of social and economic benefits

A review of environmental factors will follow in the remainder of this report to assess the third limb of the sustainable development test.

### **Housing Land Supply & the approach to decision making**

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 National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it 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 [8], 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

For reference, NPPF (p. 6) Footnote [8] above sets out: This includes, for applications involving the provision of housing, situations where:

- the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or
- where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also NPPF paragraph 227.

The Council cannot demonstrate a five-year supply of deliverable housing land. The latest published housing land supply figure is 3.07 years.

The "Housing Supply and Delivery" section of the latest 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. In this case the development of a 70-bed care home will be equivalent to providing 39 open market or affordable dwellings based on an occupancy rate of 1.8 adults per household.

Footnote 8 NPPF (December 2024) 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 11d is engaged.

As such, it is considered that in this case the development must be considered in accordance with the 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, for example habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a strong 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination 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.

### **Site layout, design and impact on the character and appearance of the area, including designated protected landscapes**

#### *Site layout, design, and impact on local character*

Local Plan Policy STR1 sets out a need for any development to make a positive environmental contribution.

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.

Strategic Site 18 Local Plan policy overall has a number of distinct criteria as follows

-

- Create a distinctive landscape and townscape that respects setting
- A comprehensive ground and surface water management regime

- Two access points at least onto the A338
- Focussing new development on a central corridor of streets and spaces
- Provide a community focal point
- Reflect the rural edge nature of the site
- Provide pedestrian and cycle links between residential areas
- Conserve and enhance the setting of Listed Buildings at Burgate
- No access for vehicles onto Fryern Court Road
- Retain Listed Building at Lower Burgate
- Work cooperatively to deliver foul sewer connections

In this case the applicant has positively engaged with the Council through extensive pre application advice and has submitted a building which whilst large in its footprint has successfully reduced the height and brought forward a building split into a number of distinct elements rather than presenting a homogenous bland elevational treatment which is sometimes the case with large institutional style buildings. The scale, height and mass of the building has responded positively to surrounding development either planned or existing and exhibits a building of good architectural quality and design. The care home whilst being aesthetically pleasing is also well designed functionally and has been designed with the different needs of the residents in mind. The landscaping of the site is also acceptable subject to final details being agreed by condition.

The Council's consultee on environmental design and landscape confirms the building proposed is one of high quality and whilst it is noted that there are still some reservations these do not raise issues which are of such significance to warrant a refusal of planning permission. The concerns regarding the roadside hedgerow can be managed as part of the site wide landscape. Furthermore, it has been confirmed by the Highway Authority that road side hedges are generally the adjacent landowners' responsibility to maintain and keep clear of the highway. The Highway Authority is content to leave this hedge maintenance responsibility with the applicant. The other matter raised by the consultee relating to boundaries is a civil matter between the parties concerned and has now been resolved in any event. The proposal includes a gated access to allow the eventual linkage of this site to the new link road currently under construction through site 18. Similarly, the detailed design of the bellmouth access can be agreed in detail through the S278. The latest submitted plans are however sufficient for the Highway Authority to agree that planning permission can be granted.

With regard to local character impact the new building responds positively to development permitted to the south and west and it is considered the high-quality design will provide a different and attractive element of design which will add interest and richness to local character.

The proposed development also takes into account the latest Climate Change SPD. The design of the Care Home proposes to use Air source heat pump for heating and cooling providing a fully electric system rather than relying on fossil fuels. The building will use sustainable design techniques and materials that are from responsible sources and may also employ photovoltaic (pv) cells if required. It is normally the case however that where air source heat pumps are used there is no requirement for PV panels as well. The final building materials to be used will be conditioned. The orientation of the building with a south facing courtyard also assists in solar gain.

#### Wider landscape implications

Local Plan policy ENV4 sets out a requirement to retain and/or enhance landscape features and to integrate development including the provision of green infrastructure

links. The site will be seen in context with development that will come forward as part of Strategic Site 18 which includes a range of housing and open spaces as well as a new vehicular link road. The site proposals provide for retention of all important hedgerows and boundary trees and additional tree and hedgerow planting to supplement that which already exists. It is considered that there are no landscape objections to this development. The impact on designated landscapes is set out below.

Overall, the proposal is considered to comply with the above stated policies.

### *Designated Landscapes - New Forest National Park and Cranborne Chase National Landscape*

Local Plan policy STR2 states that development should not have an unacceptable impact on the New Forest National Park or Cranborne Chase National Landscape including their setting. Great weight will be given to ensuring that the character and setting of such landscapes are not harmed. In addition, the recent Levelling Up and Regeneration Act requires that Local Planning Authorities seek to further the statutory purposes of protected landscapes. This replaces the previous duty to have regard to their statutory purposes.

The New Forest NPA have responded to this application and confirm that they have no objections to the proposed development taking into account its high-quality design. They do however require the proposal to take into account the relatively dark skies of this part of the area and request a condition to submit a detailed lighting strategy. This can be accommodated, and a condition is included in the recommendation.

The proposed site levels are slightly above road levels in this location, and it is therefore important to ensure that the finished floor level and ridge height of the building is kept as low as possible, so as to reduce any potential adverse impact on the New Forest designated landscape. This can be conditioned.

With regard to the Cranborne Chase National Landscape this is at some distance from the site (approximately 2.8Kms) with intervening woodland and landscape features. In this regard it is considered unlikely that the development will have any adverse impact on the setting of the National Landscape. Any considerations with regard to the International Dark Skies Reserve can be covered as part of the required lighting condition referred to above. Any submitted lighting scheme will need to demonstrate the highest zone of E1 (ILP Best Practice Guidance) which is suitable for lighting within a protected landscape.

Overall, it is considered that the scenic beauty of the National Park and Cranborne Chase National Landscape and their setting and statutory purposes are not harmed by this proposal and that the development complies with the above policy framework. The Council has also shown in the design of the building and a sensitive lighting regime that the statutory purposes of the designated landscapes have been furthered.

## **Designated heritage assets**

In determining this application, the following legislative background has been considered.

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

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

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.

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) 2024.

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 including any impact on setting this should be weighed against the public benefits of the proposal.

The applicants have submitted a Heritage Assessment which concludes that whilst there are a number of Listed Buildings in this area there will be no adverse impact on setting or direct harm and that such impact can be balanced against the public benefits test.

In this case the nearest Listed Building is some 200m away from the site with a number of other non-Listed buildings between them. The impact on setting is not however just judged on the intervisibility between the site and those buildings, but how the Listed Buildings are experienced and whether or not such experience will be harmed. It is understood that setting of the Listed Buildings at Burgate and Burgate Cross will be changed from their previous setting within a mainly agricultural landscape. That change has been brought about by the allocation of the site in the

Local Plan which carried out its own assessment of that change. In this regard the setting will change from a mainly agricultural one to a setting with new development nearby. Whilst the development will fill in an existing gap in the street frontage onto the A338 it will not result in closing the gap between Upper and Lower Burgate which will still retain an element of separation and identity.

Given the stated change to setting and its impact the NPPF allows Planning Authorities to take into account public benefits. On this occasion the public benefits as set out above in this case do outweigh that change in setting and in this regard, it is considered that the proposal satisfies the necessary statutory and Local Plan policy tests as set out above.

### **Access, car parking provision, highway safety and sustainable transport**

Local Plan policies CCC2 require any development to be safe, to have appropriate levels of car and cycle parking, and to provide sustainable transport links, as well as to consider any impacts on local road capacity.

The applicants have submitted a Transport Statement (TS) to support this application. They have also provided amended plans taking into account the earlier concerns expressed by the Highway Authority (HA).

The proposal indicates a new vehicular junction onto the A338 approximately 14 metres to the north of the existing agricultural field gate. The relocation of the access ensures that adequate visibility splays at the junction with the A338 can be achieved in both directions for this 40mph road.

The HA has confirmed that the application as now amended meets their expectations and that the detailed design for the junction can be approved as part of the Section 278 Highways Agreement.

Officers can also confirm their agreement to the suggested conditions listed by the Highway Authority in respect of a Construction Traffic Management Plan and wheel washing for vehicles leaving the site.

The HA has also confirmed it has no objections to this development in terms of the local highway network. There is sufficient capacity to allow this development which will generate less traffic than a similarly sized residential apartment scheme. The number of traffic movements associated with this type of development is limited more to staff, deliveries and visitors. There is sufficient on-site space for delivery vehicles and emergency vehicles.

With regard to on-site parking the HA confirm this is a matter for the District Council to consider. In this case the Council's SPD on parking confirms that 39 spaces should be provided for this size of care home but that such schemes will be assessed on their individual merits and where justified a lower of amount parking will be considered. The proposal will provide 23 parking spaces including two spaces for disabled drivers. There will also be a separate drop off/ambulance bay and service bay positioned to the front of the building. In terms of cycle parking 10 spaces are proposed to the northeast corner of the building via a covered cycle store. In the applicant's experience with other care homes, 23 car parking spaces will be sufficient to serve the care home.

The TS indicates that a scheme of this size is likely to accommodate 64 staff on a shift basis with the maximum number of staff on site at any one time anticipated to be 21. This level of staffing is only likely to occur at peak hours between 10am to 2pm and outside of these hours the parking for staff at the care home will be considerably lower. The proposed Staff Travel Plan also indicates the potential for cycling, car sharing and use of public transport by staff. A new bus service will operate from the soon to be constructed link road through the wider SS18 allocation and this will have bus stops and a cycle path allowing an easy access to the gate on the western boundary for staff and visitors. The submitted Travel Plan is out of date as it makes no reference to the new link road adjoining the site which will have its own cycleway and bus stops in the vicinity of this site. In addition, a public transport voucher system should be implemented from the start for all staff and the potential for a subsidised staff minibus for example should be investigated.

The Council's Parking SPD states (emphasis added)

*15.2. Where development does not meet its parking needs within the curtilage of the development by a significant margin, the developer will be expected to survey current parking patterns and assess the impact of not meeting the development's parking needs. This is to ensure the long term consequences are fully understood, and unlikely to lead to significant issues with verge parking, and other enforcement problems. This would be evidenced through a Transport Assessment or Statement submitted as part of the planning application.*

*15.3. Examples of the evidence that could be used to justify such departures include an assessment of local parking and traffic conditions, and a parking survey and assessment of the number of parked vehicles as a percentage of the number of standard available parking spaces. Up to date information on local car ownership levels should also be used as a guide to avoid both the inefficiency of over[1]provision and the safety and environmental costs of under-provision.*

The applicants have submitted a section in their Transport Statement (TS) which assesses parking needs.

In addition, the TS sets out how the care home would function with its shift patterns, and staggered visitor hours, coupled with the fact that none of the residents are likely to have the use of a private car themselves. The evidence presented shows a maximum of 16 staff may drive to the site but some of these may also car share or cycle instead. The TS points out in addition that none of the adjoining roads such as the A338 will be suitable for on street parking and that it is unlikely that there will be significant overspill parking in any residential zones when they are built out. The TS also refers to the need to ensure that the balance between landscaping and hard surfacing has been carefully assessed given the need to protect the setting of the adjoining New Forest National Park.

In summary Para 8.7 of the TS (emphasis added) states

*The proposed development will provide 23 car parking spaces, including (two disabled bays), plus a further drop-off / ambulance bay. There will also be a separate service bay. A review of census data and vehicle accumulation using trip rates has demonstrated that this level of car parking is sufficient to*

accommodate all car parking demand associated with the proposed development. The combination of a staff Travel Plan, census data, accessibility and consideration that for the majority of the day staffing will be below the maximum of 21, the applicant is confident that the quantum of parking proposed would not lead to any parking pressures off site. Furthermore, the level of car parking proposed is not anticipated to have an impact on highway safety in accordance with paragraph 115 of the NPPF and the NFDC Parking SPD

On balance it is therefore considered that whilst the proposal does not meet the standards set out in the SPD there are mitigating factors and evidence to support a lower standard be employed on this occasion.

It will be necessary to condition the requirement for the gated system to be provided up to and at the site boundary. The Local Plan at para 9.36-9.38 sets out how piecemeal development which do not coordinate with other parcels of the same strategic site will not be acceptable. Developers are required to collaborate and ensure that all parcels of a strategic site have adequate vehicular (if necessary) and pedestrian/cycle links are built into any masterplan. In this case the future linkage between the current site from the proposed gate and the adjoining parcel of site 18 can be achieved through that the design of the adjacent land subject to a reserved matters application when it comes forward. There is already shown on the adjoining masterplan a network of open space and pathways connecting to the new link road and this requires a simple cycleway spur extension to link to the care home site.

On the basis that the non-car modes of travel promoted in the Travel Plan are achieved then Officers consider that the number of car parking spaces shown will be sufficient to cater for the demand and need on this site for this type of use so that there is capacity for both staff and visitors.

The applicants will be required in accordance with the recommendation of the Highway Authority to enter into a s106 obligation to secure a Travel Plan. A Plan will set out in detail how staff will access the site and the promotion of shared transport as well as incentives to allow staff to utilise public transport. The Council can influence the details of that Travel Plan and greater emphasis can be placed on shared travel arrangements in this case.

With regard to cycle parking none of the residents will be using cycles so such parking will be limited to staff and visitors. The applicant's data analysis suggests that 7% of staff are likely to cycle to work and it could therefore be expected that up to 2 members of staff will cycle to the site. The 10 spaces provided should therefore suffice. Consequently, it is considered that the proposal is acceptable in terms of car and cycle parking. The residents will not be able to use mobility scooters so there is no requirement to make provision for them in the building.

Overall, it is considered that whilst the development does not meet with the stated policy requirement for car and cycle parking as set out in the Council's SPD it is adjudged to be sufficient to meet with the above policy requirements given the type of use and the residents' needs. It is considered that there are no other highway safety implications with regard to matters of access, sustainable travel or network



capacity and that the proposal complies with Local Plan policy CCC2 and para 115 of the NPPF.

### **Flood risk and drainage**

Local Plan policies STR1 and CCC1 and SS18 criterion (ii)(b) and (iii)(d) requires any development to put in place measures to prevent or offset the impacts of risk to development including flood risk and suitable foul sewer connections. Flood risk on this occasion is limited to ground water flooding as the site is located in the lowest fluvial flood zone 1. A Flood Risk and SuDS (Sustainable urban drainage system) Strategy has been submitted in support of the application. These requirements are set out in detail in the NPPF and PPG.

With regard to foul drainage connections there will be opportunities to connect through to the site to the south and from there to connect with the new surface water sewer that has been constructed to serve the Metis Homes site on another part of Site 18. An alternative connection point will also be possible to connect to the new link road to the west of the current application site. A condition will be applied requiring the developer to submit a scheme for approval for a foul drainage connection.

All on site surface water run off can be conveyed to the SuDS through a rainwater infiltration system which will incorporate a variety of measures including

- Maximised use of permeable paving, and soft landscaping
- Use of a porous subbase layer, catchpits sumps and gullies
- Use of a granular cellular underground crate system for on-site attenuation of water flows and ground infiltration during extreme events
- An appropriate maintenance strategy to ensure these systems are kept in good working order.

The drainage strategy also seeks to ensure that there is no off site run off achieved through capture at source on site and attenuation to manage surface water flows through a combination of SuDS, BNG and planting. Water quality will be maintained by systems to intercept polluted water run-off from roads before they reach infiltration systems. In essence all rainwater arising from normal rainfall levels or major events can be managed by infiltration and/or through attenuation within the crates and porous subbase material being provided beneath permeable car parking areas and patio paving.

The design of the Drainage Strategy is also based on future proofing for climate change when calculating the required storage areas to be needed to ensure the development remains safe from flooding and there is no adverse off-site flood risk during the lifetime of the development.

Overall, it is considered that the proposal meets with the stated policy requirements set out above. Members are referred to the comments set out above by the HCC LLFA who have confirmed that the development is acceptable subject to one

condition which seeks a finalised drainage strategy based on the latest data and that the development be carried out in accordance with that agreed strategy.

### **Ecology and impact on sites designated for nature conservation, and matters relating to Biodiversity Net Gain (BNG)**

#### **Phosphate neutrality and impact on River Avon SAC**

Local Plan Policy ENV1 requires there to be no adverse impact on European protected sites and species. In addition, and in accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon. Natural England has been consulted on the Council's Appropriate Assessment and any comments are awaited.

With regard to current proposals, previous Natural England advice 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.

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. . When assessing the occupancy rate for this type of accommodation this is based on single bedroom occupancy giving rise to an additional 70 bedspaces of accommodation with no residential staff staying overnight.

#### **Habitat Mitigation due to increased recreational impact**

The site is located in proximity to the River Avon Special Area of Conservation (SAC) and Ashdown Forest SAC, Special Protection Area and Ramsar. Various, these support a range of Annex I habitats and Annex II species as set out in the Conservation of Habitats and Species Regulations 2017.

Local Plan Policy ENV 1 seeks to ensure that where new residential accommodation giving rise to overnight stays are proposed that necessary mitigation is in place so that development does not result in any adverse effects on the integrity of International Nature Conservation sites. In addition, and 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 European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development

would, in combination with other developments, normally 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. This is the position taken on residential accommodation under Class C3 i.e. standardised housing for open market and affordable occupation purposes.

In this case however, the type of accommodation is for Class C2 used by residents in need of care and from whom there is unlikely to be few if any trips undertaken to the protected areas. The applicants have submitted a shadow Appropriate Assessment to confirm their views in this regard. This states that the New Forest SPA is sufficiently remote from this site as not to generate recreational trips. Secondly that surface water pollution of the River Avon SAC is unlikely to occur given the drainage strategy employed on the site which will prevent pollutants from reaching this aquatic environment. In combination effects have also been ruled out in their Assessment. Officers agree with the shadow assessment and again have carried out their own Appropriate Assessment upon which Natural England has been consulted.

The Council has also had regard to other similar C2 care home proposals such as the scheme at Marchwood adjoining the Pilgrim Inn Public House (planning reference 23/10172 – approved by Committee in May 2024), which came to the same conclusion that such facilities were unlikely to give rise to recreational impacts. In addition, the applicants have pointed to another scheme in Netley Hampshire for a similar C2 care home where such principles have also been agreed by the Local Planning Authority and by Natural England.

#### Air Quality mitigation

Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other international designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Whilst it could be argued that this type of accommodation will not result in additional trips the policy is clear that an air quality monitoring contribution should be sought for all forms of residential development. The usual charge is based on each new dwelling. In this case a proportionate charge should be levied however which recognises that individual residential units are not being proposed rather simple ensuite bedroom accommodation for single occupiers without the other requirements that constitute a normal dwelling/residential flat. The level of such contribution can be agreed as part of the S106 obligations set out below.

### Biodiversity Net Gain

By virtue of the Environment Act, the proposal is required to demonstrate a post development 10% statutory net gain in biodiversity either on site or in combination with on site improvements and off-site contributions to an existing net gain provider site through an appropriate contribution.

The Environment Act also requires Local Planning Authorities to have regard to any Local Nature Recovery Strategy (LNRS) that may be in place. At the present time the LNRS has been published in draft form by Hampshire County Council who are to adopt a single LNRS for the whole of Hampshire. This draft has now been withdrawn pending further work and consultations. When published this document will guide how BNG contributions may be spent in the future.

The Council's Ecologist has considered the applicant's calculation of BNG pre and post development possible on the site and considers this is accurate. The result is that the site will, post development, result in a net loss of 30% in BNG value. The conclusion is that it is not possible to achieve a 10% net gain on site but that the deficit can be made up through an off-site habitat units purchase from an appropriate provider. This can be secured through the statutory deemed planning condition attached to this permission. There are now a range of such providers, some within the boundaries of the District Council's area as well as the Government's own national credit bank scheme.

### On site biodiversity and protected species

Local Plan Policies DM2 and STR1 seek to protect and enhance wildlife species of importance on the site. In addition, 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 the Environment Act all require an enhancement to on-site biodiversity wherever possible. The site is also subject to the need to demonstrate statutory net gain.

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

The Council's Ecologist has noted the presence of bats on site for foraging rather than roosting with recommendations that an appropriate lighting strategy is employed to ensure no adverse impact on protected species. Bird nesting season can be avoided or mitigated against if works have to take place during those times.

With regard to reptiles the site has been subject to a survey which revealed a total of 27 slow worms with an indication that the site is used for breeding. The site has therefore been assessed as suitable habitat and, in this regard, there will be a need to trap and relocate protected species and move them to a new receptor site. A receptor site has been agreed with a local landowner nearby and this receptor site, including the provision of reptile refugia and a scheme for future maintenance and management can be secured through a s106 obligation to include the 3<sup>rd</sup> party landowner. The S106 will also need to ensure that the receptor site is fully ready to receive translocated reptiles prior to any works of site clearance taking place.

Great Crested Newt are however unlikely to be present on this site, so a precautionary working method approach has been agreed covered by an informative. The Council's Ecologist has also noted the response of Hampshire Swifts albeit it is considered that the number of Swift bricks they request is too onerous and can be reduced whilst still providing a reasonable opportunity for Swift nesting. This is reflected in the condition set out below.

The Council's Ecologist has considered the application, and the submitted mitigation and enhancement proposals submitted with this application. The Ecologist has confirmed there are no objections to the planning mitigation measures which can be incorporated into a Construction and Environmental Management Plan condition or a separate ecological management plan condition in this case. An enhancement for wildlife provision on the site to include bird and bat boxes can also be achieved through condition, and reptile translocation and future management arrangements can also be achieved through a s106.

The proposal overall is considered to comply with Local Plan Policies DM2 and STR1 and relevant legislative provisions.

### **Environmental protection: air quality, contaminated land, minerals and noise**

Local Plan Policy CCC1 requires that development will not adversely affect human health through pollution or hazards which prejudice the health and safety of communities and their environments.

#### **Contaminated land**

No concerns have been raised by NFDC Environmental Health with regard to this proposed development.

#### **Minerals**

Site 18 lies within a mineral safeguarding zone and on other larger applications within Site 18 the HCC Minerals Authority has asked for a standard condition to be applied to allow for the potential re-use of any minerals that might be recovered from the site during construction. However, in this case no response has been received from the Minerals Planning Authority and it is considered that the site, given its size, is unlikely to yield any appreciable minerals and that such a standard condition is not required or reasonable on this occasion.

#### **Noise during and post construction**

A noise impact assessment has been submitted which indicates that bedrooms which face the A338 will be subject to road noise and thus a scheme for sound insulation of windows with appropriate ventilation will be required for those windows. Bedrooms to the rear or towards internal courtyards would not be subject to undue road noise. In addition, protection is needed to avoid intrusive noise from on-site kitchens and external plant equipment such as air source heat pumps. This is however a matter covered under the relevant Building Regulations. An acoustic fence has been recommended along the northern boundary which will reduce any harmful impact on the adjoining dwelling and holiday homes. Noise from deliveries and waste collections is also another source of noise that could impact on residents as well as the adjoining house and holiday homes residents. The recommendation

made is therefore that these matters are covered by conditions requiring further details of mitigation measures to be submitted to and agreed with the Local Planning Authority. A Construction and Environmental Management Plan can also guard against noise pollution affecting nearby dwellings during the construction phase. Again, this to be subject to condition.

#### Air quality and dust

The applicants have submitted an air quality assessment which appropriately assesses the impact of the development on local air quality in terms of the operation and construction phases of development. The report sets out recommendation which are agreed and that an appropriate dust management plan is submitted for approval. The above conditions can also cover any adverse impact on nearby properties.

Given the above it is considered that the proposal complies with Local Plan Policy CCC1.

#### **Residential amenity.**

Local Plan Policy ENV3 requires that development should not create an unacceptable impact on local residential amenities by virtue of noise, disturbance, overshadowing, overbearing nature and loss of privacy.

Whilst there are likely to be a number of properties planned for the area to the south and west of the site through the provision of new housing on other parts of Strategic Site 18 those sites have reasonable separation distances and would not be adversely affected particularly with regard to new housing to the west. The site does border another part of Strategic Site 18 to the south, but the building has been orientated so that it reduces any direct overlooking. Noise during construction can be managed through a CEMP whilst post occupancy noise given the type of use envisaged will be low for these new future residents.

There is only one property which currently lies close to this site and that is the Wheelwright's Post situated immediately to the north and adjoining the site's proposed car parking and plant areas. This property comprises a private dwelling with three self-contained holiday units within a large garden area which adjoins the site. Objections have been received from this property centred on a dispute regarding the legal boundary of the site, impact from car parking particularly late at night with shift pattern working, and such a large building would be out of scale and character.

In response the developer has confirmed the site boundary is correct. This is a civil matter between the parties. A further letter of objection has now been received from the neighbour with evidence to support their contention the red line boundary is incorrect. A revised red line location and site layout plan has now been received and the neighbouring property has been re-consulted. The red line boundary has been moved south into a position that replicates an old post and wire fence boundary. The area of the site has therefore been reduced. The potential impact on amenity relates to the loss of part of the objector's garden to the development site.

With regard to the impact of the building it is judged to be offset from the northern boundary sufficiently not to be onerous or oppressive to the next-door neighbour and

is separated from the garden of the adjoining property by a large car park with the applicant enjoying some existing landscaping within their boundary of control. In addition, an acoustic properties fence can be conditioned and erected along the boundary of the car park which can be supplemented with additional planting such that lighting from car headlights and noise from moving vehicles can be reduced. The fence can also be a baffle against any residential amenity issue relating to construction noise so should be conditioned to be erected as a first stage of development. The Council's Environmental Protection Officer agrees this is necessary.

Similarly, the erection of an acoustic fence coupled with a form of enclosure can reduce any impact from the air source heat pump installation and waste collection point, which is located close to the northern boundary, bordering the neighbours primary garden area. The air source heat pump plant area and waste collection area will also be enclosed with its own brick wall thereby baffling any noise impact further. The adverse impact from lighting of the site can be reduced through a suitable lighting plan which will also benefit wildlife and assist in maintaining the dark skies nature of this part of the town.

Other parts of the report set out above consider any adverse impact on local character particularly in relation to heritage assets, and other concerns such as flood risk.

Overall given the safeguards and suggested conditions it is adjudged that the development does not raise such serious issues of amenity to warrant a refusal of planning permission. On balance the application is considered acceptable in residential amenity terms and therefore in line with Local Plan Policy ENV3 criterion (ii).

## 11 OTHER MATTERS

### **Section 106 Heads of Terms and infrastructure contributions**

Local Plan Policy IMPL1 (Developer Contributions) sets out that all developments must provide or contribute proportionately to the provision of local infrastructure. Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan the following are the proposed Heads of Terms for a Section 106 Agreement. The s106 will need to be completed prior to the issue of any planning permission and would seek to deliver the following benefits with contributions based on current rates as of 1 April 2024 (or as of 1 April 2025 where index linked)

#### **New Forest District Council Provisions**

- Off-site provision of reptile refugia, set up, retention and future management
- Air Quality monitoring contribution

#### **Hampshire County Council Provisions**

- Submission of a full Travel Plan
- Section 278 Agreement for new junction onto A338
- County Council preparation of agreement charge

## 12 PLANNING BALANCE

### PLANNING BALANCE

Members will be aware that decisions are to be made in accordance with the development plan unless material considerations indicate otherwise. Earlier in this report the implications of paragraph 11(d) are set out. The NPPF and paragraph 11(d) are a material consideration afforded weight in decision making for this application. The lack of a demonstrable five-year housing land supply means that the presumption in favour of sustainable development - 'the tilted balance' - in NPPF paragraph 11(d)(ii) is engaged for this application.

In considering the benefits, the site forms part of an allocated strategic housing site and lies within the settlement boundary of Fordingbridge as set out in the adopted New Forest Local Plan. The proposal brings forward C2 use residential accommodation for which there is a clear evidenced local need. Furthermore, Care homes can count towards housing land supply and would be equivalent to 39 additional dwellings.

The development is subject to Strategic Site 18 Policy, and it is considered that the proposal is considered to comply with the relevant criterion which in this case are section ii a, b, d, and g, and section iii a and b

Policy STR1 supported by the NPPF sets out the need for sustainable development. This includes an assessment of environmental, social and economic benefits that may flow from a development. In this case a Socio-Economic Benefit Statement (Iceni) was submitted in support of the application. This confirms that once complete and operational the development can be expected to create 64 direct jobs and 22 indirect jobs. Investment in construction worth an estimated £11.5M could potentially temporarily support another 99 jobs pa. throughout the build period. The development will also potentially result in the release of existing open market under occupied homes. In social terms the development will assist towards increased wellbeing and reduced isolation, provide a range of facilities to encourage social interaction, and a potential reduced load on local NHS services,

The development will bring forward a range of social and economic benefits and will result in a high-quality design which meets the Local Plan policy aspirations for good quality developments. The proposal will result in other environmental benefits through additional landscaping and biodiversity net gain as well as enhancement for protected wildlife species.

The development raises no technical issues including highway impact, access, environmental protection measures including phosphate impact, minerals and flood risk that cannot be adequately managed through conditions and appropriate contributions through a s106 planning obligation.

The adverse impacts of the development have been considered in the report above. It is noted that the proposal has some limited impact on the setting of nearby heritage assets, and potential archaeological assets, but it is considered that the public benefits outweigh those limited impacts and concerns on this occasion.

The development also has some impact on the setting of the adjoining New Forest National Park, but subject to conditions controlling lighting and by way of bringing forward a building of high quality it has been suitably demonstrated that the Council



has exercised their duty to further the purposes of the Protected Landscape. Similarly, there will be no significant impact on the Cranborne Chase National Landscape or International Dark Skies Reserve.

Whilst the proposal has some impact on local residential amenities particularly for the property and holiday let units immediately to the north, these can be mitigated through an acoustic fence and planting and suitable conditions within the construction period. The impacts are judged not to be of such significance as to warrant a refusal of planning permission.

It is considered that when applying the balancing exercise required in paragraph 11(d) of the NPPF the identified adverse impacts arising from the development do not significantly and demonstrably outweigh the benefits. The balance therefore falls in favour of the application and the proposal is recommended for permission

### **13 CONCLUSIONS**

Overall, it is considered that the balance of considerations is one of clear approval taking into account the public benefits balanced against the limited environmental harms.

Therefore, subject to suitable conditions and a s106 planning obligation, the proposal accords with Local Plan Policies SS18, STR1, STR2, STR5, STR9, ENV1, ENV3, ENV4, HOU3, CCC1 criterion (i), CCC2 criterion (i), (iv) & (v), Local Plan Policy DM1, DM2, and NPPF 2024 paras.11, 61, 63, 96, 112, 115, 116, 117, 124, 129, 131, 135, 163, 181, 182, 187, 189, 193, 195, 198, 210, 215, 224, and 231

### **14 RECOMMENDATION**

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

- i) Take receipt of and have regard to any comments from Natural England in response to the Council's Appropriate Assessment
- ii) the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:
  - In accordance with the submitted Reptile Mitigation and Management Strategy December 2024, to secure off-site provision for a minimum of four reptile refugia, and future monitoring and management (minimum 10-year period for monitoring but refugia maintained in perpetuity, including arrangements to set out receptor site).
  - Submission, approval and implementation of a full Travel Plan
  - Completion of a Section 278 Junction Agreement prior to commencement
  - County Council legal agreement charge
  - Air Quality Monitoring Contributions

Then GRANT PERMISSION subject to 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 comments from Natural England and due to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

**Proposed Conditions:**

**1. Standard time limit**

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. Approved plans and reports**

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

Kleen Consultants Tree Survey and Impact Assessment Ref: 2316-KC-XX-YTREE-TreeSurvey-and-Impact Assessment-RevA dated July 2024 and Kleen Consultants Drawing no. 2316-KC-XX-YTREE-TPP01RevA Tree protection plan.

Noise Impact Assessment undertaken by Hawkins Environmental on 21 August 2024 (Report No. H4203 - NV - v1)

Reptile Mitigation and Management Strategy (December 2024)

Proposed location plan	DR-A-0080 P03
Proposed site plan	DR-A-0500 P014
Proposed roof plan	DR A 0203 P02
Proposed ground floor plan	DR-A-0200 P06
Proposed first floor plan	DR-A-0201 P06
Proposed second floor plan	DR-A-0202 P07
Proposed elevations sht. 1	DR-0300 P04
Proposed elevations sht. 2	DR-A-0301 P04
Proposed outbuildings plan	DR-A-0310 P02

Reason: To ensure satisfactory provision of the development.

**3. Finished floor levels**

Prior to the commencement of development, the exact finished ground floor level and ridge heights of the building in relation to the existing site and road levels shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall not be carried out other than in strict accordance with the existing and proposed levels as may be agreed.

Reason: In the interests of ensuring the impact of the building on adjoining protected landscapes is minimised.

**4. Building materials and details**

Prior to the commencement of any development a full schedule of proposed materials for the building including details of all external building materials, windows, doors and rooflights, soil and vent pipes, shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall not be carried out other than in accordance with any written schedule of materials as may be agreed.

Reason: In the interests of the appearance and character of the building hereby approved

**5. Tree and hedgerow protection**

The tree and hedgerow protection measures as set out in Kleen Consultants Tree Survey and Impact Assessment Ref:

2316-KC-XX-YTREE-TreeSurvey-and-Impact Assessment-RevA dated July 2024 and Kleen Consultants Drawing no. 2316-KC-XX-YTREE-TPP01RevA Tree protection plan shall be fully installed on site prior to any activity on site including site clearance, demolition and building works and tree protective measures shall be retained as such throughout the development.

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

**6. Hard and Soft Landscaping Detailed Design**

Before development commences a scheme of detailed hard and soft landscaping plans for the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- i) A schedule and specification for new tree planting (species, size, spacing, location, details of irrigation pipe),
- ii) A schedule and specification for new soft planting (hedgerow, shrub, turf, lawns, bulbs and meadow) in terms of species, size, spacing and location
- iii) A specification for the protection of all new soft landscape planting (e.g., temporary fences, rabbit guards, mulching).
- iv) A schedule and specification of all hard landscaping and means of enclosure.
- v) A long term (in perpetuity) management and maintenance plan for all new and existing boundary trees and hedgerows

All soft landscaping (trees and shrubs) proposals hereby approved under this condition shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority.

The development shall be carried out in accordance with the approved plans and details referred to above.

Reason: To ensure that the development provides a suitable soft and hard landscaping strategy and arboricultural strategy, and that adjoining residents and protected landscapes are protected in accordance with Local Plan Policies STR2 and ENV3.

## 7. **Archaeological investigation**

Part (A) No demolition or development shall take place or commence until a programme of archaeological works (strip, map and sample) has been secured, including a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority.

The WSI 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.

Part (B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A), and not until the archaeological investigations have been fully completed.

Part (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 part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site has potentially significant archaeological remains. To ensure an archaeological investigation is carried out and any finds are properly stored, documented and a written record is made.

## 8. **Construction Traffic Management Plan**

No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of:

- provision to be made on site for contractor's parking,
- construction traffic access,
- space for the turning of delivery vehicles within the confines of the site,
- lorry routing to and from the site;
- wheel wash facilities to prevent mud and spoil from leaving the site;
- and a development programme of works has been submitted to and approved in writing by the Local Planning Authority.
- Vehicle cleaning measures for traffic leaving the site

The development shall be implemented and carried out in accordance with the details approved.

Reason: In the interests of highway safety in accordance with Local Plan Policy CCC1.

**9. Installation of an appropriate pedestrian gated access**

Prior to the occupation of the care home a scheme shall be submitted to the Local Planning Authority for written approval for the installation and maintenance of an appropriate pedestrian gated access on the western boundary of the site to allow for the safe access of pedestrians and cyclists who are either residents, staff or visitors to the care home. The gated access as approved shall be put in place and made open and available for use to the residents, staff and visitors of the care home, prior to first occupation. The gated access shall be maintained in perpetuity to serve the care home.

Reason: To ensure a sustainable transport link is formed from the adjoining site in accordance with Local Plan Policies CCC2, ENV3 and Strategic Site 18 Policy.

**10. Environmental protection – road traffic noise**

The proposed noise mitigation measures for the development set out within the Noise Impact Assessment undertaken by Hawkins Environmental on 21 August 2024 (Report No. H4203 - NV - v1) shall be implemented in full prior to first occupation, and then retained and maintained in accordance with the approved scheme, unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the amenity of residents in accordance with Local Plan Policy CCC1

**11. Environmental protection – odour and noise from kitchens**

Prior to commencement, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first occupation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

The design of the proposed system should meet the appropriate standard specified in the EMAQ+ document - "Control of Odour and Noise from Kitchen Exhaust Systems" 2018.

Reason: To safeguard the amenity of residents and adjoining neighbouring properties

**12. Environmental protection – noise from air source heat pumps**

Prior to the commencement of development, the developer shall carry out an assessment in accordance with MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises to determine the potential noise impact from the proposed Air Source Heat Pump to neighbouring residential properties. A scheme for any noise attenuation shall be submitted to the Local Planning Authority and agreed in writing prior to commencement and implemented in full prior to the use of the building being taken up.

Reason: To protect the amenity of residents and neighbouring residential premises.

**13. Environmental protection - operational noise from deliveries**

Deliveries and collections to and from the site shall not be permitted other than between the hours of 08.00-18.00 Monday to Saturday and at no time on Sundays and Public/Bank Holidays.

Reason: To protect the amenity of residents and neighbouring residential properties.

**14. Environmental protection - noise and disturbance from car parking zone**

Prior to the commencement of development, the details, location and height of an acoustic properties fence to be erected along the whole of the northern boundary shall be submitted to and agreed in writing with the Local Planning Authority. The fence as may be agreed shall be erected prior to any other construction activity taking place on the site and maintained as such thereafter.

Reason: In the interests of the protection of the adjoining dwelling and holiday lets in accordance with Local Plan Policies ENV3 and CCC1

**15. Environmental Protection - Lighting Strategy**

Prior to the commencement of development, a scheme showing the details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of vertical illuminance (Ev) affecting nearby human receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP).

In addition, the lighting scheme shall be designed to comply with zone E1 of the above ILP standards such as to limit any adverse impact on wildlife and protected landscapes, which in turn will reduce any impact on foraging bat species that may use the site.

The lighting scheme as may be approved shall be fully implemented prior to the first occupation of the building and maintained in perpetuity thereafter. There shall be no other external lighting standards, bollards or security lighting installed on the site other than that approved without the further prior written permission of the Local Planning Authority.

Reason: To protect the amenity of existing and future residents, and to protect protected wildlife and landscapes, in accordance with Local Plan Policies STR2, ENV3, CCC1 and DM2.

**16. Hours of construction working on site**

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the amenity of residents and neighbouring residential properties.

**17. Construction Environmental and Management Plan**

Prior to the commencement of development including any site clearance or site set up works 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.
- Details of 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.
- Measures to control light spill and glare from any construction floodlighting and security lighting installed

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

Reason: To protect the amenity of residents and neighbouring residential properties, and to ensure that protected wildlife is not harmed during the construction phase of the development in accordance with Local Plan Policies CCC1 and DM2.

**18. Construction Ecological Management Plan (CEcMP)**

Prior to the commencement of development including any site clearance or site set up works a Construction Environmental Management Plan (CEcMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEcMP shall include the following details:

- Measures to protect and mitigate against harmful construction impacts on protected wildlife species including avoidance of works during bird nesting (March to August inclusive) or only in accordance with an agreed mitigation plan to reduce any impact

The development shall be carried out in accordance with the approved CEcMP

Reason: In accordance with Local Plan Policy DM2 to protect local biodiversity and protected species during the course of development.

**19. On site ecological enhancement**

Prior to the commencement of the development hereby approved, the Councils Ecological Enhancement Schedule or a schedule prepared by the applicant which sets out the same details shall be completed, submitted to and approved in writing by the Local Planning Authority (LPA). The schedule shall be accompanied by an appropriately detailed plan (or series of plans) showing the locations of the enhancement measures (site plans and elevation drawings with appropriate suitable siting locations for each enhancement feature on elevation drawings shall be provided.

The ecological enhancement scheme shall provide for a minimum of 3 no. bird and 3 no. bat boxes either on the building or within the site, and a minimum of 20 integrated Swift bricks. In addition, any close boarded fences (including the northern acoustic boundary fence) shall be provided with hedgehog highways.

The approved details shall be implemented and thereafter retained. Prior to occupation, evidence shall be submitted to the LPA to confirm the agreed features have been installed in their correct locations, for example, a photographic record and/or a signed statement by a suitably qualified ecologist.

Reason: To enhance biodiversity in accordance with Local Plan policy DM2



**20. Water efficiency and phosphate mitigation**

The development hereby approved shall not be occupied unless

- i) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter; and
- ii) 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; and
  - (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.

**21. Foul water drainage**

No development shall be commenced until such time as a foul water drainage strategy and agreed connection points have been submitted to and agreed in writing with the Local Planning Authority.

The development shall be carried out in accordance with the foul water drainage strategy as agreed.

Reason: To comply with Local Plan policies ENV3 and CCC1

## 22. **Surface water drainage**

No development shall begin until a drainage strategy for the site, utilising shallow infiltration and based on the principles within the submitted Drainage Strategy EC-2024-DD-001 Rev 6 produced by Envi Consult, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a) Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- b) 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. Calculations must be based on the lowest measured infiltration rates in the locations where infiltration features are proposed.
- c) Groundwater monitoring data for the site including monthly measurements taken up to and including April and demonstrating a minimum 1m unsaturated zone between the peak measured groundwater level and the base of any infiltration structure.
- d) A mechanism for future maintenance of the agreed drainage strategy

The development shall be carried out and maintained in accordance with the approved Drainage Strategy.

Reason: To ensure proper and adequate surface water drainage is in place to serve the development in accordance with the requirements of Local Plan Policies CCC1 and DM1

## 23. **Removal of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent Order revoking or re-enacting that Order, the use of the building hereby approved shall be limited to Class C2 of the Use Classes Order 1987 (as amended) and specifically for a care home, and for no other purposes including those listed in Class C2 without a further express grant of planning permission.

Reason: The use has been specifically agreed as a care home C2 use as other forms of C2 use and residential development have implications for habitat mitigation and conservation of European protected sites and species relating to additional recreational use. In addition, any other permitted changes of use may result in a more intensive form of development giving rise to additional traffic generation and other environmental impacts which may not be considered acceptable on this site, by virtue of Local Plan Policies ENV1, ENV3 and DM2.

### **Further Information:**

Stephen Belli  
Telephone: 023 8028 5430

NFDC



# New Forest DISTRICT COUNCIL

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Mark Wyatt  
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Development Management  
New Forest District Council  
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Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

March 2025

Land Adjacent to  
The Wheelrights post  
Salisbury Road, Burgate  
24/10837

Scale 1:1250

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

91

Leyleen

Forest View

31.4m

The  
Wheelwright's  
Post

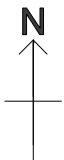
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Planning Committee 12 March 2025

<b>Application Number:</b>	<b>24/10656</b> Variation / Removal of Condition
<b>Site:</b>	LAND REAR OF WALTONS AVENUE, HOLBURY, FAWLEY SO45 2LU
<b>Development:</b>	Variation of condition 2 (approved plans) of planning permission 22/11140 to allow change in design, including dwellings being closer together, and the addition of a flat porch over the front doors and bin and cycle storage details.
<b>Applicant:</b>	Mr Vass
<b>Agent:</b>	MT Planning
<b>Target Date:</b>	07/10/2024
<b>Case Officer:</b>	John Fanning
<b>Officer Recommendation:</b>	Grant Subject to Conditions
<b>Reason for Referral to Committee:</b>	Town Council contrary view and previously deferred for consideration by Committee

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## 1 BACKGROUND

This planning application was first considered by the Planning Committee at its meeting on 15<sup>th</sup> January 2025. The Officer Report for this meeting is attached as **Appendix 1**. At this meeting the Planning Committee resolved to defer determination of the planning application. The minutes for the meeting set out the following considerations on which the decision to defer was based:

*“Members considered the points raised by the objector, in relation to the raising of the ground level in the vicinity of his property during construction and the impact this had on his boundary fence. Members raised concerns, arising from this, regarding surface water drainage and the suitability of the drainage scheme was questioned.*

*It was proposed that the application be deferred, in order to allow officers to discuss these matters further with the applicant to ensure that the drainage scheme was fit for purpose in dealing with surface water dispersal and that the concerns raised by the objector regarding the impact the raised ground level had on his boundary fence be assessed and if necessary, consider appropriate mitigation measures.”*

Since the previous meeting, further details have been provided to clarify the on-site drainage arrangements. These details comprise 4 additional documents:

- A document outlining the geology of the area and identifying that the site falls within Flood Zone 1 and lies within an area of low flood risk and groundwater vulnerability.
- A document written in response to the comments of the Committee meeting. This document identifies that permeable paving has been installed on the site; it clarifies the relationship of the site with neighbouring boundary treatments to the north and west; it notes amendments to the landscaping layout, including relocation of a parking space and additional raised planting beds; and it outlines the applicant’s position on ground level alterations to the site.

- A document that includes details of the installed soakaway and an associated justification of capacity.
- A letter from Southern Water confirming the development has been connected to the sewer network.

Neighbouring residents and local Councillors have been reconsulted on these additional drainage details. Following this re-consultation process, an additional detailed landscaping scheme was submitted to reflect the amended layout indicated in the submitted drainage drawings. The landscaping alterations constitute a minor alteration to the previously proposed layout and have not therefore been the subject of further consultation.

The current report should be read in conjunction with the previous report attached as Appendix 1 and will primarily focus on the amended details that have been submitted since the previous consideration of the application by the Planning Committee.

## **2 PARISH / TOWN COUNCIL COMMENTS**

### **Fawley Parish Council (updated comments dated 20/02/25 following re-consultation):**

Members considered that earlier concerns had not been addressed and wished to resubmit the same comments that had been made previously.

We recommend refusal as the Parish Council considers this proposal will impinge on the enjoyment of the back gardens on the abutting houses in Waltons Avenue. We have not received confirmation from the planning authority that the design is in accordance with policy. We are unhappy with the current design and query the amount of room available for the turning circle of vehicles and the parking of vehicles now that the new additional spaces have been removed.

## **3 REPRESENTATIONS RECEIVED**

Representations submitted previously are summarised in section 9 of the previous committee report (attached as **Appendix 1**). Following the undertaking of a further re-consultation exercise since the previous assessment by Committee, one additional letter of representation has been submitted. A summary of the comments raised is laid out below:

- Welcome changes to provide additional barriers between boundary treatments and vehicle manoeuvring areas
- Retain concerns about drainage and land level issues

## **4 CONSIDERATION OF ADDITIONAL DETAILS**

### Drainage

At the January Committee meeting, concerns were raised by the Planning Committee with regard to land drainage, particularly in relation to the possible raising of land levels on the site and the associated impact this would have on an adjacent residential property arising from a potential increase in surface water runoff.

With regard to the Council's Strategic Flood Risk Assessment, it should be reiterated that the site is not situated within an area of identified surface water flood risk and falls within Flood Zone 1 (defined as having a low probability of flooding).

Notwithstanding the above, it is recognised that the development would result in an increase in hard surfacing on the site which, if not suitably designed, could potentially affect the site's drainage arrangements, noting that hard surfacing has the potential to increase surface water runoff, including onto adjacent land.

The focus on managing surface water runoff should typically be to ensure water can drain into the land on which the application relates to slow the transfer of water off-site and ensure natural drainage is given an opportunity to deal with influxes of water. For the avoidance of doubt, any drainage solution on the site does not need to prevent all movement of water from the application site to neighbouring sites (which would represent a normal part of the natural water cycle and original aspect of the land) but rather should address any additional impact that may be associated with the proposed development.

This was originally addressed by the imposition of condition 5 on application 22/11140, which secured details of a sustainable drainage system (SuDS) to address this matter as part of the application process. This condition was subsequently reimposed as condition 5 of application 23/10823. Details to address this condition were subsequently submitted and agreed on 24.10.2023.

The amendments to the scheme as part of the current application would not substantially change the amount of hard surfacing on the site when compared to the previously approved application. Nonetheless, since the previous consideration by the Planning Committee, the applicant has submitted additional details to clarify the drainage on the proposed (and as-built) development. To accommodate drainage from the new roof forms, soakaways have been installed within the rear gardens, which reduce the potential for an increase in surface water runoff associated with the main form of the new dwellings.

The additional hard surfacing within the frontage of the properties has been constructed using a permeable paving solution, which allows water to drain through the paving into the underlying ground.

As such, while the original development did incorporate a significant area of new hard surfacing, its impact was proposed to be acceptably managed and mitigated by the use of soakaways and permeable paving. While the current application slightly changes the form of the buildings and layout of development, it is not considered that there would be any material change in the effectiveness of the identified drainage solutions. Therefore, it is not considered that the proposal would result in a harmful impact on neighbouring plots with regard to an increase in surface water runoff.

Concern has been raised by a neighbouring occupier (at 22 Waltons Avenue) with regard to a potential increase in site levels. Concerns have been raised that this might impact on maintenance of this property's boundary fence and lead to additional surface water runoff. The applicant has disputed that the site levels have been raised as a result of the proposed development. Nevertheless, in order to mitigate potential concerns that an increase in site levels may have resulted in additional drainage issues, a French drain has been proposed to run along the north-western and western boundary of the site to capture any additional surface water drainage at ground level and redirect it within the site to provide protection for adjacent boundary treatments and slow off-site water drainage. There is also a

separating kerb stone between the proposed hardstanding and the gravel board of the neighbour's boundary fence. It is considered that these details, in conjunction with the details outlined above in relation to the soakaway and permeable paving are sufficient to demonstrate that the development will not result in additional harm to neighbouring occupiers by the introduction of additional surface water runoff. Nor is it considered that there is any reason to conclude that the proposals would affect the boundary fence and its long-term maintenance – which would be a civil matter in any event.

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

Following on from the previous consideration by the Planning Committee, an amended landscaping arrangement has been submitted which is broadly similar to the previously submitted landscaping plan with the addition of raised planting beds. It is considered that this would provide additional planting within the site frontage and is acceptable in principle.

#### Access, parking and safety

When previously considered by the Planning Committee the proposal incorporated 16 communal parking spaces and 3 spaces allocated for visitor parking. The current layout incorporates the same number of parking spaces. However, one of the visitor spaces which was previously situated in the south-west corner of the site has been relocated to the north-east corner of the designated parking area in order to facilitate an additional landscaping bed.

Refuse and cycle storage provision remains as previously proposed.

It is considered that the amended parking layout complies with the Council's parking standards as per the previously considered scheme, and the proposed refuse and cycle storage arrangements are considered acceptable for the reasons previously laid out.

With regard to the provisions of policies CCC2 and ENV3, it is considered that the development continues to provide suitable access and parking for the dwellings proposed. It is considered that the scale and design of the proposed refuse and cycle storage structures is visually appropriate, and the site retains suitable parking, sustainable transport options and manoeuvring capacity to address the needs of the development without impacting on highway safety.

#### Amenity

It is not considered that the amendments to the layout and drainage have resulted in a harmful impact on the amenity of adjacent residential properties. As such, for the reasons outlined in the previous report, it is considered that the proposal complies with Policy ENV3 and would not have a harmful impact on the amenities of surrounding residents.

## **5 CONCLUSION / PLANNING BALANCE**

The application was deferred at January Committee to allow further consideration of the drainage issues associated with the site.

The previously approved applications at this site secured a suitable on-site surface water drainage scheme. Further details have been provided as part of the current application, which are considered to provide the necessary assurances that the scheme's drainage arrangements will be acceptable by using SUDS and permeable



surfacing. It is not considered that there is any reason to conclude that the proposal would result in increased surface water runoff that would cause harm to neighbouring properties. As such, no objection is raised in this regard.

Consideration has been given to the concerns of the neighbouring residential property in terms of the impact of the development on their fence. While potential damage to a boundary treatment would typically be a civil matter between the relevant parties, consideration has been given to the potential for the development to introduce additional surface water runoff onto neighbouring land. The applicant has proposed to install a French drain to act as a barrier along the northern and western boundaries of the site to ensure that any drainage onto neighbouring land is managed as part of the proposed development. It is considered this, along with the mitigation outlined above, is sufficient to demonstrate that the proposal will not worsen the relationship with the neighbouring property.

As such, the recommendation remains to **Grant Planning Permission** subject to Conditions

The following conditions are proposed to be amended from the previous recommendation to reflect the updated details submitted:

Condition 1 (Approved plans)

- Updated to reflect additional/amended plans submitted

Condition 2 (Landscaping)

- Updated to reflect the submission of an amended landscaping plan to include additional raised planting beds

Condition 6 (Car parking)

- Updated to reflect the amended site plan following the relocation of one parking space

An additional condition (Condition 8) is also recommended to ensure that the drainage details as outlined are installed prior to the occupation of the proposed dwellings. The other conditions are as per the previous recommendation, with updated references to reflect the currently submitted plans.

The other matters remain as per the original consideration by the Planning Committee.

The amended conditions are thus as follows:

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

Drg No: MT/1547/62 (Bike storage)  
Drg No: MT/1547/62 (Refuse storage)  
(Landscape plan)  
Drg No: MT/1328/1 Rev C (Site plan)  
Drg No: MT/1547/68 (Proposed plans)  
Drg No: MT/1547/67 (Proposed plans)  
(Soakaway statement)  
(Drainage and land level statement)  
(Geology statement)

Reason: To ensure satisfactory provision of the development.

2. Prior to the first occupation of the development hereby approved, the hard landscaping and means of enclosure shall be implemented in accordance with the submitted landscaping details as detailed in the landscape plan submitted on 24.02.25.

With regard to the submitted soft landscaping specification, 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 first occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

- 6 Prior to the first occupation of the development hereby approved, the areas identified for vehicular parking shall be laid out in accordance with the submitted details. The spaces shown on the submitted Site Plan (Drg No. MT/1328/1 Rev C) for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

- 8 Prior to the first occupation of the dwellings hereby approved, the drainage systems as outlined in the submitted 'Ground suitability & Percolation Test' statement and p4 'Boundary Treatment' of the 'Waltons Avenue - Committee meeting' statement shall be implemented on site. Thereafter, the approved drainage system shall be retained in accordance with the approved details for the lifetime of the development hereby approved.

Reason: To ensure the drainage arrangement 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 Framework.

**Further Information:**

John Fanning  
Telephone: 023 8028 5962

Planning Committee 15 January 2025

**Application Number:** 24/10656 Variation / Removal of Condition

**Site:** LAND REAR OF WALTONS AVENUE, HOLBURY, FAWLEY  
SO45 2LU

**Development:** Variation of condition 2 (approved plans) of planning permission 22/11140 to allow change in design, including dwellings being closer together, and the addition of a flat porch over the front doors and bin and cycle storage details.

**Applicant:** MR VASS

**Agent:** MT Planning

**Target Date:** 07/10/2024

**Case Officer:** John Fanning

**Officer Recommendation:** Grant Subject to Conditions

**Reason for Referral to Committee:** Town Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Access, parking and safety
- 4) Amenity
- 5) Ecology
- 6) Drainage
- 7) Contamination
- 8) Mitigation

## 2 SITE DESCRIPTION

The site lies within the defined built-up area of Holbury. The site previously consisted of an area of open land situated to the rear of properties off Holbury Drove, Long Lane and Waltons Avenue. Following the granting of planning permission for a development of 8 houses in 2023, the site has now been redeveloped for residential purposes, albeit not in accordance with the approved plans. The site is located within the Fawley Major Hazard 'Middle' Consultation Zone.

## 3 PROPOSED DEVELOPMENT

The application seeks the variation of condition 2 (plan numbers) of a previous planning permission for the formation of 8 single-storey dwellings (4x detached 3-bed units and 4x semi-detached 2-bed units). The proposed properties would be served by a shared communal parking area to the front of the dwellings, which is proposed to incorporate landscaping and communal refuse and cycle storage facilities. The properties would be accessed off Waltons Avenue.

The submitted application, which is partially retrospective, seeks to regularise the existing development that has been brought forward on the site. As constructed, the buildings on the site have not been built in accordance with the previously approved details, and the current application seeks planning permission for the layout and design of dwellings as constructed, along with associated amendments to the wider layout.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
23/10823 Amend condition 2 of 22/11140 to allow a larger footprint to all x8 no. units and fenestration alterations	02/10/2023	Granted Subject to Conditions
22/11140 Erection of 8 new residential units; access and parking (demolition of number 18 Waltons Avenue to facilitate access)	17/07/2023	Granted Subject to Conditions
20/10105 Demolition of 18 Waltons Avenue to create access to land at rear for development of 5 dwellings	29/04/2021	Granted Subject to Conditions

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy CCC1: Safe and healthy communities  
 Policy CCC2: Safe and sustainable travel  
 Policy ENV3: Design quality and local distinctiveness  
 Policy ENV4: Landscape character and quality  
 Policy HOU1: Housing type, size, tenure and choice  
 Policy IMPL1: Developer Contributions  
 Policy IMPL2: Development standards  
 Policy STR1: Achieving Sustainable Development  
 Policy STR3: The strategy for locating new development  
 Policy STR4: The settlement hierarchy  
 Policy STR5: Meeting our housing needs

##### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Air Quality in New Development. Adopted June 2022  
 SPD - Mitigation Strategy for European Sites  
 SPD - Parking Standards  
 Technical Guidance Note on Waste Management Facilities in New Residential Development, dated February 2022

##### **National Planning Policy Framework**

##### **National Planning Policy Guidance**

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Fawley Parish Council:** Recommend refusal.

We recommend refusal as the parish council considers this proposal will impinge on the enjoyment of the back gardens on the abutting houses in Waltons Avenue. We are unhappy with the current design and query the amount of room available for the turning circle of vehicles. We also query the size of the two parking bays that, if

drawn to scale, indicate parking for very small vehicles, perhaps mobility scooters. Concern has also previously been raised that arrangements do not provide access to rear gardens, with the gap between properties not being sufficient to provide access to a bike store.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

### **Health and Safety Executive**

No objection

### **Environmental Health (Contamination)**

Recommend a condition in relation to unsuspected contamination.

### **HCC Highway Authority:**

No objection

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received:

The application has had a number of iterations of plans. Initially the application received 5 representations in support and 1 representation against the proposed development.

For: 5

- No overlooking impact
- Improve security of neighbouring properties
- Provides needed dwellings within the area
- Improve appearance of site

Against: 1

- Development raises ground level of application site
- No barriers in place to prevent vehicles crashing into/damaging boundary treatments
- Lack of supporting ecology enhancement
- Lighting on properties would be harmful to neighbouring occupiers

Following the submission of amended plans, a further 3 representations opposed to the application were received (of which 1 had previously written in support).

Against: 3

- Concern about the amenity impact on neighbouring occupiers associated with the position of the refuse store, particularly in respect of odour nuisance

## **10 PLANNING ASSESSMENT**

### Site history

Planning permission was originally granted for the redevelopment of the site under planning application reference 20/10105. The application granted permission for the erection of 5x two-storey dwellings with a centrally positioned access area and 3 dwellings situated to the eastern end of the site and 2 dwellings situated to the western end of the site. The application incorporated the demolition of an existing

dwelling (18 Waltons Avenue) in order to facilitate the formation of the access off Waltons Avenue. This application was granted planning permission in April 2021. Following this, a further, very different application was submitted under planning application reference 22/11140. This application sought planning permission for the formation of 8 single-storey dwellings (4x detached 3-bed units and 4x semi-detached 2-bed units). The layout and form of this development was similar to the current proposal, with dual pitch roof forms with gables to the front and rear and the properties forming a row fronting onto a parking area to the southern part of the site. This application was considered by the Council's Planning Committee in June 2023, with delegation given to grant permission subject to a suitable legal agreement being secured. Planning permission was subsequently granted in July 2023.

Following this application, a further variation of condition application was submitted under application reference 23/10823. This application sought to amend the form of the buildings to partially increase the scale of the proposed buildings:

<b>22/11140</b>	Detached	Semi-detached pair
Height	4.8m	5.6m
Eaves	2.3m	2.3m
Depth	10.7m	10.7m
Width	6.6m	11.2m

<b>23/10823</b>	Detached	Semi-detached pair
Height	4.95m	5.7m
Eaves	2.3m	2.3m
Depth	11.8m	11.7m
Width	7.1m	11.8m

Planning permission was granted for the proposal in October 2023.+ At this stage, development commenced on site. However, unfortunately during the construction process, it became apparent that the actual constraints of the site did not allow for the construction of the layout previously approved, and the dwellings were duly constructed not in accordance with either of the previously approved schemes. Most notably, the previously approved schemes included sufficient gaps between the dwellings to allow pedestrian access between the properties to the rear gardens (where refuse and cycle storage was located). With the scheme as built and as now proposed, these gaps (between side walls) have been materially narrowed to around 0.7m (and even less than this for the gap between eaves), thereby compromising appropriate external pedestrian access to rear garden areas.

The buildings on the current application have the following dimensions:

<b>24/10656</b>	Detached	Semi-detached pair
Height	4.95m	5.35m
Eaves	2.3m	2.3m
Depth	11.8m	11.7m
Width	7.1m	10.5m

#### Principle of development

The application site is within the built-up area of Holbury, where the principle of providing additional dwellings is in accordance with Policies STR3, STR4 and STR5 of the Local Plan.

In this case, the application is made under Section 73 of the Town and Country Planning Act 1990, which makes provision for applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted.

Specifically, the application seeks to vary condition 2 of the previously approved planning permission 22/11140, substituting the approved plans under that application with a new set of plans that would amend the form and layout of the development. The proposals effectively seek to regularise the development as constructed.

In considering a Section 73 planning application, Section 73(2) identifies that the Local Planning Authority shall consider only the question of conditions subject to which the planning permission should be granted and:

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

On the basis of the above, the key consideration is the impact the amendments would have on the design of the development and how it integrates with its context and the surrounding area.

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

Policy ENV3 of the Local Plan requires all development to achieve high quality design that contributes positively to local distinctiveness and quality of life. Development should enhance the character and identity of the locality by creating buildings, streets, places and spaces that function well, which are appropriate to their context and which are visually attractive.

In this case, the application site is relatively well screened within the wider street scene but would be visible from the proposed access and from the rear of the surrounding properties off Waltons Avenue, Long Lane and Holbury Drive. The general form and layout of the site would remain similar to the previously approved developments in that a line of 8 single-storey dwellings would continue to front onto an open area of hardstanding for parking and access. The scale and massing of the dwellings would also remain similar to the previously approved schemes, and the materials of the proposed dwellings would reflect the previously discharged conditions under application 22/11140 and 23/10823.

While the number of dwellings and their single-storey form would not change, the reduction in spacing between the properties does result in some change to the visual appearance of the development. The narrowing of the gaps between the properties produces a more continuous built frontage across this backland site, resulting in a visual conglomeration of the built form and a less spacious development overall. However, the gabled roof forms do serve to visually delineate each property, helping to break up and mitigate the more continuous nature of the built frontage.

Overall, while the proposal does result in a less visually spacious form of development compared to the previous schemes on the plot, it is considered that there would be appropriate visual breaks within the built form, and the appearance of smaller single-storey dwellings, appropriate to the context, would be maintained. On balance, with regard to the provisions of Policy ENV3, it is not considered that the proposal would have a harmful impact on the wider character and appearance of the surrounding area and would integrate acceptably with the surrounding built form.

#### Access, parking and safety

In accordance with Policy CCC2 and the Council's Parking Standards for Residential and Non-Residential Development SPD, a 3-bed dwelling has a recommended on-plot parking provision of 2.5 spaces or 1.9 spaces in a shared parking arrangement. A 2-bed dwelling had a recommended on-plot parking provision of 2 spaces or 1.5 spaces in a shared parking arrangement. The development consists of 4x 3-bed units and 4x 2-bed units, which would result in a recommended provision of 18 allocated spaces or 13.6 communal spaces.

The previous layout of the site incorporated 22 parking spaces (2 to the front of each unit and 6 spaces across the south-eastern edge of the site). The changes to the layout of the site have reduced the gaps between the buildings, typically resulting in gaps of around 0.7m between dwellings. It is not considered that this is sufficient to reasonably allow access for refuse and cycle storage to the rear of the dwellings, meaning that this needs to be accommodated within the frontage of the site. The proposal has now been submitted with a parking arrangement consisting of a communal parking layout incorporating 19 parking spaces (of which 3 are specifically identified as visitor parking), which is still in excess of the parking requirements as set out in the SPD. Refuse and cycle storage is now proposed forward of the dwellings in communal purpose-built structures along the south-eastern boundary, adjacent to the rear of properties fronting onto Waltons Avenue.

Given there is not considered to be sufficient gaps to secure refuse and cycle storage to the rear of the site and balancing this against the visual impact of storing refuse bins on the site frontage, a communal approach has been proposed. In accordance with Table 2 in section 3.2 of the Council's 'Waste management facilities in new residential development' Technical Guidance Note, it is considered that the proposed structures would accommodate the necessary refuse storage for the development while integrating acceptably with the overall layout and the surrounding context.

Consideration has been given to the need for a refuse vehicle to manoeuvre within the site. The Highway Authority were consulted on the application and have confirmed they do not object to the proposed arrangement and vehicle tracking for a refuse vehicle. They are therefore satisfied that refuse vehicles can enter and leave the site in a forward gear.

The Council's Parking Standards SPD recommends 3 secure long-stay cycle storage spaces per 3-bed unit and 2 spaces per 2-bed unit. This results in a recommended minimum provision of 20 cycle storage spaces. In this case, 10 hoops, providing 20 spaces, are proposed in a dedicated communal bike store structure within the area to the front of the dwellings. It is considered that the proposal provides suitable secure and accessible cycle storage facilities for the proposed development.



With regard to the details outlined above, it is considered that the proposal provides sufficient refuse and cycle storage to address the needs of the proposed development. While the use of a communal arrangement would typically serve flatted developments, in this case taking into account the circumstances of the application site, it is considered that the proposed communal cycle and refuse stores provide for the needs of the occupiers while minimising the visual impact across the site. The proposed timber structures are relatively small scale, with limited visibility outside of the application site. Some additional planting has also been secured as part of the proposed rearrangement of the site to improve the overall landscaping of the site as a whole.

It is noted that the site lies within Fawley Major Hazard Consultation Zone. No objection has been raised by the Health and Safety Executive, and the density for the development remains in line with the previous permissions on the site.

With regard to the provisions of policies CCC2 and ENV3, it is considered that the development provides suitable access and parking for the dwellings proposed. It is considered that the scale and design of the proposed refuse and cycle storage structures is visually appropriate, and the site retains suitable parking, sustainable transport options and manoeuvring capacity to address the needs of the development without impacting on highway safety.

### Amenity

Policy ENV3 requires development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

In most respects, the scheme's relationship to neighbouring properties remains similar to what was previously approved. The dwellings are single-storey and the roof forms reduce down in height to the closest boundaries to the north-east and south-west.

The proposal must also provide sufficient amenity for the proposed occupiers of the host dwellings. The centrally positioned bedrooms would have restricted outlook into boundary treatments and to the flank of neighbouring properties. However, the arrangement with neighbouring properties remains broadly similar to the previously permitted layout and is considered acceptable in terms of the levels of amenity afforded to future occupants.

The amended site layout does place the proposed communal refuse and cycle stores to the south-eastern boundary, immediately adjacent to the rear boundary of properties fronting Waltons Avenue, and third party comments have raised an objection to this location. While this would result in some increase in activity along this boundary, it is not considered that the activity would be unusual within the context of the surrounding residential environment. The structures would be enclosed, which should mitigate any associated noise and odours, and activity would be away (about 9-12 metres distant) from the main dwellings. It is recognised that the structures do abut rear garden boundaries, but given the structures would be relatively low in height and enclosed, it is not considered that they would result in a visually harmful or overbearing form of development, or reduce the enjoyment of neighbouring gardens to an unacceptable degree.

A concern has been raised that site levels have been increased. Whilst in places, this does appear to have been the case, it is considered this increase is minor and not of a scale that is materially harmful to the amenities of neighbouring properties. A concern has also been raised about the need for barriers to prevent cars crashing

into boundary fences. Such barriers are not considered necessary or justified in this context, where this is reasonable space for vehicles to manoeuvre safely. For the reasons outlined above and with particular reference to policy ENV3(ii), it is considered that the proposal would maintain the acceptable amenity impacts associated with the previously permitted development.

### Ecology

Since the previous grant of permission, a mandatory requirement to secure biodiversity net gain has been introduced. However, with regard to the Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, there is an exemption for variation of conditions applications where the original permission was made or granted prior to 12.02.2024. In this case, the original permission was granted on 17.07.2023 and, as such, the development would be exempt from the requirement to achieve mandatory biodiversity net gain.

Notwithstanding the above, Policy DM2 of the Local Plan does encourage the incorporation of biodiversity enhancement measures and the previous permissions imposed a condition encouraging the incorporation of such features within the development. A similar condition is recommended in accordance with the previously approved details on the current application.

### Drainage

Policy ENV3 of the Local Plan requires new development to incorporate design measures that improve resource efficiency and climate change resilience such as the use of Sustainable Drainage Systems.

In this case, it is noted that previous permissions on the site incorporated conditions to secure details of drainage systems and soakaways. The site has partially been implemented in accordance with the agreed details (with the soakaways to the rear having been implemented, while the drainage solutions to the frontage of the site have not been fully implemented given the need to amend the layout and landscape details). The proposed hard surfacing utilises permeable materials as part of the surface water management on the site.

Taking into account the current circumstances of the site, it is considered that the existing details are sufficient to manage drainage on the site, and it is not considered that further conditions are necessary in this regard. The proposal remains compliant with Policy ENV3 of the Local Plan in this respect.

### Contamination

A condition in the event of the discovery of unexpected contamination during construction works has been recommended by the Council's Environmental Health team. While the main part of the development is complete, some further landscaping and ground works remain to be implemented on site, and the condition should therefore be reimposed in accordance with Policy CCC1 of the Local Plan.

### Mitigation

#### **Habitats Mitigation**

Under the requirements of the Habitats Regulations and Policy ENV1 of the Local Plan, the Council has a duty to ensure that the development proposed in its Plan does not have an adverse effect on the integrity of any European nature conservation designations. The Habitats Regulations Assessment of the Local Plan

identified potentially harmful recreational impacts arising from new residential development on both the New Forest European Sites and the Solent Coastal European Sites.

The Habitats Regulations Assessment of the Local Plan Parts 1 & 2 concludes that significant effects on both the New Forest and the Solent and Southampton Water SPA/SAC/Ramsar nature conservation designations associated with recreational impacts from the planned residential development cannot be ruled out.

A precautionary approach is appropriate in line with the requirements of the Habitats Regulations until the evidence base is refined. The HRA concludes that mitigation is therefore required for all additional housing development within the Plan Area.

In this case, the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the integrity of European sites, having regard to their conservation objectives but the adverse impacts would be avoided by securing proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

Such mitigation has already been secured in connection with the extant planning application (22/11140) by a Section 106 legal agreement, dated 17.07.2023. The existing legal agreement includes a provision that the provisions of the Section 106 are carried forward to subsequent Section 73 applications. In this respect, the amended proposal has already secured appropriate habitats mitigation and air quality monitoring mitigation. An Appropriate Assessment has been carried out to reflect this position, with it being concluded that the development would not adversely affect the integrity of European sites.

### **Nitrate neutrality and impact on the Solent SPA and SACs**

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 those site's conservation objectives, having regard to nitrate levels in the River Solent catchment.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 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 recommended to secure this mitigation prior to the occupation of the development, which will ensure the development complies with the relevant policies.

## Developer Contributions

As part of the development, the following has been secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £37,778
- Non-infrastructure contribution of £5,631
- Bird Aware Solent contribution of £5,253
- Air quality monitoring contribution of £721

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	551	83	468	468	£80/sqm	£51,120.00 *

Subtotal:	£51,120.00
Relief:	£0.00
Total Payable:	£51,120.00
	<i>*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<a href="https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/">https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/</a>) and is:</i>
	<i>Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)</i>

## **11 CONCLUSION / PLANNING BALANCE**

With regard to Policies STR5 and HOU1, it is considered that the proposal makes a contribution to the wider housing demand within the district and the application site is situated within an accessible location within the Council's defined built-up area where local policies encourage such proposals to be focused. Planning permission has previously been granted for a similar form of development on the site, with the current application having been submitted on a partially retrospective basis to regularise the as-built development, which has not been built out in compliance with the previously agreed details.

The key alterations relate to amendments to the form and layout of the buildings on the site, along with associated changes to the landscaping and parking arrangements. With regard to policies ENV3 and ENV4, in terms of the amendments to the buildings, it is considered that the proposal would not have a harmful impact on the character or appearance of the surrounding area or have a harmful impact on the amenities of neighbouring properties. It is considered that some improvements have been made to the proposed landscaping by the incorporation of additional planting.

In line with Policy CCC2 and the provisions of the Council's Parking Standards SPD 'Waste management facilities in new residential development' Technical Guidance Note, given that access to the rear is no longer considered achievable, alternative refuse and cycle store arrangements have been proposed as part of the current

application. These are considered to provide for the amenities of the proposed occupiers without causing harm to the wider character of the site or the amenities of neighbouring occupiers.

It is noted that a number of conditions originally imposed on the planning permission sought to manage the impacts of the development during construction. Given the partially retrospective nature of the development, it is not considered necessary to reimpose this wider suite of conditions.

With regard to Policy IMPL1, it is noted that a legal agreement was previously entered into as part of application 22/11140 which incorporated provisions that would carry through to subsequent variation of condition applications. This is considered to address wider mitigation requirements of the development on sensitive habitats within the New Forest and Solent area.

On balance, therefore, taking into account the factors outlined above, it is considered that the impacts of the amended development can be acceptably mitigated through the use of conditions. As such, the application is recommended for conditional approval.

### **13 RECOMMENDATION**

#### **GRANT the VARIATION of CONDITION**

##### **Proposed Conditions:**

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

- Drg No: MT/1547/62 (Bike storage)
- Drg No: MT/1547/62 (Refuse storage)
- Drg No: MT/1547/62 (Landscape plan)
- Drg No: MT/1547/62 (Site plan)
- Drg No: MT/1547/68 (Proposed plans)
- Drg No: MT/1547/67 (Proposed plans)

Reason: To ensure satisfactory provision of the development.

2. Prior to the first occupation of the development hereby approved, the hard landscaping and means of enclosure shall be implemented in accordance with the submitted landscaping details as detailed in the submitted Landscape Plan (Drg No. MT/1547/62).

With regard to the submitted soft landscaping specification, 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 first 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.

3. Prior to the first occupation of the development hereby approved, the scheme of biodiversity enhancement previously agreed in respect of condition 11 of planning permission 22/11140 shall be fully implemented in accordance with the agreed details.

Reason: To enhance existing features of nature conservation value within the site, in accordance with saved local plan policy DM2.

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

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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

5. Prior to the first occupation of the development hereby approved, the bin and bike stores shall be installed on site in accordance with the approved details. The identified refuse and cycle stores shall thereafter be retained and kept available for the use of the residents of the development hereby approved at all times.

Reason: To ensure adequate facilities for the proposed occupiers 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. Prior to the first occupation of the development hereby approved, the areas identified for vehicular parking shall be laid out in accordance with the submitted details. The spaces shown on the submitted Site Plan (Drg No. MT/1547/62) for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

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

7. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance.

Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

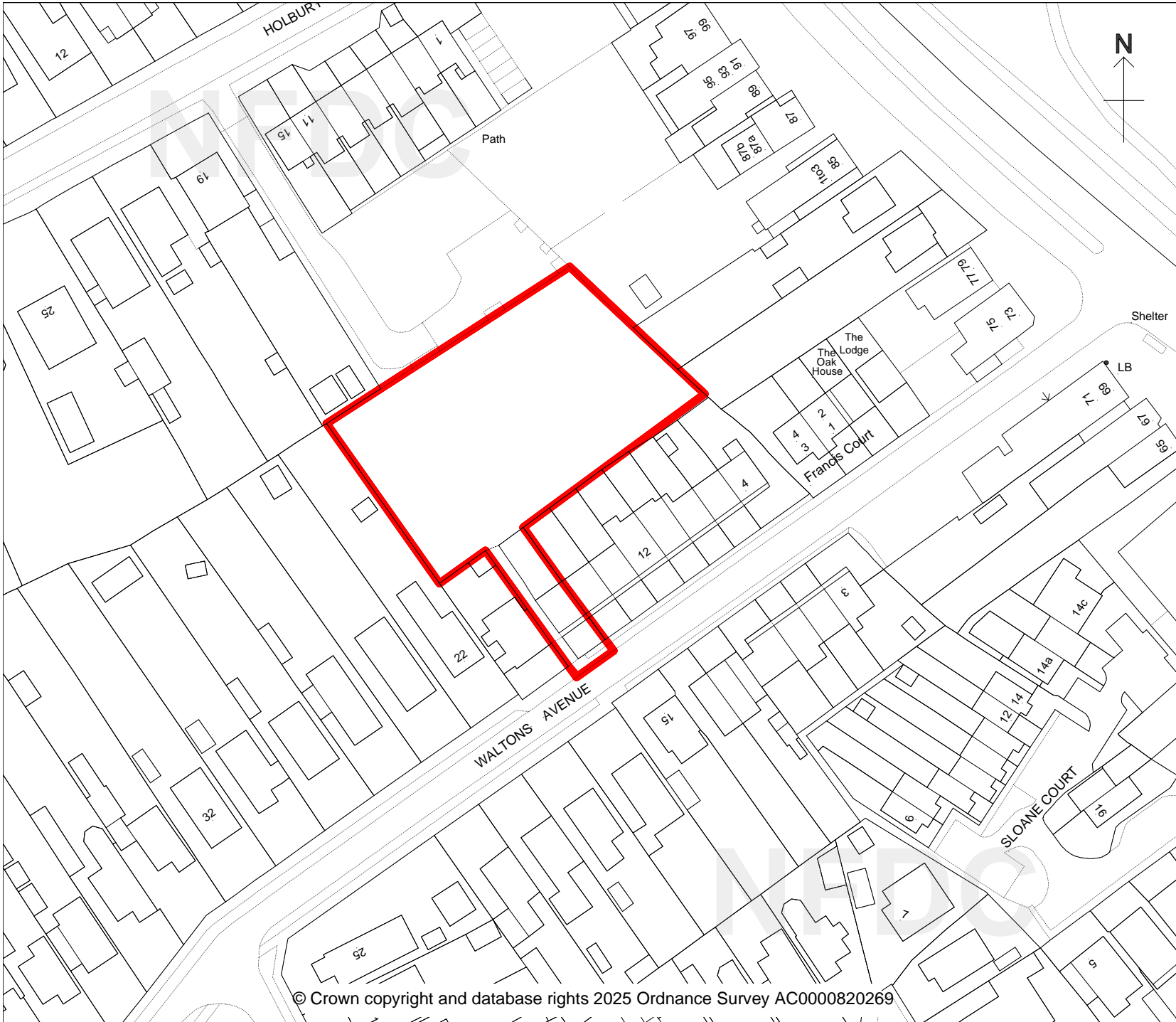
The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

**Further Information:**

John Fanning  
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**New Forest**  
DISTRICT COUNCIL

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Mark Wyatt  
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Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**March 2025**

Land Rear of Waltons Avenue  
Holbury  
Fawley  
24/10656

Scale 1:1000

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



Planning Committee 12 March 2025

**Application Number:** 25/10039 Full Planning Permission  
**Site:** WOODBURY, 2 VINEY ROAD, LYMINGTON SO41 8FF  
**Development:** Replacement dwelling  
**Applicant:** Mr & Mrs Thorne  
**Agent:** Morgan Building Design Ltd  
**Target Date:** 12/03/2025  
**Case Officer:** Jessica Cooke  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Town Council contrary view.

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on the character and appearance of the area
- 3) Impact on residential amenities
- 4) Matters relevant to parking, access and highway safety
- 5) Air quality
- 6) Ecology

## 2 SITE DESCRIPTION

The application site relates to an existing 7.7m high two-storey dwelling with a single-storey attached garage, located within the built-up area of Lymington. The dwelling is set well back from the road and is fairly well screened from the section of Viney Road to the north of the site. It is more visible from Viney Road when approaching from the south, but it is not prominent in a streetscene that has an attractive semi-rural character.

There is a mature oak tree which is subject to a Tree Preservation Order sited adjacent to the shared driveway with the neighbouring properties. The site additionally lies opposite the New Forest National Park.

The spatial characteristics of Viney Road comprise large detached dwellings which are generally set well back from the road and which have generous spatial gaps between each property. There is a mixed character of development with no single architectural style or house type dominating. A couple of other nearby houses within Viney Road have been replaced in the past 10 years, whilst other properties remain relatively unaltered from the time they were built.

## 3 PROPOSED DEVELOPMENT

The proposal seeks planning permission to demolish the existing two-storey dwelling and construct a new two-storey dwelling.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/11098 Garden building for incidental use (Lawful Development Certificate that permission is not required for proposal)	02/01/2025	Was Lawful	Decided
24/10429 Replacement dwelling with a detached garage; detached outbuilding in the rear garden.	14/11/2024	Refused	Decided

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

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

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

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

SPD - Lymington Local Distinctiveness

SPD - Parking Standards

SPD - Air Quality in New Development

SPD - Climate Change

##### **National Planning Policy**

NPPF 2024

NPPG

##### **Plan Policy Designations**

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington and Pennington Town Council:** PAR4: Recommend Refusal.

1. The proposed dwelling is poorly designed and poorly proportioned with inappropriate fenestration.
2. Councillors are concerned that it is still unnecessarily high and bulky, with a footprint very much greater than the existing dwelling.
3. It does not reference other buildings in the street in its design.
4. Its strong features do not fit with the overall street scene
5. It does not comply with ENV3 of the Local Plan Part One: Planning Strategy for the New Forest outside of the New Forest National Park Authority

#### 7 COUNCILLOR COMMENTS

No comments received.

#### 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

## NFDC Ecologist

No objection

### 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

#### Support

- Neighbouring properties are chalet bungalows and the current property is a house, so the proposal is replacing a house for a house.
- Architectural improvement.
- Support to replace the existing, unattractive 1970s house, significant improvement on the existing property. Reasonable application.
- Woodbury has always been out of character with the other houses in Viney Road and is visually incongruous.
- The proposed roof height is higher than neighbouring properties but the house would be a similar width to the existing and is set back further from the lane.
- The size of the plot could fit two houses, surprised to see only one house proposed.
- Improvement on the existing streetscene, would sit nicely on the large plot and be of an improvement with more kerb appeal.
- The proposal is well-designed, well-balanced and thought out located on an unusually large plot, blends in well and is well proportioned.
- No adverse impact on neighbouring properties and/or the immediate environment.
- Reason for refusal on the previous application only reference the outbuildings and did not mention the house being detrimental at all.
- Proposal is in keeping, will enhance the local area and Lymington in general.
- Existing house is out of character and in need of replacing with an up to date family home, would provide modern day comforts such as en-suite bathrooms.

#### Objection

- Object to the size and height of the house, overdevelopment. The proposal is higher than neighbours, neighbours were restricted on the heights of their houses which is unfair. Need consistency in planning.
- Design concerns, too urban, disproportionate, dwelling is not in keeping with Viney Road, Woodside Avenue or Woodside Lane. Concern with impacts upon the National Park.
- Loss of garden outlook and sunlight to neighbouring properties.
- No regard for soft landscaping.
- Concern with alteration of drainage ditches and public sewer.
- The proposed house would be visible from neighbouring properties and would alter their view.
- Inconsistent with Lymington Local Distinctiveness Guide.
- The outbuildings are excessive and are out of character, outbuilding doesn't need to be so high as most outbuildings are under 3m.
- Concern with amount of glazing, the dwelling would not be net zero or sustainable development as a result of the glazing. Danger to bird flight and bats.
- Too many materials.
- Application contains anomalies, misrepresentation in the Supporting Statement - states the sole reason for refusal was the bulk and massing of the ancillary buildings, there was discussion on the size and mass of the house. The decision notice did not reflect the material concerns raised by neighbours and residents.
- Lack of information relating to existing and proposed floor areas. Objection to increase in footprint. Objection to the attached garage being included in the footprint.

- Object to 3 storeys.
- 3D imagery submitted to demonstrate scale (objection)
- Doesn't comply with policies HOU1, ENV3, ENV4, STR1, STR2, STR5, SPD10, CS2, CS10, DM2.
- Refurbishing the existing property would appear more appropriate than demolishing it and replacing with an inappropriate design.
- Town Council objected to the proposal.
- Identical application with no attempt to reduce/adapt design.
- Viney Road development sit in the same line and share similar size and height.
- Request for rear third floor stairwell roof light to be obscurely glazed to provide privacy to rear properties.
- Concern precedents submitted by the agent are not relevant.
- Errors and omissions in the application do not comply with the Town & Country Planning Act.
- Neighbour representations haven't been taken into account in the design of the dwelling and the planning department should work with the applicant for solutions to problems with the application.

#### Lymington Society

The society concurs with the views of Lymington Town Council.

For: 11

Against: 20

## 10 PLANNING ASSESSMENT

### Background

A previous application (ref.24/10429) was submitted on the site for an identical replacement dwelling as that currently proposed, but with 2no. outbuildings, comprising a detached garage and detached home office/gym, both sited adjacent to the boundary with no. 1 Viney Road.

This application was recommended for permission to Planning Committee, however, whilst the Planning Committee considered in debate, the size of the replacement dwelling, Members only refused the application at Planning Committee on 13th November 2024 for the following reason:

*'By reason of the bulk and massing of the proposed detached outbuilding and detached garage, the detached outbuilding and garage would result in an unacceptable overbearing effect upon the neighbouring residential amenity of no. 1 Viney Road and the proposal therefore fails to comply with Policy ENV3 of the Local Plan Part One: Planning Strategy for the New Forest outside of the New Forest National Park Authority.'*

Following the refusal of this application, a Lawful Development Certificate (ref.24/11098) was submitted for one 4m high outbuilding (for an office/gym/garage) to be sited 2m from the boundary with no. 1 Viney Road, which was determined to be a lawful development in January 2025 under Class E of the General Permitted Development Order 2015. Class E relates to buildings incidental to the enjoyment of a dwellinghouse erected within the curtilage of a house. It provides permitted development rights to such buildings with a maximum height of 4m for a dual-pitched roof sited 2m from the boundary, and where the total area of ground covered by buildings wouldn't exceed 50% of the total area of curtilage.

The replacement dwelling now proposed remains identical to that as previously proposed. This current application is a resubmission of the 24/10429 application,

however the outbuilding and detached garage have been omitted from the proposal following the approval of the aforementioned Lawful Development Certificate (24/11098) and it is considered by Officers that the previous reason for refusal has therefore been overcome.

### Principle of Development

The proposal is located within the built up area of Lymington where there is a presumption in favour of sustainable development, subject to material considerations. In this case, there is a particular need to assess the proposal against the design and amenity related provisions of Policy ENV3 of the Local Plan Part 1.

HOU1 seeks to address diversity of housing needs by providing a mix and choice of homes by type, size, tenure and cost. The proposal comprises the construction of a 5no. bedroom house which would contribute to the provision of a choice of homes by type and tenure. Policy STR1 seeks to achieve sustainable development by locating development within settlement boundaries in a manner which is appropriate for the nature and size of settlement. Policy STR2 seeks to protect the adjoining New Forest National Park and its setting, the impacts of which are explored in the section below. The site is located within the built up area and therefore the principle of development is acceptable.

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

Local Plan Policy STR2 seeks to protect countryside and the adjoining New Forest National Park and its setting. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) requires Local Planning Authorities to seek to further the statutory purposes of Protected Landscapes including National Parks in respect of decision-making in planning applications. The statutory purposes of National Parks are:

- conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated;
- promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

Viney Road is a linear road which lies adjacent to the New Forest National Park. There are a variety of house types, architectural styles and materials on Viney Road, including chalet bungalows and two-storey houses, and Viney Road has a resultant mixed character, with no prevailing architectural style. Development of a more modern and contemporary appearance has taken place at a number of dwellings on Viney Road, particularly at Sandpipers (no. 3 Viney Road) which lies adjacent to the site to the south and no. 7 Viney Road, as well as a number of

contemporary dwellings on Woodside Lane, located to the rear of Viney Road.

The existing building is a two-storey, large detached property sited within a large plot which widens to the rear. The dwelling is a c.1970s dwelling and is not of a notable appearance or of any architectural merit. The access from Viney Road is shared with no. 1 Viney Road and no. 3 Viney Road, and a Tree Preservation Order is sited within the driveway and adjacent to the road.

The proposal is for the demolition of the existing two-storey dwelling and the construction of a replacement two-storey dwelling (with attic accommodation), predominantly on the same footprint as the existing property. A single-storey element would crank from the main part of the dwelling and would extend towards the rear of the site. There is a protruding double-height bay window with a flat roof to the front of the dwelling which serves the stairwell, and there is a protruding gable to the front elevation which comprises the snug at ground floor level and master bedroom at first floor level. At second storey level, the proposal includes high level rooflights on the front elevation which serve an attic bedroom.

The proposed dwelling is sited on a large plot. The proposed dwelling would be sited in a similar position to the existing dwelling, but it would be slightly deeper, extending slightly further back into the plot by 3.6m at the rear gable and by 1.65m at the remaining rear elevation of the two-storey element. The southern elevation of the dwelling (adjacent to Sandpipers) would be retained in the same position as the existing elevation, with the built form at two-storey extending further to the north by only 1.7m. There would be a separation distance between the two-storey element and the boundary of no. 1 Viney Road of 6.8m at the narrowest point and 12.36m at the widest point. The single-storey side extension element would extend in a north-westerly direction from the two-storey part of the dwelling, running parallel with the boundary between the application site and no. 1 Viney Road, but retaining a separation distance of 6.8m to the boundary. The site layout would result in sufficient distances from the boundaries of the neighbouring properties and the development would remain proportionate to the large plot size.

It is considered the dwelling would be well-designed and well-proportioned with appropriately detailed elevations. Whilst being of a two-storey nature, the proposal references other dwellings within the street in its design, with front gables being a strong feature within the streetscene. It is considered that the proposed dwelling is attractive, and it is not considered to be of an inappropriate appearance for its location.

The proposed dwelling would have a relatively contemporary character with linear features and a mixture of materials, including buff brick, timber cladding, zinc cladding, painted render, slate roof and aluminium bargeboards with galvanised rainwater goods. As already noted, there is a mixture of architectural styles and materials along Viney Road, including buff brick, render and timber cladding, and it is considered that the proposed materials would be acceptable in this context, especially considering the mixed character and lack of prevailing materiality within the streetscene. A planning condition is recommended for the submission of the specific material details to ensure the quality of the development is appropriate. Given the mixed character of other dwellings within the streetscene, the proposed dwelling would not appear out of keeping.

A Lawful Development Certificate has been issued for an outbuilding located adjacent to the single-storey side extension. This outbuilding could be constructed as permitted development and does not form part of the current application.

A number of objections have been raised regarding the footprint of the dwellinghouse and the increase in size of the proposal in respect of both the footprint and the floorspace. Within the settlement boundary, there is no policy limitation on the increase in dwelling size, or to the gross internal floor area for a replacement dwelling. In respect of the footprint of the dwelling, the existing dwelling, which includes the attached single-storey garage and associated internal accommodation, equates to 118 sq.m. The proposed footprint equates to 191sq.m, with 50 sq.m of this proposed development being the single-storey element. As such, the area of land forming the footprint of the two-storey element would increase from 86sq.m to 141 sq.m, which is an acceptable increase in size particularly given the size of the plot. As set out above, the single-storey element is set away from the boundary of the site and would maintain an appropriate spatial gap between the dwellings which is in keeping with the streetscene.

The plot is generous in size with a deep rear garden which tapers outwards towards the north-east corner. It is considered the plot is sufficiently sized to accommodate the proposed development, including the outbuilding which has been granted a Lawful Development Certificate, but remains unbuilt at this time. Whilst the footprint of the dwelling would be larger than that of the existing dwelling, it would be entirely appropriate for the plot, given the generous spatial context of the site. Furthermore, as set out above, there are no policy restrictions on the percentage increase in the internal floor area of the proposal given its location within the built up area and the proposal is considered acceptable in this respect .

Objections have been raised to the size, scale and height of the proposed dwelling. However, there is already a two-storey dwelling on the site. Elsewhere along Viney Road, there are both 2-storey dwellings, such as the adjacent dwelling 'Sandpipers' (no. 3 Viney Road), and lower chalet bungalows. Given this context, there can be no objection to the principle of a replacement 2-storey dwelling.

It is recognised that the replacement dwelling would be 1 m higher than the existing dwelling. However, this limited increase in height is not considered to be visually harmful or inappropriate in this spacious context. As such, the proposed dwelling would remain of an appropriate scale and height of development in this context and in relation to the streetscene.

A number of previous objections related to the proposed dwelling being a three-storey dwelling. However, whilst there would be an increase in height by 1m, the second floor only comprises an attic room within the roofscape, with 2no. rooflights serving this room. Therefore, the proposed dwelling would still read as a two-storey dwelling from the key viewpoints to the front of the site and from within the public realm. Ultimately, given the accommodation would be provided within the roofscape, it would not be an unacceptably intrusive or dominant feature within the streetscene, and therefore the proposal is considered to be acceptable in this respect.

With regard to the impacts of the proposal upon the adjoining New Forest National Park, the proposed dwelling is located some 39m outside of the boundary of the National Park. The built form is set back from the road by 35m and a large mature Oak tree provides some screening. Having regard to the Council's duty to seek to further to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of its special qualities, by reason of its siting relative to the boundary of the National Park, the increase in height of 1m and the modest increase to the footprint of the dwelling is negligible in terms of any harm and the Council's ecologist is satisfied that the proposal would not adversely impact upon wildlife. In respect of the second test, the proposal is for a replacement dwelling on a private residential plot outside

of the National Park and does not provide opportunity to promote opportunities. The proposal is not considered to adversely impact upon the New Forest National Park.

Whilst Members of the Planning Committee considered and debated the size and scale of the proposed dwelling, the previously proposed replacement dwelling application was refused solely on the grounds of the impacts of the 2no. outbuildings upon the neighbouring property and was not refused on the size, scale, height or design of the proposed replacement dwelling or its resultant impacts upon the streetscene. Overall, the proposed replacement dwelling is of an acceptable appearance in respect of its design and materials. By reason of its appropriate design, scale and appearance within the streetscene, it is not considered to harm the character of the area or the special qualities of the adjacent New Forest National Park. As such, it is considered to comply with Policy ENV3 of the Local Plan Part One.

#### Landscape impact and trees

Policy ENV4 seeks to retain and/or enhance landscape features through sensitive design, mitigation and enhancement measures.

The proposal comprises a the demolition and construction of a replacement dwelling with no proposed works to the landscaping on the site.

There is a veteran Oak tree sited to the east of the plot which is located outside of the red line boundary of the application site, but lies within a shared access between the application site and the neighbouring property at no. 1. The tree is protected by a Tree Preservation Order (32/15). The Council's Tree Officer was previously consulted on the proposal and stated that the proposed replacement dwelling is in a similar location and has a similar relationship with the tree as the current dwelling and is far enough from the tree as not to have a direct detrimental impact.

The Tree Officer previously raised no objection to the proposal but recommended a planning condition to protect the tree from construction vehicles, plant and storage/delivery of materials. Therefore, subject to the inclusion of the aforementioned planning condition, the proposal is considered to be acceptable and would not result in adverse impacts upon the tree, or upon the adjoining New Forest National Park. The proposal is therefore considered to comply with Policies ENV4 and STR2 of the Local Plan Part One.

#### Highway safety, access and parking

Policy CCC2 of the Local Plan seeks to provide sufficient car and cycle parking for developments. Policy ENV3 seeks to create streets and spaces that are safe and easy to navigate. Policy ENV3 also seeks to ensure that sufficient parking is provided without detriment to the character of the area or highway safety.

Viney Road is a residential road with no parking restrictions and the proposal would be served by the existing access, which is off a private track abutting Viney Road.

The proposed dwelling would have 5no. bedrooms. In accordance with NFDC Parking Standards SPD (April 2022), the requisite parking spaces for a 4+ bedroom dwelling is 3 spaces. The front driveway is sufficiently large to accommodate in excess of 3no. vehicles.

One cycle parking space must be provided per bedroom in accordance with the Parking Standards SPD. Whilst it is not part of this proposal, a Lawful Development Certificate has been granted for a detached outbuilding to form a garage and



office/gym, which has sufficient space to accommodate the required cycle storage, however, the rear garden is additionally of sufficient size to accommodate the cycle storage in any case, should the outbuilding not be built. As such, the proposal complies with NFDC Parking Standards SPD in relation to cycle storage.

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, recent changes to the Building Regulations require the provision of electric charging points and therefore such a condition is not considered necessary.

The proposal meets the requirements of NFDC Parking Standards SPD and retains the existing access. As such, the proposal is not considered to result in adverse impacts upon highway safety, and is considered to comply with Policies ENV3 and CCC2 of the Local Plan Part One and the NFDC Parking Standards SPD.

### Residential amenity

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. NPPF Paragraph 135, subparagraph (f) states development should promote health and wellbeing, with a high standard of amenity for existing and future users.

As previously set out above, the recently refused proposal included two detached outbuildings, forming a detached garage and office/gym. A number of objections were raised to these outbuildings by neighbours and the Town Council including concerns about its height and proximity to the neighbouring boundary, its design and its potential to be used as a separate dwelling. The previous application was refused solely on the grounds of the outbuilding and garage having an unacceptable overbearing impact upon no.1 Viney Road.

Since the previous refusal, a Lawful Development Certificate for a detached outbuilding adjacent to the boundary of the site was granted in January 2025. This certificate confirms that this outbuilding could be constructed under permitted development rights. As such, the outbuilding is not part of this application and not now a matter of consideration.

There was no reason for refusal relating to the impact of the proposed dwelling upon neighbouring amenity stated in the previous decision notice. The dwelling remains as previously proposed in terms of its height, scale and location relative to neighbouring boundaries. The separation distance between the two-storey element of the proposed dwelling and the built form of no. 1 Viney Road is 16.7m, which is a sufficient distance so as not to result in adverse impacts. The greater height of the proposed replacement dwelling of a 1m increase, would be relatively minimal in this context, and so would not result in material harm to the neighbour's light and outlook.

The proposal does not have any rear windows at second floor level serving habitable rooms and therefore no impacts of overlooking, loss of privacy or visual intrusion would arise to the rear gardens of the neighbouring properties. The proposal includes rooflights to the front of the dwelling, though these look out towards Viney Road and the adjacent National Park, and so no overlooking would result. Whilst the proposed dwelling would have rear windows at first floor level, the existing property also has rear windows at first floor level, and this relationship with neighbouring properties would remain similar to the existing situation.

As such, as previously determined, there are no concerns relating to overlooking, visual intrusion and loss of privacy from this replacement dwelling. However, a planning condition is recommended to remove Permitted Development Rights under Class B of Part 1 of the General Permitted Development Order to restrict additions to the roof without the prior grant of an express planning permission so that impacts upon neighbouring amenity can be fully assessed.

The outbuilding and garage are no longer part of this application and, as previously stated, a Lawful Development Certificate has been granted for an outbuilding for use as a garage, office and gym. As such, the previous reason for refusal relating to the impact of these outbuildings on the neighbouring property has been addressed. As this was the only objection that was identified, with no objections to the replacement dwelling itself, the only conclusion that can now logically be reached is that the current application is acceptable in respect of residential amenity.

Therefore, by reason of the layout, orientation and positioning of the proposed dwelling on the site relative to its neighbours, the size of the plot and its relationship to the boundaries, it is not considered that the proposal would cause unacceptable impacts upon residential amenity, and the proposal therefore complies with Policy ENV3 of the Local Plan Part One.

### Ecology

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures.

As of 2nd April 2024, developers must deliver achievement of Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. However, an exemption applies with regard to self-build development. Self-build refers to a development of a home on a piece of land owned by persons to be lived in by those persons. In this instance, a self-build exemption has been claimed with regard to Community Infrastructure Levy (CIL) and therefore the national BNG requirement is not applicable to this proposal.

The Council's Ecologist was consulted on the previous application and requested an ecological survey be undertaken, given the demolition of the existing dwelling. A bat survey was undertaken and evidence of bats were found in the roof and emergence and re-entry surveys were subsequently required. These surveys were undertaken and a report was subsequently submitted, with no emergence or re-entries observed. The ecologist was re consulted on this proposal and raised no objection, advising they were satisfied with the findings and recommendations in relation to bats.

The Council is required to consider the likelihood of a licence being granted by Natural England in respect of the demolition a building whereby there is evidence of bats. The three derogation tests are:

- The activity to be licensed must be for imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

In relation to the first two derogation points, the overriding public benefits of the proposal relate to the social and economic benefit of the construction of the building which would provide a visual improvement to the existing dwelling and would provide jobs, thus benefiting the economy. In addition, the proposed dwelling would provide an uplift in building standards and sustainability, and there is not considered to be a satisfactory alternative to enable these works as the existing dwelling must be removed to provide the proposed dwelling. In respect of the third test, Natural England will be required to issue a licence and the Council's Ecologist was previously satisfied that the favourable conservation status of the bat species will be maintained. As the proposal remains unchanged, there are no concerns in respect of ecology.

A number of concerns were previously raised in respect of the use of glazing in the property and its impact upon local wildlife. The level of glazing proposed is not considered to be particularly unusual. The Council's ecologist has not raised an objection to the proposal in this respect, and the proposal is therefore considered to comply with Policy DM2 of the Local Plan Part One. A planning condition is however recommended for the submission of details of ecological enhancements and the installation and retention of these features in perpetuity.

#### Habitat Mitigation and Nitrate neutrality and impact on Solent SAC and SPAs

The scheme proposes a replacement residential dwelling. As such, it would not result in an additional unit of accommodation or materially increase residential occupation so as to result in additional impacts on features of nature conservation interest in the New Forest or Solent that would require habitats mitigation measures to be secured. Furthermore, there would be no additional burden on nitrates and thus, no further impacts on the Solent SAC or SPAs would result.

#### Air Quality Statement

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 is proposed
- Vehicle charging point installed to encourage the use of electric vehicle
- Large opening designed on rear elevation away from the road side and facing the large rear garden.

#### Climate Change

The applicant submitted a Climate Change Statement to support their planning application which addresses the requirements of the Council's Planning for Climate Change SPD and the statement notes a number of enhancement details for sustainability.

#### Developer Contributions

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

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exemption in place)	336.84	177.15	159.69	159.69	£80/sqm	£19,211.94 *

Subtotal:	£19,211.94
Relief:	£19,211.94
Total Payable:	£0.00

## 11 OTHER MATTERS

Reference has been made in third party representation to Local Plan Part 1: Core Strategy Policies CS2 and CS10 but these are not 'saved policies' and are therefore out of date and have no bearing on this application.

A number of neighbour concerns relate to alterations to drainage ditches and there being an existing sewer network on the site. There are no drainage ditches on the site and the proposal comprises a replacement dwelling predominantly on the same footprint as the existing dwelling, as such, no works are proposed to drainage ditches inside the red line boundary of the development. In respect of the impact of the works upon the proximity of the sewer network, this is a civil matter rather than a planning matter and so cannot be taken into consideration in the determination of this application. Notwithstanding this, the applicant has received a 'build-over' agreement from Southern Water for the proposed development which was submitted as part of the previous application.

## 12 CONCLUSION / PLANNING BALANCE

Planning Committee Members will be 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'*

The proposal seeks to construct a new dwelling within a sustainable location in the built-up area where the principle of development is acceptable. The proposed new dwelling is considered to be sympathetic to its context, being of an acceptable size, scale, height and appearance for its location on a large plot. Its design is considered to be appropriate to the streetscene, which is of a mixed character in terms of architectural styles and materials.

In addition, the proposal would not adversely impact residential amenity in respect of overlooking, visual intrusion, loss of privacy or overshadowing and would not result in adverse impacts to the highway network. As such, the proposal complies with Policy ENV3 and Policy CCC2 of the Local Plan Part One and Policy DM2 of the Local Plan Part Two.

The previous application was refused solely on the grounds of the overbearing impacts of the 2no. outbuildings on the amenity of no. 1 Viney Road. As these outbuildings are no longer part of this application and there was no reason for refusal relating to the replacement dwelling itself, the previous reason for refusal is considered to have been overcome by the current application.

The application is accordingly recommended for approval, subject to conditions.

## 13 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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

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

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

- Preliminary Roost Assessment by Arbtech dated June 2024
- Bat Emergence and Re-entry Surveys by Arbtech dated September 2024
- Air Quality Statement
- Climate Change Statement
- LP.01 REV C Location Plan
- EE.01 Existing Elevations
- EP.01 Existing Floor Plans
- PE.01 Proposed Elevations
- PE.02 REV A Proposed Elevations
- PP.01 Proposed Ground Floor Plan
- PP.02 REV A Proposed First Floor Plan
- SS.01 Street Scene
- CP.01 Comparable Ground Floor Plan

Reason: To ensure satisfactory provision of the development.

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

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

4. The development hereby approved and all associated works shall be undertaken in strict accordance with the recommendations and the ecological mitigation and enhancement measures set out in the Preliminary Roost Assessment by Arbtech and the Bat Emergence and Re-entry Surveys by Arbtech unless otherwise first agreed in writing by the Local Planning Authority. Notwithstanding the submitted details, a scheme of ecological enhancement measures shall be submitted to and approved by the Local Planning Authority and installed prior to first occupation of the dwelling hereby approved, and the enhancement measures 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 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

5. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of protected trees on and adjacent to the site, to be identified by agreement with the Local Planning Authority beforehand, have been submitted to and approved in writing by the Local Planning Authority. The agreed protection measures shall be implemented in full prior to any activity taking place and shall remain in situ for the duration of the construction of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

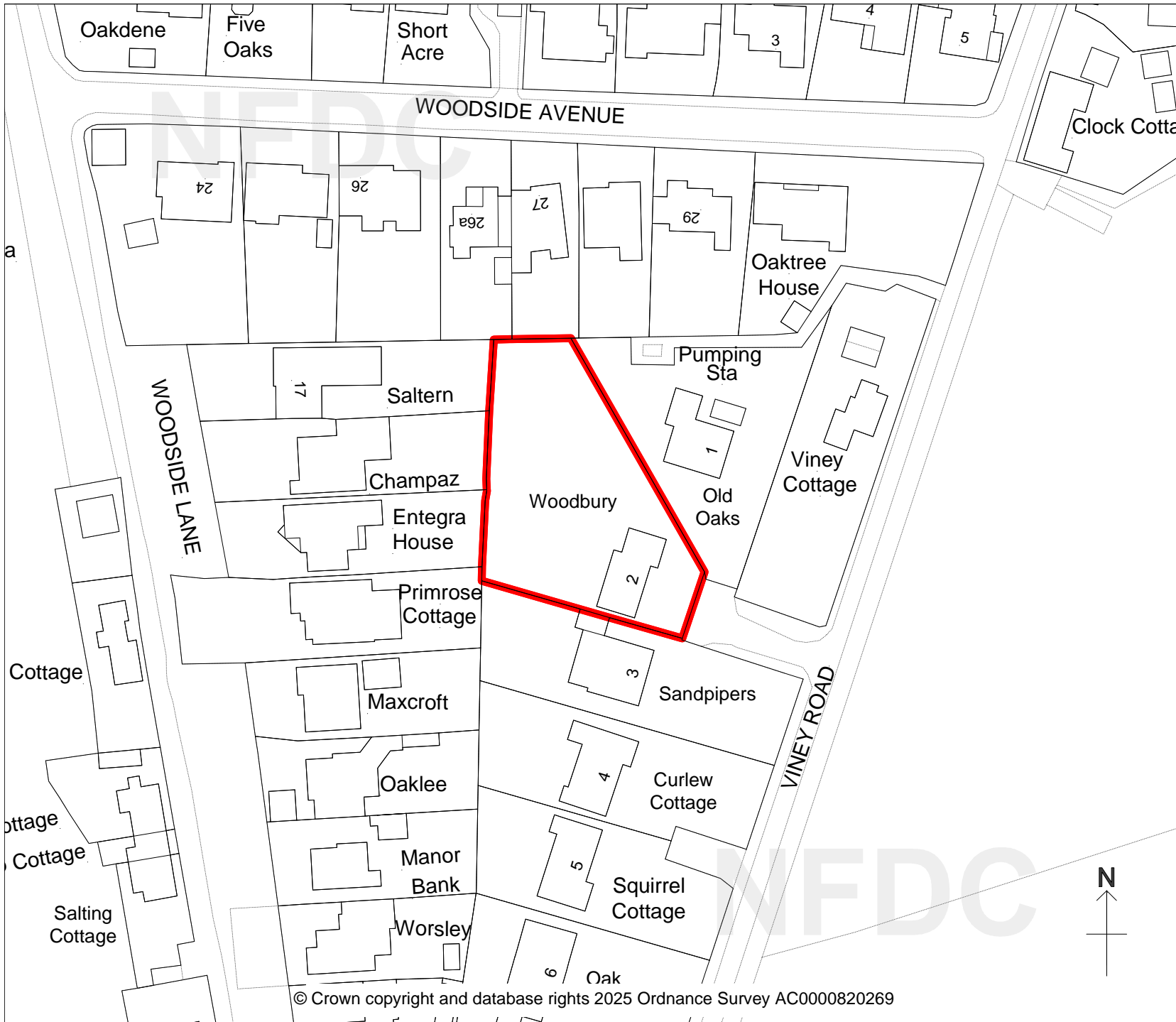
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no development otherwise approved by Class B of Part 1 of Schedule 2 of the Order, shall be erected or carried out without express planning permission first 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.

**Further Information:**

Jessica Cooke

Telephone: 023 8028 5909



**New Forest**  
DISTRICT COUNCIL

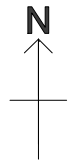
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Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
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SO43 7PA

**PLANNING COMMITTEE**

**March 2025**

Woodbury  
2 Viney Road  
Lymington  
25/10039



Scale 1:1000

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Planning Committee 12 March 2025

**Application Number:** 24/11008 Full Planning Permission  
**Site:** THREEWAYS COTTAGE, ROCKBOURNE SP6 3NL  
**Development:** Use of existing ancillary accommodation as an independent dwelling with associated car parking, highways works and ancillary infrastructure.  
**Applicant:** Mr and Mrs Branagan  
**Agent:** Pell-Stevens Architects  
**Target Date:** 23/01/2025  
**Case Officer:** Jessica Cooke  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Parish Council contrary view.

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside of the defined built-up area.
- 2) Design & the impact on the rural character of the area including the Cranborne Chase National Landscape
- 3) Impact upon the Conservation Area and nearby Listed Buildings
- 4) Residential amenity
- 5) Matters relevant to highway safety, access and vehicular parking
- 6) Habitat mitigation and nutrient neutrality
- 7) Air quality
- 8) Ecology
- 9) Climate Change

## 2 SITE DESCRIPTION

The subject building is a stable block which is located on a separate piece of land which is within the ownership of Threeways Cottage and is located to the west of Threeways Cottage which is a Grade II Listed Building .

The site is located outside of any defined settlement boundary and within the countryside, in a sensitive location designated as the Cranborne Chase National Landscape and within the Rockbourne Conservation Area.

The building is a semi-dilapidated single skin timber stable, which has 5 bays and a detached store to the north, a single fence panel adjoins these two buildings. The stable building is 17m in length, 3.6m in width and 3.17m in height. The store is 4.87m in length, 3.6m in width and 3.3m in height.

The site is accessed via a private track from Rockbourne Road, which is the main road running through Rockbourne. The private track serves Cruck Cottage which is a Grade II Listed Building sited to the north east of the site and Primrose Cottage which is a Grade II Listed Building sited to the north of the site.

### 3 PROPOSED DEVELOPMENT

The proposal seeks planning permission to change the use of the existing stable building to a detached dwellinghouse with a detached store/utility room. A large area of residential curtilage is proposed around the building equating to 2233 sq.m.

The proposed dwelling would be a 2no. bedroom dwelling, one of which has an en-suite bathroom, and a kitchen/dining/living room. The detached store/utility would also be shared with cycle and bin storage.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10365 Use of stables as annexe (Lawful development certificate that permission is not required for proposal)	03/08/2023	Was Lawful	Decided
22/10396 Use of stables as annexe (Lawful development certificate that permission is not required for proposal)	17/06/2022	Was Not Lawful	Decided

### 5 PLANNING POLICY AND GUIDANCE

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

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

Policy HOU1: Housing type, size, tenure and choice

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 IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

#### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

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

SPD - Parking Standards

SPD - Air Quality in New Development.

SPD - Planning for Climate Change

SPD - Mitigation Strategy for European Sites

SPD - Design of Waste Management Facilities

SPG - Residential Design Guide for Rural Areas

#### **National Planning Policy Framework 2024**

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

NPPF Ch.16 - Conserving and enhancing the historic environment

#### **NPPG**

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

### **Rockbourne Parish Council**

PAR 3: We recommend PERMISSION, for the reasons listed:

- The building would remain the same height.
- The proposal is very different to others which are right alongside a Public Right of Way.
- It was noted that there was no problem with flooding or environmental issues.
- The building cannot be seen from the road and is not on the Public Footpath that runs behind the proposers property.
- The track is already used and there is some traffic data in the report together with a recommendation to change access. Previously, horseboxes etc. have used the track.
- In terms of the building process, they can access this from the rear of the property too.
- Previous objections to plans including flooding, footpath access, road traffic, conversion to holiday lets, proposals not looking right for the village, such as solar panels being visible from the road etc. do not apply here.

## **7 COUNCILLOR COMMENTS**

No comments received.

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Cranborne Chase National Landscape**

Objection - Seems to be some confusion as to whether the stables are existing ancillary accommodation or remain as stables and store. There is a perceived need in the National Landscape for affordable housing. No detailed site plan showing car parking and ancillary infrastructure or landscape plan. It is unclear what landscape works are proposed. Not possible to assess relevant information e.g. drainage, materials, type of dwelling, Biodiversity Net Gain.

The layout indicates the dwelling would not provide much living space and therefore the likely use is not for affordable housing but for holiday accommodation. There is no indication of what the field to the west is used for and whether there would be a need for replacement stables in the future, resulting in further development outside the settlement boundary, encroaching into the countryside and potential impacts on the settlement from the Public Right of Way (PRoW). No external lighting should be installed in this International Dark Sky Reserve unless it complies with IDSR criteria and is explicitly approved by the LPA.

Despite the large number of drawings submitted, the crucial ones have not been provided. The lack of information means it is not possible to comment on whether the proposal would contribute to address the shortage of affordable housing stock, submitted application is definitely not good enough to approve.

### **NFDC Conservation Officer**

Objection - As a result of the incongruous form, character and orientation of the dwelling proposed and its associated urbanising elements, the proposal will result in

less than substantial harm to the character and appearance of the Rockbourne Conservation Area and cause some less than substantial harm to the setting and significance of the Grade II Listed Building Primrose Cottage.

Paragraphs 212 and 213 of the NPPF state that in determining applications great weight should be given to conserving the significance of the identified assets and any harm should require clear and convincing justification. Whilst the harm is less than substantial it is not clear what public benefits are secured by the application, and on the basis of the level harm, as per paragraph 215 of the NPPF the application should be refused.

### **HCC Rights of Way**

Comment only - No comments specific to the application.

### **HCC Highways**

Comment only - Initial request for further information, upon review the Highway Authority felt the highway works were unnecessary and would not raise an objection on the basis that the existing access remained in its existing form.

### **Ecologist**

No objection subject to condition(s)

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Objection in strongest terms from Cruck Cottage. Realistic increase in traffic with noise and pollution is unimaginable.
- Concern with loss of privacy to Cruck Cottage, concern the building will be used as a B&B and will impact on privacy and mental health.
- Concern with machinery required to access the site, the track is designed for light access at best and it cannot be widened to accommodate heavy machinery.
- Concern with additional traffic entering the highway on the blind bend.
- Rockbourne is a beautiful conservation area, the proposed dwelling would be out of character, do not understand any reason for the siting of a commercial dwelling here as it will not fit with the landscape.
- Frustrating with approach taken by the applicant.
- Previous application submitted to change the stable block to an annexe. The stable block was not changed to an annexe and no building work has been carried out to suggest it is an annexe or habitable.
- Concern that the description of development differed between a letter sent to the neighbour from the agent and the Council's description on the application.
- Concern with loss of privacy to the rear windows of Primrose Cottage.
- Concern with highway safety - the dirt track is owned by Cruck Cottage, in order to leave Primrose Cottage by car, must reverse out of a confined space and use a tight turning circle exactly where the proposed highways works are.
- Concern with impacts on Conservation Area and AONB.
- Concern with impacts on ecology - rare breed of bats roosting in the stables. These nests have been seen in the agricultural meadow and are protected by the Wildlife and Countryside Act 1981.
- Proposed building is not in keeping with the landscape and surrounding area of thatched brick and cob cottages. Ample number of holiday lets already in Rockbourne and surrounding parishes.
- Concern the bat survey was carried out by the owners or Threeways rather than an independent ecologist.

- Current building does not have any glazing/windows, the proposal would therefore create light pollution and reflect directly into Primrose Cottage.
- Concern with lack of information submitted in respect of materials, sustainability information and details on treatment works, type of lighting, power cables etc.
- No details on proposed plans for the rest of the land within the boundary, concern with privacy and harm to the character of the Conservation Area as a result.
- Concern with potential tree works.

For: 0

Against: 2

## 10 PLANNING ASSESSMENT

### Background

An application (ref. 22/10396) was made in April 2022 for a Lawful Development Certificate (proposed) for the use of the stables as an annexe. The Council was not satisfied on the balance of probabilities that the proposed use would occur within the established curtilage of Threeways Cottage and would amount to a development for which planning permission was required. The application was therefore refused.

A further application was made (ref. 23/10365) for a Lawful Development Certificate (LDC) (proposed) for the use of the stables as an annexe to Threeways Cottage. Whilst this LDC was issued, the decision notice makes it very clear that the change of use as granted by the Lawful Development Certificate, does not cover any building or engineering works which might need to be carried out in conjunction with the change of use to the extent that such works would materially affect the external appearance of the Stables and thus constitute development. This information was added as an informative to the Certificate and sets out that any such works would require express planning permission:

***'N.B. In particular this certificate does not cover any building or engineering works which might need to be carried out in conjunction with the change of use to the extent that such works would materially affect the external appearance of the Stables and thus constitute development. (Threeways Cottage is a listed building. As such, if the Stables is in the curtilage of Threeways Cottage, by virtue of paragraph E.1(g), the permitted development right provided for by Schedule 2 Class E(a) allowing the "maintenance, improvement or other alteration" of a building in a residential curtilage does not apply. If the stables is not within the curtilage of Threeways Cottage then the permitted development right in Class E(a) does not apply because it only applies to a building in the curtilage of a dwellinghouse. Either way, an application for express planning permission will be required for any building or engineering works which would materially affect the external appearance of the Stables and thus be development.)'***

Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) (England) Order 2015 gives permitted development rights to erect, maintain, improve or alter buildings incidental to the enjoyment of a dwellinghouse within the curtilage of a house. These rights do not however include buildings that are sited within the curtilage of a listed building (Class E (g)).

As Threeways Cottage is a listed building, if the Stables are accepted as being within the curtilage of Threeways Cottage, by virtue of paragraph E.1(g), the permitted development right provided for by Schedule 2 Part 1, Class E(a) allowing the "maintenance, improvement or other alteration" of a building in a residential curtilage does not apply.

If the stables are not within the curtilage of Threeways Cottage then the permitted development right in Class E(a) cannot be applied because it only applies to a building in the curtilage of a dwellinghouse. In both cases, an application for express planning permission is required for *any* building or engineering works which would materially affect the external appearance of the Stables and thus be development.

The description of the development on this current application for the use of the stable building as an independent dwelling, refers to the stable building as 'existing ancillary accommodation'. Further statements made in the Planning Statement refer to the stable building being in 'an existing residential use'. However, it is important to note, that the stable building has not yet been converted and it is not currently in use as a residential annexe, nor is it capable of being used as such without the required express planning permission as set out above. Furthermore, following a site visit to the building in December 2024, the building is not fully enclosed, is predominantly open to the frontage and is currently in use for storage purposes.

### Principle of Development

The site lies outside any established settlement boundary and is within a sensitive area of countryside designated as the Cranborne Chase National Landscape. Policies STR1, STR3 and STR4 of the Local Plan seek to restrict development beyond the built-up area boundary of settlements unless the development is appropriate in a rural setting in accordance with other relevant policies of the development plan.

National Landscapes are designated for conservation due to their significant landscape value and are of national importance. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area of outstanding natural beauty.

Guidance in relation to development within a National Landscape is contained within Chapter 15 of the NPPF, the advice of which is broadly echoed within Policy STR2 of the Local Plan Part 1 which attaches great importance to the Cranborne Chase National Landscape. NPPF Para 189 states great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection relating to the natural environment.. It goes on to state that the scale and extent of development within National Landscapes should be limited, with development sensitively located and designed to avoid or minimise adverse impacts. Further government guidance for developments in National Landscapes was issued in December 2024 which requires relevant authorities to take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes. In determining applications it should be considered if the proposed development is appropriate and proportionate to its function and its implications for the area; and whether the proposals contribute to the conservation and enhancement of the Protected Landscape in terms of wildlife, ecological value and quality, geological and physiographical features, water environment, cultural heritage, dark skies, tranquillity, opportunities for access to nature, and landscape character for which the area was designated.

Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a limited extension to an existing dwelling, replacement dwelling, affordable housing or an agricultural worker's dwelling. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance and in keeping with the rural character of the area.

In assessing the proposal against Policy DM20, the proposal is not an extension to an existing dwelling, nor a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposed new dwelling in the countryside does not accord with policy. While there is nothing in the policy which specifically relates to the conversion of existing buildings into new separate residential uses, it is clear that the proposal for new residential development in the countryside is only considered to be in accordance with policy DM20 if it is a replacement dwelling, or for affordable housing or an agricultural worker. The current proposal is not for any of these purposes..

The submitted Planning Statement refers to NPPF Paragraphs 84 as a justification for the proposal. Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building;*  
*or*
- e) the design is of exceptional quality, in that it:*
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;*
  - and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The site is located to the rear of the meandering rows of dwellings sited on Rockbourne Road, which is the main road forming the village. A number of dwellings in Rockbourne are sited to the rear of the dwellings which front Rockbourne Road, including Primrose Cottage which is located to the rear of Cruck Cottage and is 26m from the stable building which is the subject of this application. Given the location of the site and its close proximity to a number of existing dwellings, it is not considered that the site qualifies to be considered against paragraph 84 as the proposed dwelling would not be in an "isolated" location. However, notwithstanding this, it is the view of Officers that the proposal still fails to accord with the criteria of Paragraph 84 even if they were applicable. In consideration of these criteria:

- a) the application does not demonstrate any essential need for a rural worker;
- b) the building is not considered to be a heritage asset;
- c) the building would not re-use a redundant or disused building as it is currently in use by Threeways Cottage.
- d) the building would not result in the subdivision of an existing residential building
- e) the proposal is not considered to be of exceptional quality, nor is it considered to meet the tests of the subparagraphs of point (e) in that it is not truly outstanding and does not reflect the highest standards of architecture; nor would it significantly enhance its immediate setting or be sensitive to the defining characteristics of the area. The proposal would result in a significant encroachment of the countryside in a designated National Landscape and it would not comply with Development Plan which is set out further in the sections below.

Furthermore, although each case must be considered on its own merits, it is relevant to note that a recent application (23/10726) for a similar application at Marsh Farm Cottage, Rockbourne was refused by the Council and dismissed at appeal. This application sought to convert a detached outbuilding which is located outside of the curtilage of Marsh Farm Cottage (Grade II Listed Building) and is also within the Cranborne Chase National Landscape, into residential accommodation for the family groom, however, this was considered to constitute an independent dwelling. The Appeal Inspector in this case found that *'the introduction of a dwelling in such a location would harmfully erode the landscape and scenic beauty of the NL. Even though constructed of traditional materials, the conversion of the building and domestic use of the land around it would result in a harmful spread and duplication of residential development and uses well beyond the small, discrete cluster of dwellings that is found at the end of the track. Despite the modest size of the dwelling, it would result in an additional home in the area, thereby unacceptably eroding the landscape and scenic beauty of the NL, contrary to the high level of protection afforded to these protected landscapes by the Framework.'*

The Inspector further stated the presence of a separate household, even a small one, would also result in a duplication of and a spread of residential uses and paraphernalia, resulting in creep into the countryside, which would erode the tranquil rural nature of the area to the detriment of the dominance of the qualities of the National Landscape. It is clear from this appeal decision, that the introduction of a new dwelling within this highly sensitive location, with significant domestic encroachment into the National Landscape, is unacceptably harmful.

On the basis of the above, there is an objection in principle to the proposal, which would be contrary to Policies STR1, STR2, STR3 and STR4 of the Local Plan Part One, Policy DM20 of the Local Plan Part Two and Chapter 15 of the NPPF.

#### 5 year 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 (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it 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 [8], granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*



Footnote [8] of the NPPF clarifies that this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged. It is considered that in this case the development must be considered in accordance with the 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, heritage assets and National Landscapes. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a strong 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 strong reasons for refusing the development having applied the test at Limb 1.

The 2024 NPPF requires particular regard to be given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when applying the said tilted balance.

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.

#### Conservation Area impact and Listed Buildings

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area.

NPPF Chapter 16 relates to conserving and enhancing the historic environment. Para 207 sets out that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of the heritage asset. Paragraph 212 states that when considering the impact of a proposed development on the asset's conservation, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 215 states that where a proposal will lead to less than substantial harm to the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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) 2024.

The Council's Conservation Officer raised an objection to the proposal. The Conservation Officer considers the change of use would result in material changes to the appearance of the site that would fail to preserve the character of the Conservation Area. The consultation goes on to state that the existing building is viewed as a lightweight timber ancillary structure when seen from public vantage points, the alterations associated with the conversion to a dwellinghouse, including the insertion of glazing and accretion of residential paraphernalia, would change its character, resulting in a development that is incongruous in its setting and would be harmful to the character and appearance of the Rockbourne Conservation Area. He further states the proposed development would be strikingly at odds with the historic character of development, with the building appearing particularly prominent on the periphery of the Conservation Area and harming the historic landscape character of the village when viewed from the public footpath and from the valley slopes to the west.

In respect of the impacts of the proposal upon the setting of the nearby Listed Buildings, the Conservation Officer states that the proposal would result in an incongruous form of development in the setting of the Listed Building Primrose Cottage (to the northwest of the site), that would distract from the architectural interest of the listed building, particularly when viewed from the public footpath. It is considered that this harm is 'less than substantial', having regard to the definitions of harm to heritage assets as set out in the NPPF. There would be limited impacts on the setting of Threeways Cottage and Twyneham Cottage which is not considered to be harmful, but concerns are expressed that the proposed highway works would adversely impact the setting and significance of Cruck Cottage, although it is acknowledged that it was not possible to assess these impacts due to lack of submitted details.

In accordance with NPPF Paragraph 215, where a proposal will lead to less than substantial harm to the heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would result in one new dwelling within the District, this would be a very small-scale contribution, and the dwelling would be of a poor standard of accommodation (which is set out in the section below), it would not therefore contribute positively to the Council's housing stock. The construction associated with the conversion of the building would provide a limited contribution to the local economy and there are not considered to be any public benefits to the proposal that would outweigh the harm identified.

The proposal falls within the Historic Core of Rockbourne and is within the archaeology flag map identifies as an area of high importance. If there was to be ground breaking and the proposal was otherwise acceptable, a watching brief could have been required by planning condition.

With regard to the above, it is concluded that the proposed dwelling would fail to preserve the character of the Rockbourne Conservation Area and would be harmful to the setting and significance of the Grade II Listed Building Primrose Cottage, where no public benefits are identified that would significantly and demonstrably outweigh the harm to the heritage assets. As such, the proposal would fail to accord with Policy DM1 of the Local Plan Part Two and Chapter 16 of the NPPF.

Design, site layout and impact on the rural character and appearance of area including the Cranborne Chase National Landscape

The application seeks planning permission to convert the existing stable building into a 2no. bedroom dwelling with an associated gravel driveway (existing), with a proposed residential curtilage of 2233 sq.m.

Chapter 12 of the NPPF 2024 seeks to achieve well-designed places. Paragraph 131 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 states developments should be visually attractive as a result of good architecture, and be sympathetic to local character, including the surrounding built environment and landscape setting, as well as establishing and maintaining a strong sense of place.

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in

Rockbourne is a linear village located along the Sweatfords Water within the Cranborne Chase National Landscape. Rockbourne Road is located in the open countryside and has a strong rural character. The plots within the village suggest a planned layout, with the development predominantly being linear and running along the main road, although a number of cottages and farms are sited behind the main line of buildings, reached by footpaths or stony tracks off Rockbourne Road. The domestic plot and field boundaries have remained relatively unchanged for centuries and suggest some level of medieval planning in the layout of the village. The pattern of development has a distinct character, with some dwellings built on the edges of the road, others at right angles or set back by a few metres, however, in all cases, the dwellings face into the valley with their primary frontages facing either towards the main street or to the tracks and paths.

The site is set back from Rockbourne Road and is sited to the rear (west) of Twyneham Cottage and Threeways Cottage. It is sited to the south of Primrose Cottage and to the south west of Cruck Cottage, which collectively form a distinct patterns of development characteristic with the historic expansion of the rural village.

Whilst the application building is existing, its functional and physical use relates to an equestrian use. Whilst it is currently used for storage, the submitted plans label the existing use of the building as stables and it is still capable of being used as such. Its appearance is of a lightweight stable building, constructed of single skin timber panelling set onto a base of blocks, there do not appear to be foundations and the floor comprises a concrete slab. Officers question the structural integrity of the building as it does not appear to be capable of conversion without major rebuilding and no independent structural information has been submitted to demonstrate this.

The introduction of a residential use within the countryside, would result in an intrusive and unacceptable form of development in the National Landscape and countryside, and would result in the creep of residential built form and residential paraphernalia to the south and west of the site, which has a more open character distinctive from the residential clusters of properties and their defined domestic curtilages. Even though the use of the existing stable building is currently for residential storage, its use does not domesticate this part of the landscape.

Given this context, there is not considered to be a compelling justification for the proposed conversion of the building to a dwelling. Furthermore, it would be contrary to Council policy as it would not meet any of the exceptions test which form part of Policy DM20 of Local Plan Part 2

The NFDC Residential Design Guide for Rural Areas of the New Forest District SPG sets out the guidance for rural design, and seeks to protect the character and appearance of the countryside. Section 4E of the SPG relates to the conversion of buildings and specifies the following:

- Conversions should demonstrate minimal and subtle change through imaginative design;
- Should maintain simple enclosures and external definition;
- Car parking and residential external sub-division should be kept low key;
- Encroachment into surrounding agricultural land to expand domestic curtilage or established boundaries is not permitted;
- Rooflines should be kept simple, avoiding chimneys on agricultural buildings;
- Sturdy materials and details should be used, avoiding ornament or pretension, using matching materials;
- Conspicuous external elevations should not be affected by major change.

The application site occupies a prominent and highly visible position from the Public Right of Way. The building lies in close proximity to the Public Right of Way, which runs through the site and the building is exposed by reason of the open character of its landscape setting and lack of vegetation and trees to provide screening.

The proposed external alterations are relatively limited, though the proposal would result in the introduction of a significant amount of poorly proportioned glazing into the existing openings. Whilst the existing stable doors are proposed to be retained as external shutters, the likelihood is that these shutters would remain open the majority of the time to allow light into the rooms. This would change the rural character of the building and plan 03-14 shows the building would not appear as a converted stable building when these shutters are open. It would have a suburban appearance and the introduction of this amount of glazing which changes the character appears discordant with the rural character of the building. It would result in a building that would not have the appearance of a traditional rural stable conversion, exemplified by the number of large glazed doors and windows, particularly on the south western elevation, which is highly visible from within the National Landscape.

As a whole, the proposed external alterations to the building are considered to be unsympathetic to the rural character and landscape setting of the area. As such, the proposed dwelling would have an inappropriate appearance and an imposing impact upon the National Landscape.

The extent of the proposed residential curtilage of the building and associated paraphernalia is significant and would encroach into the countryside. The site area extends to 2233m<sup>2</sup> and the buildings occupy 78.7m<sup>2</sup> of the site, resulting in an inappropriate and disproportionately large domestic residential curtilage of 2154m<sup>2</sup>.

There would also be domestic parking arising from the proposed conversion and by reason of the site layout, the area to the north of the proposed dwelling would be likely to be used for vehicles, as it is now. The driveway and associated domestic paraphernalia would extend well beyond the immediate area surrounding the building and in doing so would harmfully erode the rural character and appearance of the area. As such, the proposal would result in an excessive domestication of the land which is not considered to be appropriate to its location within the sensitive area of countryside and result in harmful impacts to the landscape character of the National Landscape and to the Rockbourne Conservation Area.

There would in addition be a lack of meaningful landscaping proposed as part of the application. Whilst it is recognised that further landscaping details could have been secured by condition if the proposal was otherwise acceptable, it is not considered that additional landscaping would mitigate these harmful impacts and make this scheme acceptable.

The introduction of the proposed residential use in this sensitive location within the National Landscape would result in an intrusive and unacceptable form of residential development in the countryside and would be harmful to the visual amenities of the countryside. The proposal would introduce residential built form to the south of Primrose Cottage and to the west of Twyneham Cottage and Threeways Cottage and to the south west of Cruck Cottage, which form distinctive patterns of historic development.

Overall, it is concluded that the proposal would result in an incongruous development in a highly sensitive landscape setting, which would be harmful to the character and appearance of the countryside including to the designated National Landscape, by reason of the introduction of a new dwelling with its associated residential paraphernalia and the extent of the associated domestic garden/curtilage and its resultant domestication and encroachment into the countryside and National Landscape. The proposal would erode the rural character of this location and would harm the character of the countryside and the Cranborne Chase National Landscape.

For the reasons set out above, the proposal is considered to be contrary to the provisions of the Development Plan and the NPPF. In particular, the proposal would fail to accord with the requirements of Policies ENV3, ENV4, STR1, STR2, STR3 AND STR4 of the New Forest District Council Local Plan Planning Strategy (2020) which high quality development that contributes positively to local distinctiveness, being sympathetic to its context, and it would fail to meet the provisions of the NFDC Residential Design Guide SPG and Chapters 12 and 15 of the NPPF.

### Residential amenity

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. NPPF Para. 135, subparagraph (f) states development should promote health and wellbeing, with a high standard of amenity for existing and future users.

A number of concerns were raised by the closest neighbouring properties relating to impacts upon residential amenities in respect of overlooking, loss of privacy and visual intrusion from the proposed new dwelling. Primrose Cottage is sited 32m to the north of the built form of the proposed dwelling and Cruck Cottage is sited 57m to the north east, these are sufficient separation distances so as not to result in adverse impacts upon the residential amenities of these neighbours.

However, the proposed development would result in a substandard dwelling with reference to the Technical Housing Standards - nationally described space standard 2015 Document. This sets out the internal space standards for new dwellings and provides the requirements for defined levels of occupancy and floor areas for key areas of the dwellings, including bedrooms and storage. The current proposal is for a 2no. bedroom single-storey dwelling with bed spaces for 4no. persons. The proposal does not meet the overall spatial standards for a 1-storey, 2 bedroom, 4 person dwelling which requires 70 sq.m and falls far short of this at 53 sq.m.

As such, the proposal provides a poor level of accommodation that would be detrimental to the amenities of the future occupiers and would not therefore comply with Policy ENV3 of the Local Plan Part One or Chapter 12 of the NPPF.

#### Highway safety, access and parking

The site is accessed via a private road abutting Rockbourne Road, which is the main road running through Rockbourne. The private road serves Cruck Cottage and Primrose Cottage, as well as the land parcel where the stables are sited.

As the proposal would retain the existing access into the site and the proposal comprises only one dwelling, Hampshire County Council's Standing Advice applies.

The proposal comprises one 2no. bedroom new dwelling and NFDC Parking Standards require 2no. on plot parking spaces for a dwelling of this size. No parking spaces are shown on the site layout plan, however there is sufficient space within the plot for the parking of 2no. vehicles to the front of the stables, though it is not clear whether sufficient turning space is also available on the plot (in accordance with HCC Standing Advice) in addition to the parking spaces, to enable vehicles to leave the site in a forward facing gear.

In terms of cycle storage, 3no. cycle parking spaces are proposed in the utility/store room. As such, the proposal complies with NFDC Parking Standards SPD in respect of cycle parking.

One additional 2no. bedroom dwelling would not create significant traffic generation that would result in adverse impacts and any additional vehicular movements would be readily absorbed into the existing highway network. However, in light of NPPF para 11(d)(ii), which states particular regard should be afforded to key policies directing development to sustainable locations, the application site is located in an unsustainable location with limited public amenities and very limited and infrequent public transport facilities serving the development, resulting in a high dependency on private vehicles to access such facilities.

The proposal is otherwise not considered to have adverse impacts upon highway safety and therefore complies with Policy CCC2 of the Local Plan Part One.

#### Ecology

As of 2nd April 2024, developers must deliver 10% Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission and in this instance, BNG is mandatory. The submitted Application Form states that the proposal is exempt from BNG as no development is proposed as part of this application. The proposal would not result in a loss of habitat of more than 25 sq.m, and therefore the proposal is considered to be development below the exemption threshold.

The Council's Ecologist was consulted on the application. A bat survey was undertaken which confirmed the stables are a day roost for common pipistrelle. Notwithstanding the objections made by third parties, the ecologist has advised they are satisfied with the findings and recommendations in relation to bats.

The Council is required to consider the likelihood of a licence being granted by Natural England in respect of the demolition a building whereby there is evidence of bats. The three derogation tests are:

- The activity to be licensed must be for imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

In relation to the first derogation point, there are not considered to be any overriding benefits to the proposal that would justify the development, as the proposal would provide a substandard level of accommodation with detrimental impacts upon the residential amenities of the future occupiers and would result in a significant encroachment into the countryside and Cranborne Chase National Landscape. In relation to the second test, there could be alternative solutions for the use of the building so that the roost could be retained and it is not therefore considered that there is no satisfactory alternative for the use of the building in which the roost could be retained. Overall, the proposal is harmful and the small scale social and economic benefit of the conversion of the building would not outweigh the harm and therefore the overriding benefits to the proposal do not exist in this instance. The proposal needs to pass all three derogation tests and it fails on the first test.

In respect of the third test, Natural England will be required to issue a licence and the Council's Ecologist was satisfied that the favourable conservation status of the bat species will be maintained.

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures. Whilst the Bat Survey Report suggests 2no. woodstone bird boxes will be installed on the surrounding mature trees, no ecological enhancement measures are included in the submitted plans. However, additional details of ecological enhancement measures could have been secured by planning condition if the proposal was otherwise acceptable.

#### Habitat Mitigation

The site lies in close proximity to the New Forest SAC, SPA and Ramsar, River Avon SAC and Avon Valley SPA and Ramsar. As the proposal would result in an additional dwelling, there is a likely cumulative impact on the New Forest European Sites from recreational disturbance and habitat mitigation should be provided in line with the adopted mitigation strategy and Policy ENV1 of the Local Plan Part One.

#### a) Recreational Impacts

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') and Policy ENV1 of the Local Plan Part One, an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest European designated sites, in view of those sites' conservation objectives. The Assessment concludes that the

proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided. In the absence of a completed Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 of the Local Plan Part One and a further reason for refusal must be introduced.

#### b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. In the absence of a completed Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 of the Local Plan Part One and a further reason for refusal must be introduced.

#### Air Quality Statement

In response to the requirements of the adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022', the applicant is required to submit 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:

- EV Charging points
- No combustion appliances
- Cycle parking

#### Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') and Policy ENV1 of the Local Plan Part One, 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 could have been imposed to secure the appropriate level of phosphate mitigation if the proposal was otherwise acceptable.

#### Climate Change SPD

In response to the requirements of the adopted 'Planning for Climate Change Supplementary Planning Document 2024', the applicant is required to submit information explaining the measures that they will take to address climate change through the development in order to meet the Local Plan requirements of Policies STR1 and ENV3 of the Local Plan Part One. No Climate Change Statement has been submitted as part of this application. However, it would have been required by planning condition if the proposal was otherwise acceptable.

#### Developer Contributions

If the proposal was otherwise acceptable, the following would need to be secured via a completed legal agreement:

- Habitat Mitigation contribution (infrastructure)
- Habitat Mitigation contribution (non-infrastructure)
- Air Quality Monitoring

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy would be payable if the proposal was otherwise acceptable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	68.7		68.7	68.7	£80/sqm	£8,265.14 *

Subtotal:	£8,265.14
Relief:	£0.00
Total Payable:	£8,265.14

*\*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:*

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

## **11 CONCLUSION & PLANNING BALANCE**

Planning Committee Members will be 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 the NPPF is a material consideration. Paragraph 11 of the Framework is considered to be engaged and 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 however, means that the tilted balance in NPPF paragraph 11(d) is engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- (i) the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.*

Furthermore, paragraph 195 of the NPPF sets out that:

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"*

The Local Planning Authority as "Competent Authority" has, through the Appropriate Assessment been able to conclude that the proposed development would not have an adverse affect on the integrity of the Habitat Sites if the appropriate mitigation is secured. In the absence of a completed legal agreement to secure the required mitigation, the presumption in favour of sustainable development does not apply in this instance, and a strong reason for refusal arises in accordance with Paragraph 11(d)(i).

Furthermore, the adverse impacts of the proposal upon the designated Heritage Assets and the Cranborne Chase National Landscape result in two further strong reasons for refusal in accordance with Paragraph 11(d)(i). As such the application can be refused without engaging the so called "tilted balance" in paragraph 11(d)(ii).

In considering the harm of the development, the proposed conversion of the existing stable building to create a residential dwelling with an extensive site area would constitute an inappropriate form of development in this sensitive countryside location designated as part of the Cranborne Chase National Landscape. The introduction of a proposed new dwelling in a location that is outside of the defined settlement boundary and within the open countryside and National Landscape, would be contrary to Policy STR2 of the Local Plan Part One and Policy DM20 of the Local Plan Part Two, as well as Chapter 15 of the NPPF. Moreover, the proposal would constitute an unsustainable, intrusive and unacceptable form of residential development in the countryside which would be harmful to the visual amenities of the countryside and this sensitive landscape setting, by reason of the domestication of the building and a significant encroachment of residential curtilage into the countryside, within this sensitive rural setting.

Furthermore, in the absence of a completed legal agreement pursuant to section 106 of the Town and Country Planning Act (1990) the proposal would result in an unmitigated impact in respect of recreational impacts, air quality and phosphates mitigation on protected Habitat Sites.

Whilst the proposal would result in one additional dwelling, this would make a very modest contribution to housing stock and the benefits of the provision of a single dwelling would not significantly and demonstrably outweigh the adverse impacts that have been identified in the report above, including the unacceptable impacts upon the special qualities and scenic beauty of the National Landscape.

As such, the proposal would conflict with local plan policies relating to residential development, and it would be contrary to Policies STR1, STR2, STR3, STR4, ENV3, ENV4 of the Local Plan Part One, Policy DM20 of the Local Plan Part One, Chapter 12 and 15 of the NPPF and the NFDC Residential Design Guide for Rural Areas SPD.

The application is therefore recommended for refusal.

## **13 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed development to convert an existing stable building to a dwelling with an extensive residential curtilage, in this sensitive area of open countryside outside of a defined settlement boundary and designated as the Cranborne Chase National Landscape, would result in an intrusive and unacceptable form of residential development in the countryside where development is restricted unless specific criteria are met in accordance with both the Council's Development Plan and the NPPF 2024. The proposed development would not meet any of these specific criteria and in addition would not contribute to the conservation or enhancement of the designated Cranbourne Chase National Landscape. As such, it would be contrary to Policies ENV3, STR1, STR2, STR3 and STR4 of the New Forest District Local Plan Part 1: Planning Strategy for the New Forest outside of the

National Park, Policy DM20 of Local Plan Part 2 for the New Forest outside of the National Park and Chapter 12 and 15 of the National Planning Policy Framework.

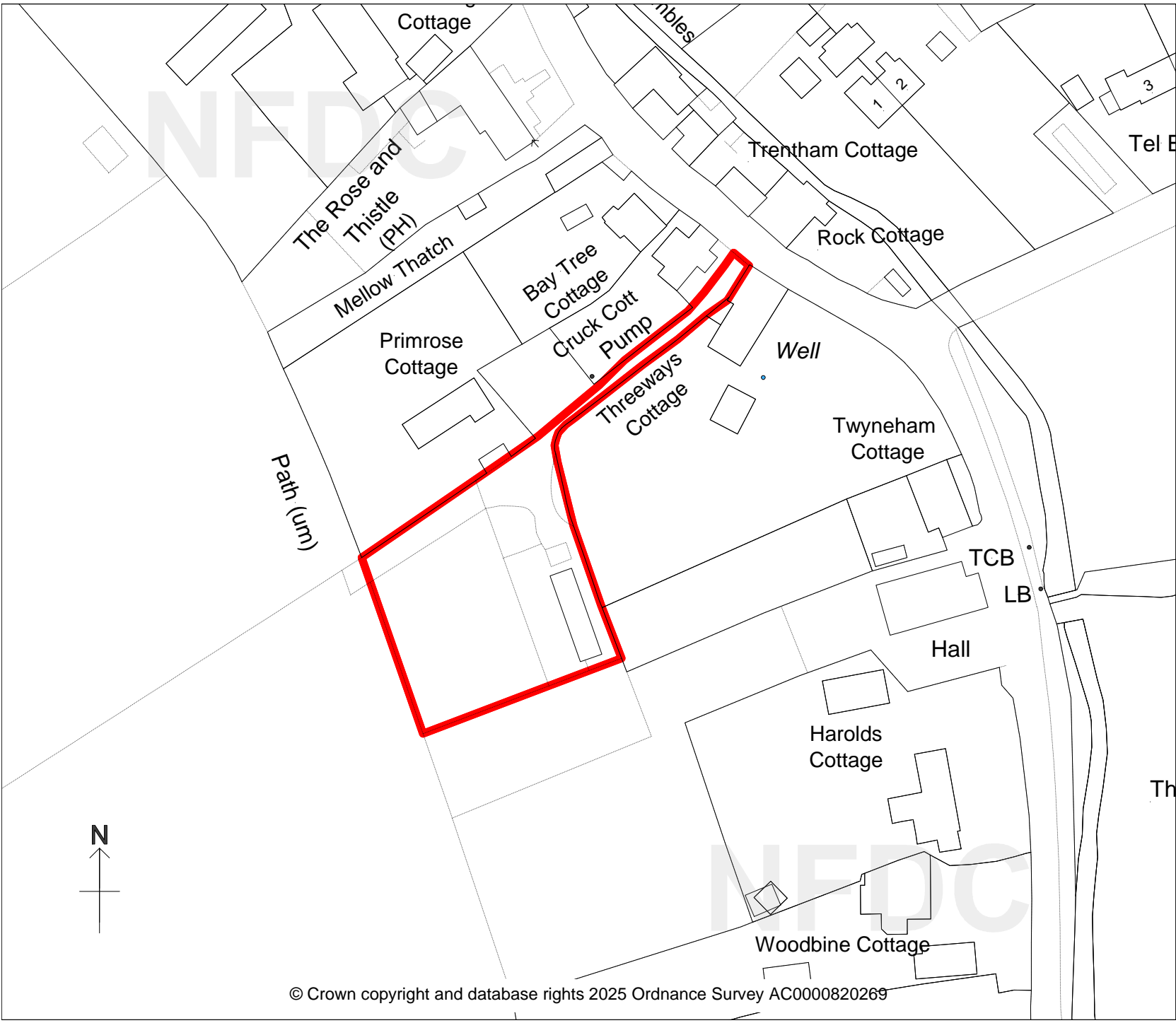
2. The proposed conversion of the existing building and its resulting residential paraphernalia would constitute an intrusive and discordant form of residential development in the countryside and Cranborne Chase National Landscape that would be harmful to the visual amenities of the countryside and its sensitive landscape character and setting by reason of the change to the rural character of the building through the introduction of significant amount of glazing to convert the building, of which the glazing addresses the landscape, resulting in unacceptable impacts in respect of light pollution upon the Dark Skies Reserve. Furthermore, the inappropriately large domestic residential curtilage would result in an unacceptable domestication of the countryside, which would erode the rural character of this countryside location and would harm the character and special qualities of the countryside and its landscape character and the scenic beauty of the National Landscape. These harmful impacts would be compounded by the proposed development's prominent position within the National Landscape and its visibility from the Public Right of Way. As such, the proposed development is considered to constitute a poor and contextually inappropriate development that would be contrary to the provisions of Policies ENV3, ENV4, STR2 and STR3 of the adopted Local Plan 2016-2036 Part 1: Planning Strategy for the New Forest District outside the New Forest National Park, the NFDC Residential Design Guide SPG, Policy DM20 of the Local Plan Part 2 of the adopted Local Plan Part 2: Sites and Development Management for the New Forest District Council outside of the New Forest National Park and Chapters 12 and 15 of the NPPF 2024.
3. The proposed dwelling would provide a substandard level of accommodation as it fails to meet the Technical housing standards - nationally described space standards. As such the proposal would not provide a satisfactory level of amenity for future occupiers and so would result in a harmful form of development detrimental the residential amenity of future occupiers. For this reason it would be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park, Chapter 12 of the National Planning Policy Framework and the Technical Housing Standards - nationally described space standards 2015.
4. The proposed changes to the existing stables to convert it to a dwelling would result in a building with an incongruous form, character and orientation with associated urbanising elements that would fail to preserve the character of the Rockbourne Conservation Area and the setting and significance of the Grade II Listed Building Primrose Cottage. This would lead to less than substantial harm to these heritage assets. with no public benefits identified that would significantly and demonstrably outweigh this harm. As such, the proposal would fail to accord with Policy DM1 of the Local Plan Part Two for the New Forest outside of the National Park and Chapter 16 Paragraph 215 of the NPPF.
5. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Dorset Heathlands Special Protection Area and the Dorset Heaths Special Area of Conservation, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational

pressures or potential air quality impacts on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

**Further Information:**

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**PLANNING COMMITTEE**

**March 2025**

Threeways Cottage  
Rockbourne

24/11008

Scale 1:1000

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

Planning Committee 12 March 2025

**Application Number:** 25/10058 Advertisement Consent  
**Site:** WALCOT HOUSE, BLACKFIELD ROAD, FAWLEY  
SO45 1ED  
**Development:** Double sided sign mounted on two poles with reflective text  
(Application for Advertisement Consent) (Retrospective)  
**Applicant:** Mr Elliott  
**Agent:**  
**Target Date:** 01/04/2025  
**Case Officer:** Julie Parry  
**Officer Recommendation:** Grant (Advert)  
**Reason for Referral to Committee:** Parish Council contrary view

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25/10058

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Amenity
- 2) Public safety

## 2 SITE DESCRIPTION

The application relates to a detached two-storey property within the built-up area of Fawley. The property is currently used as a guest house and is located relatively close to the junction of Blackfield Road with the B3053. There is a large area of hard surfacing to the front of the property with open access to allow for parking. The side boundaries are defined with high fences. Along Blackfield Road there are a mixture of styles and sizes of residential properties. Near Walcot House the pavement is only on one side of the road, which, along with the amount of vegetation, gives the location a semi-rural character. On the northwestern boundary, a sign has been erected advertising the bed and breakfast business. The sign is the subject of this application.

## 3 PROPOSED DEVELOPMENT

The application seeks advertisement consent for the retention of the double sided sign advertising the bed and breakfast business. The sign is erected on two poles and the white reflective text is on a blue background.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
13/11351 Continued use as guest house (Lawful Use Certificate for retaining an existing use or operation)	17/12/2013	Was Lawful

84/NFDC/27135 Extension to kitchen and addition of a bedroom.	23/08/1984	Granted
82/NFDC/22729 Addition of 2 bedrooms and a bathroom.	12/10/1982	Granted
75/NFDC/01866 Change of use from guest house to use as rest home for the elderly.	06/02/1975	Granted Subject to Conditions

## 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV3: Design quality and local distinctiveness

### National Planning Policy Framework

### National Planning Policy Guidance

### Plan Policy Designations

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Fawley Parish Council:**

We recommend refusal of this retrospective application; the sign is on and above the boundary fence line; it impacts the neighbouring property and may cause a distraction to passing motorists. We recommend the sign be returned to its previous position.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

### **HCC Highways**

The advertising signage will not affect the safety or operation of the adjoining highway. No objection.

## 9 REPRESENTATIONS RECEIVED

6 letter of support have been received for the following reasons:-

- Nice looking sign
- Not inoffensive or distracting
- Required to identify business especially at night

10 letters of objection have been received for the following reasons:-

- Overlooks neighbouring property
- excessive in size and height
- Intrusive and dominant in the residential landscape
- Reflective lettering causing a traffic distraction



## 10 PLANNING ASSESSMENT

### Principle of Development

There is a separate consent process within the planning system that controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, which is in accordance with the Town & Country Planning Control of Advertisements (England) Regulations 2007 regulation 3 (1& 2).

### Amenity

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, quality of life and the character and identity of the locality.

Paragraph 141 of the National Planning Policy Framework (NPPF) states that Advertisements should be subject to control only in the interests of amenity and public safety. It also identifies that the quality and character of places can suffer when advertisements are poorly sited and designed.

The Bed and Breakfast business within Walcot House has been established for a number of years. A Lawful Development Certificate was issued in 2013 (13/11351) which confirmed the continued use of this business to be lawful.

Until recently, there was signage advertising the business in the form of two double sided signs which were positioned close to the front boundary on the east and west boundaries. These signs have been replaced with a single double-sided sign on the west boundary, set back from the front of the site by 1.7 metres. The sign measures 0.75 m<sup>2</sup> and, with the use of reflective lettering, it would have some luminance when lit by car lights. The sign is 2.5 metres high and is contained within the application site and does not overhang the shared boundary with Omega.

The use of signage outside a bed and breakfast establishment is considered appropriate in order to advertise the business. Within the Town and Country Planning (Control of Advertisements) Regulations 2007, deemed consent does allow for a sign for this type of business of up to 1.2m<sup>2</sup> if also less than 4.6 metres above ground height, providing it is not illuminated. In this case, the use of a reflective material on the sign does mean that the sign would be classed as 'illuminated', albeit that the illumination is indirect and intermittent. However, given the limited size of the sign, its position and its set back from the road, the sign does not appear unduly dominant in the streetscene. And because the illumination is reflective rather than constant, it is not considered the illumination would be visually harmful in this context.

The Advertisement Regulations state that "amenity" includes both visual and aural amenity. In this case, the proposed signage is fixed and would not generate any noise and is therefore considered to have no significant detrimental impact upon aural amenity.

As such, the sign appears acceptable within the street scene, and does not significantly detract from the local character. Therefore, the proposal is considered to comply with Policy ENV 3 of the Local Plan Part 1.

### Residential amenity

The sign is positioned alongside the shared boundary with the neighbour to the west, Omega, which has a bay window on the front elevation from which there are views of the sign. This neighbour has objected on the basis that the sign is excessively large, high and dominant, which along with the use of reflective material appears intrusive and encroaches on their outlook. The boundary fence adjacent to the sign has recently been altered to lengthen it towards the highway. There is also some planting within the neighbour's garden, alongside the fence, which will potentially provide some additional screening on this boundary. The new sign is different in design and position to the previous sign. And being closer to the neighbouring property, along with the use of reflective text, it is more visible from the neighbour's window. It is appreciated that the sign can be viewed from the front window, at an angle. However, taking into consideration that there was a sign close to this location previously and that there is a degree of separation between the sign and the neighbour's front window, the sign would not be overbearing to this neighbour's outlook; nor would it cause a loss of light. Therefore, the impact on this neighbour's visual amenity is not considered to be sufficiently harmful as to warrant a refusal of advertisement consent.

In this regard, as the sign does not significantly impact on the neighbour's amenity, it is considered to comply with Policy ENV 3 of the Local Plan Part 1.

### Public safety

Policy ENV3 seeks to ensure that development will create places that are safe and easy to navigate.

There have been a number of objections, including from the neighbour at Omega to the west and the Parish Council, in respect of the potential for the sign to be a distraction to motorists.

There is a pedestrian footpath alongside the front boundary of the application site. The sign is set back into the site by 1.7 metres and the Highway Authority are satisfied that the advertising will have no material impact on the safety or operation of the adjoining highway.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 also state that 'Public Safety' is not confined to just road safety. Crime prevention and detection are also relevant; the obstruction of highway surveillance cameras, speed camera and security camera by advertisements is now included. It is considered that the proposed signage has no impact upon any such equipment.

As such, no objection is raised on the grounds of public safety.

## **11 CONCLUSION / PLANNING BALANCE**

It is considered that the sign is of an appropriate size and is appropriately sited so as to appear acceptable within the streetscene. The proposal does not have an unacceptably harmful effect on either the visual amenity of the area or neighbouring properties. As such, the proposal would comply with Policy ENV3 of the local plan. Furthermore, there are no public safety concerns and the proposal would comply with the amenity related provisions of the National Planning Policy Framework and Development Plan. Accordingly, it is recommended that advertisement consent be granted.

## 12 RECOMMENDATION

### GRANT ADVERTISEMENT CONSENT

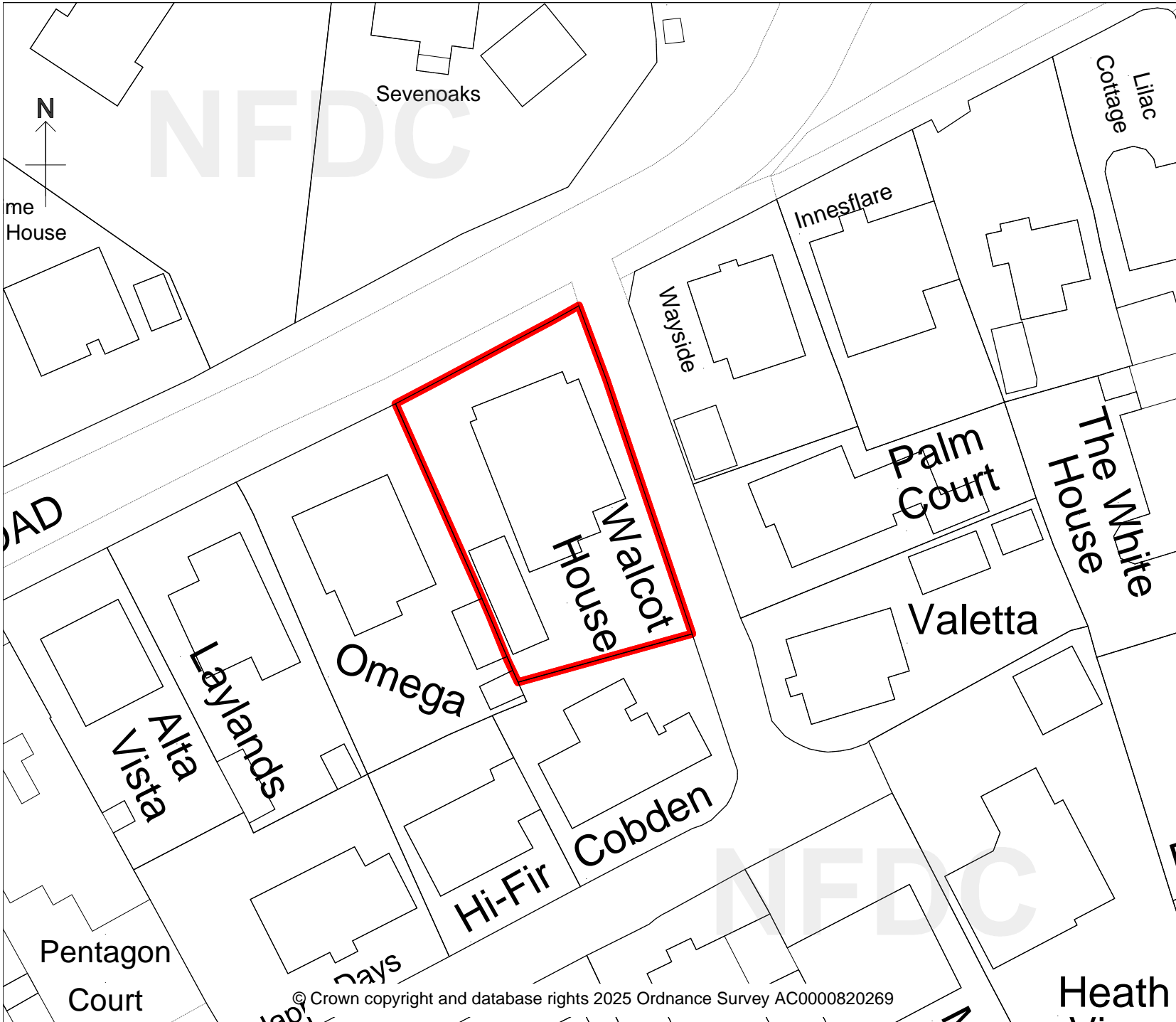
#### Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

#### Further Information:

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**PLANNING COMMITTEE**

March 2025

Walcot House  
Blackfield Road  
Fawley  
25/10058

Scale 1:500

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

Planning Committee 12 March 2025

**Application Number:** 24/10919 Full Planning Permission  
**Site:** SITE OF 41 AND 43, MANOR ROAD, RINGWOOD,  
BH24 1RB  
**Development:** Demolish the existing pair of semi-detached houses and erect  
two pairs of semi-detached houses (4.no total) with associated  
access and parking, including detached garage for Unit 4  
**Applicant:** Balson Properties Ltd  
**Agent:** Darryl Howells Planning Consultancy  
**Target Date:** 31/12/2024  
**Case Officer:** Vivienne Baxter  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral  
to Committee:** Town Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

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

## 2 SITE DESCRIPTION

The site lies within the built-up area of Ringwood on a corner plot in a residential area. It contains a pair of semi-detached two storey dwellings, each with a single storey side projection. That to the north (41) is currently occupied and has a reduced length garden following the provision of an infill bungalow a few years ago. The vehicular access to no 41 is currently off of Green Lane. The property to the south has been unoccupied for some time and has become overgrown. It was subsequently cleared in the past and is presently fenced off from the pavement.

To the south of the site is an estate which the site forms part of and this comprises pairs of semi-detached properties which have a strong sense of identity. North of the site contains a wider variety of dwellings, many of which are older than those to the south and have a different character.

## 3 PROPOSED DEVELOPMENT

The proposal entails the demolition of the existing pair of houses and the provision of two pairs of semi-detached houses - 2 x 2-bed and 2 x 3-bed. Plots 1 and 2 would have a WC, study and open plan kitchen, dining area and lounge at ground floor level with two bedrooms and a family bathroom at first floor level (previously the

main bedroom in these plots also had an ensuite). Plots 3 and 4 would have a living room, WC and open plan kitchen, family area and dining room at ground floor level with three bedrooms (one ensuite) and a family bathroom at first floor level (previously, the main bedroom also had a dressing area).

Parking for the proposed new dwellings would be provided either to the side (plots 2-4) or front (plot 1) of the dwellings. In addition, a detached garage for Plot 4 would be located adjacent to the southern boundary of the site with No 45

The application follows the refusal in October 2023 for a similar proposal for two pairs of semi-detached dwellings with frontage parking. This application was subsequently dismissed at appeal in August 2024.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
23/10680 Erection of two pairs of semi-detached dwellings (4 in total) with associated access and parking; demolition of the existing pair of semi-detached dwellings	20/10/2023	Refused	Appeal Decided	Appeal Dismissed
19/10624 Detached bungalow; access from Green Lane; parking	04/09/2019	Granted Subject to Conditions	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy CCC2: Safe and sustainable travel  
 Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
 Policy ENV3: Design quality and local distinctiveness  
 Policy IMPL1: Developer Contributions  
 Policy STR1: Achieving Sustainable Development  
 Policy STR3: The strategy for locating new development  
 Policy STR4: The settlement hierarchy  
 Policy HOU1: Housing type, size, tenure and choice

##### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Air Quality in New Development. Adopted June 2022  
 SPD - 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  
 SPD - Planning for Climate Change

## **Neighbourhood Plan**

### **Ringwood Neighbourhood Plan**

Policy R7: The Ringwood Design Code

Policy R10: Zero Carbon Buildings

## **National Planning Policy Framework**

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

## **National Planning Policy Guidance**

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

#### **Ringwood Town Council**

R(2) Recommend refusal but would accept the Planning Officer's decision. The Committee felt the proposal was not sufficiently different to the previous application to overcome the reasons for refusal. The proposal is overdevelopment of the site and in relation to bedroom 3 in the 3-bed properties, Members queried whether the size conforms to the standards for minimum size for a bedroom.

A further comment was received without re-consultation:

Members noted that the Planning Officer had not made reference to Ringwood Neighbourhood Plan Policy R10 Zero carbon buildings in their preliminary briefing document and the applicant had not submitted the required energy performance statement. It is therefore contrary to Policy.

### **7 COUNCILLOR COMMENTS**

#### **Cllr Heron - Objection**

With the exception of a little more attention to the artistic interpretation I can see little change or improvement on the previous application.

Given the revision in the location of the parking it would remain not only possible but highly probable that there would be a significant level of parking forward of the properties front elevations thereby creating a significantly negative impact on the street scene.

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **Natural England**

Further information required to determine impacts on designated sites

#### **NFDC Ecologist**

No objection subject to conditions

#### **HCC Highways**

No objection

### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

Against: 3

- loss of trees
- intensification of use/overdevelopment
- road safety concerns
- loss of outlook
- loss of privacy
- refurbishment would be preferable

For: 2

- existing properties are tired
- would improve the area
- no.43 has been derelict for more than 10 years

## 10 PLANNING ASSESSMENT

### Background

The previous scheme at this address was similar to that now proposed in that it was for two pairs of semi-detached houses to replace the existing pair on site. It was refused for three reasons as follows:

*1 By reason of the number of dwellings proposed on the site, this would result in unacceptable layout and cramped form of development which would have an unacceptable and adverse impact on the spacious character of the area, the street scene and its local distinctiveness. As such, the proposals would result in harm to the street scene and spacious pattern of development in this location due to the loss of spaces between the proposed buildings and the site boundaries. This is compounded by the associated loss of front garden space and front boundary enclosures resulting in harm to the quality of the street and, in view of the layout of the parking spaces and proximity of these spaces to habitable rooms with no adequate buffer would lead to harm to the future amenity of occupants of the proposed dwellings. As such the proposed development would be contrary to Policy ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park and the Ringwood Local Distinctiveness SPD.*

*2 The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality impacts on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites".*

*3 Ecological information to confirm the presence or otherwise of protected species on the site has not been submitted. Therefore, the Local Planning Authority cannot be satisfied that the proposals would not result in potential adverse impacts on protected species such as bats, nesting birds and common species of reptile. In the absence of this ecological information, appropriate mitigation measure cannot be secured to ensure that protected species would not be harmed as a result of the development. As such, the proposal is therefore contrary to Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park.*

In summary these refusal reasons relate to the cramped nature of the proposal, loss of front garden and associated boundary feature and harm to future amenity in view of the proximity of the parking spaces to habitable rooms. Secondly as there was no legal agreement to secure habitat mitigation or air quality monitoring and



thirdly in view of the lack of ecological information as the site had become overgrown and cleared prior to the submission of the application.

In the subsequent appeal the main reasons were identified as the effect of the proposal upon the character and appearance of the area; and the effect upon the living conditions of future occupiers with particular regard to outlook and disturbance. The ecological reason for refusal was addressed through the submission of a report at the appeal stage.

The appeal was dismissed after being found to unacceptably harm the character and appearance of the area and impact on the living conditions of future occupiers.

The planning assessment of this current application needs to consider if the matters of concern identified at the appeal have been addressed by the revised proposals.

### Principle of Development

Policies STR3 and STR4 advise that Ringwood is one of the main towns within the district where residential development is acceptable and can be provided in a sustainable location. There are no objections to the principle of residential accommodation in this particular area which is predominantly residential. The proposal offers both 2 and 3 bedroom properties and would accord with the requirements of policies STR1 and HOU1 in providing a mix of house sizes. This reflects the outcome of the appeal.

### 5 year 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 (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it 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 [8], granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Footnote [8] of the NPPF clarifies that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 78, or where the Housing Delivery Test indicated that

the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged. It is considered that in this case the development must be considered in accordance with the 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 strong 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 strong reasons for refusing the development having applied the test at Limb 1.

The 2024 NPPF requires particular regard to be given to key policies for directing development to sustainable locations. Making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when applying the said tilted balance.

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.

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

In order to comply with Policy ENV3 of the Local Plan, new development is required to be sympathetic to the environment and context in terms of layout, appearance and in relationship to adjoining buildings and spaces. The site is within Character Area 7 – Parsonage Barn and East Fields of the Ringwood Local Distinctiveness SPD. Para 4.7.16 refers to the distinctive turn of the twentieth century red brick and painted cottages on Manor Road

Policy R7 of the Ringwood Neighbourhood Plan relates to the Ringwood Design Code. It requires development to be appropriate to their scale, nature and location, residential development proposals must demonstrate high quality design and legible layouts which, where relevant, have taken account of the positive aspects of local character defined in the Ringwood Design Code

It is noted that the current proposal has been amended in order to seek to address concerns raised previously. These changes increase the proposed spacing between the two pairs of houses, provide parking to the side of the dwellings and modernise the appearance of the properties.

Having regard to the cramped nature of the previous scheme, in the appeal scheme plots 3 & 4 were less than 1.5m from the southern boundary to the site. The Inspector concluded that the proximity of the proposed dwellings to each other and adjoining dwellings would give the proposal a confined and cramped appearance (paragraph 9). The spacing to the south has now been increased to 3m, resulting in plot 4 being 5.4m from no.45 with a first floor gap of 9.6m. This

increased space also enables access to a single rear sited garage to plot 4. In creating this space, plots 3 & 4 now have small front garden areas with side accesses as can be found elsewhere within the estate and are part of its character. The spacing between the proposed pairs of houses has also been increased from 2m to 5.6m. The greater spacing between existing and proposed dwellings represents a significant improvement to the previous scheme.

In considering the parking layout, the inspector concluded in para. 10 that "The parking would appear overly dominant rather than have the more subservient impact that occurs elsewhere within the estate."

The revised layout allows for parking to be provided to the side of both plots 2 & 3 which enables plot 2 to have a small front garden area. Plot 1 previously had three parking spaces outside its frontage, not all of which would have been for that property. The current scheme shows two parking spaces to the frontage of Plot 1, both of which would be for that dwelling. Whilst this is not ideal and the concerns of the Local Ward Member have been noted in this respect, there are other properties in the estate where cars can be seen in front of the dwelling. Although these also have a small garden to the front, on the application site there would be strips of land and a boundary hedge adjacent to the proposed spaces. Furthermore, the reinstatement of the side (northern) boundary to the rear of the dwelling would help to mitigate against any harmful impact on the street scene to this northern corner of the site. It is further noted that the approved layout for the bungalow to the rear of no.41 included two parking spaces for no.41 in this location (19/10624).

The frontage of the site now offers a more typical garden/drive layout rather than one dominated by the parking and a layout only interspersed with greenery as previous proposed. These changes together with an appropriately detailed and maintained landscaping scheme, would limit the dominance of parking and would offer an improvement on the previous proposal. These changes make the current proposals appear acceptable within the street scene and would respond to the prevailing character of the area. As such this would address these previous concerns.

The Appeal Inspector raised concerns that the proposals did not reflect the harmony of house styles within the estate (paragraph 8) concluding that referencing the Victorian properties to the north would disrupt the row of houses. The design of the houses are now more reflective of the local vernacular within the estate. Previously, the houses were designed with sash style windows which were more comparable to the older properties in Manor Road to the north west of this site. The proposal now includes casement windows which are similar to others that are readily apparent within the estate and indeed the houses proposed to be demolished.

A revision to the plans has been made to reduce in the length of the ridge to plots 1 and 2 which is now more comparable to the hipped roof form of nos.49/51 and 53/55. In addition, pitched porch canopies have been added which also reflects both existing houses and those immediately to the south. The proposed materials reflect the brick plinths and render of these hipped roof properties too, resulting in a more appropriate design and appearance.

As such overall, it is considered that the previous reason for refusal and concerns expressed at appeal in relation to the character and appearance of the area have now been addressed and the proposal complies with Policy ENV3 in that it is sympathetic to the environment and local context. The proposal also demonstrates compliance with paragraph 135 of the NPPF in that it would function well, offer

effective landscaping and would be more sympathetic to local character.

### Residential amenity

Policy ENV3 requires development to avoid unacceptable effects on residential amenity through overlooking, visual intrusion and overbearing impact. It is relevant to note that impact on residential amenity was not a reason for refusal of the previously scheme except in relation to the location of the proposed parking relative to the proposed dwellings.

Whilst plots 3 and 4 have first floor side windows, these serve ensembles and are indicated as being obscure glazed and therefore do not raise an amenity concern.

To the rear of the proposed dwellings, each house has a rear facing bedroom with either two (plots 1 and 2) or a single (plots 3 and 4) window. Plot 1 predominantly overlooks the front drive area of the bungalow to the rear (1b Green Lane) whilst plot 2 could have some oblique views into the rear garden of this bungalow it is largely screened by a small shed on the boundary of the site with a separation distance between proposed dwelling and shed of approximately 8.6m. Whilst the proposal is now for 4 dwellings on the site to replace the existing two properties there is already an element of mutual overlooking from the existing houses. There are six existing first floor rear facing windows and there would be two additional rear facing bedroom windows as a result of these proposals (giving a total of eight windows). Whilst the rear windows in Plots 1 and 2 would be closer to 1b Green Lane, the site is located in a built-up area and given the existing context any additional overlooking would not be considered to be harmful. It is further noted that landscaping at the end of the garden here could further mitigate against any adverse impact. The current occupier of the property at 1b has also written in support of the proposal.

Plots 3 and 4 are separated from the dwellings to the rear in excess of 21m and as such, would not lead to harmful overlooking of properties in Parsonage Barn Lane. Whilst there may be some oblique views from the rear of plot 3 towards the bungalow at 1b Green Lane, the neighbours shed on the boundary offers some screening and the relationship is not dissimilar to others found in an urban area.

The proposed dwellings are considered to be far enough away from neighbouring properties so as not to impact on light to habitable rooms or amenity space and overall therefore, the proposal is considered to comply with policy ENV3 of the Local Plan Part 1.

The proposed dwellings benefit from on plot parking, mainly located to the side of each dwelling. Although for plot 1, the parking would be immediately to the front of the property there is a narrow landscape buffer and the parking is for that dwelling rather than it being for communal use as was of concern previously. As such this relationship would not adversely affect living conditions of future occupiers to an unacceptable level.

It is therefore considered that the residential amenity issue relating to the location of parking spaces has been addressed and the proposal is not considered to adversely affect the residential amenities of either existing or future occupiers in the area and as such, complies with Policy ENV3 and paragraph 135 of the NPPF as it avoids unacceptable effects on residential amenity.

### Highway safety, access and parking

Policy ENV3 requires development to be easy and safe to navigate and, together with policy CCC2 requires development to have adequate parking for cycles and

cars.

At present, the site does not have any vehicular access points off of Manor Road although no.43 has a small parking area to the rear accessed off Green Lane. The proposal entails the creation of three new crossovers with plots 2 and 3 sharing the central and widest access point. The Highway Authority has not raised any objections to the proposal in respect of the proposed accesses onto Manor Road but this would be subject to an appropriate drop kerb licence application, as would the closing of the access on Green Lane.

Since the previous application was refused, a telecommunications box has been provided on the grass verge outside no.43. However, it is unlikely that this would be affected by the positioning of the proposed access points.

In accordance with the Parking Standards SPD, the proposed development generates a recommended parking provision of 9 spaces (2 per 2-bed and 2.5 per 3-bed). Eight parking spaces plus a garage are indicated on the submitted plan. Although the split is not entirely in line with the recommended provision, there is capacity to provide any shortfall within the site through parking in tandem.

There are no cycle stores indicated on the submitted plans but the site is large enough to accommodate such provision without harming residential or visual amenity or highway safety and can be required 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. Electric Vehicle charging points have not been indicated on the submitted plans. Whilst this was previously secured by planning condition, recent changes to the Building Regulations require the provision of electric charging points and therefore such a condition would no longer be necessary. This would also be the case for electric vehicle charging points.

The proposal is therefore considered to comply with the relevant parts of Policies ENV3, CCC2 and IMPL2.

### Ecology

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures.

The previous application was refused due to the absence of ecological information to determine the presence or otherwise of protected species. At the appeal stage, a report was submitted and as a result, it was considered that the findings of the report could be conditioned.

The current submission includes an Ecology & BNG Assessment. This is an updated version of the ecological assessment provided at appeal stage and the proposed dwellings and layout have also been amended to deal with the outstanding matters from the appeal. This Assessment proposes mitigation measures such as hedgehog holes in fences, the provision of swift boxes, bat tubes and bee bricks within the fabric of the dwellings and recommendations to minimise the impact of the proposal on bats through lighting. These measures are all welcomed and could be secured through condition.

Since the submission of the previous scheme, mandatory biodiversity net gain has been introduced for proposals of this nature. The application has been supported

with a BNG assessment which confirms a net loss of habitat and hedgerow units which will require the provision of 0.16 habitat units and 0.02 hedgerow units in order that the required 10% gain is achieved. As this is a mandatory requirement, planning conditions are not necessary as it is an already deemed condition imposed on development through legislation but in accordance with our approach to this an informative note is included within the decision notice.

### Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

In response to the requirements of the 'Air Quality Assessments in New Development' Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no solid fuel appliances, electric car charging points and the gas boiler below minimum standard.

### Climate Change

The applicant has submitted a Climate Change Statement to support their planning application which addresses the requirements of the Council's Planning for Climate Change SPD and the statement notes a number of enhancement details for sustainability. This statement indicates that the development would make use of solar panels, heat pumps and local materials.

Policy R10 of the Ringwood Neighbourhood Plan relates to the desire to minimise energy use in new buildings. Ringwood Town Council have referred to this policy requirement in their comments. It is noted that in the previous appeal the Inspector considered that the appeal scheme would provide some small homes that could be zero carbon, as required by Policies R5 and R10 of the NP (Para 14).

In consideration of this matter, further details have been submitted with the current planning application, The Planning Statement states that the proposed development will incorporate appropriate renewable and low carbon energy resources (to be finalised) to reduce the predicted energy use of the buildings. The buildings would be constructed using energy efficient insulation, double glazed windows, A-rated appliances and light bulbs and efficient boiler systems. Furthermore, the size and orientation of the habitable room windows will maximise solar gain and enable adequate natural light to reduce reliance on artificial heating and lighting sources.

The applicant state that Policy R10 (Zero Carbon Buildings) is supported since the development would be designed to minimise the amount of energy needed to

heat and cool buildings through landform, layout, building orientation, massing and landscaping. As such these details demonstrate that the proposals would be compliant with Policy R10 in the delivery of a zero carbon development and other efficiencies can be implemented during the construction phase under the necessary building regulations approval.

## **Habitat Mitigation and off-site recreational impact**

### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') and Policy ENV1 of the Local Plan Part 1 an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Unilateral Undertaking, which secures the retention /transfer of the required habitat mitigation contribution that was made at the appeal for this scheme. There is no requirement for any uplift since the original payment was made during the course of the appeal.

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

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

River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

#### Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant has entered into a Unilateral Undertaking, which secures the retention /transfer of the required air quality monitoring contribution that was made at the appeal to this scheme. There is no requirement for any uplift since the original payment was received during the course of the appeal.

#### Developer Contributions

As part of the development, the following has been secured via a Section 106 agreement:

- Habitat mitigation (£10,354)
- Air quality monitoring (£218)

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	364.6	219	145.6	145.6	£80/sqm	£17,068.80 *
Subtotal:	£17,068.80					
Relief:	£0.00					
Total Payable:	£17,068.80					

*\*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:*

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

## 11 OTHER MATTERS

None



## 12 CONCLUSION / PLANNING BALANCE

Planning Committee Members will be 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 the NPPF is a material consideration. Paragraph 11 of the Framework is considered to be engaged and 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 however, means that the tilted balance in NPPF paragraph 11(d) is engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.

Furthermore, paragraph 195 of the NPPF sets out that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”

The Local Planning Authority as “Competent Authority” has, through the Appropriate Assessment been able to conclude that the proposed development would not have an adverse affect on the integrity of the Habitat Sites if the appropriate mitigation is secured. In the absence of a completed legal agreement, the presumption in favour of sustainable development does not apply in this instance, in accordance with Paragraph 11(d)(i).

It is appropriate therefore, to move to the second limb of paragraph 11(d) of the NPPF; the so called “tilted balance”.

In respect of the above, paragraph 11(d)(ii) now requires particular regard to be had towards well designed places and the application is considered to comply with this requirement.

In considering the harm of the development, the proposal would be within a sustainable location being in the built up area and is considered to be an acceptable form of residential development which would not harm the character of the area, highway safety ,residential amenity or lead to other harmful impacts

The proposal would result in a net increase of two dwellings, and whilst this would make a very modest contribution to housing stock, the benefits of the provision of these two dwellings would not lead to adverse impacts. Revisions have been made to the previous scheme since it was refused and dismissed at appeal in order to

overcome the identified concerns. It is now considered that the proposal would be an acceptable scheme which would maintain the character of the overall estate whilst providing much needed dwellings in this established residential area of Ringwood.

Appropriate contributions have been secured and the proposal is therefore considered to comply with policies ENV1, ENV3, STR1 and CCC2 of the Local Plan Part 1. As such, the current proposals have addressed previous concerns and planning approval is therefore recommended 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:

9836/100 rev.D - site, block and location plan  
9836/101 rev.B - units 1 & 2: proposed floor plans & elevations  
9836/102 rev.C - units 3 & 4: proposed floor plans & elevations  
9836/103 rev.B - indicative street scene  
9836/105 rev.A - proposed garage  
9836/106 rev.A - visibility plan  
23-817/001A - residential development existing site plan  
Ecology and BNG Assessment - ABR Ecology dated 10th October 2024  
- Final V 2.0

Reason: To ensure satisfactory provision of the development.

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

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

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

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

5. 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).

6. Within 2 months of the commencement of development, 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; and
  - d) other means of enclosure.
  - e) a method and programme for its implementation and the means to provide for its future maintenance.

The development shall be undertaken in accordance with those details prior

to the occupation of the dwellings or the completion of the development, whichever is the sooner

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Each of the dwellings hereby permitted shall not be occupied until the spaces for the dwelling to be served shown on plan 9836/100 rev.D for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 9836/100 rev.D for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the dwellings hereby approved at all times.

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

9. The development hereby permitted shall not be occupied until details of cycle parking facilities for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities for each plot shall be provided in accordance with the approved details prior to the first occupation of each of the dwellings that they serve. The cycle parking so approved thereafter retained for that purpose at all times.

Reason: In the interests of reducing car dependency and in accordance with Policy CCC2 of the Local Plan Part One for the New Forest outside of the National Park

10. The first floor bathroom/ensuite windows on the side elevation of the approved building on Plot 1-4 shall be:
- i) permanently glazed with obscured glass.

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

and the windows shall be retained as such in perpetuity.

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

- 11. The works hereby approved shall be undertaken in strict accordance with the Ecological & BNG Assessment dated 10th October 2024 unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancements identified in section 5.24 of this report shall be installed prior to occupation of the dwellings hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species and secure ecological enhancements 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).

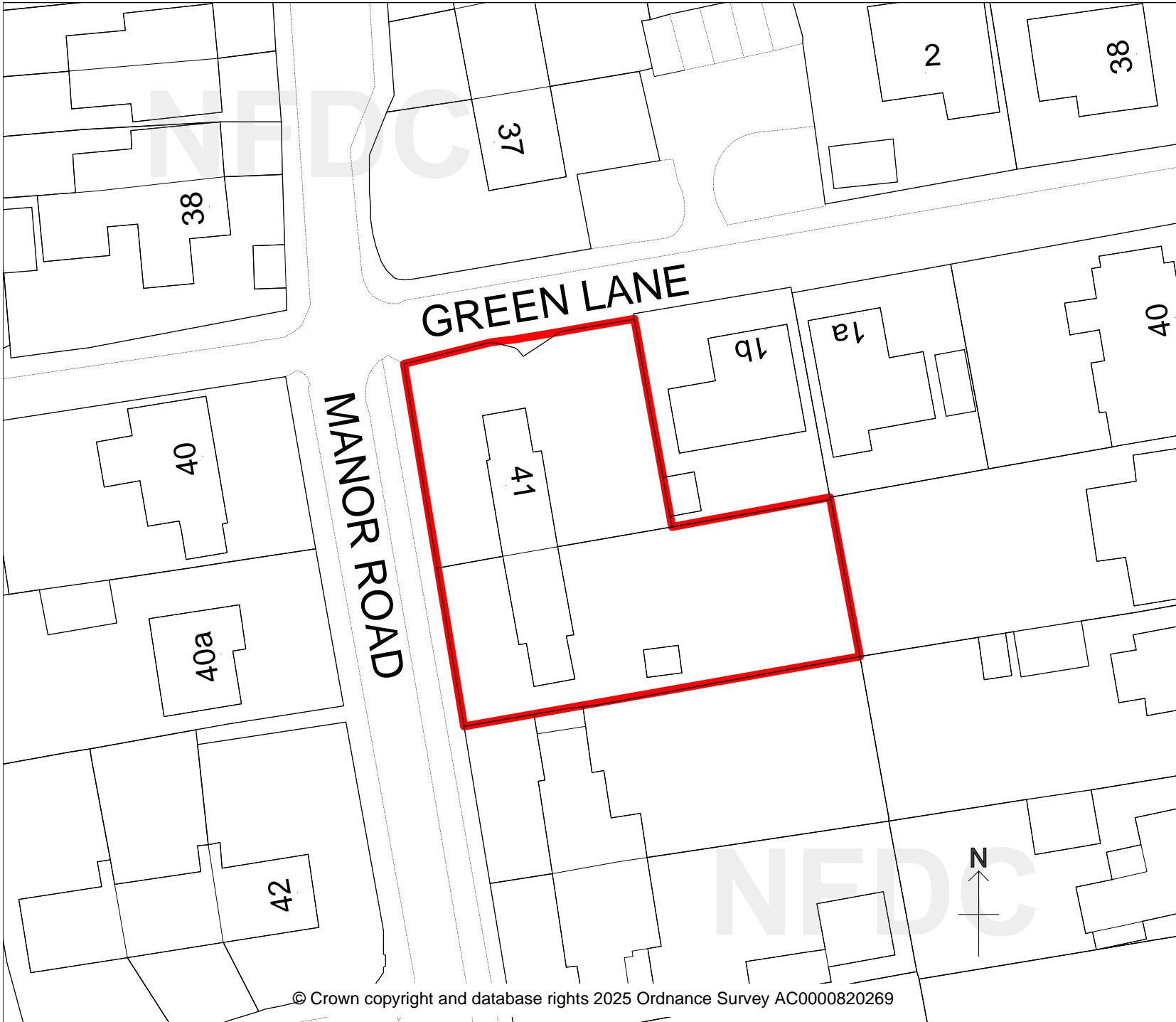
- 12. No development or vegetation clearance shall take place between March 1st to August 31st inclusive.

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

**Further Information:**

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# New Forest DISTRICT COUNCIL

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Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

March 2025

Site of 41 & 43 Manor Road  
Ringwood

24/10919

Scale 1:500

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

Planning Committee 12 March 2025

**Application Number:** 24/11007 Full Planning Permission  
**Site:** VICARAGE MOOR COTTAGE, THE COMMON,  
SOUTH END, DAMERHAM, SP6 3HR  
**Development:** Proposed garden room  
**Applicant:** Mr & Mrs Snowdon-Darling  
**Agent:** Mr Smith  
**Target Date:** 10/01/2025  
**Case Officer:** Kate Cattermole  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Parish Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Street scene and character and appearance of the rural area
- 2) National Landscape
- 3) Residential amenity
- 4) Flood risk.

## 2 SITE DESCRIPTION

The application site consists of a detached dwelling, situated in the rural village of Damerham. The property is sited along a narrow hedge lined road, which provides access to detached dwellings of various periods and styles set within reasonable sized plots. The property is within the Cranborne Chase National Landscape. To the north east of the property is the Allen River and a large pond is sited close to the boundary with the application site. Part of the garden falls within Flood zones 2 and 3.

The existing dwelling is a thatched cottage sited to the eastern end of the plot, side on to the road. The grounds of the property have a long road frontage, and by reason of the siting of the dwelling there is limited space to the rear of the dwelling. A detached single storey garage is sited forward of the dwelling, side on to the road frontage with a gravelled driveway to the front divided by fencing from the garden area. The land levels across the site slope down towards the pond which is adjacent to the site.

## 3 PROPOSED DEVELOPMENT

Single storey detached outbuilding sited within the front garden area of the dwelling. Amended plans have been submitted which introduce a green sedum roof and French drain around the building.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
92/NFDC/49947 Single-storey addition	19/06/1992	Granted	Decided
92/NFDC/49948/LBC Single-storey addition	19/06/1992	Granted	Decided
89/NFDC/42738 Erect 1.8 metre high brick wall	13/03/1991	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV3: Design quality and local distinctiveness

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

Policy CCC1: Safe and healthy communities

### **Local Plan Part 2: Sites and Development Management 2014**

DM20: Residential development in the countryside

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

SPG - Landscape Character Assessment Cranborne Chase National Landscape Management Plan

SPG - Residential Design Guide for Rural Areas

### **National Planning Policy Framework 2024**

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.14 - Meeting the challenge of climate change, flooding and coastal change

NPPF Ch.15 - Conserving and enhancing the natural environment

### **National Planning Policy Guidance**

### **Plan Policy Designations**

Countryside

National Landscape

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Damerham Parish Council**

The Parish Council voted all in favour of recommending PAR 4 Refusal for the following reasons:

- There is a surface flooding problem to be considered
- Neighbour objections regarding visual aspect, out of character building in a protected area
- Lack of information and clarity on application regarding size of building

## 7 COUNCILLOR COMMENTS

No comments received



## 8 **CONSULTEE COMMENTS**

No comments received

## 9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 0

Against: 1

- Vicarage Moor Cottage has been extended previously and the existing garage has been converted into a home office and studio space and extension of car parking area. Further development would be out of keeping with the character of the area and excessive in close proximity to neighbouring property
- Existing flooding in road, would be exacerbated by proposed development

## 10 **PLANNING ASSESSMENT**

### Principle of Development

This application is for a householder development for a modest outbuilding within the residential curtilage of Vicarage Moor Cottage. The property is located in a sensitive location as it is designated countryside and falls within the Cranborne Chase National Landscape. In addition, part of the garden area, including the area where the proposed outbuilding would be sited within Flood Zones 2 and 3.

The relevant local plan policies to take into consideration are Policies ENV3 , STR2 and CCC1 of the Local Plan Part 1: Planning Strategy and Policy DM20 of the Local Plan Part 2 and the National Planning Policy Framework. Subject to these criteria being complied with, the principle of development would be acceptable. Compliance with these policies is considered within the report.

### Impact on the street scene and character and appearance of the rural area

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, and the character and identity of the locality

Policy DM20 requires all residential development in the countryside to be of an appropriate design, scale and appearance in keeping with the rural character of the area, and not be harmful by reason of activity including traffic generated by the development.

Due to the layout of the plot the main amenity space is to the front of the dwelling, and screened by a hedge along the boundary with the road. The proposed outbuilding would be of a flat roof design, it would be 2.8m in height with a modest floor area of 15sqm (measured externally). Even though the outbuilding would be sited to the western side of the garden away from the dwelling, by reason of its modest dimensions, its siting within the plot away from front boundary and the land levels within the site - being slightly lower than the road - , the proposed building would not appear intrusive within the street scene.

Furthermore, the proposal would be an appropriately sized incidental building within the residential curtilage. The proposed building would be timber clad and the amended plans have introduced a green sedum roof which would reflect the natural environment. These proposed materials would be appropriate to the rural character of the area. The building, to be used as a garden room, is to be used in association

with the residential dwelling and as such would not result in increased activity around the site.

As such the proposed outbuilding within the residential curtilage would be appropriate to the character and identity of the locality in accordance with Policy ENV3, and would be of an appropriate scale, design and appearance in this sensitive rural location thereby according with Policy DM20.

#### Impact on the National Landscape

Government guidance within the NPPF Chapter 15 and Policy STR2 of the Local Plan Part 1 identifies that very significant weight should be given to the special qualities and purposes of the Cranborne Chase National Landscape. The character, quality and scenic beauty of the area is protected and should be enhanced. In 2019 the Cranborne Chase National Landscape was designated the 14th International Dark Sky Reserve in the world, and hence the visibility of stars is a key attribute to the National Landscape.

Further government guidance for developments in National Landscapes was issued in December 2024 which requires relevant authorities to take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes. In determining applications it should be considered if the proposed development is appropriate and proportionate to its function and its implications for the area; and whether the proposals contribute to the conservation and enhancement of the Protected Landscape in terms of wildlife, ecological value and quality, geological and physiographical features, water environment, cultural heritage, dark skies, tranquillity, opportunities for access to nature, and landscape character for which the area was designated.

By reason of its siting within a residential curtilage, modest scale and design the proposed outbuilding would not adversely impact on the scenic landscape of the Cranborne Chase National Landscape. The only fenestration within the building are the glazed doors which face across the garden of the application site, and coupled with the proposed use of the building any light pollution from this building would be limited, and would not be directed skyward. There are no harmful impacts identified from the proposed outbuilding, and as such it would accord with local and national policies.

The proposed outbuilding would be utilised in an incidental manner to serve the needs of the occupants, and coupled with its modest dimensions and siting within the residential curtilage of the host dwelling would be an appropriate and proportionate form of development for its required function. Furthermore, the proposed outbuilding, by reason of its modest form and siting, would not have wider implications for the area and would comply with this later government guidance.

#### Residential amenity

Policy ENV3 states that new development will be required to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on residential amenity.

The only dwelling to be potentially impacted by the development, by reason of the siting of the proposed outbuilding, would be Marsh Gate Cottage which is to the south of the application site and on the opposite side of the road. By reason of the modest height of the proposed outbuilding, combined with its flat roof form it would not result in an overbearing impact upon this neighbouring property nor be visually intrusive. Neither would the building create issues of overlooking or shading. The

only fenestration on the building would be on the northern elevation facing away from the neighbouring property so would not create issues of light pollution either. As such the proposal would accord with Policy ENV3 in respect of an acceptable impact on residential amenity.

### Flooding

Policy CCC1 of the Local Plan states that vulnerable developments will not be permitted in areas at risk of flooding unless in accordance with the sequential and exceptions tests. Paragraph 176 of the National Planning Policy Framework states that householder applications are not required to be subject to the sequential test in respect of flood risk and a flood risk assessment is sufficient.

Part of the site falls within Flood Risk Zones 2 and 3, and it would appear that part of the footprint of the proposed outbuilding would be located within this area. A flood risk assessment has been submitted and includes details of measures that have been considered in the event of flooding. The site is already in residential use and the proposed outbuilding would not result in an intensification of this use. As such the proposal would accord with the local plan policy, as flood measures have been considered and applied where appropriate.

Information has been provided by a neighbour in respect of an existing surface water issue on the road, in the form of photographs and a response from Hampshire County Council. It would appear that the existing problem is due to the water having no exit from the road. The proposed outbuilding would be set away from the road boundary, and by reason of its siting and modest footprint there is nothing to suggest that this proposed development would exacerbate the existing surface water issue. However, the amended plans that have been accepted have introduced a French drain which would surround the footprint of the building and direct any run off into the garden away from the road. As such this matter has been considered but does not raise concerns.

## **11 OTHER MATTERS**

None

## **12 CONCLUSION / PLANNING BALANCE**

The proposed development would comply with Policy ENV3 of the Local Plan Part 1 as the proposed outbuilding would be appropriate to the character of the area and would not adversely impact upon the amenities of neighbouring properties. Furthermore, the proposed outbuilding by reason of its materials, modest size and design would be consistent with the objectives of Policy DM20 of the Local Plan Part 2 and Policy STR2 of the Local Plan Part 1, in respect of being acceptable within the countryside and the setting of the National Landscape. Even though the outbuilding would partly fall within a flood zone, flood drainage measures have been considered and measures to combat flooding would be incorporated in the building thereby according with Policy CCC1 of the Local Plan Part 1.

To conclude, the proposed development would result in an acceptable form of development that would be in accordance with national and local planning policy, and therefore the application is recommended for approval.

## 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:

- 24-1052/001C Proposed Floor Plans and Elevations as deposited with the Local Planning Authority on 21 February 2025
- 24-1052/002B Site Plan as deposited with the Local Planning Authority on 6 February 2025
- Flood Risk Assessment - submitted 9th December 2024

Reason: To ensure satisfactory provision of the development.

#### Further Information:

Kate Cattermole

Telephone: 023 8028 5446



# New Forest DISTRICT COUNCIL

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

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
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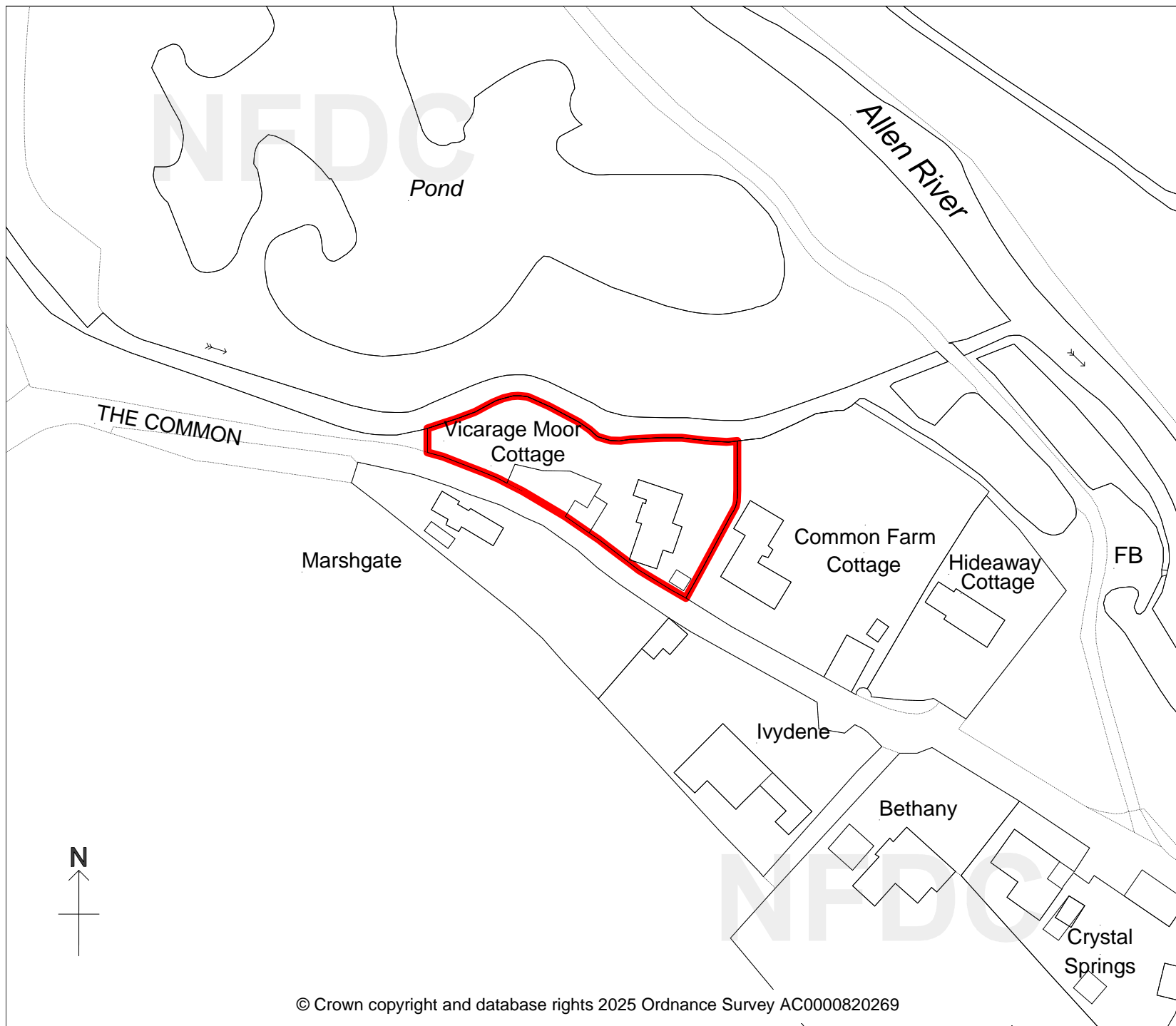
## PLANNING COMMITTEE

March 2025

Vicarage Moor Cottage  
The Common  
South End, Damerham  
24/10919

Scale 1:1000

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the internet, it will not be to  
scale.



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Planning Committee 12 March 2025

<b>Tree Preservation Order:</b>	<b>TPO/0008/24</b>
<b>Location:</b>	Land at 6 Albert Road New Milton, BH25 6SP
<b>Tree Officer:</b>	Barry Rivers
<b>Officer Recommendation:</b>	To confirm the Tree Preservation Order
<b>Reason for Referral to Committee:</b>	Objections received.

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The public amenity value of the tree and its value to the wider community.
2. The expediency to protect this tree

## 2 TREE PRESERVATION ORDER HISTORY

The subject tree is situated to the rear of a residential garden of a domestic dwelling located on the eastern side of Albert Road, New Milton. The sycamore tree sits to the rear boundary of the garden.

The Order was made in response to a request from the owners of the property in which the tree is situated, to consider protecting the tree.

A Tree Preservation Order (TPO) was made on 17 October 2024. (Appendix 1.) Neighbours of the property have put in writing their objections to the Order.

## 3 THE TREE

The TPO covers a single individual mature sycamore tree. The tree is visible, in part, from several public vantage points including Albert Road, Vincent Road, Gore Road and Hobart Road.

## 4 POLICIES

### Relevant Legislation

Town and Country Planning (Tree Preservation) (England) Regulations 2012

### Local Plan Part One:

- Policy ENV4 – Landscape Character and Quality

## 5 PLANNING HISTORY

None

**6 PARISH / TOWN COUNCIL COMMENTS**

No comments submitted

**7 COUNCILLOR COMMENTS**

No comments received

**8 CONSULTEE COMMENTS**

None

**9 REPRESENTATIONS RECEIVED**

There are three letters of objection received to the Order from 7 & 9 Vincent Road and one with an unknown address. There is one letter in support of the Order from the tree owner. The representations are summarised below:

Representation received from the Tree Owner:

- We have an excellent example of a sycamore tree in the rear of our garden.
- Over the years it's been maintained by various professionals tree surgeons and all are extremely surprised it is not got a TPO.
- We need to protect these trees and the neighbours at the rear of our property keep raising the idea of cutting it down which would be a terrible loss but I terms of the tree and the wild life and eco system that live within it.
- Please do take the opportunity to look into this I'd like it to be protected as we continue to look after it.

Representations received in Objection to the Order:

- Co dominant trunks, this is a potential structural defect, and the tree may split and collapse.
- The objectors consider the tree is in a hazardous condition and is a danger to people and property.
- The overhanging branches are at risk of breaking and falling onto garden buildings in adjacent properties.
- Signs of rot, decay at base with raised soil around the base up to 2 feet increasing likelihood of further decay
- The tree is not significantly visible from any road, only the driveway of Vincent Road. Therefore, this tree does not contribute to the public amenity of the area. The presence or lack of the tree would have no significant impact on the local environment.
- Sycamore trees are a common tree with no species merit or value.
- The requirement to gain prior consent to work on the tree through the tree work application process will prevent or avoid any future maintenance carried out on the tree.



## 10 CONSIDERATION OF THE GROUNDS FOR OBJECTION

- The request for protection of the tree was received from the current tree owners. They are keen to retain their tree and appreciate the value it provides to them and the surrounding area
- An initial site visit was made firstly to view the sycamore tree from a public vantage point to satisfy the requirement, that it is visible from a public place prior to the order being made. The sycamore tree can be seen from the public highway/footway at multiple locations in the locality so meets the test that it, or at least a part of it, is visible from a public place. It is a relatively large tree and hence it can be seen from neighbouring roads as a backdrop feature. As such the tree is considered to have a good level of public amenity in the local townscape contrary to the representations made in the objections.
- In response to the objections received, on the grounds of safety and whether the stated codominant trunk and potential presence of rot presents a sufficient reason not to afford the tree protection, Officers have visited the site and inspected the tree. Officers are content following an assessment that the overall structural condition of the tree is satisfactory. There is a wound on the base of the trunk but there is no evidence of any decay in the main stem resulting from this wound. The reaction growth and wound wood formed by the tree indicates that the tree has compensated for the wound and this feature does not impact the long-term life expectancy of the tree at present.
- The tree, at the time of the site visit was in reasonable overall physiological condition and the overhanging branches did not appear to be at an increased risk of failure
- The condition of a tree can and does change over time and in response to external factors and climatic conditions - regular routine inspections are advised as part of good arboricultural management. The presence of a TPO upon a tree does not absolve the tree owner of the responsibility for its management and the general duty of care they have to visitors and neighbours. The tree owner has advised they have had the tree managed by Arboricultural Association approved contractors in the past. If the tree owners are concerned over the condition of the tree, in the future, they may wish to obtain the advice of a suitably qualified arboriculturist which may be submitted to support an application for remedial works if necessary.
- The imposition of a TPO on a tree does not prevent an owner, or neighbour carrying out reasonable routine management of the tree. There is no financial charge made by New Forest District Council in the processing of tree work applications.
- A TEMPO (Tree Evaluation Method for Preservation Orders) assessment was undertaken on the tree to evaluate its suitability for protection, and it confirmed that a TPO was defensible (appendix 2.)
- An additional benefit of retaining trees in towns is their positive contribution to green infrastructure and canopy cover, biodiversity, and associated ecosystem service provision. Government guidance sets out that where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. Mature

large canopy trees are particularly valuable in terms of the associated benefits they provide in the urban/built environment through cooling/shade, filtering of airborne pollutants, carbon sequestration and provision of biodiversity. Although these factors alone would not warrant making an order they should be considered as a general community benefit to the preservation of mature trees in towns, particularly in a declared climate and nature crisis.

- Sycamore is a relatively common species, and a long-naturalised tree. It has been cited as an important replacement species for the ash trees which are being lost due to ash dieback. With similar growing characteristics and a host for many types of insects providing food sources for birds and foraging bats, a source of pollen and nectar for bees. It does therefore provide associated ecological benefits.

## **11 CONCLUSION**

A local planning authority may only make a tree preservation order where it appears to the authority that it is expedient to protect a tree or woodland in the interests of amenity.

This sycamore tree provides a positive contribution to the amenity of the area. The tree is under good management at present but if the property were to change hands without the protection of this TPO there is a threat that the tree may be removed due to the evident pressure being exerted by neighbours. Therefore, in the interest of public amenity it is expedient to confirm this Tree Preservation Order.

## **12 RECOMMENDATION**

### **CONFIRM THE TREE PRESERVATION ORDER**

#### **Further Information:**

**Barry Rivers**

**Tree Officer (Planning)**

**023 8028 5629**

**barry.rivers@nfdc.gov.uk**

**HUMAN RIGHTS ACT 2000**

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order:

TPO/0008/24 LAND AT 6 ALBERT ROAD, NEW MILTON

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.

In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

Whilst I recognise that the decision to make the TPO may interfere with the 2 aforementioned rights, I believe it is necessary to do so in the public interest (so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed: *James Carpenter*

James Carpenter  
Strategic Director for Place, Operations and Sustainability

Date: 18th October 2024

## TOWN AND COUNTRY PLANNING ACT 1990

### TREE PRESERVATION ORDER TPO/0008/24

#### LAND AT 6 ALBERT ROAD, NEW MILTON

The New Forest District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

#### Citation

1. This Order may be cited as the TPO/0008/24 - LAND AT 6 ALBERT ROAD, NEW MILTON.

#### Interpretation

2. (1) In this Order "the authority" means the New Forest District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

- (a) Cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 18th day of October 2024

*Mark Wyatt*

Authorised by the Authority to sign in that behalf

**SCHEDULE**

**SPECIFICATION OF TREES  
TPO/0008/24**

**Trees specified individually**  
(encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
T1	Sycamore	Situated on the eastern extent of property rear garden, as shown on plan.



**Tree Preservation Order Plan**





Town and Country Planning Act 1990

TPO Number: TPO/0008/24

Scale: 1:1000

Date Printed: 17/10/24

**Key**

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



**New Forest**  
DISTRICT COUNCIL

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4th October 2024      Surveyor: Barry Rivers

**Tree details**  
 TPO Ref (if applicable): N/A      Tree/Group No:      Species: Sycamore  
 Owner (if known): Owners of 6 Albert Road      Location: Rear garden of subject property 6 Albert Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good      Highly suitable
- 3) Fair/satisfactory      Suitable
- 1) Poor      Unlikely to be suitable
- 0) Dead/dying/dangerous\*      Unsuitable

**Score & Notes 5**      Appears in good general health as observed on site. (not detailed inspection)

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- 5) 100+      Highly suitable
- 4) 40-100      Very suitable
- 2) 20-40      Suitable
- 1) 10-20      Just suitable
- 0) <10\*      Unsuitable

**Score & Notes 4**

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees      Highly suitable
- 4) Large trees, or medium trees clearly visible to the public      Suitable
- 3) Medium trees, or large trees with limited view only      Suitable
- 2) Young, small, or medium/large trees visible only with difficulty      Barely suitable
- 1) Trees not visible to the public, regardless of size      Probably unsuitable

**Score & Notes 3/4**  
 Large tree visible from various public vantage points as a backdrop skyline feature

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes 1**  
 Although it is a relatively old tree in the locality

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes 1/2**  
 Concern over pressure for potentially excessive works carried out under common law rights

**Part 3: Decision guide**

- Any 0      Do not apply TPO
- 1-6      TPO indefensible
- 7-11      Does not merit TPO
- 12-15      TPO defensible
- 16+      Definitely merits TPO

**Add Scores for Total:**  
 14 or 16

**Decision:**  
 TPO defensible



# New Forest DISTRICT COUNCIL

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www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

March 2025

6 Albert Road  
New Milton

TPO/0008/24

Scale 1:1000

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the internet, it will not be to  
scale.

