

Application Number: 19/11056 Full Planning Permission

Site: FERNMOUNT HOUSE, FOREST PINES, NEW MILTON
BH25 5SS

Development: Demolition of the existing buildings and redevelopment for 50 no. extra care units in a mix of 1 and 2 bedrooms and associated landscaping, drainage and highway works

Applicant: Morgan Ashley Care Developments and Places for People Living +

Target Date: 05/12/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- 1) Principle of development including policy relating to affordable housing
- 2) Design and layout
- 3) Impact on character and appearance of local area
- 4) Impact on amenity of neighbours
- 5) Landscaping and tree related issues
- 6) Highway safety and parking
- 7) Drainage and flood risk
- 8) Ecological matters

This matter is before Committee due to the initial comments of the Town Council based on the original plans.

2 THE SITE

The site lies within the settlement boundary of New Milton as shown in the Local Plan Part 2 towards the northern end of the town to the east of Ballard Independent School. The site comprises an existing single storey building known as the Fernmount Centre and Adult Services Day Centre owned by Hampshire County Council. The building dates from 1981 along with Fernmount House which was used as residential accommodation for adults with learning difficulties. Fernmount Centre occupies the central part of the site with Fernmount House to the north. The site is accessed from a small flatted development to the south known as Forest Pines with an indirect access then onto the B3058 (Fernhill Lane). The site also features areas of hard standing and parking, service roads, grassland, ornamental planting and trees along the boundaries and the remains of other structures used as greenhouses. The site has a frontage to the west with Fernhill Lane, to the south with Forest Pines, to the north with a further new building constructed by the County Council known as Fernhill Court (18 units of assisted living), and to the east by the bungalow estate known as Gainsborough Avenue. The site has an area of just over 1 hectare.

Fernmount Centre has a modern appearance with hipped roofs and brick facades. Fernmount House is a two-storey traditional appearance dwelling. The site has a slight fall in levels east to west of about one metre. The site at present enjoys existing tree screening along the western boundary with Fernhill Lane. This tree screen is protected by a Tree Preservation Order (TPO: 35/99/G1).

There are other large trees within and just outside the site but these are not formally protected.

3 THE PROPOSED DEVELOPMENT

The development comprises the demolition and clearance of all buildings on the site and the construction of a two and three storey building containing a total of 50 self-contained residential flats. The flats are split between 35 no. 1 bed units and 15 no. 2 bed units. The building is designed on an L shape with two arms along the western and northern boundaries with the building presenting its gable ends to the eastern end with Gainsborough Avenue and the southern end with Forest Pines. The 3 storey element of the building forms the 'hinge' point between the two arms located in the north-western corner of the site. The remaining arms of the development are all two storey in height.

The building is to be faced with a light coloured brick under a concrete tiled roof with balconies using a complementary metallic finish in bronze/brown tones. Apart from the residential apartments the building also proposes a range of facilities for the residents comprising a resident's lounge and dining room, hairdresser, mobility buggy store, along with service facilities relating to the site manager, staff office, and kitchen. Outdoor space is provided for the residents via individual balconies and patios along with a large communal garden area on the south side of the building with further landscaped open areas to the east, west and north of the building. The residents will also be able to make use of an outdoor dining terrace on the western side of the building.

Access to the development is to be achieved via the site's existing access off Forest Pines to the south. The main pedestrian entrance to the building will be in the central hinge corner with a secondary roadway running parallel to the site's western boundary to provide access to a service area and bin stores in the northern corner of the site. A total of 24 car parking spaces are provided together with parking and turning for emergency vehicles. A total of 6 bicycle spaces are also provided.

Amendments to original submission

The originally submitted plans have now been amended taking into consideration concerns raised by officers and interested parties. The amended plans received on 15 November have been the subject of a full re-consultation exercise with all consultees and neighbours. The period for comments closes on 9 December. Any late comments will be reported through the Committee update sheet. In addition to the amended plans further information has also been received to cover matters of ecology and other submitted reports accompanying the application have also been updated.

4 PLANNING HISTORY

16/11323 - Proposed scheme of 18 one bedroom assisted living units and supporting communal space within the C2 Use Class with associated car parking and landscaping - approved 14/3/10 (Site to the north approved by Hampshire County Council – no objections raised by NFDC)

79/NFDC/14103 - Erection of Adult Training Centre – approved 2/10/79.

78/NFDC/11730 - Adult Training Centre for the Mentally Handicapped (actual description used) - approved 26/2/79.

Pre application advice

The application has been submitted following a number of pre application meetings with officers. The current submission has been reduced from a scheme for 62 new units originally proposed at pre-application stage to the submitted scheme of 50 units. Prior to engagement with officers the County Council commissioned a Design Brief for the site and invited tenders. The applicants are the successful bidders of that process. The Design Brief suggested a building comprising 50 units. The pre-application submissions had three options ranging from 62 to 56 to 50 units. The higher number of units did however result in taller three storey buildings being a dominant feature of the site. This together with other layout and design reasons prompted your officers to suggest a scheme for a maximum of 50 units.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS7 Open spaces sport and recreation

CS15 Affordable housing

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in December 2019. It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered relevant. These policies in part are likely to supersede, update or save as existing from the New Forest District Council Core Strategy 2012 .

4 - The Settlement Hierarchy

5 - Meeting our housing needs

8 - Community services infrastructure and facilities

10 - Mitigating impact on International Nature Conservation sites

13 - Design quality and local distinctiveness

18- Residential accommodation for older people

34 - Developer contributions

New Milton Neighbourhood Plan 2019

Currently at examination stage with referendum due in Spring 2020. The Plan carries some weight and should be taken into consideration in decision making.

Policy NM2 – Diversifying Housing - to redress balance in age structure and to encourage affordable housing for younger first time buyers or for rent.

Para 6.12 supports housing for extra care needs and downsizing so as to release housing stock on larger schemes of 100 houses plus.

Policy NM4 – Design quality – encourages local distinctiveness, high design quality and development which ‘inter alia’ protects green infrastructure and biodiversity, residential amenities, and is well planned in relation to parking and access. Optimises site development to include housing for younger people and families.

Supplementary Planning Guidance And Documents

SPD Mitigation Strategy for European Sites

SPD Parking standards

SPD Housing design, density and character

SPD New Milton Local Distinctiveness

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

53 - European Protected Species License requirements

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 15 Conserving and enhancing the natural environment

Planning Practice Guidance Note 2019 Housing for older and disabled people

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

OBJECT (Non-Delegated)

Members gave their general support for the development and its need, however the following needs to be overcome.

- (1) Support for the New Forest Ecologist in that the updated Ecology report has not been made available;
- (2) Concern regarding TPO loss, with no comments from the NFDC Arboricultural Officer currently available;
- (3) Lack of parking when compared to other facilities in New Milton;
- (4) Concern regarding privacy for 31 & 33 Gainsborough Avenue and general starkness of east side gable ends;
- (5) Lack of information regarding carbon and nitrate neutrality.

Amended Plans – Town Council meet on 5 December 2019 to consider the amended plans. Further comments anticipated which will form part of the update note

8 COUNCILLOR COMMENTS

Cllr Neil Tungate (Bashley) - I wish to record my support for this development of an Extra Care facility for New Milton. Such facilities are becoming increasingly important with our aging population. They do also have the benefit of freeing up other social housing for younger families when the older residents move into such facilities.

I do appreciate that there are some valid concerns from nearby neighbours, but these can surely be ameliorated by some fairly minor architectural changes? The end walls facing the Gainsborough Avenue properties are large and block like, so some effort to improve those would go a long way to reducing concerns. I would urge that more mature screening be planted along the eastern boundary to shield the Gainsborough Avenue properties.

It is also disappointing to note that the ecological survey work was not completed before the application was submitted, hence one of NMTC's grounds for objection.

Cllr Steve Davis (Milton)- I want to put my support on record for this proposed development. Although I share concerns raised by neighbouring properties, I feel confident that planning officers and developers can provide suitable assurances to ameliorate any impact to the environment and their homes. The provision of an extra care facility will be a huge win for both New Milton and the wider New Forest District and I welcome the proposal - not least because some social housing units could be made available for those on the housing waiting list.

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Bournemouth and Christchurch NHS Foundation Trust

Objects to the development unless a financial contribution of £39,187 is made towards supporting health facilities in the area. Provides a detailed justification in local and national policy terms in doing so along with a methodology for arriving at the contribution required.

NFDC Building Control

No adverse comments to make. No comments on amended plans.

New Forest Ecologist

The preliminary ecological survey has gaps and further information is required before it can be confirmed that the development is acceptable. At the present time therefore I object to the application as submitted.

Amended plans – Note submission of amended and updated details which have addressed my main concerns with regard to the application. The surveys now confirm evidence of roosting bats in the existing building and that the proposal will destroy an existing bat roost and to that end there will be a need for a European License (rather than an Appropriate Assessment under the Habitat Regulations 2017) . An informative should be added to any permission. In addition the LPA needs to run through the tests relating to overriding public interest, no other reasonable alternative, and evidence that the conservation status of the species can be maintained. The on-site biodiversity enhancement offer should also be improved but content that this can be dealt with by a condition.

NFDC Housing Manager

Fully supports this proposal which is much needed. See body of report below for more detailed comments.

NFDC Tree Officer

Concern regarding impact of development on non-protected trees near eastern boundary which are worthy of preservation. The loss of trees and understory will open up the site and this will increase the impact of the buildings. Whilst a number of trees are shown for removal none of these trees are worthy of long-term retention or protection. Any trees which are removed particularly along the eastern boundary should be replaced but the current proximity of the building does not allow this to happen as well as threatening trees outside the boundary. Objects to application as it stands.

Amended plans - Overall the scheme is an improvement over the previous layout and I am happy to support the application providing further details are provided in relation to the exact position of a proposed drainage swale, a sample of the proposed cellular confinement system be submitted and agreed, and works to be carried out in accordance with the revised Arboricultural report and safeguards within that document

NFDC Urban Design and Landscape

Concerns about impact of 2 storey element n the eastern and northern boundaries, loss of vegetation and insufficient space available to replant new trees. Further details required to cover service buildings. Hard landscape proposals are utilitarian and could be more creative to provide a better environment for occupants. Soft landscaping proposals also need to be amended and a landscape management plan should be submitted including biodiversity details. Concurs with concerns raised regarding impact on trees from Tree Officer.

Amended plans - whilst the movement of the eastern block away from the boundary has removed my principal concern the amended plans do not adequately address the other concerns relating to landscaping details. I recommend these matters are covered by detailed landscaping conditions which would require all hard and soft landscaping to be agreed prior to any works taking place, as well as further details in relation to service buildings.

Hampshire County Council Highways

Note parking provision proposed and confirm this is a matter for NFDC to satisfy itself on. NFDC parking standards suggest 50 spaces. Noted type of occupation and consider a case has been made to permit a lower number of spaces.

Raises a query regarding public footpath access link to the HCC facility to the north. This may not be acceptable. That said no issues with proposed access. Suggests consideration be given to linking the development site with a footpath on the western side of the B3058 with a new crossing point.

Queries provision for emergency and service vehicles which needs to be amended.

Requests further information to satisfy the above.

Amended plans -

Hampshire County Council Surface Water Team

Provides standard advice on dealing with surface water. Requests further information on surface water strategy including hydraulic calculations and agreement needed to proposed surface water discharge rate off site. Recommends this is provided now and not dealt with as a planning condition.

Amended plans - now content that sufficient details have been provided and recommends a condition to deal with future management and maintenance of all surface water features.

Hampshire Fire and Rescue Service

Provides standard advice in relation to fire safety – seeks amendments in submitted scheme

Amended Plans – emergency vehicle access still insufficient.

Southern Water

Public sewer runs along western side of site and should be safeguarded. Should any other sewers be found within the site during the build process this must be investigated before works proceed. Surface water drainage should not be allowed to enter the foul system. Development should make use of SUDS to cater for surface water. Other general advice offered. Suggests condition be applied to any planning permission seeking further details but no objections overall.

Strategic Gas Network

Medium pressure gas main in northern part of site. Low pressure gas main within access road. Provides standard advice on working in proximity to gas pipelines

Comments in full are available on website

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

4 letters received to initial plans – the letters generally support the principle of the development but wish to raise the following issues

- Object as there is no biodiversity net gain and mitigation for climate change
- Concerned about loss of trees on site and the ecological impact
- Query some of the landscaping and tree species which are not suitable
- Welcomes butterfly garden but again suggests changes to species of plants
- Provision should be made for swifts, other birds and bats within the development
- Development should be generating its own electricity and using rainwater harvesting
- Concerns about proximity of building, starkness, overlooking and loss of trees
- Overlooking and loss of privacy
- Concern regarding impact on important trees off the site which could be prejudiced
- Query over land ownership and boundaries
- Concerns raised about construction dust and noise

Letter from Hampshire Swifts recommending swift boxes

Amended plans

- One letter reiterates concerns relating to lack of bird and bat boxes and solar panels. Not enough done to set aside earlier objections.
- Two letters welcome the amended plans but hope that other improvements to the eastern end can be made to materials and to reduce overlooking still further. Recommends further biodiversity enhancements be made.

11 OFFICER COMMENTS

Relevant Considerations

Principle of development and affordable housing

a) Principle

Extra care housing schemes are typically for the elderly (defined as over 55) with care needs and those with learning, physical or sensory difficulties. Each development is designed with the changing care needs of residents at its heart and

such schemes enable residents to live in a purpose-built facility where they retain their own front door whilst providing easy access to the care they need. In this case the Use Class is defined as being Class C3 (b) for up to 6 people living together as a single household and receiving care e.g. supported housing schemes.

The Planning Portal sets out the following guidance on residential use classes - C3 Dwelling houses - This class is formed of three parts

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

The applicant's agent has provided evidence to support their contention that this proposal can be considered as a C3 (b) development and is happy to accept a planning restriction to that effect which would prevent a change of use without permission to another type of C3 use.

The site lies within the settlement boundary of New Milton and has access to public transport into the town centre from which a range of local services and other transport options are available. The redevelopment of the site for affordable housing from what is a community-based use has the full support of the County Council. The relevant Local Plan policy in this case would be Policy 4 which confirms that New Milton is among the settlements classed as most sustainable for large scale housing developments. The County Council has already made a strategic decision to wind down the site and allow its redevelopment for extra care housing. The loss of the facility is not considered to be a barrier to redevelopment on this occasion taking into account the other public benefits referred to below.

Policy 18 of the Emerging Local Plan supports the provision of residential accommodation for older people particularly where housing design takes into account the needs of this sector. This builds on government policy set out in the NPPF and Planning Practice Guidance which confirms the critical need to cater for an ageing population.

The developer points to occupancy restrictions intended which in this case will be age related as well as the potential for nomination rights and occupancy controls exerted through a section 106 agreement. The applicant is also willing to accept a planning condition restricting the use to Class C3 (b) rather than allowing a standard occupancy by persons without extra care housing needs. This is important as the development has a significant shortfall in car parking, as well as differences in relation to off site recreational impact, and POS requirements as referred to below.

b) Affordable housing

Policy 16 of the Emerging Local Plan encourages a range of housing tenures with an emphasis on 1-2 bed affordable homes. The policy specifically supports extra care housing.

Policy CS15 of the Core Strategy is still extant. In New Milton the policy requires 40% of units to be affordable with a split of 25% social rent and 15% intermediate. This policy however has been overtaken by NPPF policy which now broadens the definition of affordable to include affordable rent (80% of local rent values) as well as other forms of tenure such as starter homes and discount market homes. Emerging Local Policy 17 (as modified) requires affordable housing on residential sites of 10 units or more with a 50% target split between 70% affordable homes for rent (with an equal split between affordable and social rent) and 30% of the homes for shared ownership or intermediate.

The Core Strategy policy therefore requires 20 affordable units. The proposed development proposes 100% affordable with a split of 40 homes for rent and 10 for shared-ownership. The Joint Statement agreed between NFDC and HCC indicates that the homes for rent are to be prioritised for older people with a local connection to the New Forest District, whilst it is anticipated that the shared-ownership will also be purchased by people with local connections.

There are however restrictions on how the 10 extra care shared ownership units are controlled in rules laid down by Homes England in the case of grant aid being given. In such cases the units can only be controlled by eligible age restrictions.

The District Council's newly adopted Housing Strategy and the emerging Local Plan both reference demographic projections and support the need for this type of housing provision. In 2017 the estimated **unmet need** (by 2036) for extra-care accommodation across the district stood at 263 affordable and 158 market-housing bed-spaces.

The homes for Affordable Rent (making up 80% of the total number of dwellings) will be prioritised for households with a local connection to the New Forest District. Due to Homes England rules associated with capital public subsidy, the shared-ownership extra-care homes cannot be prioritised in the same way, however past experience suggests that buyers for the Fernmount scheme are likely to come from the local area.

In light of the District's growing housing needs for older vulnerable people, the locally weighted nomination principles and process, and the anticipated accommodation and services that will be provided, this proposal is supported by local policy and advice set out in the NPPF. The proposal as set out is therefore considered to be in line with Core Strategy policy.

It is considered therefore that any permission should be subject to a legal agreement requiring at least 20 of the units to be affordable. In addition an age occupancy condition should be included and a condition restricting the residential use to C3 (b) rather than general C3 housing which would place greater demands on public open space and give rise to potential increased impact on recreational demand off site with implications in relation to the Council's Appropriate Assessment and the Habitat Regulations.

Design and layout

Core Strategy policy CS2 and Policy 13 of the Emerging Local Plan state that Development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces.

The New Milton Local Distinctiveness SPD and New Milton Neighbourhood Plan builds on the above policies and requires developers to have an understanding of how their scheme fits with local character and to support the best quality attributes of the settlement.

The proposed development of the site with two building block arms enclosing a south facing area of green space works well and provides active frontages both to the internal spaces as well as to Fernhill Road to the west. The building blocks are predominantly 2 storey and whilst these are taller than a domestic scale house they do not dominate the site or its surroundings now that the plans have been amended to give more space to the eastern side. The 3-storey element is limited to a hinge section of the building on the corner of the two arms in the north western part of the site. This part of the building forms the central focus and entrance feature and incorporates much of the communal facilities. It is appropriate therefore that this is a more dominant feature than the more domestic scale of architecture of 2 storey. The approach to the site from the south ensures the first thing seen are the green spaces with the building forming a frame along the northern and western boundaries. This again reduces the height and dominance of the building. The frame of trees along the western boundary is fully respected and retained as will be trees along the southern boundary.

The design features of the building have a contemporary flavour which fits well with the contemporary development recently built to the north of the site. The building has a large mass but is broken into a number of elements to reduce its impact. Whilst the building has a deep floor plan it has been broken into narrower gables with link blocks. This successfully reduces the overall scale and impact and creates a series of buildings rather than two unbroken blocks.

The applicants overall have significantly improved the design of the buildings and reduced their height from the predominant 3 storey proposal presented at pre application stage.

In terms of the materials of the units the proposal includes a range of materials such as brick and tile with contrasting elements of bronze/brown decorative metal sheets. The building will be covered with dark brown tiles which will help to reduce the impact of what will be a large area of roofing. Details of all materials can be covered by an appropriate planning condition.

Overall it is considered that the design and appearance of the development is in accordance with Local Plan Policy sufficiently takes into account local distinctiveness and design quality as set out the New Milton SPD.

Impact on character and appearance of local area

As referred to above the building respects the local character and tree lined boundaries to the south and west. The local character in this location is mixed with a range of housing styles ranging from two storey flats, to single storey bungalows to a more contemporary taller block to the north. The main view of the site from public vantage points will be from Fernmount Lane and from the site entrance at Forest Pines. From these viewpoints the proposed building will be seen in context with the local green infrastructure. The proposal it is considered will not have a negative impact on appearance and local character.

Landscaping and tree related issues

The proposal as initially submitted would have had a detrimental impact on trees near the eastern boundary of the site. The amended plans now provide more room along the eastern boundary to allow the retained trees to flourish and will provide space for new planting and understory planting to replace any tree loss. This will again provide a better framing for the building along this boundary whilst safeguarding important trees outside the site.

There is a current TPO on the western side of the site fronting Fernhill Lane. These trees will be maintained and protected during the course of development and added to as part of the landscaping scheme. There is a further TPO in the north eastern corner of the site. One tree which lies within the garden of No.33 Gainsborough Avenue will be covered with a new TPO so as to ensure its root zone is protected. The occupier of this property has requested this. A further tree of significance in the garden of no. 29 Gainsborough Avenue is likely to be retained but it is too close to that property to justify a TPO. The movement of the building 6 metres away from this common boundary does however allow this tree to flourish and fill out on the application side where it has been stunted by other trees. Trees along the southern boundary whilst not being worthy of a new TPO are to be retained and protected during the course of development. The Council's Tree Officer has now confirmed his agreement to the revised scheme subject to appropriate conditions.

The Council's landscape officer considers that further details should be submitted to cover hard and soft landscaping matters.

Impact on amenity of neighbours

The original scheme had a particularly marked and unacceptable impact on the amenity of three dwellings in Gainsborough Avenue by virtue of the mass and scale of the new eastern gable ends in close proximity to the common boundaries, coupled with overlooking from side facing windows and balconies on the front and back of the building block. The revised plans move the gable ends a further 6 metres away from the common boundary. This now results in building to bungalow distance of 27 to 31 metres. This successfully reduces the impact and allows for new tree planting and understory planting which will in time reduce the impact of the new buildings further. Whilst there will still be side facing windows these are narrower secondary windows to the living room of the two flats which will have their main outlook to the front and rear rather than towards the neighbours. Whilst there may be some overlooking from these side windows and the balconies obliquely this is now at a level which is considered reasonable. Similarly, the two gable ends are joined with a glazed stairwell link but again does not now result in unacceptable overlooking given the distances involved between the building blocks. The buildings will cause some overlooking to private garden areas of the three bungalows concerned but this does not cause such loss of privacy as to warrant a refusal of planning permission. The potential for high level windows or obscure glazing has been considered but not considered necessary now that the building has been moved away from the common boundary.

The only other properties directly affected are the end flats on Forest Pines to the south of the site. There is some overlooking from the first floor of the south facing gable end of the new building with a side facing lounge window. The building block has had to be moved 2 metres closer to this neighbour as part of the amendments but still retains a distance between building blocks of over 18 metres. The level of overlooking of the existing flats is considered acceptable.

Highway safety and parking

The Council has adopted an SPD on parking standards. These standards provide guidance for developers. In this case the Highway Authority has referred to the lack of car parking but that this is a matter for the District Council to determine. The developers acknowledge this shortfall but point to the particular circumstances of this type of developer and the intended occupiers and occupation rates. It is likely that the occupiers will make less use of private motor cars and in addition the occupancy rate of this type of development is much lower than the standard occupancy rates for one- or two-bedroom open market flats without any occupancy restriction. In this case the occupancy rate per flat is likely to be of the order of 1.1 with evidence pointing to most flats of this nature being occupied by a single person. Added to this the parking provision for the development has had to be balanced with the amenity needs of the occupiers of the flats. The southern portion of the site is predominantly given over to a sensory garden and landscaping area. Whilst there is room to accommodate more parking it is considered on this occasion that other factors militate against this. The proposal is therefore considered to be acceptable. Emergency vehicle parking is provided for.

The Hampshire Fire Service also refer to insufficient space for emergency vehicle access. This point has been raised with the developer and any update on this will be given at Committee.

Drainage and flood risk

A flood risk assessment and drainage strategy have been submitted with this application. These reports conclude that the development does not pose any increased flood risk either on or off site. Foul water will discharge into the existing foul water system serving Forest Pines. A surface water system will be designed to cater for storm events up to 1 in 100 plus 40% for climate change. The site will drain at a greenfield run off rate of 5 litres per second and will make use of sustainable urban drainage systems. The water authority and Hampshire drainage team request conditions be applied seeking further information to be submitted and agreed prior to development.

Ecological matters

a) On site ecology

Local Plan Part 2 Policy DM2 is saved and still relevant. This policy expects development proposals to incorporate features to encourage biodiversity and retain and where possible enhance existing features of nature conservation value within the site. Members are referred to the latest comments of the Council's appointed ecologist.

- Habitat Regulations Tests

In accordance with the advice offered by the Ecologist the Council considers that there are a number of social, environmental and economic benefits associated with the development. The development will provide for a large quantum of new affordable housing and will cater specifically for extra care elderly housing for which there is evidence of significant demand. The proposal in addition provides much needed new housing stock to meet evidenced housing need. The proposal will remove a building which has outlived its original purpose and usefulness and will bring back into productive use a site which has lain dormant for a number of years in a sustainable housing location. The proposal also brings other off-site benefits in relation to public open space improvements, a significant sum towards habitat mitigation project

funding in New Milton, and New Homes Bonus. In addition, the proposal brings with it a number of new jobs both in the short term in the construction industry but also over the long term in relation to staff required to look after the building and its grounds. There is therefore evidence of an overriding public interest.

With regard to reasonable alternatives the Council is not aware of any other sites in New Milton that could fulfil the proposed development. The County Council in its brief and tender exercise will have taken into account the opportunities for other sites but no other sites have come forward. The re-use of the building whilst retaining the existing bat roost would not have been feasible and could not have delivered the same benefits referred to above. The Council therefore considers there to be no reasonable alternative.

Finally, with regard to the species status the applicants have put forward a mitigation scheme and evidence to show how this can offset any harm and can ensure the continued conservation species status. The Council is satisfied that an approval can be granted subject to conditions.

An informative note will be added to confirm the separate need for a European Protected Species License before any works which could disturb the existing roost are undertaken.

b) Off-site recreational impact

Policy 10 of the Emerging Local Plan now carries significant weight and will replace the earlier Policy DM3 of the Local Plan Part 2.

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 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. An informative would be applied to any consent to this effect.

There may be a requirement on this occasion to reduce the standard payments made based on a lower occupancy rate as evidenced by the applicant taking into account the particular type of occupation in this case.

c) Nitrate neutrality and impact on the Solent SPA and SACs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the

approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

12 CONCLUSION ON THE PLANNING BALANCE

The development seeks permission for 50 units of extra care housing within a sustainable location in New Milton. The proposal is supported by local and national policy relating to provision of new housing and in particular housing for elderly persons. The development is considered appropriate in design terms and in relation to its impact on local character and residential amenities. Issues relating to landscaping, ecology and biodiversity can also be accommodated. Earlier concerns in relation to the impact on neighbouring properties have now been overcome.

There are some deficiencies in relation to the level of car parking, and the lack of any public open space (POS) within the site. However, a mitigating factor is the type of occupancy being limited to extra care housing. The scheme does provide for its own POS demands however and makes adequate resources available for the residents within the site. It is considered that the overall public benefit particularly in relation to the quantum of new affordable housing being released, the social and economic benefits associated with the scheme and the release of 50 new units of housing, points to the balance on this occasion being one of approval subject to appropriate conditions and a Section 106 to cover matters relating to affordable housing and off site public open space contributions.

13 OTHER CONSIDERATIONS

Section 106 Agreement Heads of Terms

a) Affordable housing and future allocations from waiting list applicants

There will be a requirement to ensure that a minimum level of affordable housing to comply with CS15 policy is secured and maintained in perpetuity. The decision should be based on the Core Strategy policy rather than the Emerging Local Plan as this is not yet formally agreed being the subject of objections to the Local Plan. The level of affordable housing therefore should be 40% of the total number of dwelling proposed which equates to 20 units. The split of these units between affordable rent and shared ownership needs to be agreed but it is recommended that the 40% should be made up entirely of affordable rented units in this case. In reality however all units provided on site will be affordable. The tenure mix has already been confirmed at 40 homes for affordable rent and 10 homes for shared ownership.

In order to safeguard the future role of this scheme in relation to local affordable housing and provision for extra care housing for elderly people it is further recommended that the Agreement should contain a mechanism to allow the District Council to give priority to people in housing need with a local connection to the District. Agreement has already been reached between the District and County Council to be nominated in accordance with the principles and procedures set out in the District Council Housing Manager's response to this application (see on line for detailed response and nomination procedures – these procedures also include an assessment panel to consider individual requests for accommodation to ensure the care needs are taken into account). The shared ownership units however will need to be dealt with outside this framework given the rules associated with public subsidy.

b) Public open space and play provision

Given the circumstance of the case and the fact that the POS on site will be for the benefit of the residents only it has been agreed that an off-site financial contribution would be appropriate. The level of the contribution should be based on Core Strategy Policy CS7 which in this case equates to an off site contribution sum of £37,312

c) Habitat Mitigation

This can be dealt with in the standard procedure of imposing a condition on the planning permission to require the applicant to provide their own mitigation scheme or to contribute to the Council's scheme with a monetary contribution required of £117,500

Bournemouth and Christchurch NHS response

Throughout the preparation of the Council's Local Plan Review 2016-2036 Part One: Planning Strategy we have not received any indication from the Southampton NHS Trust of a requirement for increased service delivery based on the proposed housing delivery within the plan area. As the proposals do not meet the definition for infrastructure then any contribution would need to be secured via a S106 agreement.

For a contribution to be legally secured it would need to meet the tests of Regulation 122 of the CIL Regulations 2010 (as amended) namely:

necessary to make the development acceptable in planning terms;

directly related to the development; and

fairly and reasonably related in scale and kind to the development

Their request states it to be required for service delivery but it is not clear how this would be achieved in relation to this specific development. The contribution requested does not appear to meet the test of Regulation 122

The response provided indicates some evidence to support their claim that a contribution of £39,187 is required to make the development acceptable. The Council needs therefore to take a view on whether or not this is reasonable and required on this occasion taking into account the particular circumstances of this applicant and the other benefits that will flow from the development.

The Council considers that the development provides other compensatory social and economic benefits and that to require the further payment of this monetary contribution puts at risk the viability of the scheme and the ability of the developers to meet their aspirations of offering the whole scheme as affordable housing. The Council has taken into consideration the starting point of Development Plan policies but on this occasion has judged the development is acceptable without the required contribution.

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings 49 x £1224 =£59,976 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability set out below. It is likely an exemption will be applied for given the proposal is for affordable housing.

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	4852	1724	3128	3128	£80/sqm	£468,683.08 *
Subtotal:	£468,683.08					
Relief:	£0.00 - NB it is likely that full relief will be sought by the developers post decision given the proposal is for affordable housing					
Total Payable:	£468,683.08					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2019 this value is 1.22

nitrate neutrality and impact on the Solent SPA and SACs

14. RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) The completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following
 - a) Public open space off site contribution of £ 37,312.00
 - b) A minimum of 40% of the units to be affordable as per Core Strategy Policy CS15 with 20 units to be offered for affordable rent;
 - c) Future nomination and allocation to affordable housing in line with the District and County Council's agreed nomination and allocation principles
- ii) the imposition of the conditions set out below, together with any other conditions as may be required at the discretion of the Chief Planning Officer.

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:

Proposed Block Site Plan	FNM PL 005 Rev P4
Proposed Ground Floor Plan	FNM PL 010 Rev P5
Proposed Second Floor Plan	FNM PL 012 Rev P4
Proposed Roof Plan	FNM PL 013 Rev P2
Proposed Block Site Plan	FNM PL 024 Rev P3
South and West Elevations in context	FNM PL 025 Rev P3
North and East Elevations in context	FNM PL 026 Rev P3
Proposed South Elevation	FNM PL 027 Rev P5
Proposed North Elevation	FNM PL 028 Rev P5
Proposed East Elevation	FNM PL 029 Rev P4
Proposed West Elevation	FNM PL 030 Rev P3

CWA

Fire Tender Vehicle Tracking	CWA-18-280-SK002 P5
Fire Tender Vehicle Tracking	CWA-18-280-SK003 P5
Refuse Vehicle Tracking	CWA-18-280-SK004 P5
Proposed External Levels	CWA-18-280-510 P4
Proposed External Levels	CWA-18-280-520 P4
Proposed Drainage Strategy	CWA-18-280-530 P4

Afla

Arboricultural Survey, Impact Assessment and Method Statement

November 2019 - Enzygo Environmental Consultants

Ecological Impact Assessment Nov 2019 - Enzygo Environmental
Consultants

Reason: To ensure satisfactory provision of the development.

3. Prior to any works taking place above building slab level, samples or exact details of the facing and roofing materials to be used together with the details of the colour and materials for all new windows (including means of opening) and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside the National Park.

4. Prior to the commencement of any part of the development (excluding demolition or site clearance works) details of the proposed means of foul and surface water disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as may be agreed shall be fully implemented prior to the occupation of any of the residential units and maintained as such thereafter.

Reason: To ensure a satisfactory scheme is submitted to deal with drainage to ensure there is no exacerbation of flood risk off site.

5. Before development commences (excluding demolition or site clearance works), the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside the National Park.

6. The building shall not be first occupied until

- (a) details of the treatment of the boundaries of the site have been approved in writing by the Local Planning Authority, and
- (b) these means of enclosure have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside the National Park.

7. The development hereby permitted shall not be occupied until the spaces shown on the approved site layout plan for the parking of motor vehicles and cycles have been provided. The parking and cycle spaces shown on the approved plan shall be retained and kept available for the residential units hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with the Emerging Local Plan 2016-2036 for the New Forest outside of the National Park

8. During the construction period for the development hereby approved, no fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out without the prior written approval of the local planning authority.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy 13 of the Emerging Local Plan 2016-2036 for the New Forest District outside of the National Park.

9. Prior to the commencement of development including any demolition or site clearance works a Construction Management Plan (CRM) shall be submitted to and agreed in writing with the Local Planning Authority. The CRM shall include the following details –

- a) A plan showing the position of a secure compound for the constructor's plant, equipment, welfare facilities, storage of materials, and vehicle parking area within the site
- b) Hours and days of operation on the site to be specified and to exclude any works taking place after 1pm on Saturdays with no works taking place other than emergency works on Sundays or Bank Holidays or after 1pm on Saturdays.

- c) Phasing plan of the works together with projected timescales from commencement.

The development shall not be carried out otherwise than in strict accordance with the CRM as may be agreed.

Reason: In the interest of amenity and highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

- 10. No development, demolition or site clearance shall take place until the following has been submitted to and agreed in writing with the Local Planning Authority:
 - a) A sample of the exact cellular confinement system and brand to be used for the areas where specialist no dig construction will be used.
 - b) Detailed cross section drawings provided by a relevant engineer for the exact method of the construction of the areas specified to be no-dig and suggested within Appendix 7 of the Arboricultural report.
 - c) Clarification on the implication of the construction of the Swale as illustrated within the submitted landscape scheme close to Oak tree (T51) are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

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

- 11. Prior to the commencement of any works (including site clearance, demolition and construction works) 7 working days' notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting to inspect all tree protection measures and confirm that they have been installed in the correct location and to the specifications as specified in the submitted Enzygo Environmental Services BS 5837:2012 Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plans (ref - CRM.1637. 002.Ar.R.001.B) dated November 19

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

- 12. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Enzygo Environmental Services BS 5837:2012 Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plans (ref - CRM.1637.002.Ar.R.001.B) dated November 19 while in accordance with the recommendations as set out in BS5837:2012.

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

13. Prior any works taking place above slab level a scheme of landscaping to cover all hard and soft landscaping within the site shall be submitted to and agreed in writing with the Local Planning Authority (LPA). The scheme shall include a detailed phasing of all landscaping soft planting works including all trees and shrubs. Hard landscaping details shall include details of all hard surfaces and fencing, walling, bollards and any other means of enclosure to be used with details of or samples of materials to be used. A long-term landscape management plan shall be submitted as part of these details for approval.

All soft landscaping shall be maintained for a minimum period of 5 years from the date of planting. Any trees or shrubs which die become damaged or diseased within 5 years of planting shall be replaced with the same species (unless otherwise agreed in writing with the LPA) in the next available planting season. Following the end of that period soft landscaping shall be maintained in accordance with the long-term landscape management plan

Reason: To ensure that all hard and soft landscaping and other features within the site are appropriate and in line with Policy CS2 and Emerging Plan policy 13.

14. Prior to any occupancy taking place of any of the residential units hereby approved, a Maintenance and Management Plan for the entire surface water drainage system, including individual SuDS features and a plan illustrating the organisation responsible for each element, should be submitted to the LPA for written approval in consultation with the Local Lead Flood Authority.

Reason: To ensure that there are adequate arrangements in place in terms of the management and future maintenance of surface water works within the site.

15. Notwithstanding the provisions of Part 3 of the Town and Country Planning Permitted Development Order (2015) as amended or any other Order amending, revoking or re-enacting that Order, the residential units hereby approved shall only be occupied in accordance with Class C3 (b) of the Town and Country Planning Use Classes Order 2018.

Reason: The occupation of the units is intended as extra care housing which has less impact than other forms of Class C3 in terms of on-site car parking, public open space, and in relation to the Habitat Regulations 2017 and off-site recreational impact on European protected areas and species.

16. The occupation of the residential units hereby approved shall be limited to persons over the age of 55

Reason: The occupation of the units is intended as extra care housing for elderly persons which has less impact than other family forms of residential accommodation in terms of on-site car parking, public open space, and in relation to the Habitat Regulations 2017 and off-site recreational impact on European protected areas and species.

17. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (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 maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) 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 New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

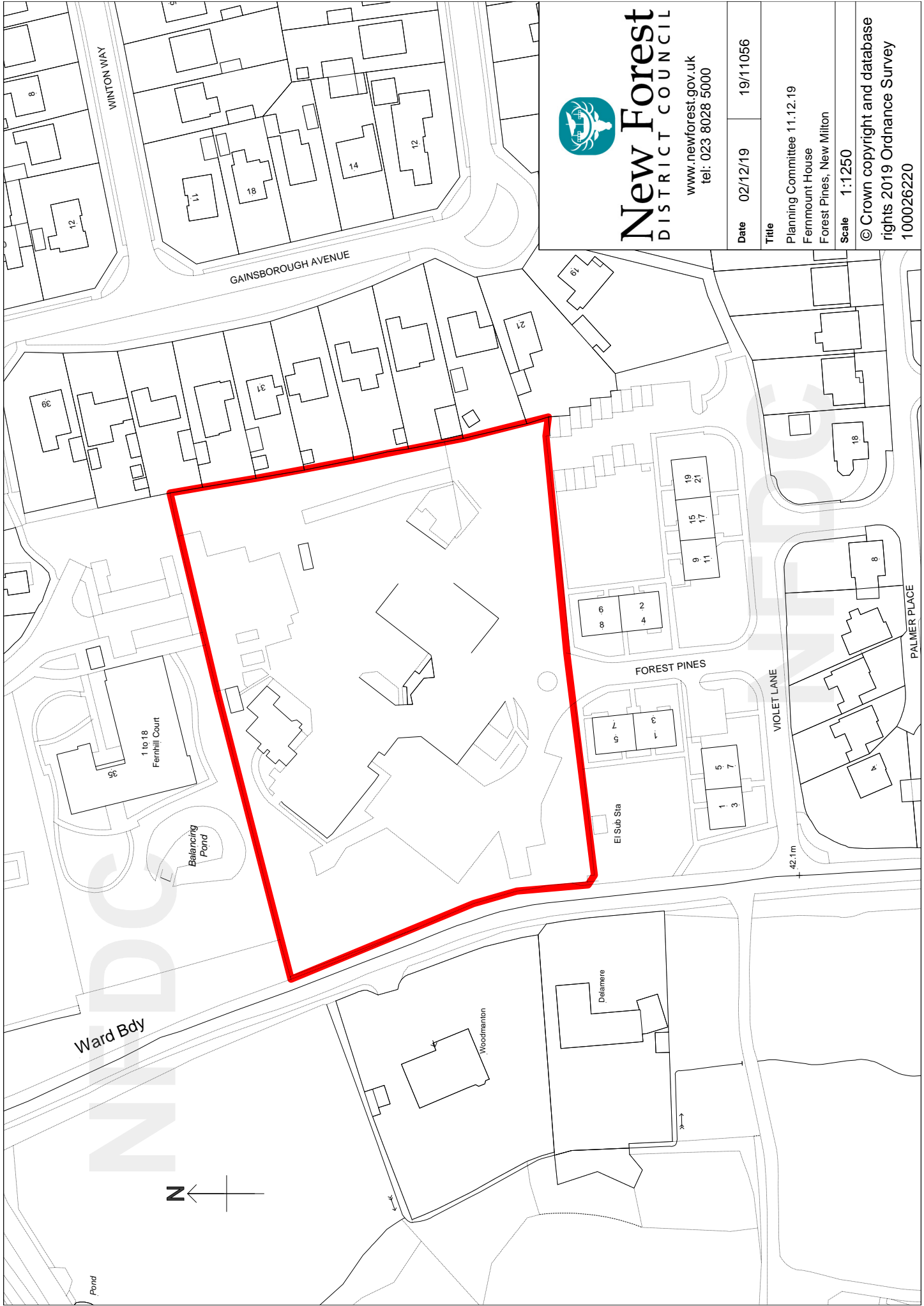
19. Prior to any works taking place above building slab level, a strategic Biodiversity Compensation and Enhancement Plan shall be submitted to and agreed in writing with the LPA. The plan shall include full details of how existing protected species will be safeguarded, and the specific measures to support enhanced biodiversity both through using the new building and the grounds of the site through appropriate landscaped areas together with the phasing of such works and maintenance thereafter.

Reason: To comply with Policy DM2 of the Local Plan Part 2

Further Information:

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New Forest
DISTRICT COUNCIL

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