

**Application Number: 20/10228**

**Site:** Land at BURGATE ACRES, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX (NB: PROPOSED LEGAL AGREEMENT)

**Development:** Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings

**Applicant:** Metis Homes Ltd

**Agent:** Metis Homes

**Case Officer:** Stephen Belli

---

Members will recall this application was presented to the 10 February 2021 meeting of the Planning Committee on which date it was resolved as follows –

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to

- i) The carrying out of a further Appropriate Assessment under the Habitat Regulations 2017 to consider the likely significant effects of phosphorous entering the River Avon SAC in consultation with Natural England. The results of the Assessment shall conclude that any adverse impact to areas and species of importance can be adequately mitigated by reference to any mitigation plan which the Council may bring forward or any plan brought forward by the applicant
- ii) the completion by end of 2021, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits:
  - 1 **Affordable Housing (AH)** – Phasing delivery of 14 no.units to be agreed, and long-term retention as AH.
  - 2 **Biodiversity net gain (BNG)** long term management/maintenance plan, setting up of management company and provisions to safeguard against failure. Appropriate monitoring charges. 30 year minimum time span for BNG on site.
  - 3 **ANRG** provision and maintenance and long term management/maintenance plan, – if privately managed. Structure of management company. and failure safeguards. If to be adopted the transfer to the Council and appropriate maintenance contribution
  - 4 **POS** provision and maintenance – management company to be set up and maintained, if private, or transfer to NFDC and contributions towards future maintenance

- 5 **Formal open space** contribution towards off-site formal open space to be confirmed
- 6 **Drainage, highways and street lighting on site** – arrangements to ensure all are provided in a timely manner and maintained appropriately in the future.
- 7 **Off-site drainage** – phasing and extent of works of works to be agreed.
- 8 **Formal open space contribution** towards off-site formal open space to be confirmed.
- 9 **Air quality assessment monitoring contribution**
- 10 **Footpath 83 improvements** – to include a detailed specification of the works, the timing of such works, a proportionate contribution towards future maintenance of any works carried out, and appropriate landscaping works to adjoining vegetation
- 11 **Phosphate neutrality contribution** Level of contribution to be agreed.

- iii) Delegated authority be given to the Chief Planning Officer to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

Should Members wish to view the earlier report and the confirmed minutes of the meeting they can do so by following this web link:

<https://democracy.newforest.gov.uk/ieListDocuments.aspx?CId=504&MId=6935>

## **CURRENT POSITION**

The S106 Agreement has now completed its drafting stage and is ready for signature. However, because of the Christmas break it was not possible to get the agreement signed, this will be completed in the first part of January.

In addition, a scheme for the mitigation of phosphorous impact has been submitted in draft form and Natural England notified that the Council intends to carry out an Appropriate Assessment following the issuing of the planning permission and as there is a project can impose a Grampian condition requiring a mitigation scheme to be in place prior to the commencement of development as follows -

*The development shall not be commenced until 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:*

*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.*

*Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.*

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

*Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.*

This report seeks the approval from the Planning Committee to grant delegated authority for a further one month for the completion of the S106 Agreement and the issuing of the Planning Permission.

## **RECOMMENDATION**

To allow a further one month period until the end of January 2022 for the completion of the S106 Agreement and the issuing of the Planning Permission.

NFDC

NFDC



# New Forest DISTRICT COUNCIL

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

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council Appletree  
Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

January 2022

Land at Burgate Acres  
Salisbury Road  
Burgate, Fordingbridge SP6 1LX  
20/10228

Scale 1:2500

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

