

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 AUGUST 2025, AT 9.00 AM

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

Enquiries to: Email: joe.tyler@nfdc.gov.uk
Joe Tyler Tel: 023 8028 5982

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

Kate Ryan
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

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 9 July 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) The Malt and Hope Inn, 43-45 South Street, Hythe, SO45 6EA (Application 24/10842) (Pages 5 - 22)

Change of use of Public House and first floor flat to Day Nursery; landscaping; cladding to north elevation of coach house and larger window to south elevation (description amended).

RECOMMENDED:

Grant subject to conditions.

(b) Avondale Lodge Care Home, Hythe Road, Marchwood, SO40 4WT (Application 25/10450) (Pages 23 - 32)

Change of use of care home to C3 dwelling house.

RECOMMENDED:

Refuse.

(c) The Old Farmhouse, Salisbury Road, Burgate, Fordingbridge, SP6 1LX (Application 23/11306) (Pages 33 - 56)

Reconstruction/conversion of outbuilding to two three-bed and one two/three-bed dwellings; demolition of outbuildings and erection of new building comprising one four-bed dwelling and one three-bed dwelling; new access and boundary wall onto Fryern Court Road; associated parking; hard and soft landscaping.

RECOMMENDED:

Delegated Authority be given to the Service Manager Development

Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Habitat Mitigation, Air Quality Monitoring and Habitat Mitigation Monitoring.
- ii) the imposition of the conditions set out in the report.

(d) **The Old Farmhouse, Salisbury Road, Burgate, Fordingbridge, SP6 1LX (Application 24/10054) (Pages 57 - 68)**

Restoration of the listed building including proposed internal wall, Reconstruction/conversion of outbuilding to two three-bed and one two/three-bed dwellings; reconstruction of a matching wall; demolition of curtilage listed outbuildings and part of the boundary wall (Listed Building Consent).

RECOMMENDED:

Grant subject to conditions.

(e) **Site of Former Police Station, Southampton Road, Lymington, SO41 9GH (Application 25/10518) (Pages 69 - 74)**

Display 3 non-illuminated flagpole signs, 5 banner signs, 3 post mounted signs, 1 wall mounted sign, 1 non-illuminated balcony sign (Application for Advertisement Consent).

RECOMMENDED:

Grant advertisement consent.

(f) **10 Newlands Close, Blackfield, Fawley, SO451WH (Application 25/10479) (Pages 75 - 86)**

Sever land to accommodate 1 x detached house; new double garage and widen existing driveway onto Walkers Lane North to serve existing and new property; bin storage; 1.8m high boundary fence.

RECOMMENDED:

Refuse.

(g) **10 Deerhurst Close, Totton, SO40 8WQ (Application 25/10570) (Pages 87 - 92)**

Detached double garage within the front garden of the property.

RECOMMENDED:

Grant subject to conditions.

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

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

Human Rights

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

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, 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

Planning Committee 13 August 2025

Application Number:	24/10842 Full Planning Permission
Site:	THE MALT AND HOPS INN, 43-45 SOUTH STREET, HYTHE SO45 6EA
Development:	Change of use of Public House and first floor flat to Day Nursery; landscaping; cladding to north elevation of coach house and larger window to south elevation (description amended)
Applicant:	2 Hats Development & Leisure Ltd & Hythe Nurture Haven Day Nursery
Agent:	Kingston Studio
Target Date:	26/11/2024
Case Officer:	John Fanning
Officer Recommendation:	Grant Subject to Conditions
Reason for Referral to Committee:	Contrary views received from Local Ward Councillor and Parish Council.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) The principle of development
- 3) Highway related impacts
- 4) Amenity impacts
- 5) Physical alterations and heritage

2 SITE DESCRIPTION

The site is situated within the defined built-up area of Hythe and within the Hythe Conservation Area. The site is occupied by a (currently vacant) public house on the southern side and an ancillary 'coach house' building on the northern side. The buildings are set back from the site frontage behind an area of hardstanding for vehicular access and parking. A hard surfaced gap between the 2 main buildings on the site provides access to land to the rear where a new building, intended as 4 units of visitor accommodation, has recently been built, albeit that the building is not yet complete or occupied.

The surrounding area has a mixed character, primarily consisting of residential uses. Surrounding properties are typically set close to South Street, in contrast to the application buildings.

3 PROPOSED DEVELOPMENT

The application proposes the conversion of the currently vacant public house (with associated flat at first floor level) to a use as a day nursery for child care. The

nursery is proposed to operate between 08:00 and 18:00 Mon-Fri and be closed on weekends. During operation, the applicant has indicated 8 staff would be on site looking after a maximum of 40 children.

The application also proposes retrospective physical alterations to the 'coach house' building, including dark timber cladding on the site frontage. Alterations are also proposed to the site layout, including changes to the subdivision of the site to the rear with associated fencing. The existing frontage of the site is hard surfaced and some additional landscaping of the frontage is proposed in order to facilitate an amended parking layout.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
25/10556 Variation of condition 14 of planning permission 23/10482 to allow the approved visitor accommodation building to operate independently of the Malt and Hops Inn Public House		Pending determination	
23/10482 Single-storey rear extension; visitor accommodation building to rear garden; refurbishment of Coach House to form visitor accommodation; fenestration alterations; solar panels; demolition of existing single-storey extension; extend driveway to provide additional parking; landscaping	16/11/2023	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON1: Employment land and development
 Policy ECON2: Retention of employment sites and consideration of alternative uses
 Policy ENV3: Design quality and local distinctiveness
 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
 Policy STR8: Community services, Infrastructure and facilities

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
 DM2: Nature conservation, biodiversity and geodiversity
 DM19: Small local shops and public houses

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
 SPG - Hythe - A Conservation Area Appraisal
 SPD - Mitigation Strategy for European Sites
 SPD - Parking Standards

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Policy H2 - New residential buildings that facilitate future conversion and utilisation of roof space to provide additional accommodation will be encouraged

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend REFUSAL

The Committee felt that the suggested mitigated parking solution provided by the developer would not negate the committee's previous concerns, as listed below:

1. The Committee has concerns over the potential for increased traffic movements on an already busy main route to and from the village centre and Hythe Marine Park.
2. On-street car parking on parts of South Street already creates a risk to pedestrians when trying to cross South Street. Further on-street car parking could occur, especially at drop off and pick up times at the nursery. This could increase the risk to pedestrians.

7 COUNCILLOR COMMENTS

Cllr Alex Wade: Requests that application be referred to Planning Committee for consideration if recommendation is contrary to the Parish advice to refuse.

- Development will significantly increase traffic in an area ill-suited to such intensity
- Concern about highway safety
- Conflict during pick-up/drop off times
- Nursery provision supported in principle but location not suitable
- Loss of existing community pub

8 CONSULTEE COMMENTS

NFDC Ecology

No objection

NFDC Trees

Following the amendments to the scheme, no objection

NFDC Environmental Health (Pollution)

Comments: Concerns that additional information is required to manage noise/activity associated with external play area.

NFDC Conservation

Objection. Change in use of building would weaken role that building plays within the social vitality of surrounding area, which would weaken the contribution the building plays within the context of the surrounding conservation area. Proposed cladding

and additional rooflight window would erode historic form of coach house building and result in a more domestic appearance.

HCC Highways

No objection. Consideration should be given to compliance with regulatory standards for child to staff ratio. Concern that parking spaces are not larger than standard to allow for additional accessibility. Notwithstanding these matters, on the basis of the submitted information, no objection is raised with regard to potential impacts on highway safety.

9 REPRESENTATIONS RECEIVED

18 letters of support received:

- Shortage of nurseries in the area
- Positive use for local community
- Pub had declining visitors over time
- Highway impacts similar to other nursery uses in the area
- Proposed operators have experience from other properties
- Provides jobs in local area
- Less impact than existing pub use

277 letters of objection received:

- Limited on-road parking capacity in local area (narrow roads/parking restrictions)
- Will prove disruptive to surrounding highway, particularly at pick up/drop off times
- Concerns about highway safety
- No need for additional nursery provision
- Nursery provision supported but inappropriate location
- Pub should not have closed; pub should be retained as a valuable community facility which supports a wide range of community functions
- Inappropriate to have houses in close proximity to a nursery; existing site unsafe for nursery use
- Harmful impact on viability of Hythe town centre associated with loss of pub
- South Street is a busy route within the local area providing access to nearby commercial area
- Proposal will exacerbate existing on-road parking issues
- Harmful impact for neighbouring residents associated with noise and activity from children on site/use of garden area
- Insufficient on-site parking capacity
- Site will not open as a nursery and will be used to justify change to dwelling

10 PLANNING ASSESSMENT

Site history

The site has previously operated as a public house with associated garden land to the rear. Under application reference 23/10482, planning permission was granted for a number of alterations on the site, including the formation of new ancillary visitor accommodation associated with the public house use. This involved the conversion of the existing 'coach house' building on the northern boundary of the site and the formation of 4 new residential units in a new building in what was previously the pub garden.

These works have been partially implemented on site, but the buildings have not currently been occupied.

It is noted that condition 14 of planning permission 23/10482 reads as follows:

"The visitor accommodation building hereby approved and the coach house building which is the subject of this planning permission shall only be used for the purpose of serviced visitor accommodation in conjunction with the Malt and Hops Inn Public House and shall not be occupied by the same person or persons for more than one month in any calendar year; and at no time shall these buildings be used as an independent dwellinghouse/dwellinghouses falling within Class C3 of the Use Classes Order 1987 (as amended and revised)."

A separate application has been submitted under application 25/10556 which seeks to amend this condition to enable the visitor accommodation units to be occupied independently of the public house use. On this basis, this application will be considered solely with regard to the specific impacts associated with the proposed use.

Principle of development

Policy STR8 is generally supportive of proposals which involve the provision of education, health, social and other community services that are located to be accessible to all sectors of the community. The policy also has a presumption against any development that involves the loss of education, health, social and other community services unless the use of the site or building is redundant or the service will be provided in another way.

Policy DM19 provides specific guidance in relation to the loss of small local shops and public houses outside of defined local shopping frontages. It states that the loss of such premises will not be permitted where the proposal would result in the loss of an important local facility or if it would leave the local area without such a facility. It notes that a change of use to an alternative business/employment or community use will be acceptable where the loss is permitted.

The application site is situated in relatively close proximity to, but outside of, the defined Hythe town centre boundary. The main town centre is situated around 350m to the north of the application site and includes other pubs or similar establishments such as Ebenezers, The Dusty Barrel and The Lord Nelson (all situated less than 500m to the north of the application site). The town centre also offers a variety of other facilities and wider food and drink uses.

The proposed use is as a children's day care nursery. The applicant has provided a copy of a Hampshire County Council Childcare Sufficiency Assessment document (dated February 2025), which indicates an expectation that by 2030 there will be a shortfall in nursery provision of 52 spaces in the Hythe Central ward (while indicating a potential surplus in the neighbouring Hythe South ward of 31 spaces). Childcare demand typically serves a localised need within an area and represents a vital aspect in providing local residents with the opportunities and services required in their day to day lives.

It is recognised that public houses provide a valued service to their local communities and that the Malt and Hops has historically acted as a focal point for a variety of community functions within the local area. Notwithstanding this, the site is situated in close proximity to the main Hythe town centre, with other public houses and food and drink uses being situated within 500m of the application site. On this basis, it is not considered that the proposal would result in the loss of an important local facility or leave the area without such a facility.

Furthermore, it is noted that Policy DM19 identifies that in the case where the loss of a public house is permitted, support is given to alternative business/employment or community uses. In this case, the proposed replacement use is a child care nursery, which is considered to represent an acceptable alternative use that would provide an important service for the local community as well as providing additional employment within the local area with up to 8 staff at any given time (and child care provision enabling more flexible working for local residents).

Policy STR5 outlines the defined housing need within the district. It is noted that the proposal involves the loss of the existing first floor level flat which is associated with the public house use. While there is a defined housing need within the district, there is not a specific policy which resists the loss of dwellings. In this case, as outlined above, the proposed child care nursery would provide a beneficial community facility. As such, no objection is raised to the loss of the residential element of the existing public house use.

On the basis of the criteria outlined above, while the proposal would result in the loss of a public house, it would be replaced by an alternative community facility that would provide significant child care benefits, and there are other alternative public houses within 500m of the site. On this basis, the proposed change of use is considered acceptable in principle with regard to the criteria laid out in Policies STR8 and DM19.

Notwithstanding this, careful consideration must be given to the specific impacts of the proposed use as they relate to the individual circumstances of the application, which are considered further below.

Highways

Policy ENV3 indicates that new development should integrate suitable car and cycle parking spaces to address the needs of the proposed development without being prejudicial to the character and quality of the surrounding area or highway safety. Policy CCC2 requires the provision of suitable parking areas in accordance with the Council's adopted parking standards.

At present, the application site has two access points to the highway, one on the southern side of the site accessing a hard surfaced parking area and one on the northern side of the site providing access to a hard surfaced parking area and access through to the rear of the site.

The area of highway immediately outside of the application site is covered by a single yellow line, which restricts parking during the hours of Mon-Sat 8AM-6PM (though stopping to load/unload or to allow passengers to disembark or embark would be permissible).

The change in use from a public house to a use as a child care nursery will result in a change in the pattern of comings and goings associated with the site. The applicant has provided a Transport Statement and Noise Management Plan which provide some additional details and context on the proposed operation of the use.

In terms of trip rates associated with the use, section 4 of the Transport Statement considers the relevant total trip rates associated with the existing public house use and the proposed nursery use. The table below provides a summary of the net impact of development:

	AM Peak (08:00-09:00)		PM Peak (17:00-18:00)		Daily
	Arrivals	Departures	Arrivals	Departures	
Existing use	0	0	5	3	83
Proposed use	9	7	8	11	84
Net impact	+9	+7	+3	+8	+1

As evidenced, while there are anticipated to be a similar overall number of comings and goings when comparing the existing use as a public house and the proposed use as a nursery (with a net anticipated gain of 1 additional trip associated with the use per day), the specific pattern of use would be different. The Transport Statement highlights the likelihood of there being particular spikes in visits to the site, for example estimating 16 trips associated with the use between the hours of 08:00 and 09:00, compared to no trips in the existing use. The Highway Authority have not disputed any of the data in the applicant's Transport Statement. Nevertheless, careful consideration of the on-site parking capacity, surrounding area and management of the site is required in assessing whether the site is capable of accommodating this increase in intensity of visits at particular times of day.

At present, the property has some existing car parking on the frontage of the site. Under the 23/10482 planning permission, a landscaping scheme was agreed which indicated 4 parking spaces within the site frontage to service both the public house and coach house building and an additional 4 spaces to the rear to serve the 4 visitor accommodation units.

The current application proposes amendments to the site frontage to incorporate additional parking within an area of hardstanding previously used for external seating as well as a slight reduction in the landscaped area to the front of the site to accommodate an additional parking space. It is noted that the application relates solely to the front half of the site (the coach house and public house building and land to the rear) and does not include the rear half of the public house site (the new residential block). As such, the parking arrangement for the 4 residential units to the rear remains unchanged.

A single parking space is proposed to service the coach house use, while 6 spaces are proposed within the forecourt parking area to serve the proposed nursery use.

With regard to the existing use of the site, it is noted that with regard to Table 10 of Annex 1 of the Council's Parking Standards SPD, an eating and drinking establishment would typically have a recommended parking provision of 1 space per 5m² of dining area/bar area/dance floor. At the time of site visit, the internal area of the public house had been stripped. However, it is believed that the original main internal bar area associated with the use was ~85m², which would equate to a recommended parking provision of 17 spaces. The existing layout would provide 3 on-site spaces to address this need (resulting in a shortfall of 14 spaces). However, it is recognised that as a result of the accessible location of the application site and its proximity to the nearby town centre, many patrons would likely access the site by some combination of other modes of transport (pedestrian, cycle or public transport).

Table 7 of Annex 1 of the Council's Parking Standards SPD provides guidance for parking provision for day nurseries/playgroups and creches, indicating a recommended provision of 1.5 spaces per 2 full-time members of staff. Note 2

indicates that this parking provision is intended to accommodate staff, visitors and parents. The application has submitted a Transport Statement with the application which lays out some of the specifics of the proposal. It indicates that there would be a total of around 12 members of staff (operating in conjunction across both this site and another existing nursery site operated in Lymington by the nursery operator), of which it is estimated that there would be 8 staff on the application site at any given time. Taking 8 on-site staff, the parking standards would recommend a provision of 6 parking spaces, which is the number of spaces proposed as part of the submitted scheme.

Notwithstanding this, it is noted that nurseries will have particular spikes in comings and goings at pick up and drop off times and comparatively lesser impact at other times of day. In order to address this distinct pattern of use, the submitted Transport Statement includes a management strategy for addressing the highway impact of the development.

Firstly, section 5.4 of the Transport Statement suggests that the on-site parking spaces will not be utilised by staff and would be reserved solely for visitors/parents. Section 5.6-9 further outlines that staff will be instructed to utilise other forms of transport or directed to park in nearby public car parks within the Hythe town centre.

In terms of management of visitors to the site, section 5.11-12 outlines that parents will be allocated a 15 minute window for pickup/drop off, and a member of staff will be responsible for management of pick-up/drop offs to ensure that vehicles are not staying longer on site and to ensure that more than the identified capacity for 6 vehicles do not arrive on the site at the same time.

The Parking Standards SPD also includes a recommended provision of 1 secure long stay cycle hoop per 6 full time staff and at least 2 hoops to provide capacity for short stay/visitors. The application has proposed cycle parking within the rear of the application site (2 short stay hoops and 2 long stay hoops). In principle no objection is raised to the quantum of cycle provision proposed, though it is noted that the current proposed arrangement would partially restrict the utilisation of the cycle stands in that there is only 0.2m between the wall of the long stay cycle units and the hoop. It is considered that the number of hoops proposed is sufficient to address the need of the proposed development. However, it is considered that a condition would be required to secure further details of an amended cycle store design prior to the first occupation of development to ensure the useability of the proposed facilities.

As initially submitted, the Highway Authority did raise some concern that there was insufficient supporting information with the application. On review of the additional supporting information contained within the applicant's Transport Statement, the Highway Authority raised some concerns in terms of the tight arrangement of spaces and queried the compliance of the staff/child numbers. However, in summary, they do not consider that the development as proposed would result in a harmful impact on highway safety, noting that any additional on-street parking pressure would be for the Local Planning Authority to consider as an amenity issue.

While clarification in relation to the on-site management in the submitted Transport Statement is welcome, it is noted that, as it stands, the proposed provision of 6 parking spaces would be compliant with the Council's parking standards and no objection has been raised from the Highway Authority with regard to highway safety. On this basis, it is not considered necessary to further secure by condition the management strategy outlined.

With regard to the child/staffing numbers, it is noted that the number of children can reasonably be controlled by condition to manage the intensity of the use. The applicant has advised that the intention is for the use to operate with 30 children aged 2.5-4 and 10 'early year' babies (for a total of 40 children). It is understood that the required ratio of staff to children varies by age and qualification of the carer from 1 member of staff per 3 children up to 1 member of staff per 13 children. Specific compliance with other legislation would fall outside of the remit of the planning system to control. However, the submitted transport statement and noise management plan have been submitted on the basis of a limit of 40 children on the premises. It is considered reasonable to limit the capacity of the site in this regard to control the potential associated impacts of the development.

In relation to the concern about the layout of the spaces, it is noted that the spaces comply with the Council's identified parking standard guidelines.

Overall, having regard to the comments of the Highway Authority, it is considered that the proposal would not have an unacceptable impact with regard to highway safety. Furthermore, taking into account the above factors, it is considered that the proposal would be compliant with the Council's policies and standards as they relate to the highways implications of the development.

Amenity

Policy ENV3 requires that development should not have an adverse impact on residential amenity, including matters such as overlooking or noise generation.

As outlined above, the development is not considered by the Highway Authority to have a harmful impact on highway safety in relation to the additional comings and goings associated with the site. Notwithstanding this, the additional activity associated with the site has the potential to have a wider amenity impacts. Comings and goings and activity associated with the use have the potential to impact on the amenities of nearby residential properties as well as the visual amenities of the surrounding area.

The nearby Mariners Mews does not have parking restrictions but does have very limited on-road parking capacity. Within the immediate vicinity of the application site on South Street, there are existing parking restrictions (single yellow lines). As noted above, these would restrict against on-road parking during the proposed hours of operation of the nursery. As outlined above, it is considered likely that the overall number of trips associated with the use would be similar to before, with the main change being in the spacing of visits throughout the day. In particular, there would be an increase in activity at peak pick up and drop off times.

It is recognised that users will visit the site by a variety of methods, with nurseries often meeting a local need, meaning that some people may travel to the site by foot or cycle. Provision has been allocated within the site to accommodate these options. Notwithstanding this, many users will arrive by car and the site must be able to accommodate this capacity. As outlined above, it is considered that the proposal is compliant with the Council's identified parking standards for a use of this type. On this basis and with regard to the surrounding on road parking restrictions, it is not considered that the proposal would cause material harm to residential amenities / the amenities of the area.

A day nursery would also have other potential impacts. The application proposes the use of an external area to provide a play space for children. This matter is considered within the submitted Noise Management Plan which notes that the proposal is intended to operate 08:00-18:00 Mon-Fri and at no time during the

weekend. Section 3.8 has also identified that children will be supervised while within the external play area, with only small groups (8 children) being outside at any given time.

The Council's Environmental Health team have reviewed the noise management plan and did request further details restricting the hours of use of the external play area, prohibiting the use of 'noise making equipment' (musical equipment, loud toys, etc) and potential acoustic fencing/barriers. It is considered that restriction of 'noise making equipment' would be difficult in terms of practical enforceability and overall represent an unreasonable restriction in the context of the proposed use. Furthermore, the existing site operates as a public house within an existing residential area which comes with a certain amount of existing noise and activity associated with the site and at hours that would be far more unsocial to neighbouring properties than the proposed use. It is considered that a balanced approach must be taken with regard to controlling the impacts of the development within the context of the existing use. Overall, taking into account the proposed hours of operation and a provisional condition restricting the number of children within the garden area at any given time, it is considered that the proposal would not have a materially harmful impact in terms of associated noise and activity when compared to the existing use of the site.

It is noted that the change in the use of the site does involve some change in the relationship with the surrounding buildings, including the previously approved visitor accommodation facilities within the coach house building and the new units to the rear. At first floor level, the rooms identified as 'sleep' and one of the rooms labelled 'early years' have side facing windows that would look out towards the rooflight windows of the adjacent coach house building. Whilst these are existing windows (serving bedrooms), the proposal would, in effect, create independent planning units, whereby the proposed new day nursery would operate entirely independently of the approved visitor accommodation units unlike the existing operation where they operate as a single cohesive use. As such, overlooking issues need to be reappraised.

The windows within the coach house building are intended to serve as the primary outlook for habitable rooms where there is a reasonable expectation of a degree of privacy. Of the windows overlooking from the public house building, one serves as a secondary outlook (with another window to the front of the property) while another has two windows serving a centrally positioned room without any other outlook. The applicant has advised that the room without any other outlook has been provisionally designated as a 'sleep' area and would not be unduly affected if its windows were required to be obscurely glazed. Taking into account the amended relationship between the two uses, it is considered appropriate and necessary to require the glazing to these side facing windows to be obscured prior to the first occupation of the nursery use in order to protect the amenities of the adjacent visitor accommodation use.

It is noted that to the rear there is a close relationship with the new visitor accommodation units to the rear of the site. Taking into account the subdivision of the uses, there would be some mutual overlooking between windows. The nursery is only intended to operate between 08:00-18:00 Mon-Fri, whilst the visitor accommodation would be occupied more so outside of these hours. There is proposed to be some additional screening between the premises at ground floor level but otherwise the physical relationship between the properties would remain as existing. It is relevant to note that any impact on the occupants of the visitor accommodation would be temporary by nature. On balance, taking into account the specific circumstances and history of the application site, it is considered that the 17m set back between the buildings is sufficient to ensure an acceptable

relationship between the proposed day nursery use and the visitor accommodation building.

There is a smaller separation distance between the visitor accommodation building and the rear garden area of the proposed nursery use (around 6.7m at the closest point), and there would be some overlooking of the external space from windows on these properties. However, given the commercial nature of the nursery use, it is assessed that this relationship would not be materially harmful and would be a matter for the proposed operator when considering whether the site meets their needs.

Subject to the imposition of suitable conditions to control the nature and occupancy of the proposed nursery use, it is considered that the proposal would not have a harmful impact on the amenity of surrounding properties and would thereby be compliant with the requirements of Policy ENV3.

Trees

Policy ENV4 identifies the importance that green infrastructure plays in the character of a site and settlement and the importance of retaining such features. Policy ENV3(vi, vii) identifies the importance of providing green spaces with suitable planting and attractive landscaping within application sites.

The proposal, as originally submitted, incorporated a change in the use of the coach house building to act as independent accommodation, which raised concern with the Council's Tree Officer, as there is a protected tree immediately to the rear of this building, and there was concern that converting this area to private amenity space would place pressure to remove or prune this tree.

It is now proposed to retain this unit as visitor accommodation that would have a communal amenity area with the other units. On this basis, no objection is raised in relation to the impacts on the protected tree.

With regard to the above, it is considered that the relationship with the protected tree would be the same as previously approved, and it is considered that the proposal is compliant with policies ENV3 and ENV4.

Physical alterations and heritage

Policy ENV3 requires that development be sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity.

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).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) identifies that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.

Paragraph 203 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

No external physical alterations are proposed to the main building. The application does propose retrospective alterations to the coach house building, including cladding of the front with a black timber cladding, widening of a ground floor level window and one additional rooflight window to the side.

The site is situated within the Hythe Conservation Area. The application site is identified as a key/important unlisted building within the conservation area. The Hythe Conservation Area Appraisal document makes reference to the coach house building as 'a small cartshed, now much altered'. Point 9 of 4.5.2 identifies that 'The character of remaining outbuildings of traditional form and construction should be retained, even if permission is given for conversion to other uses'.

The Council's Conservation Officer has raised concern that the alterations to the coach house building fail to reflect the historic appearance of the structure. Previously, there was a garage style door on the front, with the rest of the frontage having a rendered finish. As part of the 23/10482 planning permission, approval was given to replace this with windows, with a timber section below so that while the opening was lost, the general form would still be read within the context of the building. The current application seeks retrospective approval for the cladding of the frontage of the building in dark timber, retaining the previously approved windows.

Overall, while the garage style access point will be lost, it is considered that the dark timber cladding would integrate acceptably with the context of the surrounding street frontage.

The Council's Conservation Officer has highlighted a concern that the alterations to the 'coach house' building would result in a more domestic appearance of the structure by the loss of the emphasis on the previous garage door form within the street frontage. On balance, it is considered that the previously approved alterations have already shifted the building to a more domestic design, and it is not considered that the loss of the change in materials below the ground floor windows would substantively alter the character of the structure within the street frontage.

It is considered that the coach house building would remain subservient in form and appearance to the other structures within the plot, and this historic relationship between the structures would still be visually retained.

Overall, notwithstanding the comments of the Council's Conservation Officer, it is considered that the alterations would not be harmful and would preserve the character and appearance of the conservation area, and no objection is raised in this regard.

The proposal would also result in some subdivision of the site, separating the land to the rear between the visitor accommodation building and an external area allocated for the nursery use. Hedge planting is proposed to act as a visual screen, along with a 1.5m high metal boundary fence. It is considered that the proposed physical subdivision and associated new boundaries would be appropriate in this context and

would not be harmful to the character and appearance of the area.

With regard to the additional landscaping proposed to the front and rear of the site, a landscaping condition has been recommended to secure the final appearance of the plot within the context of the surrounding street scene and conservation area. Overall, it is considered that the additional landscaping proposed would enhance the appearance of the property.

With regard to the matters outlined above, it is considered that the proposed development would preserve the character or appearance of the Hythe Conservation Area and would preserve the special character of the property in this context. It is therefore considered that the proposal would comply with the requirements laid out in Policy ENV3 and DM1.

11 OTHER MATTERS

Some concern has been raised in relation to the ongoing vitality and viability of the nearby Hythe local centre. It is considered that the proposal would provide valuable employment on the site and would result in some additional footfall within the nearby local centre associated with both staff and visitors to the site combining visits and going to other nearby shops and facilities.

Childcare provision also enables local residents who may not otherwise be able to return to the workforce additional options in terms of full time or part time working, improving local workforce availability and enhancing the local economy.

12 CONCLUSION / PLANNING BALANCE

The application proposes the loss of a (currently vacant) public house facility. The value that public houses play within a local community is recognised, and Policies STR8 and DM19 identify that the loss of such uses carries material weight in the assessment process, particularly where the proposal represent the sole facility within an area. In this case, the application site is situated within close proximity to the nearby Hythe town centre, where there are public houses which provide a potential alternative facility. Furthermore, the loss of the public house is balanced by the benefits of the proposed use as a children's nursery which would serve the local community. Overall, the proposed change of use is considered acceptable in principle.

However, consideration must be given to the specific impacts of the proposed development within the context of the application site and surrounding area. Significant concern has been raised, particularly with regard to the potential highway related impacts of the proposed development. A Transport Statement has been submitted, including details of the proposed management of the site to mitigate and control the impacts of the development. Overall, while the proposal would result in a change in the pattern of use when compared to the existing public house use, it is considered that these impacts could be adequately controlled by conditions limiting the capacity of the site. The Highway Authority have reviewed the application and advised they do not believe there would be an adverse impact on highway safety associated with the proposed development.

Consideration has been given to the amenity impacts associated with the proposal (in particular with regard to the additional comings and goings as well as the use of part of the rear garden as an external play area). It is considered that the impacts can be mitigated by conditions controlling the intensity and nature of the occupancy, and therefore it is considered that the proposal would be acceptable in the context of the existing lawful use of the site as a public house.

Some physical alterations are proposed as part of the proposed development, including alterations to the coach house building and changes to the layout of the site. Overall, it is considered that these alterations are sympathetic to the wider appearance of the surrounding conservation area and existing site and no objection is raised in this regard.

On balance and with consideration of the above issues, it is therefore considered that the impacts associated with the development can be acceptably controlled or mitigated by the use of conditions. On this basis, the application is therefore recommended for conditional approval.

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Drg No. 411.507 Rev A (Proposed layout)
Drg No. 411.506 Rev F (Proposed site plan)
Drg No. 411.505 (Proposed coach house)
Drg No. 411.504 (Proposed floor plan)
Drg No. 411.503 (Existing coach house)
Drg No. 411.502 (Existing elevations)
Drg No. 411.501 Rev A (Existing floor plan)
Drg No. 411.500 (Location plan)
Drg No. 20086-NMP-01-AA-R0 (Noise Management Plan)
Drg No. 020.0990/TS/3 (Transport statement)

Reason: To ensure satisfactory provision of the development.

2. No more than 40 children shall be accommodated on the application site at any one time.

Reason: In order to manage the intensity and capacity of the proposed development and to manage the proposed use to ensure it does not have a harmful impact on surrounding amenity and highway safety.

3. Prior to the first occupation of the nursery use hereby approved, the parking areas (as identified in Drg No. 411.506 Rev F) shall be implemented in accordance with the approved plans. These areas shall thereafter be retained for this use at all times.

Reason: To ensure adequate parking provision is made in the interest of highways safety and the amenity of surrounding properties.

4. No activity shall take place on the site in connection with the childcare nursery use hereby approved other than between the hours of 08:00 and 18:00 Monday to Fridays, not including recognised public holidays. No activity associated with the approved childcare nursery use shall take place at weekends.

Reason: To safeguard the amenities of nearby residential properties.

5. The external area to the rear of the nursery hereby approved (as indicated in Drg No. 411.507 Rev A) shall not be utilised by more than a maximum of 8 children at any one time.

Reason: To protect the amenities of the occupiers of nearby residential properties.

6. Prior to the first occupation of the nursery use hereby approved, the first floor side facing windows on the north-east elevation (serving the rooms identified as 'sleep' and 'early years' on Drg No. 411.504) shall be obscurely glazed. The windows shall be retained as such thereafter.

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.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent re-enactments thereof, the nursery use hereby approved shall be used for a use falling within Class E(f) purposes only and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: In the interests of ensuring provision of a community use and to control the activity and impacts of the proposed development.

8. Prior to the first occupation of the nursery use hereby approved, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

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

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 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.

9. Prior to the first occupation of the proposed nursery use hereby approved, further details of the proposed cycle storage arrangement shall be submitted for approval in writing by the Local Planning Authority. The nursery use shall not be occupied under the cycle storage has been implemented on site in accordance with these approved details. The cycle storage facilities shall thereafter be retained in accordance with the approved details.

Reason: To ensure that appropriate facilities to service the use are in place and to comply with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

John Fanning

Telephone: 023 8028 5962



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

The Malt and Hops Inn
43-45 South Street
Hythe
24/10842

Scale 1:1250

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

This page is intentionally left blank

Planning Committee 13 August 2025

Application Number: 25/10450 Full Planning Permission
Site: AVONDALE LODGE CARE HOME, HYTHE ROAD,
 MARCHWOOD SO40 4WT
Development: Change of use from care home to C3 dwelling house
Applicant: Mrs Chilton
Agent:
Target Date: 23/07/2025
Case Officer: John Fanning
Officer Recommendation: Refuse
Reason for Referral to Committee: Ward Councillor contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Housing land supply
- 4) Character and amenity
- 5) Highways and parking
- 6) Ecology and mitigation

2 SITE DESCRIPTION

The application site is situated in the defined built-up area of Marchwood. The site is currently occupied by a two-storey property which has been extended to project quite deeply into the plot. There is a garden to the rear and a shared accessway running down the side of the property, leading to a gravelled parking area to the rear. There are some trees and vegetation around this parking area which partially screen this part of the site from neighbouring properties.

The surrounding area is residential in nature, with a mix of styles and forms including both detached and semi-detached properties.

3 PROPOSED DEVELOPMENT

The site has historically operated as a care home but is currently vacant. The current application proposes the change of use of the property to a use as a single dwellinghouse, with no internal or external alterations proposed.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/10391 Change of use from care home to house in multiple occupation (HMO)	09/04/2025	Refused	Decided

05/83692 Two-storey extension	28/07/2005	Granted Subject to Conditions	Decided
04/81455 Two-storey extension	15/07/2004	Granted Subject to Conditions	Decided
03/80237 Ground-floor rear extension	18/02/2004	Granted Subject to Conditions	Decided
93/NFDC/52308 Additions on ground and first floors	11/08/1993	Granted Subject to Conditions	Decided
93/NFDC/51764 Additions on ground and first floors	12/05/1993	Refused	Decided
84/NFDC/28014 Change of use from residential to rest home.	15/03/1985	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU3: Residential accommodation for older people

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

Policy CCC2: Safe and sustainable travel

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

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council

No objection.

Note: Following on from a 'no objection' comment on the application as submitted, Marchwood Parish Council confirmed they would be happy to accept a delegated decision on the application.

7 COUNCILLOR COMMENTS

Cllr Richard Young

Wholehearted support for application. Fit within residential area, minimal impact on traffic and local environment. Provides a home for a family within the district. Urge support in the strongest terms.

8 CONSULTEE COMMENTS

NFDC Ecology

No comment

9 REPRESENTATIONS RECEIVED

21 letters of support received from local residents:

- More in keeping with surrounding area than previous application
- Reduction in traffic impact
- Support for applicant

10 PLANNING ASSESSMENT

Site history

The property has historically operated as a care home. No physical alterations are proposed as part of the current application. The property was most recently extended under application 05/83692, at which time the floor plans indicated the property had 12 separate bedrooms. A condition on that permission required that an upstairs 'office' window be obscurely glazed and top hung opening only. The current submitted plans indicate this room as a bedroom.

A recent application was submitted on the site under application reference 24/10391, seeking permission to change the use of the dwelling to serve as a sui generis House in Multiple Occupation (HMO). This application was considered by the Council's Planning Committee, and was subsequently refused in April 2025.

The application was refused for the following reasons:

1. The proposed development would represent an overly intensive form of development which would fail to provide a suitable living environment for future residential occupants. It is considered that the reduction and overall poor quality of external amenity space exacerbates concerns about a poor quality internal living environment and the cumulative impact would result in a poor quality living environment for proposed residential occupiers. The proposal would thereby constitute poor design which would be symptomatic of the overintensive nature of the proposed residential use. For these reasons, the proposal would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the provisions of Chapter 13 and paragraph 135 of the National Planning Policy Framework (2024).

2. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary

to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

Principle of development

The application site is located within the defined built-up area. Policy STR8 outlines that the Local Planning Authority (LPA) will typically resist the loss of education, health, social and other community facilities unless the use of the site or building is redundant or the service will be provided in another way. The provision of care facilities within the district is an important part of meeting the area's wider housing need. However, in this case, the use as a care home ceased in May 2022 and the property has been unoccupied since that date. This long period of vacancy, with no significant likelihood of the care home use resuming, weighs in favour of the site being used for an appropriate alternative use.

Policy HOU1 identifies the need to provide a mix and choice of dwelling types within the district to meet the diverse housing needs of the district's residents. In principle, it is considered that bringing the site back into use as a single dwelling would contribute to meeting the housing needs of the district.

Overall, taking into account that the building has been vacant since May 2022, significant weight must be afforded to bringing the building back into a use which can contribute to meeting the district's housing needs. On balance, weighing these matters against each other, it is considered that the loss of the care home is justified and the principle of the development is acceptable.

Housing land supply

In determining planning applications, there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (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[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.*

For reference, NPPF 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. As such, paragraph 11d of the NPPF is engaged in the case of this application.

Taking the first limb of paragraph 11(d), as this report sets out, there are specific policies in the NPPF which protect areas or assets of particular importance referred to within footnote 7 of the NPPF, that are relevant in this case - namely the policies that apply to designated habitat sites. 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 consider whether it complies with those policies or not. Following this, Officers have applied the planning balance, weighing up the material considerations in this case.

Character and amenity

Policy ENV3 requires that proposals must be sympathetic to their surrounding context and relate appropriately to the surrounding area. Proposals should accommodate the needs of the proposed occupiers, whilst avoiding harmful impacts upon the amenities of neighbouring properties.

The existing building is sizeable, having previously operated as a 12-bedroom care home (with 3 bedrooms at ground floor level and 9 bedrooms at first floor level, along with associated kitchen and living areas and an office space). Converted to use as a single dwellinghouse, this would result in a sizeable dwelling sufficient to accommodate substantial internal living space for the proposed occupiers. Whilst the number of proposed bedrooms (12) would be highly unusual for a single dwellinghouse in this context, there would be no in-principle policy objection to such a dwelling.

It is noted that the side facing window required to be obscured by condition as part of application 05/83692 serves as the sole outlook for a room identified as a bedroom on the current floor plans. It is considered that this arrangement would

represent a poor quality of outlook for a primary living space. Notwithstanding this, given the property is proposed to be occupied as a single residential unit, with 12 other rooms previously serving as bedrooms, it is considered that it would fall within the control of the occupiers to manage the use of this room. Overall, no objection is raised in this regard.

It is considered that there would be a reasonable quality of living environment for the proposed use as a single dwelling in terms of the internal and external living environment. The surrounding area is residential in nature, and it is not considered that the use as a single dwelling would be contrary to the existing pattern of use within the surrounding street scene. Nor is it considered the use of the building as a single dwelling would result in additional impacts that would be harmful to the amenities of neighbouring properties.

With regard to the issues outlined above, it is therefore considered that the proposal would integrate acceptably with the context of the surrounding residential area and would not have a harmful impact on the amenity of neighbouring occupiers. As such, it is considered that the proposal would comply with the requirements of Policy ENV3 in these regards.

Highways and parking

Policy ENV3 requires new development to integrate sufficient car and cycle parking spaces to address the needs of the proposed development without being prejudicial to the character and quality of the surrounding area or highway safety. Policy CCC2 requires the provision of suitable parking areas in accordance with the Local Planning Authority's adopted parking standards.

The property has an existing parking area situated to the rear of the site, accessed by a side accessway. At present, the space is informally laid out, with vegetation screening the boundaries of the site.

The Council's Parking Standards SPD has a recommended parking provision of 3 spaces for dwellings with 4 or more bedrooms. A detailed parking layout has not been provided with the application, but the existing parking area to the rear is sizable (with an area of ~275m², with a maximum width of 20m and maximum depth of 13.5m). It is considered that this space provides a reasonable and adequate area to accommodate the requirements of the proposed single dwellinghouse, noting that the site could easily accommodate 7 spaces (5 standard spaces to the rear and 2 parallel spaces running against the back of the garden) without any alterations to the existing on-site landscaping.

It is accepted that the Council's parking standards do not really cover the potential parking demand associated with a single dwelling with this level of accommodation capacity. However, in this case, as set out above, it is considered that the proposal would have sufficient on-site capacity to reasonably meet the parking demands of the proposed use.

No details of cycle storage have been proposed, though it is considered that there is capacity for this to be provided on the site, and this could be reasonably secured by condition.

Overall, based on the above, it is considered that the proposal would not have any adverse impact on highway safety, and it is considered that the proposed would be compliant with the relevant aspects of Policy ENV3 and CCC2.

Ecology and mitigation

An Appropriate Assessment has been undertaken with regard to the potential impacts of the development on designated habitat sites, both with regard to the recreational impacts of the development and the nutrient impacts of the development.

Policies ENV1 and DM2 (as supported by the Council's Mitigation for Recreational Impacts on New Forest European Sites SPD) identify a requirement for all development to appropriately mitigate the impacts of additional overnight accommodation on sensitive habitats within the Solent and New Forest area.

In this case, the proposal seeks a change of use from an existing care home (Class C2) to a use as a single dwellinghouse (Class C3).

Broadly speaking, it is considered that the nutrient and water quality impacts of the proposed development are likely to be similar to the existing use, given that no enlargement of the property is proposed, and it is unlikely that the intensity of occupation would increase. On this basis, the Appropriate Assessment concludes that given the particular circumstances of the application site and proposed use, it is neither appropriate nor necessary to pursue nutrient mitigation in this case.

However, with regard to Policy ENV1, care home uses would typically be expected to have much less of an impact than other residential uses in terms of the associated recreational and air quality impacts on designated European sites. As such, the Appropriate Assessment concludes that there would be an adverse impact associated with the potential additional recreational and air quality pressures from the proposed change of use to a single dwelling. Therefore, in accordance with Policy ENV1, it is considered appropriate and necessary to secure mitigation for the development on this basis.

This matter has been raised with the applicant on a number of occasions following the initial validation of the planning application in May 2025. To date, no response has been received from the applicant advising if they are willing to enter into a legal agreement to secure appropriate mitigation to address this issue.

In the absence of any mitigation being secured, the proposal would be contrary to Policy ENV1 in so far as the proposal would give rise to an unmitigated recreational impact upon Habitat Sites and, as such, the application can only be recommended for refusal.

Developer Contributions

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

- Air quality monitoring: £112
- Habitat Mitigation (Access Management and Monitoring) Contribution: £1,217
- Habitat Mitigation (Bird Aware Solent) Contribution: £1,251
- Habitat Mitigation (Infrastructure) Contribution: £7,657

11 OTHER MATTERS

N/A

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 given the Council's failure to be able to demonstrate a five year supply of deliverable housing sites.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- (iii) *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.*

Footnote [7] of the NPPF clearly refers to habitat sites and/or Sites of Special Scientific Interest amongst other designations. 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 above planning assessment identifies that the proposed development would have an adverse affect on the integrity of designated habitat sites if the appropriate mitigation is not 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). As such, the application can be refused without engaging the so called "tilted balance" in paragraph 11(d)(ii).

Notwithstanding the consideration that the scheme would otherwise be acceptable, in the absence of a legal agreement to secure appropriate mitigation, the application is therefore recommended for refusal.

13 RECOMMENDATION

Refuse

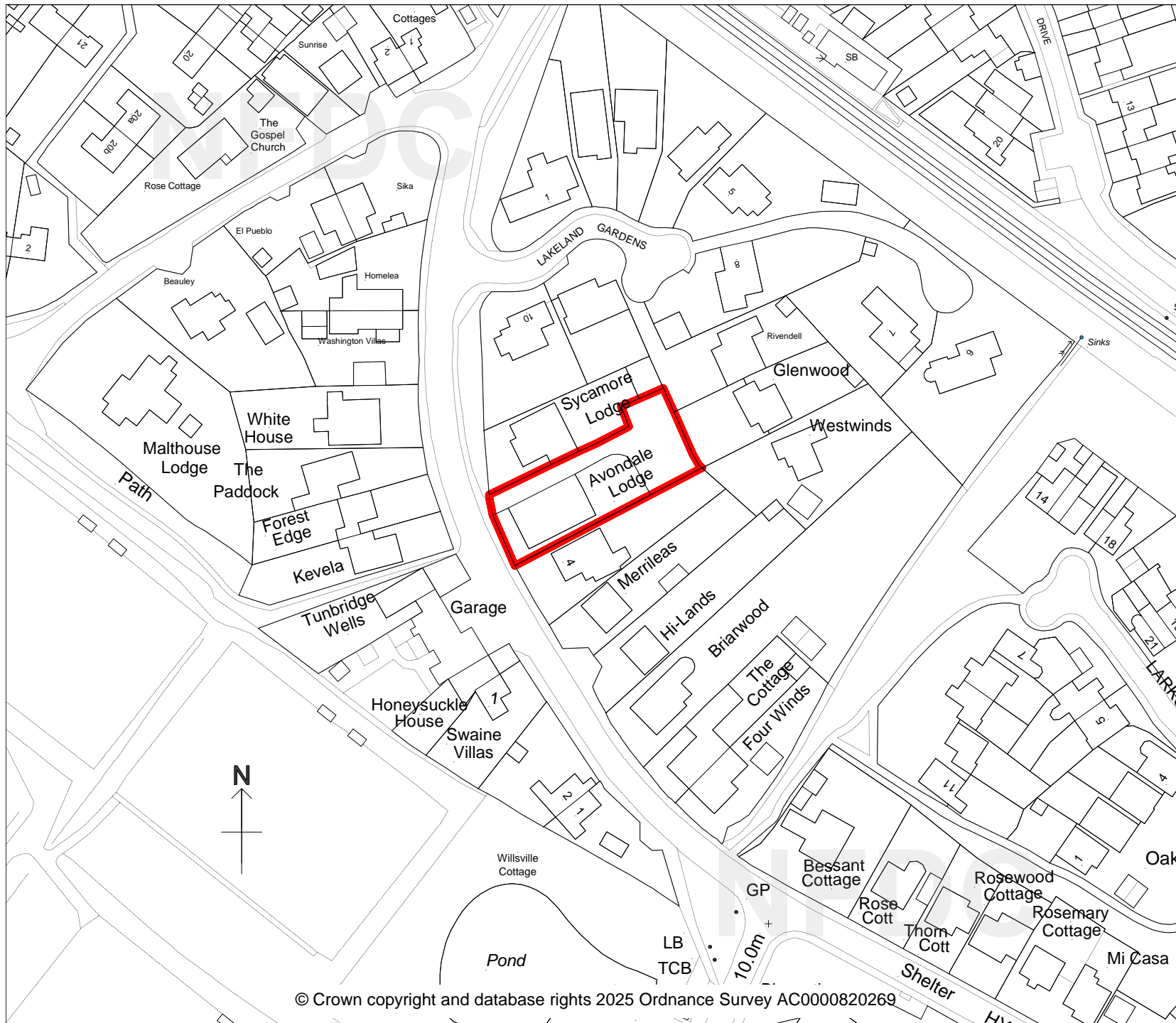
Reason(s) for Refusal:

1. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

Further Information:

John Fanning

Telephone: 023 8028 5962



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

Avondale Lodge Care Home
Hythe Road
Marchwood
25/10450

Scale 1:1250

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

Planning Committee 13 August 2025

Application Number:	23/11306 Full Planning Permission
Site:	THE OLD FARMHOUSE, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX
Development:	Reconstruction/conversion of outbuilding to two three-bed and one two/three-bed dwellings; demolition of outbuildings and erection of new building comprising one four-bed dwelling and one three-bed dwelling; new access and boundary wall onto Fryern Court Road; associated parking; hard and soft landscaping.
Applicant:	Cordage 46 Limited.
Agent:	CPC Planning Consultants Ltd.
Target Date:	20/03/2024
Case Officer:	Vivienne Baxter
Officer Recommendation:	Service Manager - Grant
Reason for Referral to Committee:	Item deferred from November 2024 Planning Committee

UPDATE

Members will recall the application was considered at the November 2024 Committee. The recommendation was to refuse planning permission for the development for the following reasons:

- 1. The proposal would result in 5 new dwellings in the countryside which would be harmful to the rural character of the area and would significantly alter the impact of built form on the site within its setting. In the absence of any material considerations to justify these dwellings, the proposal is contrary to policy DM20 of the Local Plan Part 2.*
- 2. The proposal would result in less than substantial harm to the character, appearance and setting of the listed building on site by reason of the demolition of much of Building D, the design of the reconstructed Building B (plots 5 and 6) and the scale and massing of the proposed dwellings (plots 2, 3 and 4) in relation to the listed building, whilst a proposed 2.1 metre boundary fence would also cause less than substantial harm to the setting of the adjacent Grade II Listed Building at Cross Cottage. In combination, this harm is considered to be at the more significant end of the spectrum of less than substantial harm. The proposal would therefore be contrary to policy ENV3 of the Local Plan Part 1 in that it would be an unsympathetic form of development in relation to the adjoining buildings and policy DM1 of the Local Plan Part 2 in that it does not adequately address the nature of the significance of the heritage assets.*
- 3. The proposal would offer poor and unsatisfactory levels of residential amenity for the 4-bedroom dwelling on plot 6 by reason of the limited amount of proposed*

external amenity space and the 2.1m high boundary treatment surrounding this area. The proposal would therefore be contrary to policy ENV3 of the Local Plan Part 1.

4. It has not been demonstrated that the use of the access by refuse vehicles would not overrun the limitations of the carriageway resulting in harm to highway safety. The proposal is therefore in conflict with policy ENV3 of the Local Plan Part 1.

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 and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures 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 Documents "Mitigation for Recreational Impacts on New Forest European Sites" and 'Air Quality in New Development'.

Members resolved to defer the application in order to allow officers the opportunity to negotiate with the applicant to resolve these matters. Additional reports and amended plans have now been submitted and the application now comes back to the Committee to be determined.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of the development
2. Listed building matters
3. Impact on the character and appearance of the area
4. Impact on the residential amenities of the area
5. Highway matters including parking
6. Ecology/biodiversity
7. Trees

2 SITE DESCRIPTION

The Old Farmhouse is a Grade II Listed Building which occupies a site on the southern corner of the junction of Salisbury Road with Fryern Court Road in Burgate. There are residential properties to the northern side of Fryern Court Road and immediately to the south of the site on Salisbury Road. The neighbouring property to the south, Cross Cottage, is also Grade II Listed. The majority of land to the rear of the site (west) is allocated as part of SS18, although the site and the adjoining part of SS18 are both within the countryside. The approved strategic site scheme (planning permission 21/11237) indicates that the large barn adjacent to the site's boundary would be demolished and removed, and the immediate area would form part of the public open space proposals for that scheme.

The northern and eastern boundaries of the site consist of mature hedging to the extent that the existing listed building is very well screened and can only be glimpsed when passing. The existing access off Salisbury Road, however, is quite open, with the outbuilding proposed to be substantially rebuilt being visible from the road. The vegetation includes mature trees, although there are none which benefit from TPOs.

Within the site, there are four outbuildings in addition to the farmhouse. That furthest from the listed building is a modern workshop (E) with limited historic significance. Building C situated in the rear garden is also of little historic

significance. Building D is sited very close to the rear elevation of the listed building and whilst the open sided cattle pen element of the structure is of no historic significance, the remaining elements of the building are considered to be curtilage listed and contribute to the farmyard layout. Building B is considered to be curtilage listed, although it is presently in a ruinous condition.

The farmyard part of the site contains a collection of vehicles, many of which have clearly been in situ for some time. Whilst there is an overgrown and unkempt appearance to the site at present, consent is not required to address this.

3 PROPOSED DEVELOPMENT

Since the application was reported to the Planning Committee in November 2024, amendments have been made to the scheme to seek to address the matters raised by Members. These amendments comprise the following:

- the retention and refurbishment of Building D
- reducing the scale of the new-build structure so it accommodates two dwellings rather than three
- providing three smaller dwellings rather than two large ones within the rebuilt Building B
- minor alterations to the shared nature of bin stores
- a reduction in the height of the proposed acoustic fence to the southern boundary
- partial demolition of the curtilage listed wall along Fryern Court Road in order to facilitate a revision to the access drive and parking/turning arrangements

The proposal is still for 5 new dwellings. This now entails the refurbishment of the existing listed farmhouse and building D for its ancillary use for Plot 1, the demolition of modern outbuildings (buildings C & E) and their replacement with a building comprising one 3-bed dwelling and one 4-bed dwelling (Plots 2 & 3) and the substantial rebuilding and conversion of an outbuilding (building B) into two 3-bed dwellings (Plots 4 & 5) and a 2-bed with study (Plot 6).

There would be a communal parking courtyard accessed off Salisbury Road containing 10 parking spaces and serving Plots 1 and 3-6. The bin store for plots 4-6 would also be within this courtyard. To the north of the site would be a new access off Fryern Court Road with 2 parking spaces to serve Plot 2. Vehicular access through the site would be possible in order to aid access for larger vehicles.

The existing farmhouse refurbishment (Plot 1) would result in a 4-bed dwelling (one ensuite) with living room, bathroom, dining room, breakfast area, kitchen and bike/refuse store at ground floor level. Building D would be available within the proposed garden area for uses ancillary to the dwelling.

The new build structure would accommodate two dwellings, Plot 2 having a kitchen dining area, shower room, living room and bed 3/study at ground floor level and two bedrooms and a bathroom at first floor level. Plot 3 would have an open plan kitchen, dining, living room, WC and two bedrooms with 'Jack and Jill' bathroom at ground floor level with two bedrooms and a bathroom at first floor level. Each dwelling would have bike and bin stores in the rear gardens.

Plots 4, 5 & 6 would comprise a hall, WC and open plan kitchen, dining, lounge area at ground floor level with 3 bedrooms or 2 bedrooms and a study and a bathroom at first floor level. They would each have bike stores within the private garden area and would share a detached bin store structure within the courtyard.

Hard and soft landscaping are also proposed as part of the development. This includes maintenance of existing vegetation as well as new planting. The revised site plan also includes the provision of a 1.8m high tongue and groove acoustic fence to the southern boundary of the site which would form the rear garden boundary to Plots 4, 5 and 6.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/10054 Restoration of the listed building including proposed internal wall, reconstruction/conversion of outbuilding to two three-bed and one two/three bed dwellings, reconstruction of a matching wall, demolition of curtilage listed outbuildings and part of the boundary wall (Listed building consent)			Pending Committee
Land to south of site	21/02/202	Granted	
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	4		

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 IMPL2: Development standards
 Policy STR3: The strategy for locating new development

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
 DM2: Nature conservation, biodiversity and geodiversity
 DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Climate Change

Neighbourhood Plan

National Planning Policy Framework

NPPF Ch.11 - Making effective use of land

NPPF Ch.16 - Conserving and enhancing the historic environment

NPPF Ch.12 - Achieving well-designed places

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council:

Recommend PERMISSION as the plans sympathetically improve and develop an existing site which is in need of renovation. The Town Council recognises the economic necessity of developing the outbuildings and the application doesn't overdevelop the site. The Town Council has concern over the northern exit onto Fryern Court Road as this road floods for weeks or even months every year. To avoid further exacerbating the flooding issues, there is the opportunity for remedial work to explore and reinstate the culvert. A local resident has raised concern over light pollution, and we hope this will be considered also.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Environmental Health (Pollution)

No objection subject to conditions

Environmental Health (Contaminated Land)

Recommend condition

HCC Highways

No objection subject to condition

NFDC Trees

No objection subject to condition

NFDC Ecologist

Ecological enhancement measures should be secured

NFDC Conservation

The proposed development is acceptable subject to conditions and/or a S.106 legal agreement to secure necessary works.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received from a local resident.

- impact on neighbouring privacy due to loss of vegetation
- additional traffic generation on A338 and Fryern Court Road
- area is prone to flooding
- impact on the character of Fryern Court Road
- impact on biodiversity
- local amenities will be overwhelmed

10 PLANNING ASSESSMENT

Introduction

Members will recall the application from Committee in November 2024 where it was noted that the listed building and associated outbuildings were in poor condition and that the Conservation Officer had advised that the proposal raised significant issues relating to the character, appearance and setting of the listed building. The application was deferred in order to allow the applicant to resolve the outstanding matters in this respect as well as those identified as reasons for refusal.

5 year housing land supply, the NPPF and the approach to decision making:

In determining planning applications decisions should be made in accordance with the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

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

For decision-taking this means: ‘...

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).

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

paragraph 11 is engaged.

The most recent five-year housing land supply statement published by the Council, confirms that there is 2.39 years of housing land available in the district.

Taking the first limb of paragraph 11(d), 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 designated 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 clear reasons for refusing the development having applied the test set out in the first limb.

With regard to paragraph 11d) of the NPPF, for the purposes of housing provision, the Local Planning Authority's (LPA's) development plan would be considered to be out of date where the LPA cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test was substantially below (less than 75%) of the housing requirement.

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.

There is a separate report on the associated listed building consent application relating to the specific alterations to the listed buildings on site although the impact of this proposal on the listed buildings is also considered below.

Principle of Development

In determining planning applications decisions should be made in accordance with the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

The proposal involves refurbishment, demolition and new building works to provide five new dwellings in the countryside. The principle of new dwellings in the countryside needs to be considered under Policy DM20 of the Local Plan Part 2. This policy restricts new residential development unless it meets certain limited criteria. The four criteria are:

- a) a limited extension to an existing dwelling;** the proposal does not include extending the existing dwelling **or**
- b) the replacement of an existing dwelling, except where it:**
 - (i) is the result of a temporary permission(s); and/or**
 - (ii) is an unauthorised use; and/or**
 - (iii) it has been abandoned;** the existing dwelling is not being replaced **or**
- c) affordable housing to meet a local need, in accordance with Core Strategy Policy CS22;** the proposal is not for affordable housing **or**

d) an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21 the proposal is not for agricultural or forestry workers.

In this case, the site is located within the countryside in the hamlet of Burgate. Whilst there are residential properties close by, the provision of 5 new residential dwellings within the countryside is contrary to Policy DM20 of the Local Plan Part 2 as the proposals do not fall into any of the permissible criteria of this policy as clarified above. As such, the principle of the development is unacceptable.

During the course of the application, the agent has indicated that the conversion of existing buildings into residential properties would be permitted development (under Class Q, Part 3 of the GPDO). However, as they fall within the curtilage of a listed building, this would not be the case.

The applicant makes reference to NPPF paragraph 84 of the NPPF which states that the development of isolated homes in the countryside should be avoided unless one 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.

There is no specific definition of what constitutes isolated, but it is clear from the surrounding area and documentation within the Heritage Assessment that the area is a hamlet and is easily accessible along the main Salisbury Road to Fordingbridge and other built-up areas outside of the District. As such, it is not considered that paragraph 84 applies in this instance.

Whilst the proposal is contrary to Policy DM20 which precludes new residential development in the countryside, the tilted balance is applied to the application and consideration of the impact of the proposal on the listed buildings is a key issue together with bringing them back into an optimal viable use.

Listed Building impacts

There is a duty imposed by Section 66 (1) of the Act requiring decision makers, be they officers, or Council Members, 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.

The NPPF (paragraphs 212 and 213) makes 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, irrespective of the potential level of harm, and that any harm to the significance of a designated asset from its alteration, destruction or change to its setting requires clear and convincing justification.

Policy DM1 of the Local Plan Part 2 makes it clear that proposals should conserve and seek to enhance the historic environment and heritage assets which should be protected in proportion to their significance. Where development is necessary to secure the future of a heritage asset, the proposal should not materially harm the significance of the heritage asset and its setting.

The associated listed building consent application details the proposals in respect of the proposed physical alterations to the listed buildings. However, this planning application needs to consider the impact of the proposals on the setting of the listed buildings. The application is supported with a Heritage Assessment, although initially it was considered that there were some shortcomings in the understanding of the layout of the building types on site which resulted in the dismissal of the value of some buildings. Since the previous committee, amendments have been made to the scheme, including the retention of part of Building D, which address concerns in respect of layout and how this impacts on the historic development of the farmstead.

The supporting information and plans identify the buildings on site as follows:

Building A - the farmhouse

Building B - the curtilage listed building in a ruinous state to the south of the farmhouse (proposed plots 4, 5 & 6)

Building C - smaller modern outbuilding to the west of the farmhouse

Building D - a range of buildings to the west of the farmhouse in varying states of repair

Building E - a modern workshop building to the west of the site.

Building E would be demolished in order to provide space for residential gardens. The structure is made up of two parts built at different times. Whilst the easternmost part could be considered to be curtilage listed, it has little functional link with the farm and overall, the building is not considered to contribute to the setting or significance of the listed building and has negligible historic or architectural interest in its own right. As such, there are no objections to the demolition of this building.

Part of Building D is a flat roofed, open sided cattle pen which is of no historic significance and not considered to be curtilage listed. However, the corrugated steel part with lean-to and tile/weather boarded structure in a poor state of repair, are considered historic and likely to have been built in the early 19th century. Their location close to the farmhouse is reflective of the origins of the farm, and they are considered to make a positive contribution to the setting and historic significance of the farmhouse. The loss of the cattle pen element of the building is considered to be of slight benefit to the setting of the listed building.

However, whilst the positive contribution of the remaining parts of Building D is eroded as a result of the ruinous and overgrown condition of the eastern part of the building, these are not matters considered to necessitate or justify the removal of the whole of the building. It was originally proposed to demolish Building D in its entirety. However, since the application was considered in November, it is now proposed to retain and refurbish the western element for use in association with the farmhouse. Although this results in the loss of some historic elements, the retention of part of the building is welcomed as it is considered to help maintain the historic layout of the farmstead and the evidence of its modest origins from two separate holdings in the mid -19th century.

Building C is located within the garden of the farmhouse and is of modern appearance. Whilst it may have been built on footings of older structures, it is of negligible historic interest and its condition suggests that it is not capable of repair,

reuse or conversion. Its loss is not therefore of concern with regard to the setting of the listed buildings.

Building B is a curtilage listed building which has fallen into significant disrepair in recent years. The majority of the footprint has no roof and only partial walls, with the eastern gable of the remaining structure largely missing. This eastern section was previously stables with a hay loft, with the western section a barn with openings north and south.

From a listed building point of view, there are no objections to the restoration and reconstruction of building B into three dwellings. This would enable the restoration of a curtilage listed building and would enhance the setting of the listed buildings and farmstead. The proposed form and massing of the building accords with that previously existing and the revised scheme's proposed pattern of fenestration is considered to more typically reflect the larger barn openings. The number of rooflights has been reduced and overall, the proposal offers a more sympathetic solution to the scheme considered previously, incorporating the basic elements that would identify it as a historic barn. Notwithstanding the information provided, 'Heritage Conservation' rooflights (which are flush with the roof) should be used for this building rather than 'conservation' rooflights (which are not flush). This can be secured on the associated listed building consent application.

Consequently, the proposed building, whilst of a large massing, would maintain an historic relationship to the yard area and the listed farmhouse and would comply with policy DM1 in this respect.

The proposal includes the provision of a 1.8m high tongue and groove acoustic fence along the rear garden boundary to plots 4-6. Previously, this fence continued forwards of the eastern elevation of Building B and was considered to result in an awkward juxtaposition with the building, obscuring much of its eastern elevation from roadside views and was also detrimental to the setting of Cross Cottage, the adjacent listed building. Its reduction in height is welcomed as is the provision of a 0.9m high brick wall to the frontage of Building B. Further, the bin and cycle storage for plot 6 have been removed from this frontage area and relocated, offering a much improved setting for building B.

The proposed alterations to the curtilage listed wall along the northern boundary are acceptable subject to details secured through an appropriately worded planning condition.

Overall, the proposal now includes many elements which would improve the setting of the listed buildings, through the loss of structures which are neither curtilage listed nor offer any benefit to the listed buildings, the retention of the historic part of Building D, the improved detailing to Building B including the redesign of its frontage and the associated impact on the adjoining listed cottage. The proposal is therefore considered to comply with Policy DM2 of the Local Plan Part 2 and paragraph 210 of the NPPF which requires local authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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

The proposals should comply with Policy ENV3 of the Local Plan Part 1 which requires development to be sympathetic to its context, avoid unacceptable effects on residential amenity or local character and create buildings and spaces which are easy to navigate.

The proposal alterations to the farmhouse would have a limited impact on the character of the area. Clearance of some of the overgrown garden areas would offer improvements to this corner plot.

Plots 2 and 3 are proposed as a new building which is located to the west of the farmhouse and this is an acceptable location for new built form. This new building has been designed as a simple linear building of single storey appearance, accommodating rooms in the roof with a lean-to to the rear.

The previous concerns with regard to the scale and massing of this building have been satisfactorily addressed through the reduction in the number of units and provision of a limited amount of accommodation at first floor level. Historically, the main barn (Building B) would have been the dominant building within the farmyard and the proposed new building for plots 2 and 3- given their low key nature - are no longer considered to compete with this structure.

The material palette is characteristic of smaller, single-storey farm buildings and would be appropriate in this context.

The retention and refurbishment of Building D partly addresses the previously recommended second reason for refusal and helps to maintain reference to the historic curtilage of the farmhouse.

The reinstatement of the access point onto Fryern Court Road would result in the loss of part of the mature boundary hedge and curtilage listed wall. Whilst this could be considered to have a more urbanising impact on this part of the lane, the access was clearly visible prior to the site becoming overgrown. The vegetation along the Fryern Court Road boundary is such that the section requiring removal would not have a significant impact on the character of the lane. The merits of the loss of part of the wall are considered on the associated listed building consent application although it is noted that overall, the reuse of an access and tidying up of the boundary would be acceptable. It is noted that the majority of properties along this part of Fryern Court Road are situated to the north, with just simple farm accesses to the southern side. As such the proposal would be acceptable in this respect.

Residential amenity

Policy ENV3 of the Local Plan Part 1 requires development to avoid unacceptable effects on residential amenity such as overlooking, overbearing impact, shading and noise and disturbance. Development should be visually appealing and enjoyable to be in.

The existing dwelling that is proposed to be refurbished has one first floor bedroom window to the rear elevation. The proposed dwellings behind this would be sited so as not to harm the level of amenity currently enjoyed by this dwelling. The only windows which would face towards this dwelling are in excess of 21m away and are at ground floor level only. The proposed parking spaces closest to this dwelling have been moved further away from living room windows compared to the scheme put to Committee in November and this would improve this relationship so it is considered to be acceptable.

Cross Cottage to the south of the site is separated from the proposed development by a track in separate ownership, over which the occupants have a right of access to access their car port. This cottage has a single first floor window facing the site which would be approximately 18m from the rear elevation of plot 6. The proposed new dwellings (plots 4, 5 & 6) are set at an angle to Cross Cottage and would largely face towards the side garden of the property. Given the intervening vegetation

outside of the applicant's control combined with the recessed nature of the window within a thatched roof and proposed roof lights serving (6) bedrooms in the proposed dwellings, it is not considered that the proposal would result in a significant loss of privacy to this property.

The existing access could be used for agricultural uses at present, and it is noted that the farmyard contains several vehicles. The use of the access for 5 dwellings is unlikely to give rise to unacceptable noise and disturbance to Cross Cottage given this historic use.

Moving to the proposed new dwellings, the upper floors do not have openings facing towards the existing dwelling and so this would prevent overlooking between the existing and proposed dwellings. In terms of the level of amenity space available for the proposed dwellings, it is noted that plot 6 has a restricted rear garden area although since the consideration of the application at the November Committee, this dwelling is now proposed to be a 2-bed property rather than a 4-bed property and as such, is unlikely to require such a large amenity space. There was previously a proposed 2.1m high fence less than 5m from the windows of habitable rooms of Plot 6 which face south. This fence has been reduced in height to a 1.8m. The reduction in fence height combined with the reduction in the size of the dwelling makes this arrangement acceptable and is considered to address the previously recommended third reason for refusal.

The local concern with regard to a loss of privacy due to the removal of vegetation is noted, although this refers to the impact of properties across Fryern Court Road. It is not usual to object to privacy where windows face each other across a public highway.

Overall, the residential amenities of the existing and future occupiers would largely be preserved through the careful design and positioning of the proposed dwellings and their window openings. Subject to the removal of permitted development rights for alterations to the additional dwellings, the proposal is considered to comply with Policy ENV3 of the Local Plan Part 1.

Highway safety, access and parking

Policy ENV3 of the Local Plan Part 1 requires development to integrate an adequate level of car and cycle parking in order to meet realistic needs. Policy CCC2 also requires parking provision to be made and infrastructure to support the use of electric vehicles.

NFDC Parking standards recommend that for the proposed development provides 15.5 parking spaces on plot or 11.4 spaces if they are provided on a communal basis. The submitted plan indicates 12 communal spaces which complies with these standards. Whilst they are not specifically identified as being allocated to any particular property, it is likely that those to the north would serve plot 2. These parking spaces can be required to remain unallocated by a planning condition which will ensure that suitable provision is made to serve the development.

All 6 dwellings would have a bike store which would accommodate two cycles securely. This is slightly less than the recommended levels for the 4-bed houses although the proposal does now show 6 casual spaces adjacent to the bin store for plots 4, 5 & 6. Overall, the proposal is considered to comply with the requirements of policies ENV3 and CCC2 and the NFDC Parking Standards SPD with regards to car and cycle parking provision subject to a condition to retain the parking as unallocated.

The same policy requires developments to create streets and spaces that are safe and easy to navigate. In this regard, the applicant has provided swept path movements for a refuse vehicle (being the largest vehicle requiring access) entering and leaving the site. Since the application's consideration at the November Committee, the tracking movements have been updated and the Highway Authority has advised that they have no objections.

The Highway Authority has not raised any concerns in respect of the visibility splays for either the existing access or the alteration/reinstatement of the access onto Fryern Court Road, but has requested a condition requiring visibility splays to be free from anything over 600mm in height.

Ecology, On Site Biodiversity and protected species

Policy DM2 of the Local Plan Part 2 requires development to incorporate features to increase biodiversity and where possible, enhance existing features of nature conservation value within the site.

The submitted Preliminary Ecological Assessment indicates that the listed farmhouse has moderate potential to support roosting bats, whilst other buildings and nearby trees offer a negligible potential. Given the details now provided with regard to the extent of the proposed works to the farmhouse roof, further surveys have subsequently had to be undertaken. These emergence surveys were carried out in July 2025 and resulted in the observation of no bats emerging from the building on either occasion.

With regard to reptiles and great crested newts, it is considered that ideally more survey work should be undertaken as slow worms and grass snakes have been noted locally (within 300m), and the site lies within an area of high potential for great crested newts. An informative note has been added in this regard due to the protection offered by legislation within the Wildlife and Countryside Act 1981 (As amended).

The application was submitted prior to the mandatory requirement for BNG on minor developments and the submission of a biodiversity metric. As such this is not a requirement of the development..

Overall, whilst some elements which are considered to require further survey work, there are no overriding objections to the proposal from an ecology point of view subject to securing ecological enhancements referred to in the PEA such as bee bricks, native planting, sensitive lighting and hedgehog accessible boundaries. The proposal is therefore considered to comply with Policy DM2 of the Local Plan Part 2.

Trees and landscaping

Policy ENV3 of the Local Plan Part 1 requires developments to appropriately designed green spaces including sufficient planting. Policy ENV4 of the Local Plan Part 1 requires development to retain and/or enhance landscape features and characteristics through sympathetic design.

This site is densely covered by trees and shrubs, particularly to the eastern and northern boundaries. The trees consist mainly of coniferous species including Leylandii, Monterey Cypress and Western Red Cedar, most of which have not been sympathetically managed in the past. There is a maturing Cedar tree at the front of the existing farmhouse which has potential to be a good specimen tree. However, given its close proximity to the listed building this tree cannot reach its full mature size without significant containment pruning in the future, and this would

detrimentally affect the amenity of the tree.

Overall, despite the number of trees present on site, they are of not sufficient quality or public amenity value to be worthy of protection by a Tree Preservation Order and therefore are not considered a constraint to development.

Whilst the amended site plan indicates the provision of new tree planting within the scheme, together with the retention of some larger specimens, it is considered appropriate to require a fully detailed landscaping plan indicating the size, location and species of these new trees. This can be required by a planning condition in order to secure compliance with policy ENV3 and ENV4 of the Local Plan Part 1.

Habitat Mitigation and off-site recreational impact

Proposals for new residential development are subject to compliance with policy ENV1 which requires development to provide mitigation or monitoring to address the impact from their provision in relation to International Nature Conservation Sites. This usually takes the form of financial contributions secured through the completion of a legal agreement.

Habitat Mitigation

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

Phosphate neutrality and impact on River Avon SAC

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

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

Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is sought towards air quality monitoring and will also be secured through the S.106 legal agreement before the decision is issued.

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 would be the inclusion of cycle storage and promotion of sustainable transport and soft landscaping and tree planting to encourage biodiversity.

Developer Contributions

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

- Habitat Mitigation (£37,627)
- Air Quality Monitoring (£560)

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

Type	Proposed Floor space (so/m)	Existing Floor space (so/m)	Net Floor space (so/m)	Chargeable Floor space (so/m)	Rate	Total
Dwelling houses	703.7	318.5	385.2	385.2	£80/sqm	£46,342.52 *

Subtotal:	£46,342.52
Relief:	£0.00
Total Payable:	£46,342.52

11 OTHER MATTERS

The Town Council and local resident have raised concerns about flooding in the area. It is acknowledged that land to the east of the A338, Salisbury Road falls within Flood Zones 2 and 3, although this designation does not breach the road or the site and access provisions are fully outside of this area which is within Flood Zone 1.

12 CONCLUSION / PLANNING BALANCE

The proposal is contrary to policy DM20 of the Local Plan Part 2. However, in view of the Council's lack of a 5-year housing land supply, consideration has to be given to the benefits of protecting the listed and curtilage listed buildings, assets of particular importance, under paragraph 11d) of the NPPF, which states:

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 where we cannot demonstrate a 5 year housing land supply), 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.

Under limb i) of 11(d) Footnote 7 refers to policies in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or ... designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75). The above report has concluded that there no "strong reasons for refusal" of the proposal under limb i) of paragraph 11(d) and as such the proposal falls to be considered against the second limb of paragraph 11(d), the so called "tilted balance".

In accordance with paragraph 11(d)(ii) of the NPPF, the benefits of the proposal have been weighed against the impact of the proposal on the listed buildings. In balancing out the benefits and harm of the proposal, the application would provide 5no. new dwellings (although a modest contribution to the Council's Land Supply) and would secure the long term viable use of the heritage assets. It is considered that any negative impacts of the proposed works can be managed through the use of carefully sequenced conditions, finalising and securing the benefits of the repair works to the listed building.

Subject to securing the appropriate details in a timely manner, the rebuilding of a dilapidated building and refurbishing the listed farmhouse and front garden area would offer public benefits such as employment for construction workers, the purchase of materials and the long term viable use of the heritage assets to this prominent corner in Burgate. In doing so, the benefits would significantly and demonstrably outweigh any identified harm to the countryside through the provision of 5 new dwellings given the Council's lack of a 5-year housing land supply. As such, permission can be recommended for the proposal in line with paragraphs 11(d) and 210 of the NPPF.

Furthermore, the proposal does not give rise to any harmful impacts on residential amenity nor would it result in harm to highway safety. Permission is therefore recommended subject to the completion of the S.106 legal agreement.

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 Habitat Mitigation, Air Quality Monitoring and Habitat Mitigation Monitoring
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

23.3484.000 rev.P7 - block plan location plan
 23.3484.001 rev.P2 - topo survey
 23.3484.001 rev.P4 - existing site plan
 23.3484.002 rev.P4 - existing floor plans building 1
 23.3484.003 rev.P3 - existing elevations & section building A
 23.3484.004 rev.P4 - existing floor plans elevations & section buildings C & D
 23.3484.005 rev.P4 - existing floor plans elevations & section building E
 23.3484.006 rev.P4 - existing floor plans elevations & section building B
 23.3484.100 rev.P36 - proposed site plan
 23.3484.101 rev.P10 - proposed elevations (but depicting floor plans) units 2 & 3
 23.3484.102 rev.P9 - proposed elevations units 2 & 3
 23.3484.103 rev.P6 - proposed floor plans unit 1
 23.3484.104 rev.P6 - proposed east & south elevations unit 1
 23.3484.105 rev.P7 - proposed west & north elevations unit 1

23.3484.106 rev.P14 - proposed elevations building B - Houses 4, 5 & 6
 23.3484.107 rev.P14 - proposed ground floor plan proposed first floor
 plan proposed roof plan units 4, 5 & 6
 23.3484.108 rev.P10 - existing site section (A-A) proposed site section
 (A-A)
 23.3484.110 rev.P12 - existing context elevation Salisbury Road (B-B)
 proposed context elevation Salisbury Road (B-B)
 23.3484.111 rev.P4 - refuse recycling & garden waste storage units 3 5 &
 6
 23.3484.112 rev.P2 - ground floor plan roof plan building D
 23.3484.114 rev.P6 - proposed boundary treatment plan
 SP07 rev.C - swept path analysis of 11.2m refuse vehicle
 SP12 rev.A - swept path analysis of an 11m removals van
 Bat Emergence Report
 Preliminary Ecological Appraisal
 Existing Structural Appraisal and Initial Repair Strategy

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels for plots 2 and 3 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 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 and to preserve the setting of the listed 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 and policy DM1 of the Local Plan Part 2.

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure (elevations (at a scale of 1:20), materials, location);
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily restricted to the following matters:
- a) an indicative programme for carrying out of the works;
 - b) details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - c) measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - d) details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e) the parking of vehicles of site operatives and visitors;
 - f) loading and unloading of plant and materials, including permitted times for deliveries;
 - g) storage of plant and materials used in constructing the development;
 - h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The approved details shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of residential amenity and in accordance with Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park.

7. Prior to the commencement of development hereby approved, the NFDC Ecological Enhancement Schedule (available at: Ecological Enhancement Schedule - New Forest District Council) and accompanying appropriately detailed plan (or series of plans) showing the locations of the enhancement measures (site plans and elevation drawings as appropriate to clearly show plot numbers, enhancement measures and a key) shall be submitted to the Local Planning Authority for written approval. Examples of suitable siting locations on elevation drawings should be provided. Prior to the occupation, unless otherwise agreed, the approved ecological enhancement feature(s) for each plot shall be provided and signed off by either an NFDC officer or via a letter from the project ecologist, in accordance with the approved Ecological Enhancement Schedule and accompanying plan(s).

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development in accordance with Local Plan Policy DM2 for the New Forest outside of the National Park (Part 2: Sites and Development Management).

8. Prior to the commencement of development above slab level, full details of the proposed ecological enhancements outlined within the Preliminary Ecological Appraisal Report dated January 2024 shall be submitted to, for approval in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and thereafter retained and maintained in perpetuity.

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

9. 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).

10. Prior to the occupation of the first dwelling on the site, the identified visibility splays at the junction of the proposed access points with the public highway shall be cleared of obstruction over 600mm and these visibility splays shall thereafter be kept free of any obstacles over 600mm in height.

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

11. The dwellings hereby permitted shall not be occupied until the parking spaces shown on plan 23.3484.100 rev.P36 for the parking of motor vehicles and cycles, have been provided. The spaces shown on plan 23.3484.100 rev.P36 for the parking of motor vehicles and cycles shall be retained and kept available and remain unallocated for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

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

12. The Mitigation measures set out within the approved Noise Impact Assessment (NIA) by Airtight and Noisecheck Ltd (ref: 1724 The Old Farmhouse, Fordingbridge) dated 19 July 2024 shall be implemented in full prior to first occupation and thereafter maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall ensure that, upon completion of the development, the following noise criteria (as recommended in BS8233:2014 and ProPG 2017) shall be met:

- i. all bedrooms shall not exceed a 1 8-hour LAeq (23:00 to 07:00) of 30dB(A)
- ii. LAmax,F noise events shall not exceed 45dBA more than 10 times a night (23.00 –07.00)
- iii. all living rooms and bedrooms shall not exceed a 16-hour LAeq (07:00 to 23:00) of 35dB(A) and
- iv. all private amenity spaces shall not exceed a 16-hour LAeq (07:00 to 23:00) of 55dB(A)

Reason: In the interests of residential amenity and in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy for the New Forest outside of the National Park.

13. 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.

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

Reason: In view of the listed buildings within the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the setting of the buildings, contrary to Policy DM1 of the Local Plan Part 2.

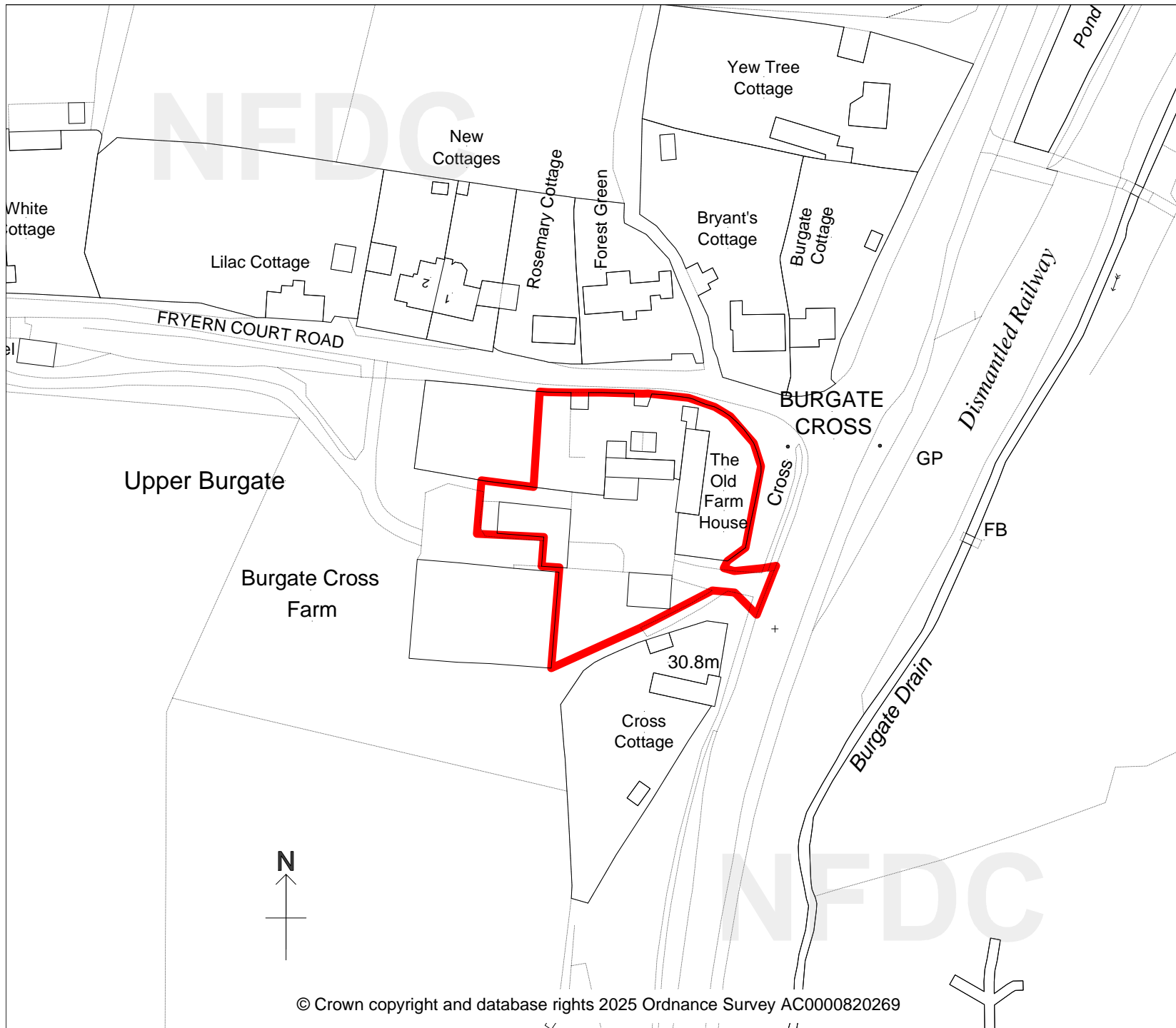
15. Before the commencement of development for plots 2 and 3 above slab level, large scale details (1:10 elevations and sections) of all new external doors and fenestration shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the occupation of plots 2 and 3.

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5442



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager Development
Management New Forest District
Council Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

The Old Farmhouse
Salisbury Road
Burgate, Fordingbridge
23/11306 and 24/10054

Scale 1:1250

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

This page is intentionally left blank

Planning Committee 13 August 2025

Application Number:	24/10054 Listed Building Alteration
Site:	THE OLD FARMHOUSE, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX
Development:	Restoration of the listed building including proposed internal wall, Reconstruction/conversion of outbuilding to two three-bed and one two/three-bed dwellings; reconstruction of a matching wall; demolition of curtilage listed outbuildings and part of the boundary wall (Listed Building Consent)
Applicant:	Cordage 46 Limited
Agent:	CPC Planning Consultants Ltd
Target Date:	20/03/2024
Case Officer:	Vivienne Baxter
Officer Recommendation:	Grant Subject to Conditions
Reason for Referral to Committee:	Item deferred from November 2024 Planning Committee

UPDATE

Members will recall the application was considered at the November 2024 Committee. The recommendation was to refuse listed building consent for the works as they were considered to result in less than substantial harm to the listed and curtilage listed structures due to demolition and inappropriate fenestration. This was compounded by the lack of detail provided with regard to the roof of the listed farmhouse and in combination, the proposal was considered to be at the more significant end of the less than substantial harm spectrum.

Members resolved to defer the application in view of the lack of detail, in order to allow officers the opportunity to negotiate with the applicant to address this deficiency. Additional reports and details have now been submitted and the application now comes back to the Committee to be determined.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the historic interest of the listed building
- 2) Impact on the setting of the listed building.

2 SITE DESCRIPTION

The application site lies to the western side of the A338 at Burgate, to the north of Fordingbridge. It contains a grade II listed, detached two-storey dwelling which is in need of refurbishment and further large outbuildings, some of which are considered to be curtilage listed and others of which are more modern. These structures are a

combination of ancillary residential uses and commercial uses. The yard to the rear of the farmhouse contains several cars and other vehicles, many of which have been in situ for some time.

The front boundary consists of a mature hedge with trees. There are also trees within the front garden of the dwelling, although it is quite overgrown. The mature hedge also extends to the northern boundary of the site along Fryern Court Road.

Adjoining the southern boundary of the site is an access track leading to land to the east which is part of Strategic Site 18. Although there is a large barn within this adjoining land at present, it is proposed to be removed and the land will be public open space in association with the development of the strategic site.

The site is accessed off Salisbury Road. This access is shared with Cross Cottage (an adjacent Grade II Listed Building) to the south.

3 PROPOSED DEVELOPMENT

The revised proposals entails the refurbishment of the existing listed farmhouse (Plot 1), the demolition of modern outbuildings (buildings C & E) and much of building D in association with their replacement with a building comprising 2 dwellings (Plots 2 & 3) and the substantial rebuilding and conversion of an outbuilding (building B) into three 2/3-bed dwellings (Plots 4, 5 & 6). The retained part of building D would be refurbished for use incidental to the farmhouse.

The existing farmhouse refurbishment (Plot 1) would result in a 4-bed dwelling (one ensuite) with living room, bathroom, dining room, breakfast area, kitchen and bike/refuse store at ground floor level. Plots 4, 5 & 6 would be either 3 bedrooms and a family bathroom at first floor level (Plots 4 & 5) or two bedrooms and a study (Plot 6), and hall, WC and open plan kitchen, dining, lounge area at ground floor level.

In order to create the access to Fryern Court Road, the proposal also entails partial demolition of the curtilage listed wall to the northern boundary.

Previously, Building D was proposed to be completely demolished and Building B was proposed to be reconstructed/converted into two dwellings. The alterations to the curtilage listed wall to the northern boundary were also not specifically mentioned in the original submission.

4 PLANNING HISTORY

23/11306 - reconstruction/conversion of outbuilding to two three-bed and one two/three-bed dwellings; demolition of outbuildings and erection of new building comprising one four-bed dwelling and one three-bed dwelling; new access and boundary wall onto Fryern Court Road; associated parking; hard and soft landscaping. Under consideration.

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character

National Planning Policy Framework

NPPF Ch.16 - Conserving and enhancing the historic environment

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council:(Original Plans)

Recommend PERMISSION as the plans sympathetically improve and develop an existing site which is in need of renovation. The Town Council recognises the economic necessity of developing the outbuildings and the application doesn't overdevelop the site. The Town Council has concern over the northern exit onto Fryern Court Road as this road floods for weeks or even months every year. To avoid further exacerbating the flooding issues, there is the opportunity for remedial work to explore and reinstate the culvert. A local resident has raised concern over light pollution, and we hope this will be considered also.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

New Forest National Park Authority

No objection

Conservation Officer

No objection subject to conditions

9 REPRESENTATIONS RECEIVED

The following is a summary of the 2 representations received to the original plans:

- principle is supported but concerns over right of access to south
- flooding is a problem
- new access could be problematic
- overdevelopment
- affordable homes are required

The amendments to the access provisions have addressed one of the initial objections. It is noted that the concerns raised relate primarily to the associated planning application 24/11306.

10 PLANNING ASSESSMENT

There is a duty imposed by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers, be they officers, or Council Members, 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.

Policy ENV3 of the Local Plan Part 1 requires works to be sympathetic to their environment whilst respecting local distinctiveness, character and identity. Policy DM1 of the Local Plan Part 2 requires heritage assets to be protected in proportion to their significance and this includes the setting of the heritage asset and the public enjoyment of this. In order to secure the long term future of the heritage asset, proposals should not materially harm its significance or its setting.

Chapter 16 of the NPPF relates to the Historic Environment, with paragraphs 207-218 of particular importance. These paragraphs are desirous of putting heritage assets to viable uses, providing justification for any harm which is weighed against the public benefits.

The supporting information and plans have always identified the buildings on site as follows:

Building A - the farmhouse

Building B - the curtilage listed building in a ruinous state to the south of the farmhouse (proposed plots 5 & 6)

Building C - smaller modern outbuilding to the west of the farmhouse

Building D - a range of buildings to the west of the farmhouse in varying states of repair

Building E - a modern workshop building to the west of the site.

Building A is the existing listed dwelling and comprises a central brick and timber framed farmhouse building dating to the late 18th century. The inspection of the framing and roof timbers suggests the building may date to earlier in the 18th century, a two-storey brick extension of the late 19th century used as a dairy in 1898, and a single-storey extension to the north (of mid-19th or early-20th century date). Significant features of note are set out in the heritage statement.

The building is currently in a poor state of repair, with evidence of water ingress and damp, and there are significant repair issues that need to be addressed with the roof and timber frame of the 18th century part of the building.

The proposed works to Building A are as follows:

- provision of a stud partition to create a ground floor bathroom within the 19th century extension
- removal of the rear wall of the modern link between the house and service wing
- replacement of rotten and modern windows and doors with new timber framed 19th century style windows and doors
- repair work to include thermal insulation and roof repairs

These proposed works to the listed building may preserve the significance of the building. However, there remains some uncertainty within the submitted reports received since the last Committee, as to the extent and detail of the repairs necessary to the building and it remains that no schedule of repairs has been submitted with the application. However, it is considered that the public benefits of the works to the listed building, securing its continued, optimal viable use would allow for a structured set of conditions to be imposed, together with those on the associated planning application, which would ensure the satisfactory repair of the buildings.

It is noted that the additional details supplied clearly state that more significant works to the roof of the listed building are required in order to make a full assessment of the extent of necessary works. This in turn has a potential ecological impact due to

the extent of these works. Bat emergence surveys have now been undertaken and this matter is considered in more detail as part of the assessment of the associated planning application 23/11306.

Building B is a curtilage listed building which has fallen into significant disrepair in recent years. The majority of the footprint has no roof and only partial walls, with the eastern gable of the remaining structure largely missing. This eastern section was previously used as stables with a hay loft, with the western section a barn with openings to the north and south.

The current proposal is to convert and extend this building into three dwellings. Two three bed and one two bed with study. However, contrary to the submitted existing drawings, only the frontage (eastern) part of this building remains. The building no longer has a roof and the front gable has collapsed down to the lintel over the double doors. The rear section of the building is limited to partial walls, largely under 1m in height. The Heritage Assessment states that the building would be reconstructed. As such, it would appear that complete reconstruction rather than conversion of this building is proposed although details of the extent of demolition are requested in view of the limited 'existing elevations' which have been submitted. From a listed building point of view, the principle of restoring the building back to its former presence on site and therefore maintaining the farmstead layout, is considered acceptable in principle.

The revised design of this building more accurately reflects the historic character of the now collapsed barn and of traditional Hampshire barns in general. Historically, the barn would have had large openings to the north and south elevations and this is now replicated in the western section of the building although there are smaller windows either side of these openings. This is considered to be an improvement on the previous submission which included multiple openings within the north and south elevations in addition to 6 rooflights to each elevation, resulting in a building which would have had little relevance to the historic relationship with the yard.

Building C is located within the garden of the farmhouse and is of modern appearance. Whilst it may have been built on the footings of older structures, it is of negligible historic interest and its condition suggests that it is not capable of repair, reuse or conversion. Its loss is not of concern with regard to the setting of the listed building and in fact it is considered to offer a slight benefit to its setting.

Building D is sited immediately to the rear of the listed farmhouse. The location of this building close to the farmhouse is reflective of the modest origins of the farm, incorporating the farmhouse and outbuilding into the larger holding to the south. This resulted in the peculiarly cramped arrangements of the site that distinguish it from the larger and middling farms with well-defined courtyard arrangements such as is seen nearby at Lower Burgate, Burgate Manor or Fryern Court. It is considered that its form makes a positive contribution to the setting and historic significance of the farmstead.

The building is made up of different elements. It is considered that the cattle pen (southern) section is of no historic significance and does not form part of an integral part of the building and as such there are no objections to the loss of this element of the building. The corrugated steel part with lean-to and tile/weather boarded structure in a poor state of repair but are considered historic and likely to be remnants of an early 19th century building. The eastern end is in a poor state of repair and not accessible, although the western element has been re clad in corrugated metal but retains its historic appearance. It is considered that this element of the building is curtilage listed and contributes positively to the historic interest of the listed farmhouse.

Whilst the poor condition of parts of this building and its overgrown nature do detract from the positive contribution the current building makes, it was not previously considered that this provided a sufficient justification for its complete removal, which would have significantly eroded the historic layout of the farmstead and the evidence of its modest origins from two separate holdings in the mid-19th century.

The proposal has now been amended to address the less than substantial harm to the setting and significance of the listed building and the western element of the building is now proposed to be retained, refurbished and used in association with the converted farmhouse.

Building E would be demolished in order to provide space for residential gardens. The structure is made up of two parts built at different times. Whilst the easternmost part could be considered to be curtilage listed, it has little functional link with the farm (being currently used in association with the existing dwelling) and overall, the building is not considered to contribute to the setting or significance of the listed building and has negligible historic or architectural interest in its own right. As such, there are no objections to the demolition of this building.

The proposed works to the curtilage listed wall to the northern boundary are required in order to enable the creation of a safe access into the site. The access itself is considered under the associated planning application. There are no objections to the proposed works although they are subject to conditions requiring details of the extent of demolition and a sample panel of brickwork to be provided prior to works commencing.

Overall, the proposal would remove many of the dilapidated structures which do not currently enhance the setting of the listed building. The reconstructed Building B would help to retain the farmyard in combination with the new building considered under the associated planning application and the retention of Building D as ancillary to the farmhouse. The new access to the north would be in a similar location to a previous opening along Fryern Court Road and would not be harmful to the listed buildings' grouping or setting.

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The proposal includes appropriate repair work and the refurbishment of a Grade II listed building and the retention and appropriately detailed reconstruction of curtilage listed structures which will help to retain the historic former farmyard resulting in an appropriate setting for the listed building.

Paragraph 208 of the NPPF requires the proposal to be weighed against the public benefits. In doing so, it is considered that subject to several very specific works being controlled and secured by conditions the proposed development is acceptable and will conserve the setting and significance of the listed building in accordance with Policy DM1 of the New Forest Local Plan Part 2 and the NPPF

The recommendation is therefore to grant listed building consent subject to conditions relating to a number of detailed matters.

13 RECOMMENDATION

GRANT LISTED BUILDING CONSENT

Proposed Conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **Protection of farmhouse**

Prior to the commencement of any works on site, full details of the proposed scheme of protection of the listed farmhouse from the elements shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details prior to the commencement of works to the listed building and shall be maintained in a functioning condition until the works set out in conditions 5 and 6 have been completed or otherwise agreed in writing by the Local Planning Authority.

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

3. **Demolition methodology**

No demolition of any part of the listed building or curtilage listed buildings shall take place until:

- a) a methodology for the demolition of those parts of listed and curtilage listed buildings hereby approved for demolition (to include details of how the retained historic fabric shall be protected during the works); and
- b) a written scheme of building recording and analysis for those parts of buildings B and D to be demolished (to include the statement of significance and research objectives, the programme and methodology of recording

have been submitted to and approved in writing by the Local Planning Authority. The works shall take place in accordance with the approved details and the programme of post-recording assessment, analysis and its deposition with the relevant HER shall be completed prior to the occupation of the second unit of accommodation within the site.

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

4. **Methodology to allow assessment**

Notwithstanding the submitted details, prior to the commencement of works to the farmhouse, full details of works to allow for a comprehensive structural assessment and repair schedule to be prepared for the farmhouse shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Locations, details and methodology of opening up works and associated test pits;
- b) Methodology for the removal of the thatch including the details of recording of any historic thatch;
- c) Details of any temporary support of the retained roof structures following the removal of the thatch; and
- d) Details of making good following the opening up and test pit works.

The works shall be undertaken in accordance with the approved details unless an alternative is previously agreed in writing by the Local Planning Authority.

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

5. **Repair schedule and structural survey**

Notwithstanding the submitted details, following the opening up works and stripping of the thatch, and prior to the commencement of the development, a detailed schedule of repair works to the listed farmhouse shall be submitted to and approved in writing by the Local Planning Authority. The details shall be supported by a structural condition survey, large scale drawings and marked up photos.

The details shall include:

- a) Details of repairs to roof structures;
- b) Details of proposed repairs to the timber frame of the west elevation;
- c) Details of works to ground floors and sub-floor structures;
- d) Details of works to first floors;
- e) Details of repairs to northern staircase;
- f) Details of repair to the northern chimney;
- g) Details of repairs and reinstatement of ceilings and skelings and;
- h) Details of proposed brickwork and mortar repairs, including samples made available on site for inspection by the local planning authority.

The repair schedule will be expected to adopt good conservation practice, prioritising the retention of historic fabric and traditional timber repairs where appropriate. The works shall be undertaken in accordance with the approved details and shall be completed prior to the occupation of the second unit of accommodation within the site.

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

6. **Re-thatching**

Prior to the commencement of the works to the farmhouse, full details for the re-thatching of the listed farmhouse with combed wheat reed shall be submitted to and approved in writing by the Local Planning Authority. The re-thatching works shall be undertaken in accordance with the approved details and shall be completed prior to the occupation of the second unit of accommodation within the site.

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

7. **Listed wall details**

Prior to the commencement of works to the curtilage listed boundary wall along the northern boundary, full details of the alterations to it shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be supported by plans and large scale elevations (1:20) and a methodology for demolition.

Prior to the commencement of the agreed works to the wall, a 1m² sample panel to agree brick, mortar, bond and joint details of the replacement shall be constructed on site for inspection and written approval by the local planning authority. The works shall be undertaken in accordance with the approved details prior to the occupation of the second unit of accommodation within the site or plot 2, whichever is the sooner.

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

8. **Details of outbuildings**

Prior to the any development above slab level of the associated new buildings within the site, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the extent of retained brickwork in Building B;
- b) Large scale details (1:10 elevations and 1:5 sections) of all new external doors and fenestration in Building B and D; and
- c) Details of proposed facing materials to be used in buildings B and D, including facing bricks, cladding, non-vision panels, lintels, and slates, with samples made available on site for inspection by the Local Planning Authority.

Notwithstanding the submitted plans, the details required in b) above shall include Heritage Conservation roof lights. The works shall be undertaken in accordance with the approved details and shall be completed prior to the occupation of the second unit of accommodation within the site.

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

9. **Details of farmhouse**

Prior to their installation in the listed farmhouse full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of new slates, with samples made available on site for inspection;
- b) Large scale details (1:10 elevations and 1:5 sections) of all new windows and doors (internal and external) to be installed in the listed farmhouse;
- c) Details of internal wall insulation, supported by large scale drawings (1:10 elevations and 1:5 sections) of window reveal details. The details shall evidence how the proposed scheme will preserve moisture pathways and conserve the historic fabric of the building;
- d) Details of new internal partitions and connections into historic fabric;
- e) Details and location of new electrical, plumbing or mechanical service runs including details of making good the impact of any new runs on historic finishes within the building.

The works shall be undertaken only in full accordance with the approved details.

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

10. **Drainage**

Prior to progress of the development above slab level full details of the drainage scheme proposed in the submitted Whitby Wood 'Existing Structural Appraisal and Initial Repair Strategy' (p.9) including details of threshold drains and level changes shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken only in full accordance with the approved details and shall be completed prior to the occupation of the second unit of accommodation.

Reason: To safeguard the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

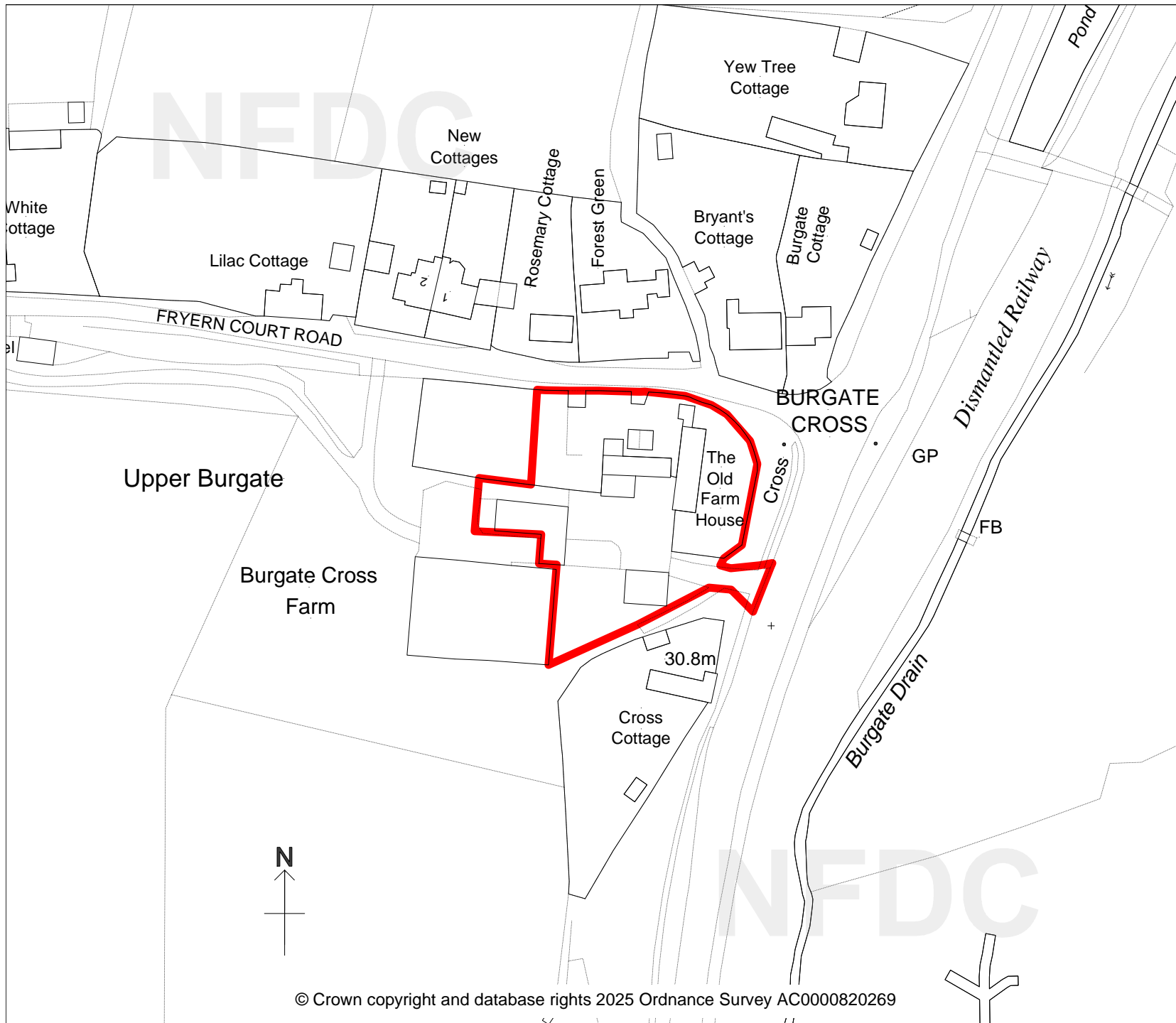
11. The works hereby approved shall be undertaken in strict accordance with the Preliminary Ecological Appraisal dated January 2024 and Bat Emergence Survey dated July 2025 unless otherwise first agreed in writing with the Local Planning Authority.

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

Further Information:

Vivienne Baxter

Telephone: 023 8028 5442



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager Development
Management New Forest District
Council Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

The Old Farmhouse
Salisbury Road
Burgate, Fordingbridge
23/11306 and 24/10054

Scale 1:1250

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

This page is intentionally left blank

Planning Committee 13 August 2025

Application Number: 25/10518 Advertisement Consent

Site: SITE OF FORMER POLICE STATION,
SOUTHAMPTON ROAD, LYMINGTON SO41 9GH

Development: Display 3 non-illuminated flag pole signs, 5 banner signs, 3
post mounted signs, 1 wall mounted sign, 1 non-illuminated
balcony sign (Application for Advertisement Consent)

Applicant: Churchill Living Ltd

Agent: Planning Issues Ltd

Target Date: 28/07/2025

Case Officer: Julie Parry

Officer Recommendation: Grant (Advert)

Reason for Referral to Committee: Contrary Town Council view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Amenity
- 2) Public safety

2 SITE DESCRIPTION

The application relates to the former Lymington Police Station site, located on the western side of Southampton Road, between Queen Elizabeth Avenue to the north, and Eastern Road to the south in an area which is residential in character with Southampton Road being the main road into Lymington from the north. The application site is located in the built-up area of Lymington and is adjacent to the Lymington Conservation Area.

Planning permission was granted for the redevelopment of the site to provide 32 retirement apartments in December 2023, and the development has been completed with the apartments now being advertised for sale.

3 PROPOSED DEVELOPMENT

The application seeks advertisement consent for the retention of various non-illuminated signs which are advertising the sale of the new apartments within the site of the former Police Station. There are a variety of sizes and style of signage, including banners, flag signage and signage boards which are positioned facing Southampton Road and Queen Elizabeth Avenue.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
24/10953 Erection of Site Hoarding (Application for Advertisement Consent)	13/01/2025	Withdrawn by Applicant

24/10954 Variation of condition 2 of planning permission 23/10282 to allow fenestration alterations, material alterations, full balconies above main entrance changed to juliette, path and pedestrian gate to south-east & roof & layout alterations	18/03/2025	Granted Subject to Conditions
23/10494 Demolition of former police station and rear garages (Demolition Prior Notification Application)	26/05/2023	Details not required to be approved
23/10282 Redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking & landscaping; demolition of existing building	08/12/2023	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality

Local Plan Part 2: Sites and Development Management 2014

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

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

Neighbourhood Plan

Lymington and Pennington (under consultation)

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal

The proposed quantity and positioning of signage is considered excessive and will create visual clutter, posing a potential distraction to passing traffic at a busy junction. The scheme fails to meet the principles of visual amenity and highway safety and is therefore not supported.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

HCC Highways:

No objection

NFDC Trees:

No objections on tree grounds.

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Amenity

Policy ENV3 of the Local Plan 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 application is for advertisement consent and seeks the retention of existing marketing advertisements/signage. The signage along Southampton Road consists of three banner signs attached to the front railings which are 2440mm by 500mm, three flag signs on flag poles, along with a "monolith" V shaped sign which is 3 metres in height. There are also signs highlighting the sales office which are positioned closer to the building, including a banner sign on the front of one of the balconies above the office entrance and further banner signs on the railings along Queen Elizabeth Avenue.

As temporary features, the size and position of the signs are considered to be acceptable in this location. With separation between the signs and some of the signs being softened with the overhanging trees, they do not appear unduly dominant in the streetscene.

The use of various signs advertising the sale of apartments is a reasonable expectation on a development site of this scale for a temporary basis. The agent originally asked for the signage to have permission until 27th May 2028. However, this is considered to be a slightly excessive time for the signage to remain in place, particularly given the surrounding historic context. It is considered that a lesser time of two years from the date of any permission would be more appropriate. However, if all the apartments are sold prior to that time, the signage should be removed as soon as the final sale occurs. Therefore, to ensure the signage is temporary, a condition will be applied to any consent for the signage to be removed after a period of two years from the date of the decision or until all the apartments are sold, whichever is the sooner.

The Advertisement Regulations state that "amenity" includes both visual and aural amenity. In this case, the majority of the proposed signage is fixed and would not generate any noise. It is only the flag signs which would move, and these would not create an audible sound that is considered to have a significant detrimental impact upon aural amenity.

The neighbouring properties are sited a sufficient distance from the signage so that there would not be an adverse impact on neighbour amenity in terms of their outlook or loss of light.

Overall, the signage 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.

Conservation Area

Policy DM1: Heritage and Conservation, of the Local Plan Part 2 seeks to preserve and enhance the historic character of the location.

The site is a short distance north of the Lymington Conservation Area, which includes part of the southern stretch of Southampton Road and which extends southwards away from the application site. The visual impact of the advertisements are contained to the enclosed setting of the former Police Station, and therefore the advertisements do not materially impact upon the setting of the nearby Lymington Conservation Area. As such, the proposal would comply with Policy DM1 of the Local Plan.

Trees

Policy ENV4 seeks to retain and/or enhance landscape features through sensitive design, mitigation and enhancement measures.

Five Silver maple trees located to the eastern frontage of the site and two silver maple trees and one cedar tree to the northern aspect are protected by Tree Preservation Order 0006/15 (G1 and G2). The trees are prominent features in the locality and of high amenity value.

The Council's Tree Officer has advised that there appears to be no negative interaction between the proposed signs and the existing trees. Therefore, the presence of the signs will not have any negative impact on the trees, and the proposal is therefore considered to comply with Policy ENV4 of the Local Plan.

Public safety

Policy ENV3 seeks to ensure that development will create places that are safe and easy to navigate.

There has been an objection from Lymington and Pennington Town Council in respect of the effect on highway safety, and in particular the potential for the signage to be a distraction to motorists.

There is a pedestrian footpath alongside the front boundary of the application site. The signs are positioned on the edge of and within the site. 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 and the proposal would comply with Policy ENV2 in respect of safety.

12 CONCLUSION / PLANNING BALANCE

As a temporary feature to facilitate the sale of the completed residential units, it is considered that the number of signs proposed is appropriate, and it is considered that they are also appropriate in terms of their size and siting 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 for a temporary period of 2 years.

13 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).

Proposed Conditions:

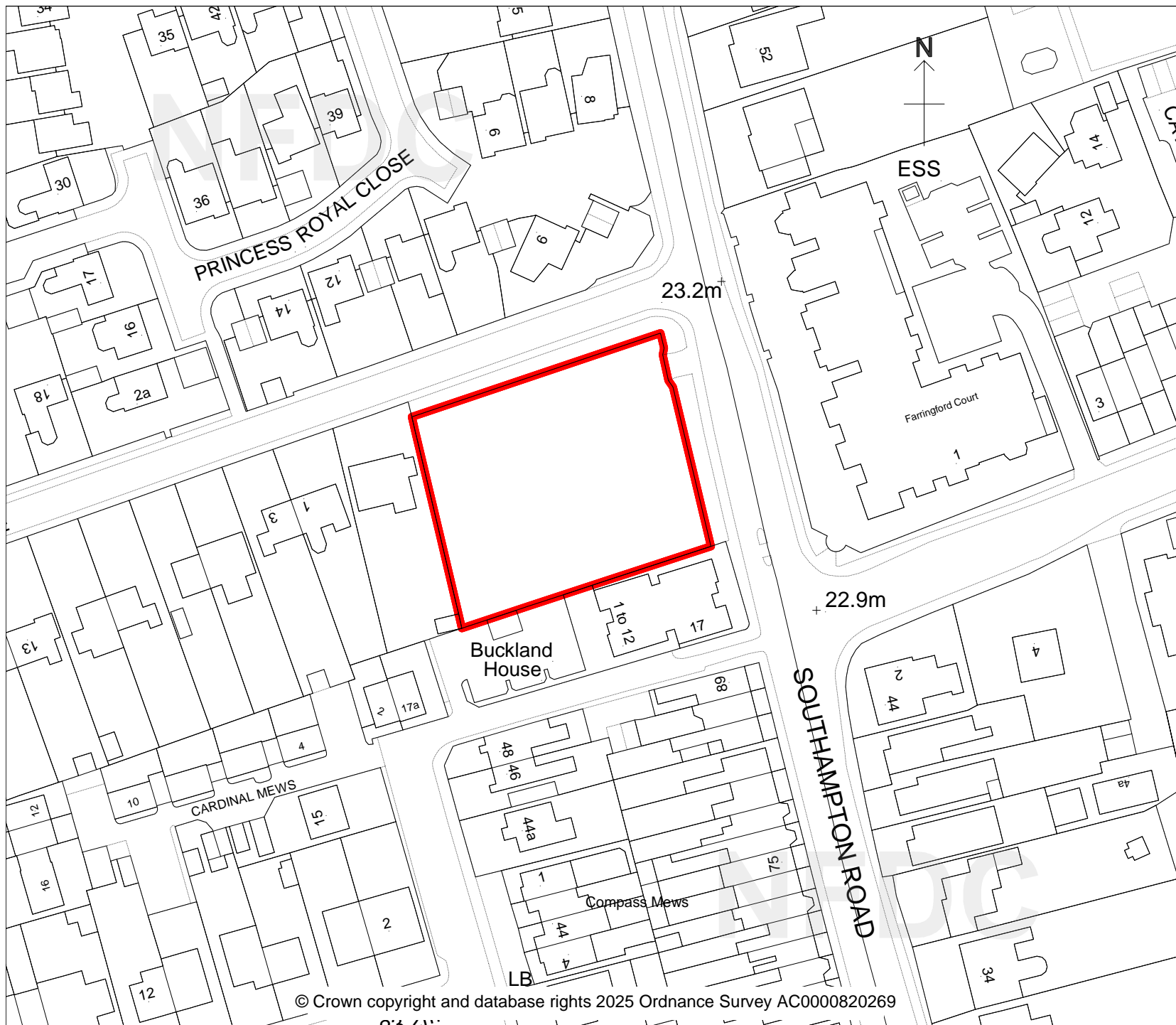
1. All of the signs hereby approved shall cease to be displayed and shall be removed from the site on or before 13th August 2027 or until all the residential apartments are occupied, whichever is the sooner.

Reason: The signs hereby approved would only be justified for a temporary period. A longer term temporary permission or permanent permission would cause unjustified harm to the visual amenities of the area.

Further Information:

Julie Parry

Telephone: 023 8028 5436



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

Site of Former Police Station
Southampton Road
Lymington
25/10518

Scale 1:1059

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

Planning Committee 13 August 2025

Application Number: 25/10479 Full Planning Permission
Site: 10 NEWLANDS CLOSE, BLACKFIELD, FAWLEY SO45 1WH
Development: Sever land to accommodate 1 x detached house; new double garage and widen existing driveway onto Walkers Lane North to serve existing and new property; bin storage; 1.8m high boundary fence
Applicant: NBC Properties Ltd
Agent: Ian Sullivan Architecture Ltd
Target Date: 15/07/2025
Case Officer: Sophie Tagg
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The Principle of Development
- 2) Design, site layout and impact on local character and appearance of area
- 3) Residential amenity
- 4) Highway safety, access and parking
- 5) Ecology and habitat mitigation

2 SITE DESCRIPTION

The application site is located at the end of a cul de sac within the built-up area. The land currently comprises part of the garden area of No.10 Newlands Close and consists of an area of hardstanding, and a grassed area. No.10 has an existing access and driveway to the rear of the property, accessed from Walkers Lane North, and an existing single garage serving the property.

The site is located between the semi-detached property, No. 10 Newlands Close and the boundary of the site adjacent to Walkers Lane North. The site is well screened from the road, with an established hedgerow to the front boundary. This end of the cul-de-sac, Newlands Close, is characterised by semi-detached properties set within fairly spacious plots, creating generous gaps between properties.

The site is also viewed in the context of Walkers Lane North to the east of the site, again characterised by houses generally set within spacious plots. Walkers Lane North has a verdant character with extensive vegetation. Along the eastern boundary, there are established mixed trees and shrubs. These are mainly small trees and plants, consisting of native Ash, Hazel, Holly and Ivy. A larger individual Ash tree is located to the south-eastern corner, and a single small multi-stemmed Hazel sits adjacent to the existing drive which appears to have been reduced.

3 PROPOSED DEVELOPMENT

The proposal seeks to sever the plot to provide a detached 3-bedroom two-storey dwellinghouse on the eastern side of the existing semi-detached dwelling (No.10) and provide a detached double garage at the northern end of the plot to serve the existing and proposed new dwelling. The accommodation of the new dwellinghouse would provide a kitchen/dining room, utility, lounge and wc on the ground floor and 3 bedrooms and bathroom on the first floor. The existing dwelling would remain unchanged.

4 PLANNING HISTORY

None directly relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

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.

SPD - Parking Standards

SPD - Planning for Climate Change

SPD - Mitigation for Recreational Impacts on New Forest European sites

National Planning Policy Framework 2024

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend permission. The Council has no comments regarding this application

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

NFDC Ecology:

No objection subject to condition for ecological enhancement schedule

NFDC Trees:

No objection

9 REPRESENTATIONS RECEIVED

No comments received

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within the built-up area, where there is a presumption in favour of new housing in line with policies STR3, STR4 and STR5 of the Local Plan. The Council's policies encourage the siting of development within accessible locations, and residential development would be acceptable in principle in this area. 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 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."

The Council cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged. 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, where recreational and nutrient impacts are required to be mitigated. Therefore, a judgement needs 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 consider 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

Policy ENV3 of the Local Plan stipulates that new development will be required to be well-designed to respect the character, identity and context of the area's towns. Moreover, the policy states that new development will be required to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features. This is reinforced by Chapter 12 of the NPPF, with particular reference to paragraph 139 which identifies that development which is not well designed should be refused. Policy ENV4 of the Local Plan seeks to ensure that all new development is appropriate and sympathetic to its setting and landscape. Specifically, it needs to be considered whether the design, materials, layout, vehicular access, parking and turning arrangements proposed would preserve or enhance the quality of the area, including making allowance for meaningful landscaping.

In assessing the effect on the character and appearance of the area, Newlands Close and Walkers Lane North are distinctively suburban both in layout and the design of the dwellings. Although the site is not within a protected area, it is a pleasant, low-density, spacious, quiet residential area. Newlands Close and Walkers Lane North are both fairly wide, with footpaths on each side and with dwellings set back behind front gardens, together with noticeable gaps between the buildings and their roofs, which gives the area a spacious character. Low brick walls and front hedgerows define the front boundaries, with soft landscaping providing a soft edge to the streets. Along Newlands Close there are varying garden sizes, but there is a sense of spaciousness between the built form of each pair of semi-detached properties, particularly at this end of the cul de sac. The gap between number 10 Newlands Close and the vegetation along Walkers Lane North boundary is typical of the existing streetscene, where the houses are set in spacious plots or are attached.

It is considered that the proposal to create a detached dwelling at the end of Newlands Close adjacent to Walkers Lane North would not be contextually appropriate and would result in a number of negative features which would have a harmful impact on its distinctive character.

In terms of the relationship of the proposed new dwelling to Walkers Lane North, this road is characterised by properties being set back from the road by several metres. The existing gap between 10 Newlands Close and Walkers Lane North is between 11-13 metres. On the opposite side of the road, 11 Newlands Close is set back

between 21 and 24 metres from the boundary with Walkers Lane North. The visual gaps provide a sense of space and visual separation. By contrast, the gap between the proposed dwelling and the eastern site boundary at its narrowest point would be approximately 1.2 metres. As such, the new dwelling would introduce built form which would be set uncharacteristically close to Walkers Lane North and would have a visually intrusive visual impact which would be harmful to the prevailing character of the streetscene.

In relation to visual separation of the built form along Newlands Close, the proposed subdivision of the existing plot, similar in width to a number of the plots in the vicinity, would create 2 plots which would be uncharacteristic of the existing pattern of development. It should be noted that the application site narrows considerably as it extends to the rear of the site. The reduced plot sizes would be uncharacteristic of Newlands Close where there are spacious gaps between the built form along the road. For example, the gap between no.6 and no.7 Newlands Close at its narrowest is 8 metres, while the gap between no.8 and no.9 Newlands Close is 4.5 metres, and there is a similar pattern and rhythm of development on the opposite site of the road.

The submitted plans indicate that the new dwelling would be positioned just under 1 metre away from the side facing wall of No.10 Newlands Close, which is also the elevation providing the main access into the existing property. As set out above, this gap would be considerably less than the rest of Newlands Close and Walkers Lane North. The proposed development would result in narrower building forms and smaller gaps between the dwellings and their side boundaries.

It is considered that the very limited gap and space between the two properties and to the boundaries of the site give rise to the appearance of the development being visually cramped and materially less spacious than the prevailing character. The dwellings would be sited far closer together than dwellings in the surrounding area.

In addition, the narrow passageway that would be created between the 2 dwellings, which is enclosed by high fences is not considered to be an attractive or welcoming pedestrian access to the dwellings, and would be poor design.

In summary, the local plan policy seeks to ensure that development is compatible with the context of the area and is sympathetic in scale, layout and design and does not damage the features that contribute to their character and this is reinforced by Chapter 12 of the NPPF, with particular reference to paragraph 139 which identifies that development which is not well designed should be refused. It is considered that the proposed development would not comply with local and national policy and would result in a development that is contextually inappropriate and overall would have a negative impact on the character and appearance of the area, resulting in a cramped form of development and an overdevelopment of the site.

Residential amenity

Policy ENV3 of the Local Plan requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development to neighbouring properties would be acceptable in respect of privacy, light and outlook; and also whether the proposed development would provide sufficient private amenity areas for occupiers of the existing and proposed dwellings.

The impact on both the amenity of the existing dwellings and new residents has been fully assessed.

It is noted above that the new dwelling would be positioned just under 1 metre away from the side facing wall of No.10 Newlands Close, which is also the elevation providing the main access into the property. Given this relationship, the introduction of the new dwelling would result in a cramped entrance to the existing property. The additional property would also have an overbearing and unduly dominant impact upon the residential occupants of No. 10, particularly when using the main access to the property and accessing the side pathway to the rear garden and parking area/garage. Quite simply, the scale and bulk of the proposed dwelling would appear visually imposing from 10 Newlands Close due to the large flank wall of the proposed dwelling being set directly adjacent to the main front door and property entrance, and this would be to the detriment of the living conditions of the occupants of this property.

It is noted that there is a secondary window on the side elevation of No. 10. The proposed first floor side facing window on the western side of the proposed dwelling is annotated on the plans as serving an en-suite. Were the application otherwise acceptable, a condition could reasonably be imposed requiring the window to be obscure glazed, which would effectively secure the amenity of No.10 from harmful overlooking impacts.

From an amenity perspective, it is considered that the amenity areas serving the retained and proposed dwellings would be adequate.

Overall, based upon the assessment above, the proposal would be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1.

Highway safety, access and parking

The application has been assessed against Policy CCC2 of the Local Plan, which seeks to ensure that there is sufficient car and cycle parking and the provision of infrastructure to support the use of electric car charging. Additionally, Policy IMPL2 relating to development standards places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles which is also a requirement of Building Regulations.

Two off-street parking spaces are proposed for each dwelling which meet the dimensions set out within the Parking Standards SPD of 2.5m x 5.0m. There would be a space within the garage and an external space adjacent to the garage for number 10. There would be a space within the garage and an external space in front of the garage for the new dwelling. The parking standards SPD recommends 2.5 spaces for each 3-bedroom dwelling on plot and therefore the proposal falls short of one parking space serving the two dwellings. Along Walkers Lane North, it is noted that there are no on-street parking restrictions nearby, with cars parking along the highway, and in this context the level of parking is considered acceptable. On balance, it is considered that the underprovision of parking would not result in harm that would justify a reason for refusal.

The access would remain the same and is similar to many others in the streetscene and is considered acceptable. The amount of additional movements generated by 1 x 3-bed dwelling is not considered to be significant. It is considered that the access would be appropriate to serve the proposed development, with adequate visibility splays being available.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers are satisfied that the proposals would not be of severe detriment to the operation and safety of the local highway network.

Ecology and habitat mitigation

Following the adoption of the Local Plan 2016-2036 Part 1 in July 2020, the Council has sought to secure environmental net gain / ecological enhancements, where it is proportionate to do so, as a requirement of planning permission for most forms of new development. In accordance with Policies STR1 and DM2, Ecological enhancement measures have been incorporated within the proposed development plans in the form of bird and bat boxes and hedgehog holes in fencing. Were the application otherwise acceptable, an appropriately worded condition would need to be applied to require that the proportionate in-built ecological enhancements are provided, with the completion of an ecological enhancement schedule to secure biodiversity enhancements in line with the expectations of the Local Plan.

As of 2nd April 2024, developers must deliver a 10% Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. In this instance, BNG is mandatory and a small sites metric has been submitted and the Council's Ecologist is satisfied that the baseline for the small sites metric has been accurately captured. Due to the constraints of the site, it is not possible to achieve BNG on site and therefore off-site provision would need to be provided. A BNG credit availability document has been submitted by the agent to demonstrate the development can be offset.

Habitat Mitigation and off-site recreational impact

a) Recreational Impacts

The site lies in close proximity to the New Forest SAC, SPA and Ramsar site and the Solent and Southampton Water SPA, Ramsar and Solent Maritime SAC. The proposals would result in an additional residential dwelling. There is a likely cumulative impact on the New Forest European Sites from recreational disturbance.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest SAC, SPA and Ramsar and Solent and Southampton Water SPA, Ramsar and Solent Maritime SAC, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In the absence of a completed a Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 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 NOx, 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 an appropriate mitigation contribution, the proposed is contrary to Policy ENV1 and a further reason for refusal must be introduced.

c) Nitrate neutrality and impact on Solent SAC and SPAs

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

Developer Contributions

As part of the development, the following would have been required to be secured via a Section 106 agreement (or unilateral undertaking):

- Infrastructure contribution of £6,822
- Non infrastructure contribution of £991
- Bird Aware Solent contribution of £907
- Air Quality monitoring contribution of £112

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	136.7	13.4	123.3	123.3	£80/sqm	£14,833.94 *

Subtotal:	£14,833.94
Relief:	£0.00
Total Payable:	£14,833.94

**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

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. In this case, the Council's lack of a demonstrable five-year land supply means that paragraph 11(d) of the NPPF must be 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 [footnote 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. However, 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).

As such the application can be refused without engaging the so called "tilted balance" in paragraph 11(d)(ii).

Notwithstanding this, in the event that a legal agreement were to be completed securing the requisite habitat mitigation measures, it is considered that the adverse impacts of the development, as outlined in the above assessment, would significantly and demonstrably outweigh the scheme's benefits.

It is concluded that the layout and appearance of the proposed development is unsympathetic and fails to respond to the surrounding residential context and relates poorly to the existing pattern of development within the street scene. It is considered that the proposed building presents a cramped form of development. It would also have an unacceptable impact on residential amenity. As such, it is considered that the proposal would be contrary to Policy ENV3 and paragraph 135 of the NPPF.

In addition, it is considered that additional residential accommodation results in additional impacts on wider sensitive habitats within the New Forest and Solent area. These issues are typically resolved by the securing of appropriate mitigation and monitoring through a legal agreement. In the absence of a secured legal agreement to address these issues, it is considered that the proposal would be contrary to Policy ENV1 and DM2 and paragraph 187 of the NPPF.

On the basis of the issues laid out, the application is recommended for refusal.

1 RECOMMENDATION

Refuse

Reason(s) for Refusal:

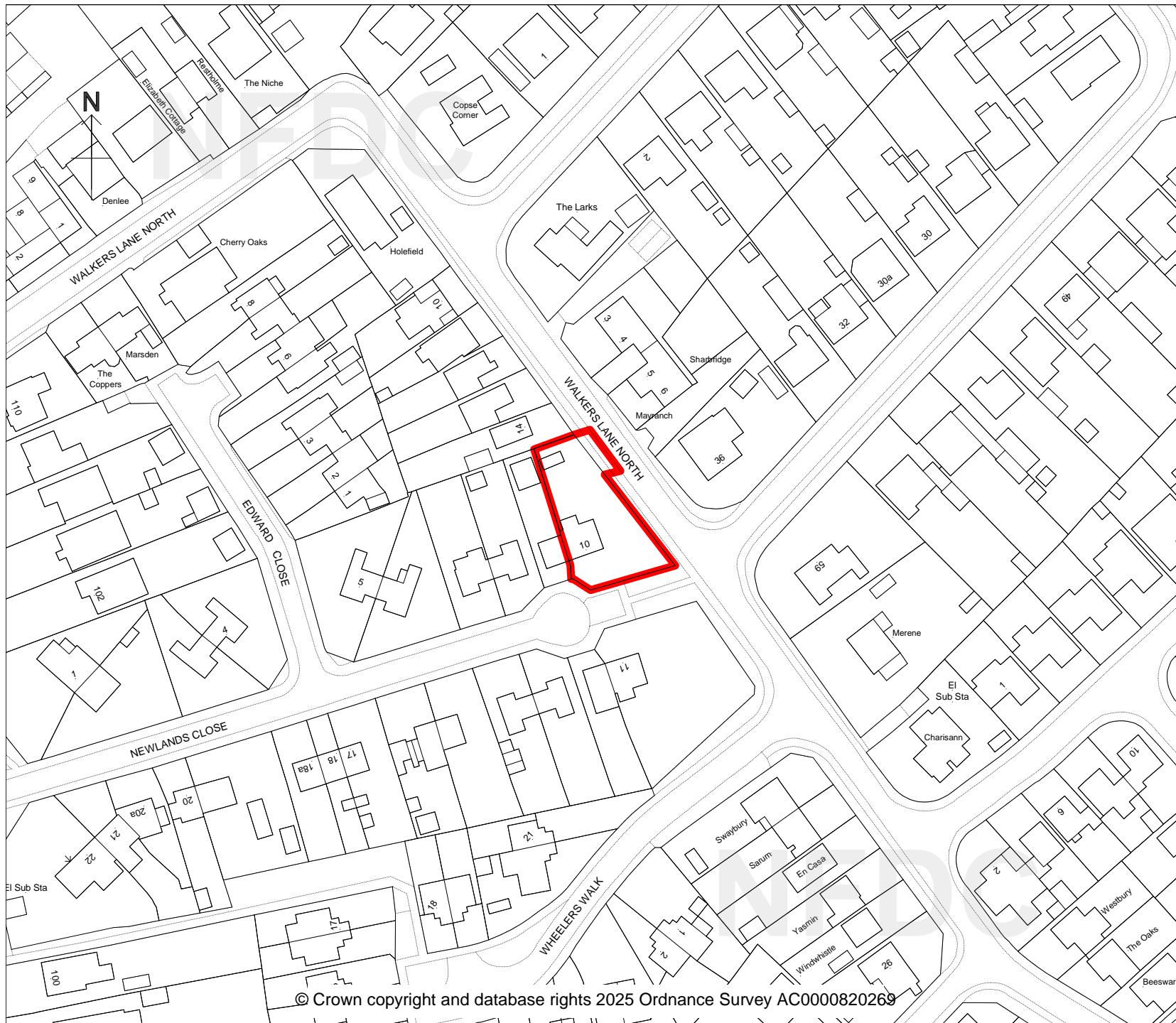
1. The proposed development of this site for an additional dwellinghouse would constitute an inappropriately cramped and intrusive form of development, contrary to the prevailing spacious character of the area. The proposed development would result in significantly narrower plot widths with a lack of adequate gaps and space between the dwellings and to the boundaries, which would give rise to the appearance of the development being visually cramped and incongruous in the streetscene and harmful to the spatial character of the area. The narrow accessway between the proposed dwelling and 10 Newlands Close would be poor design (both visually and functionally) and would further emphasise the development's cramped and discordant appearance. As such, the proposed development would be contrary to the design and character related provisions of Policy ENV3 of the Local Plan Part 1 and Chapter 12 of the National Planning Policy Framework.
2. By reason of its close proximity to the side of 10 Newlands Close and to that property's main entrance, the proposed new dwelling would be imposing and overbearing in its relationship with that property, to the detriment of the amenities of the occupants of that property. The proposal would therefore be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1.
3. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore unacceptably increase recreational pressures on these sensitive European nature conservation sites. In addition, the air quality impacts of the proposed

development on the aforementioned New Forest sites would not be adequately mitigated and the proposed development would therefore unacceptably increase air quality impacts on these sensitive European nature conservation sites. As such, the proposal would be contrary to Policy ENV1 of the New Forest District Local Plan 2016-2036 Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the SPD - Mitigation Strategy for European Sites.

Further Information:

Sophie Tagg

Telephone: 023 8028 5439



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

10 Newlands Close
Blackfield
Fawley
25/10479

Scale 1:1250

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

Planning Committee 13 August 2025

Application Number: 25/10570 Full Planning Permission
Site: 10 DEERHURST CLOSE, TOTTON SO40 8WQ
Development: Detached double garage within the front garden of the property
Applicant: Mr Lowry
Agent:
Target Date: 11/08/2025
Case Officer: Hannah Chalmers
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Officer interest

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning History
- 2) Principle of development
- 3) Design, site layout, impact on local character and appearance of area.
- 4) Residential amenity

2 SITE DESCRIPTION

The application site is located within the Totton defined built-up area. It is occupied by a two-storey detached dwelling situated at the end of a cul-de-sac accessed from the hammerhead turning area. It backs onto properties in Dorland Gardens.

Trees and hedges provide a verdant background to the suburban character of the area. There is a large Oak tree on the south-east boundary with 1 Rowan Close covered by an individual Tree Preservation Order.

3 PROPOSED DEVELOPMENT

Permission is sought to erect a hipped roof detached double garage.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10670 Double garage	22/09/2020	Granted Subject to Conditions	Decided
97/NFDC/61298 Ground and first floor additions	02/06/1997	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR3: The strategy for locating new development

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Supplementary Planning Guidance And Documents

SPD - Parking Standards

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: We recommend PERMISSION, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

The current proposal mirrors the previous (20/10670) which was granted permission. No objection is raised.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Arboricultural Officer: No objection subject to condition

9 REPRESENTATIONS RECEIVED

1 comment from a local resident requesting the Oak tree is pruned.

10 PLANNING ASSESSMENT

Planning History

Planning permission (20/10670) for a detached garage of the same scale and siting as this proposal was granted in 2020. The permission has expired without being commenced. The current proposals are substantially the same as those considered acceptable in 2020.

Principle of Development

The site is located within the built-up area of Totton as shown on the policies map. In accordance with policy STR3, the principle of the development is acceptable subject to relevant material considerations relating to residential amenity and the character and appearance of the area.

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

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.

The property is set back from the road, with its driveway initially passing in front of the drive and front garden of No 9 Deerhurst Close as it runs along the south of the application site before turning north to run along the western boundary up to the existing integral garage. The garden has an incline which increases considerably in gradient down towards the southern boundary. The land in the south-east corner will be built up to level out this change in ground levels, in order to form a flat surface for the proposed garage. Precise survey details have not been provided to show the different levels. However, it is considered that the increase required to form a flat area in the location of the proposed garage would still have an acceptable impact on the street scene.

The bricks and tiles proposed for the construction, as specified in the notes on the plans, will match those used on the existing dwelling, which would be in keeping with the dwelling and would complement the surroundings in the built-up area.

The detached garage is set back from the street and would not be readily visible in the street scene and would preserve the residential character and appearance of the area. The proposal therefore accords with the requirements of Policy ENV3.

Landscape impact and trees

Policy ENV4 seeks to retain and or enhance landscape features to successfully integrate new development into the local landscape.

There is a protected tree on the southern boundary of the site and to ensure the continuing health and well being of this oak tree it is necessary to impose a condition to ensure its protection during the construction process. The Arboricultural officer has not raised any objection to the proposal, subject to agreement of tree protection measures prior to the commencement of construction. Such an appropriately worded condition is included in the recommendation.

A neighbour has commented on this application, requesting the Oak tree be pruned. No tree work is required to facilitate this proposal. As such, it would not be appropriate for the Local Planning Authority to make such works a requirement of this permission. Any pruning of the tree would have to be approved by a separate tree work application.

It is not proposed to remove any trees or landscape features of significance. As such, it is considered that the development is in accordance with Policy ENV4.

Highway safety, access and parking

There are no changes proposed to the access to the application site, and the garage and existing on site parking accords with the adopted Parking Standards.

The dimensions of the proposed garage meet the requirements for parking spaces within a garage as set out in the adopted Parking Standards SPD guidelines.

Due to the position of the garage on the application site, turning a vehicle on site will be restricted and could involve multiple manoeuvres. However, should such manoeuvres occur on site, they would have no impact on highway or pedestrian safety. Should the occupier choose to reverse on or off the application site and undertake manoeuvres across Deerhurst Close using the turning head, it is considered there is sufficient space for such manoeuvres to be safe. It is also

noted that such turning manoeuvres are likely to be common place due to the arrangement of properties surrounding the turning head.

As such, it is considered that highway and pedestrian safety will be preserved and the requirements of the Parking Standards SPD complied with.

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 of other adverse impact on residential amenity.

The proposed garage is set off all boundaries by at least 1 metre where it abuts the southern rear garden boundary with 8 Dorland Gardens and adjacent to the northern garden boundary with 1 Rowan Close. The height to the eaves will be 2.4 metres and the maximum height of the hipped roof apex will be to 4.8 metres. Details have not been provided to show the different ground levels. From the levels viewed on site, the height of the garage would be perceived higher from the neighbouring properties. However, given the overall scale of the building, the size of the neighbouring plots and separation distances between the dwellings and the proposed garage, it is not considered that this will give rise to an overbearing impact on adjacent neighbours.

The proposal is to the north/north west of 1 Rowan Close, so will cast limited shading over this property. The proposal is to the south of 8 Dorland Gardens; with the proposal's single-storey scale and with no substantial level changes between this property and the proposal, it would not have a significant shading impact. Given the proposal is a garage and not habitable accommodation, no windows are proposed, so there are no issues of overlooking.

By reason of the spatial characteristics of the site and adjacent properties, and the the proposed garage's size and design, the proposal would cause no material detriment to the privacy, light and outlook available to the adjacent neighbours. As such, the proposal accords with Policy ENV3.

Ecology

A 2022 DEFRA consultation recommends that householder applications are exempt from the mandatory biodiversity net gain requirement. In these circumstances, it is not considered proportionate or appropriate to require the delivery of Biodiversity Net Gain in association with this proposal. However, enhancements to biodiversity through additional planting, bird/bat boxes and/or bee bricks are encouraged.

11 CONCLUSION / PLANNING BALANCE

Overall, the proposed development would have an acceptable relationship with neighbouring properties and the street scene. The proposal would accord with the policies and objectives of the Local Plan 2016 - 2036 Part 1: Planning Strategy, Local Plan Part 2: Sites and Development Management Development Plan and the National Planning Policy Framework. As such, the application is recommended for permission.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Block Plan - Plan no. FRA 203 received by the Local Planning Authority on 16 June 2025
- Location Plan - Planning Portal Ref PP-14099330v1 received by the Local Planning Authority on 16 June 2025
- Proposed elevations - Plan no. FRA 202 received by the Local Planning Authority on 16 June 2025
- Proposed floor plan - Plan no. FRA 201 received by the Local Planning Authority on 16 June 2025

Reason: To ensure satisfactory provision of the development.

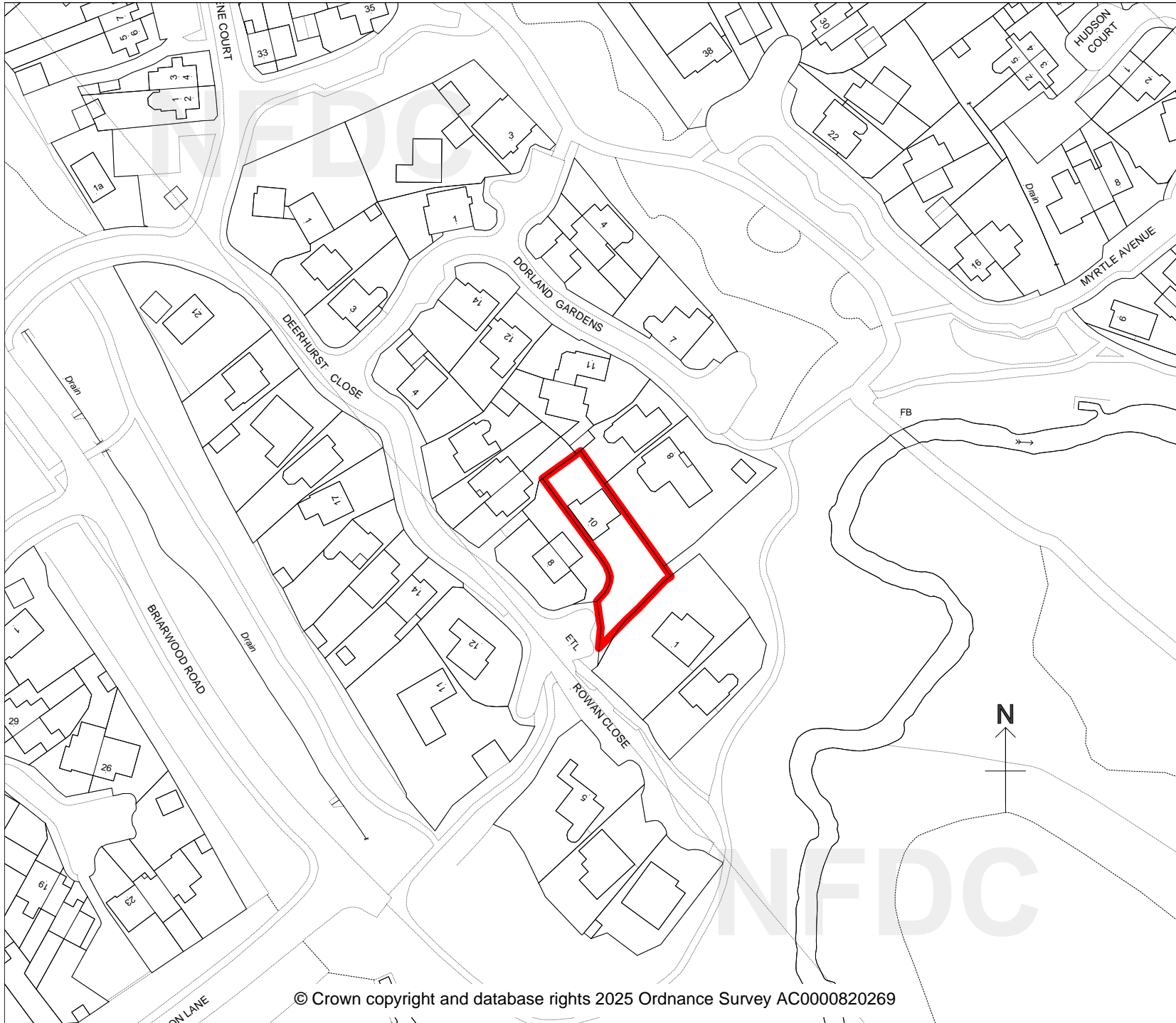
3. Before development commences (including site clearance, demolition and any other preparatory works), a scheme for the protection of the TPO tree shown on Block Plan Drawing No. FRA 203 shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the protective fencing or other measures required for the avoidance of damage to the tree in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing or other tree protection measures shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage or other equipment whatsoever shall take place within the fencing without the prior written agreement of the Local Planning Authority.

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

Further Information:

Hannah Chalmers

Telephone: 023 8028 5477



New Forest
DISTRICT COUNCIL

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

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2025

10 Deerhurst Close
Totton

25/10570

Scale 1:1250

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