

**Application Number:** 20/11469 Full Planning Permission

**Site:** LAND AT TINKERS CROSS, WHITSBURY ROAD, TINKERS CROSS, FORDINGBRIDGE SP6 1NQ

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

**Applicant:** Pennyfarthing Homes

**Agent:** Terence O'Rourke Limited

**Target Date:** 14/05/2021

**Case Officer:** Stephen Belli

**Extension Date:** 31/08/2021

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## 1 SUMMARY OF THE MAIN ISSUES

This application is to be considered by Committee because the application forms part of the Strategic Housing Sites to be delivered as part of the recently adopted Local Plan.

The key issues are:

- 1) Principle of development including 5-year land supply
- 2) Site layout, design of dwellings, and impact on the character and appearance of the area including matters relating to hard and soft landscaping.
- 3) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, and car parking provision
- 4) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG formerly called SANG), and impact on Sites of Interest for Nature Conservation (SINC).
- 5) Flood risk, surface and foul water drainage
- 6) Impact on residential amenities of near neighbours, in terms of light, outlook and privacy
- 7) Affordable housing policy, application submission
- 8) S106 contributions and Heads of Terms in the event of an approval

## 2 SITE DESCRIPTION

The site is located within the newly extended settlement boundary of Fordingbridge as now shown in the adopted Local Plan 2016-2036. The site is located about 1.2kms from Fordingbridge Town centre and lies between the current northern built-up edge of the town along Whitsbury Road and the small separate hamlet known as Tinkers Cross which has grown up around the junction of Whitsbury Road and Fryern Court Road. The site forms part of the larger strategic housing site known as

Site 17 (Land at Whitsbury Road) and together with the land to the southwest and east is allocated for a development comprising of a minimum of 330 new dwellings.

According to the application form the site comprises an area of agricultural grazing land of some 5.74 ha. in extent (14.2 acres) accessed directly from Whitsbury Road by an agricultural field gate. A further agricultural gated access exists in the north-eastern corner of the site opposite Tinkers Cross. The site has its highest point in the northeast where it adjoins Tinkers Cross with the land falling away steadily over a distance of some 240 metres to the southwest where the Sweatfords Water mains river forms the boundary. There is approximately a 11-metre difference in elevation between the two points. The northern part of the site forms a plateau of land upon which the new estate is to be built. Apart from the remains of a small barn and stables in the south-eastern corner the site is devoid of any farm buildings. The former mobile home on the has now been removed.

The site is bounded to the east by Whitsbury Road (adopted public highway Class C 159), to the west by Puddleslosh Lane (private road and Bridleway 77), and to the south by Sweatfords Water. The site adjoins an existing recreational area of land provided as part of the applicant company's earlier development on the eastern side of Whitsbury Road known as Augustus Park (see application 17/10150 approved 26/03/18 - 145 dwellings), allocated by policy Ford 1 in the Local Plan part 2. Fryern Court Road (Unclassified) lies to the north east of the site and connects Tinkers Cross with the A338 Salisbury Road. Leading eastwards from Tinkers Cross there is a public footpath 83 which runs eastwards to the A338 Salisbury Road. Whitsbury Road itself connects the site with the town centre. Alongside Whitsbury Road and opposite the entrance to Augustus Park lies a complex of buildings known as Arch Farm. These buildings are now used for a variety of uses including a motor repair car workshop, and a newly opened farm shop.

Arch Farm buildings back onto the water meadows of the river with the land now laid out as part of the recreational land - part of the Ford 1 allocation forming part of the SANG for that development, (site of alternative natural greenspace – now referred to in the new Local Plan as Alternative Natural Recreational Greenspace or ANRG this land being required under the Habitat Regulations as mitigation land used to offset recreational trips to protected areas such as the New Forest National Park).

Either side of the Sweatfords Water lies an area of river meadow with a line of woodland trees to the north and a more substantial wooded group to the south. These trees are all protected by a blanket Tree Preservation Order imposed on Site 17 as a whole. Three individual trees are also protected alongside the south eastern boundary of the site.

Whilst none of the site has any national ecological designations there is an extensive area of three SINC's (Site of Interest for Nature Conservation) which are locally designated as important for ecology which covers the Sweatfords Water and water meadows and woodland areas either side of the river.

#### **Site constraints/ designations**

- Strategic Allocated Site
- Tree Preservation Order covers whole site
- Adjacent to public bridleway (Puddleslosh Lane)
- Includes parts of three SINC areas

### **3 PROPOSED DEVELOPMENT**

This full planning application submission from Pennyfarthing Homes (PFH) was

originally submitted for 63 dwellings but has now been amended to a total of 64 dwellings, access roads, landscaping, drainage and other infrastructure and public open space including informal play space and land used for ANRG purposes (habitat mitigation).

The housing mix is made up of the following -

- 3 x1 bed apartments
- 4 x 2 bed apartments
- 11 x 2 bed houses
- 32 x 3 bed houses
- 14 x 4 bed houses

The amended housing mix for 64 units is made up of 51 no. two storey dwellings with a mix of detached and semi-detached units, a single range of 7 no. apartments (2-2.5 storey) and 6 no. bungalows on one floor. All dwellings comprise a mix of traditional facing brick, tiles and slates with uPVC windows and doors. The dwellings are provided with a mix of parking spaces, garages and car ports.

The residential element of the scheme is all contained within the north eastern plateau area of the site with a 25-30m wide x 100m long area of public open space (POS) along the Whitsbury Road boundary, and a further recreation area split between ANRG and play facilities in the south eastern part of the site. The south-western part of the site will supplement the POS and ANRG areas and is to be laid out with two drainage basins and circulatory paths.

Highway access is provided in two places. The main access point is located mid-way between the Arch Farm complex of buildings to the south and Tinkers Cross to the north. This access road is intended to be publicly adopted and will be in effect a cul de sac with no vehicular access intending onto Puddleslosh Lane. This new access is just to the north of the original agricultural access which is to be retained for pedestrian purposes only. In addition three dwellings are provided with a private drive access near to the north eastern junction of Whitsbury Road and Puddleslosh Lane.

The development will be provided with a new foul sewer connecting to the mains system to the south, and two surface water drainage basins along the southern boundary which will collect all surface water and release it to the river at existing greenfield run off rates. All other mains services will be provided to serve the site.

The proposals contain a detailed landscaping plan and a framework for managing all public open spaces and landscaped areas along with ecological management measures.

#### a) Amended plan submission – August/September 2021

Following detailed discussions with the Case Officer the applicants have amended their proposal to address the concerns set out by the Case Officer in his letter dated 16 April 2021. A series of amended plans were then received on 6 August supplemented by further plans and reports received on 27 August 2021 and 2 September 2021. These amended details have been the subject of a further round of consultations both with the consultees listed in this report and local residents (including all those who wrote in as well as a further small number of residents not

consulted by the applicants during their pre application community engagement exercise). The amended application was also advertised in the Local Press. The comments below are a summary of all comments made.

The revised dwelling mix is as set out above.

#### b) Further amendments received November/December 2021

The amended plans have been the subject of a further set of amendments submitted on 10 November 2021, with further minor changes dated as 9 December 2021.

It is these plans and any other plans submitted which are not superseded that are now put before the Committee for approval.

These amended plans were not the subject of further consultation as they were changes of details rather than of layout etc. with no significant impact on neighbours close to the site.

Members and other interested parties are referred to the Council's planning web site for further details of the superseded and amended plans and supporting reports. All comments received are also to be found there by following the web link set out below and inserting the application number when prompted.

<https://newforest.gov.uk/article/1051/View-or-comment-on-a-planning-application>

## **4 PLANNING HISTORY**

**20/10351** EIA screening (no EIA required) – 29/05/2021

**13/11172** Continued temporary 3 year period for mobile home  
Allowed – 12/12/2013

### Other Fordingbridge Strategic Site applications

#### Site 16

**20/10522** Development of 240 dwellings, a new access off Station Road, 10.7ha of public open space (SANG, formal open space and informal open space), associated private amenity space, off-street car parking and access roads." (Outline Application with details only of Access) - LAND NORTH OF, STATION ROAD, FORDINGBRIDGE SP6 1JW -

Not determined and awaiting amended plans submission

#### Site 17

**20/10052** Residential development and change of use of land to Alternative Natural Recreational Greenspace and all other necessary on-site infrastructure (Outline planning application all matters reserved except means of access only in relation to a new point of vehicular access into the site) - LAND TO WEST OF, WHITSBURY ROAD, FORDINGBRIDGE –

Not determined with amended plans currently being considered.

#### Site 18

**20/10228** Construction of 63 dwellings, creation of new access, parking, landscaping, open space and associated works, following demolition of existing buildings - LAND AT BURGATE ACRES, SALISBURY

ROAD, BURGATE, FORDINGBRIDGE SP6 1LX (NB: PROPOSED LEGAL AGREEMENT) –

Resolution to grant subject to S106 10 February 2021

**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 111 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure  
LAND WEST OF BURGATE, SALISBURY STREET,  
FORDINGBRIDGE SP6 1LX –

Not determined and still at early stage of consideration.

## **5 PLANNING POLICY AND GUIDANCE**

### **The Core Strategy 2009 (Saved policy)**

CS7: Open spaces, sport, and recreation

### **Local Plan Part 2 2014 Sites and Development Management Development Plan Document (Saved Policies)**

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity, and geodiversity

DM4: Renewable and low carbon energy generation

DM5: Contaminated land

DM9: Green Infrastructure linkages

### **Local Plan Review 2016-2036 Part One: Planning Strategy**

STR1: Achieving Sustainable Development

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

STR3: The Strategy for locating new development

STR4: The Settlement hierarchy

STR5: Meeting our housing needs

STR7: Strategic Transport Priorities

STR8: Community services, infrastructure, and facilities

STR9: Development within a mineral safeguard area

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

ENV3: Design quality and local distinctiveness

ENV4: Landscape character and quality

HOU1: Housing type, size, and choice

HOU2: Affordable Housing

CCC1: Safe and Healthy Communities

CCC2: Safe and Sustainable Travel

IMPL1: Developer contributions  
IMPL2: Development standards

Strategic Site SS17: Land at Whitsbury Road Fordingbridge

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

- SPD Mitigation Strategy for European Sites 2021
- SPD Parking standards 2012
- SPD Housing design, density and character 2006
- SPD Fordingbridge Town Design Statement 2008
- Developer contributions towards air quality
- Draft SPD guidance on play provision within development sites
- Draft SPD Strategic sites masterplanning
- Ecology and Biodiversity Net Gain Interim Advice Note

### **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

#### Environment Act 2021

Section 98 and Schedule 14 – Biodiversity Net Gain

#### Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

### **Relevant Government advice**

#### National Planning Policy Framework July 2021 (NPPF)

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 14 Climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

#### National Design Guide 2021

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

#### Fordingbridge Town Council

#### **Original submission**

The Town Council recommended PAR4 refusal on the basis of poor design and poor

access.

This revolved around the following observations:

1. Traffic travelling north is likely to use Fryern Court Road, essentially a single track country road. The developer has advised that residents living within 100m of the site have been contacted as part of a consultation process, however the Town Council has been advised that numerous residents within that area have not been contacted and it is suggested that the consultation has been inadequate.
2. Whilst a traffic plan has been submitted by the developer, comments from Highways were unavailable. The comment was again made that in isolation, it may be possible to argue the impact of traffic case, cumulatively looking at the overall strategic site in the round is a very different matter. The Town Council again is firmly of the view that the access road from the A338 should be built at the beginning of development or at least a site access road.
3. Further comment was made regarding the design of the housing. In particular that it is not in keeping with the rural nature of the site and is more in keeping with an urban brownfield site. Front gardens for the property would be more in keeping with other housing in the locale and from a crime perspective there should be [a] wall around the back of properties.
4. Waste management comments were noted regarding difficulties accessing the site.
5. Finally, it was noted that there is no footpath from Puddleslosh Lane to the junction of Whitsbury Road and Fryern Court Road, which is also on a blind bend so would be a dangerous crossing, particularly for children going to school.

### **Amended Plans**

As discussed, at its planning committee meeting on 13<sup>th</sup> October 2021, the Town Council recommended PAR4 refusal of the above application due to the following concerns:

- The lack of affordable housing in the scheme (NIL offer at time of writing)
- The impact of extra traffic on the town and resulting congestion
- Phosphates
- Biodiversity Net Gain
- The sustainability and ecological soundness of the proposed housing

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

*The following comments in summary have been received. The full comments of each consultee can be found on the planning web site. The comments are divided between those originally received regarding the submission documents and any further comments received following an amended plans re-consultation.*

### Environment Agency

**Original submission** – have considered flood risk assessment and confirm that there are no objections subject to flood risk assessment and mitigation planning condition. Noted that all residential development is confined to zone 1 low flood risk area with higher risk areas zones 2 and 3 only used as open space, drainage basins and ANRG land.

**Amended Plans** – no further comments received.

### National Park Authority (Archaeology)

**Original submission** - Potential area of interest on the site showing possible Bronze age to pre-Roman settlement. Further evaluation needed and a scheme for further exploratory work and recording required prior to construction taking place. Does not require remains to be protected in situ however and recognises some destruction of the archaeology through the course of the development.

A substantive archaeological site has been discovered on the site which indicates the presence of a settlement. Such sites should not be needlessly or thoughtlessly destroyed. In this case this site will be damaged or destroyed by the development and whilst it is my opinion that this is not an overriding issue, I recommend that archaeological condition/s attached to any planning permission which might be issued to secure the archaeological recording by excavation of that site prior to development commencing (NPPF 199).

**Amended Plans** - no change to the recommendation of excavation prior to development

### Natural England

**Original submission** – No objections subject to appropriate mitigation to deal with recreational impact on protected areas, air quality contributions to be sought to assist in evidence being collected, and finally no adverse impact from phosphates entering the River Avon with a mitigation scheme being in place to demonstrate nutrient neutrality.

**Amended Plans** - Natural England welcomes the removal of the area of SINC from the ANRG provided for the development. We also welcome the improved interconnection between other strategic sites, FORD1, future ANRG proposed provision for SS117 and the potential for access to flow from the play area to the wider ANRG. Please note that provided your ecologist is satisfied with the ANRG habitat management plan and the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

The development should ensure that flood and surface drainage are properly addressed, and that Sustainable Drainage Systems (SuDS) are designed in accordance with CIRIA C753 SuDS Manual, to be as 'natural' as possible.

### New Forest District Council (NFDC) Building Control

**Original submission** - Weatherboarding may require fire retardment treatment. Access strategy needed for fire service to ensure all properties can be reached by fire appliance.

**Amended Plans** – No adverse comments to make.



## NFDC Conservation

**Original submission** - No concerns to raise

**Amended Plans** – No concerns

## NFDC Ecology

**Original submission** - In summary the following concerns are raised

- Insufficient data to establish no harmful impact to on-site species – further evidence and survey work may be needed.
- Concern about use of SINCS for recreational access – conflict between recreational use and potential damage to nature conservation value of SINCS – some limited access may be acceptable but further discussion needed.
- Clear impact of additional phosphorous entering River Avon SAC – no mitigation shown – application currently fails the Habitat Regulations tests on neutrality and adverse impact with no mitigation plan in place.
- Requirement for 10% uplift in biodiversity net gain (BNV) not yet proven
- ANRG and BNG management plans needed for future retention of ecological value

**Amended Plans (August 2021)** - I am pleased to see the SINC removed from the ANRG calculation in response to my earlier concerns that this did not accord with policy. Likewise, I am supportive of the change to the southern footpath, bringing this within the core site to the north of the treeline rather than to the south within the SINC.

I have reviewed the updated BNG metric, this has used the newly released version 3.0 (previously these were undertaken in 2.0). This shows a 24% gain for habitats area and 22% linear habitats. This compares with a previous calculated net gain of 18.62% BNG for area habitats and a 11.09% BNG for hedgerows using 2.0.

I am grateful that several of my previous comments relating to use of realistic target conditions for habitats have been taken account of and these are in evidence in the new 3.0 calculations e.g., SUDS being of moderate not Good condition.

There is one key area which I have not seen addressed as part of the latest submitted information and that is related to additionality and will need to be addressed.

**Additionality** - Where areas of the same site are being utilised for other activities e.g. ANRG, it is necessary to demonstrate how the biodiversity net gains are additional to other provisions which would be made irrespective of the biodiversity net gain requirement. Further information is needed to address this key point before a final recommendation can be made.

**Protected species** - No new information has been provided as part of the August 2021 submission relating to species.

**Amended ecological information (9 December)** - The applicants submitted further information on 9 December 2021 which has now been considered by the ecologist. His further comments in brief are as follows

- **Habitats - Biodiversity Net Gain** - I am satisfied with the approach taken and assumptions made and appreciate this additional work being undertaken. The calculations now address the BNG fundamental of additionality in a clear and transparent way. The result of this is a reduction in the amount of BNG delivered from 24% to 15%, critically this still

- demonstrates a BNG greater than the 10% required.
- **ANRG Management Plan** - The ANRG Management Plan has not been updated with BNG elements e.g., 30-year period, monitoring frequency, reporting etc. It does however provide comfort as to how BNG and the ANRG would be implemented. If you were minded to grant permission, I would request that a Biodiversity Monitoring and Management Plan is conditioned.
  - **Bat Species** - I appreciate the ground level roost assessment being undertaken / provided. I am content with the conclusions. The proposed development will retain all trees highlighted as having bat roosting suitability. All trees currently highlighted for removal to facilitate the development have been identified as having negligible bat roosting suitability. As such I am happy that further surveys are not necessary.
  - **Other Comments** - An updated EclA has been provided – I have reviewed this at a high level but would request that signposting is provided as to how and where my previous comments have been addressed for clarity and for expediency.

#### NFDC Environmental Health (Contaminated Land)

**Original submission** - No objections subject to standard conditions to deal with any unexpected contamination.

**Amended Plans** - no further comments received.

#### NFDC Environmental Health (Pollution)

**Original submission** – Regarding construction works on site - No objections subject to conditions to cover a Constructing Environmental Management Plan, and lighting controls. However, with regard to air quality and the impact on the wider town there are significant concerns that insufficient evidence has been submitted to demonstrate no adverse impact. Further survey work and modelling should therefore be carried out and a mitigation strategy put forward if there are any significant adverse impacts arising from construction traffic accessing the site through the town as well as the traffic emanating from the site during its operational occupancy phase.

**Amended Plans** - I refer to the email update provided by the air quality consultants (Redmore Environmental Ltd) on 6 December 2021 in response to points raised concerning air quality on 16 November 2021 regarding the proposed development detailed above and the air quality assessments associated with the development site. It is noted that due to the continuing complexities of the development of SS17 and SS18 by Penny Farthing, and therefore the details advised in the Air Quality Assessment A11338 (v6), further assessment concerning the cumulative impacts of SS17 (reference 21/10052), SS18 (reference 21/11237) plus Tinkers Cross on local air quality may be required. However the air quality assessment C10556 (v4) is accepted and the assessed impact of the Tinkers Cross (reference 20/11469) on local air quality as a stand-alone development is agreed as being 'not significant.'

Therefore, based on assessing Tinkers Cross as a stand-alone development Environmental Health (pollution) **do not object** to the submitted application ref: 20/11469 subject to the conditions

**Additional note:** There is an expectation for the cumulative impact for all proposed development in Fordingbridge, including Tinkers Cross, to be appropriately assessed as part of the planning applications for SS17 (ref: 21/10052) and SS18 (ref: 21/11237), using the traffic data and routing agreed with the transport regulators. Whilst it is noted additional comments have been made by the air quality consultants

(Redmore) on 6 December 2021 in response to concerns raised by Environmental Health (pollution), it is advised these comments are reviewed and if appropriate form part of the consultation on the air quality assessment for SS17 and SS18.

#### NFDC Strategic Housing Manager

**Original submission** - The current application and the approach towards affordable housing is still under discussion so advice at this stage is limited to guidance on type, tenure and size of units and policy requirements.

Policy HOU2 sets a required provision in the Avon Valley of 50% for affordable split 70/30 in favour of equal proportions of social and affordable rented accommodation, with intermediate housing products such as shared ownership taking the lower proportion. There is a clear demonstrable need for affordable housing across the district as a whole with an emphasis of need for rented accommodation on 1-2 bed units for both the rented and intermediate home ownership sectors.

If viability issues arise then the Council will only consider a reduced level of affordable housing once options to vary the tenure mix and timing of delivery have been considered. Further consideration then needed on an appropriate tenure mix.

In design terms affordable units should be indistinguishable from open market. Local connection mechanisms will be sought for all affordable tenures and a legal agreement required to include a registered provider.

Would be pleased to comment on the appropriateness of the Applicant's affordable housing proposals once the current viability issues have been addressed.

**Amended Plans** - Noted the revised offer now includes an appropriate mix of affordable homes with the First Homes proportion of the mix in line with the 25% government guidance. The mix of units will assist in meeting local need. Supports the application subject to a S106 agreement to secure the mix, tenures and local connection and that the houses are genuinely affordable. Note that the rent and shared ownership dwellings could be delivered by NFDC or a registered provider partner with First Homes delivered by the developer.

#### NFDC Open Spaces

**Original submission** - Detailed comments provided. At present there are concerns regarding the quantum and areas of POS/ANRG. Split between two needs to be clarified as does the relationship with the SINC's. Masterplan needed showing potential transfer land to NFDC. Details of play equipment needed. Location of play area next to road not suitable. Details shown between plans are inconsistent. No swings and over reliance on balance equipment. Duplication of play equipment with existing nearby. SUDs basins unlikely to be able to operate as POS. Not clear on who will look after SUDs. Landscaping and street furniture not clear. Construction details for POS etc. missing. Maintenance details for access not clear. Need for BNG and maintenance of same over 30-year period required.

**Amended Plans** – welcomes re-siting of main play area. Further detail required for all play equipment and specific advice given on play, landscaping, SUDs basins and other areas if those areas should be offered for and approved for adoption by the Council.

#### NFDC Trees

**Original submission** - Adverse impact on trees and hedgerows to the south west of

the site. Some of these trees have high landscape value and are protected by TPO. Some concern regarding proximity of attenuation basins immediately adjacent to root protection area. No dig walkway within RPA not suitable as land is liable to flood. Raised walkways would be possible if they were essential and had to be in this location. Currently object and would seek some amendments.

**Amended Plans** – no objections to amended plans which have overcome the concerns noted above. Recommend conditions to cover tree protection measures etc.

#### NFDC Urban Design

**Original submission** - A lot of guidance has been given through both published draft SPD (on masterplanning, and design for recreational mitigation) and pre-app discussion. The layout has evolved positively but many issues remain unresolved as yet and there are issues of non-compliance with points I, VI and VII under policy ENV3 based on issues of functionality, appropriateness and attractiveness which I will set out below.

There are significant concerns regarding site layout, housing designs, and open spaces, ANRG and drainage basins functioning well on the site.

I would welcome further discussion with the applicant if some assurance can be given that these issues can be taken seriously. For now, the application does not demonstrate a design which is good enough to approve and is considered to fail the Local Plan policy tests and design guidance documents.

**Amended Plans** – not gone as far as I would have liked and response to our request for further changes not fully met. It will be for the case officer to now assess the final amendments to consider if they are of good enough quality to warrant a recommendation of approval.

In addition, I note the applicant intends Wessex Water to manage large areas of SUDs basins which are intended to double as ANRG areas. It is important that future management of SUDs basins is guided by a land management plan that proves that the maintenance of these areas will be in line with ANRG requirements.

#### NFDC Landscape officer

**Original submission** - With regard to landscape impact whilst there is no concern regarding the principle of the development and its impact on the wider landscape more work is required to improve the submission document in terms of the number of trees, quality and species for tree and shrub planting and a landscaping strategy produced as well as plans for future management and maintenance of any new soft landscaping works. Concerns also expressed regarding management of open spaces and ANRG areas and whether or not the intended drainage basins will add to landscape quality and opportunities – further work is required before the development can be considered acceptable.

**Amended Plans** – detailed landscaping plans still needed by condition as the current batch are still open to interpretation. Some species will need to be changed. Management of POS and Swales along with ANRG still needs to be conditioned and agreed in detail. Boundaries still need to be confirmed. Some SUDs basins still need clarification and details to be approved. Would support need for bridge linking the Tinkers Cross ANRG with the new ANRG to be provided on the wider Site 17 application to the south. Happy to deal with all these matters by condition.

## NFDC Waste Management

**Original submission** - Consideration will have to be given to the storage and collection of waste & recycling materials, the sweep plan analysis for a refuse freighter only shows on the new proposed roundabout, it does not show on the development itself; what turning areas will there be? There seems to be a large number of small roads with no turning areas. Reversing a refuse freighter is one of the most dangerous activities in the waste collection industry and needs to be eliminated where possible. At present NFDC are a sack collection authority but the Councils waste strategy is currently under review, with a possibility of moving to a wheelie bin collection method. If this was to happen storage would be needed for up to two wheelie bins, as well as glass boxes and reusable sacks.

**Amended Plans** – No comments to make.

## Hampshire County Council (Countryside Services)

**Original submission** – no comments received.

**Amended Plans** – no comments received.

## Hampshire County Council (Education)

**Original submission** – no comments received to initial consultation.

**Amended Plans** - The proposed development of 64 dwellings would usually be expected to generate a total of 19 additional primary age children and 13 additional secondary age pupils. The development site is served by Fordingbridge Infant and Junior Schools and The Burgate and Sixth Form. The primary age phase schools are forecast to be full so, to accommodate the anticipated yield of pupils from this development, a contribution will be sought. The Burgate School is also full but is only at capacity owing to the recruitment of pupils from out of county. Consequently, no additional secondary school places will be needed to cater for these pupils and no contribution will be sought from the developer.

The County Council has used previous extension projects to derive a cost for the proposed expansion to the primary places within Fordingbridge, and this is estimated at **£272,517**. This is based on the provision of two teaching spaces at a pro-rata cost at both Fordingbridge Infant and Junior School. Details of how these costs were derived can be found in Appendix B. This will go towards any expansion at Fordingbridge Infant and Junior Schools. No contribution will be sought to provide additional secondary school places owing to the out of county recruitment of pupils to the school.

Without the provision of a contribution towards the provision of additional school places the County Council, as Local Education Authority, would object to the proposal on the grounds that the impact on the existing infrastructure cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

## Hampshire County Council (Fire and Rescue)

**Original submission** - Standard advice offered on need for compliance with Building Regulations

**Amended Plans** – no further comments to make

## Hampshire County Council (Highways)

**Original submission** – the following comments offered in summary

- Site access – no objections subject to highway agreement governing finer details
- Car parking - a matter for the LPA to consider – overall no objections are raised to the suggested parking levels for the site.
- Sustainable travel – Further work needed to demonstrate improvements to local rights of way, improvements required to encourage walking and cycling to local facilities such as schools and farm shop. Travel plan submitted needs further improvement. Cycle storage needs to be conditioned and provided for each dwelling to encourage sustainable travel options.
- Impact on highway network – note the concerns of the Town Council but do not consider these comments could be sustained and that they should form the basis of a refusal. In particular the HA note the concerns over Fryern Court Road being used as a 'rat run' but taking into account the traffic from Augustus Park added to this new estate proposed there is insufficient impact on the capacity of this road to cause concern. No localised improvements are suggested. Construction traffic to the and from the site can be managed by an appropriately worded planning condition.

Provided the points set out in response letter are secured by S106 obligations, and planning conditions then no objections are raised to this development.

### **Amended Plans**

- agree no need now for a footway along the western highway verge given internal linkages to be made between the site and the Ford 1 SANG area.
- highway adoption plan may need further amendments as part of s38 adoption
- highway materials using blocks in heavily used turning areas may not be acceptable
- highway drainage should be adopted by HCC with combined drainage features adopted by the LPA or statutory drainage authority.
- Concerns are noted from by the Town Council re the crossing point near Fryern Court Road junction but there is adequate visibility provided any hedgerow is planted at least 1 metre behind the vis splay with any existing hedge within the vis splay removed. The submitted plan does indicate this so an objection would be unsustainable.

Having reviewed the amended plans, the Highway Authority maintain their recommendation of approval subject to conditions and S106 obligations relating to a Travel Plan and Section 278 agreement for the junction, together with a new footway on the eastern side of Whitsbury Road

## Hampshire County Council (Local Lead Flood Authority - LLFA)

**Original submission** - County Council has reviewed the FRA and surface water drainage strategy submitted. Note that surface water is to be managed by two infiltration basins and connection to Sweatfords Water. Note that ground does not lend itself solely to infiltration so no objections subject to conditions that works are carried out in accordance with FRA, approval of EA to discharge to river, and long-

term maintenance of surface water systems.

**Amended Plans** - The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through porous paving, a bioretention/wetland area, swales, filter drains and two attenuation basins. Additionally, surface water will be discharged into an adjacent ditch, which will be connected to the Sweatfords Water by a channel, at a discharge rate of 6.9 l/s (QBAR). This is acceptable in principle since the ground investigation report showed that infiltration is not feasible at the application site.

The information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority has **no objection** to the proposals subject to the following planning condition ensuring the development is carried out in accordance with the FRA and any changes are agreed beforehand with the LLFA

#### Hampshire County Council (Minerals)

**Original submission** - Noted that site is safeguarded for minerals. Notes preliminary mineral resource assessment and agrees that prior extraction is not viable. Suggests conditions to allow for incidental extraction during course of development.

**Amended Plans** – no further comments received.

#### Hampshire County Council (Public Health)

**Original submission - Whilst** we do not normally comment on proposals for less than 100 dwellings we welcome housing which provides a mix of tenures and in particular a range of affordable dwellings, along with measures to improve public health through open space within the site, and other environmental safeguards around air quality measures, and mitigation against air and noise pollution. We also welcome measures intended to improve biodiversity and sustainable modes of transport and would encourage proportionate measures related to climate change.

**Amended Plans** – no further comments to offer.

#### Historic England

**Original submission** - No requirement to consult so no comments to make

#### Southern Gas Networks

**Original submission** - Standard advice regarding working close to gas pipelines. Site affected by some pipelines close by

#### Wessex Water

**Original submission** - The site at Tinkers Cross will ultimately drain to the public foul sewer network in Whitsbury Road. To provide foul sewer capacity for Tinkers Cross, allocation SS18 and potentially remaining SS17 allocation Wessex Water is planning to construct foul attenuation storage in the vicinity of Whitsbury Road. A high-level strategy has been agreed through internal governance process supported by developers and the NFDC via a Memorandum of Understanding. Wessex Water is due to commence outline design this Summer. Foul sewer capacity is currently available to accommodate predicted foul flows from 63 dwellings. Wessex Water will plan downstream capacity improvements in line with projected growth.

The sewer network in Fordingbridge does react to storm events and it is imperative that no surface or groundwater flows enter the network from the new development. The developer and sewer adopting body must ensure that all sewers are watertight in accordance with adoption standards. We note the surface water strategy proposed by the applicant and reviewed by the LLFA (ultimate discharge to Sweatfords Water). There must be no surface water connections to the public foul sewer. Elements of the surface water network can be offered for adoption to Wessex Water where they are in conformity with the Design and Construction Guidance and Wessex Water's SuDS Policy.

**Amended Plans** – comments awaited

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 1

Against: 14

### **Original submission**

14 letters of objection

- In principle objections – brownfield not greenfield, change in character of town
- High density does not reflect hamlet of Tinkers Cross
- Visual intrusion into countryside
- Impact on local infrastructure like doctors, dentists, and schools
- Where are all these new residents supposed to work. Town is fast becoming a dormitory settlement – not sustainable in the long term.
- Cumulative impact with other housing developments
- Impact on Sweatfords Water ecology and fish
- Lack of biodiversity net gain both on site and in the houses themselves
- Increased recreational demand on sensitive environment
- Nutrient enrichment issues
- Highway safety and speed of traffic on Whitsbury Road
- Dangerous crossing points and access points - support for lower speed limit
- Where is the new link road to the A338 – must be brought forward
- Impact on town centre through more traffic congestion
- Rat running on rural lines is unacceptable such as Fryern Court Road which contains a nursing home and other dwellings adversely affected along with those who walk the lane for recreational purposes – need to put in place traffic management measures
- Casts doubt on traffic surveys run through Covid restrictions
- Alderholt development will bring intolerable pressure onto Town when added to current proposed developments in the town.



- Three dwellings in top corner with their own access is dangerous given bend in road and other nearby driveways
- New residents of Augustus Park unaware their estate would be a through road. Concern as to how this will impact on safety for children playing in street etc.
- Poor design on energy efficiency and meeting climate change challenges
- Where are the required electric charging points for all new cars and why does the developer still build with gas builders as these are to be phased out
- Building houses to the cheapest spec misses opportunities for sustainable build and reacting positively to climate change
- The Town is drowning in identikit housing to the detriment of everyone's quality of life
- Lack of affordable housing is not acceptable – refer to policy requirement.
- Where is the land used for SANG on Ford 1 as compensation for use by road
- Disposal of surface water is a real issue
- Archaeological dig needed to assess historical impact of development.
- Any public spaces should be managed by a public body rather than a private company to ensure they remain of good quality and open for use.

### **Amended Plans**

7 further letters of objection received which reiterate some of the concerns raised above

6 other letters are either neutral or demonstrate some support for housing need but with reservations about impact of development.

## **10 PLANNING ASSESSMENT**

### **Principle of development**

The Local Plan gives full details of the of the Fordingbridge Strategic Sites and indicates how they fit together both in geographic and in infrastructure terms. (See Local Plan pages 161-175 for the Fordingbridge sites).

The principle of development in this case is firmly established by the allocation of the land for housing as part of strategic site 17 which is intended in totality to deliver a minimum of 330 new dwellings. The applicants, PFH, also have another application (21/10052) submitted on site 17 directly to the south of the Tinkers Cross application site. That proposal is in outline and is for an unspecified number of dwellings albeit the Design and Access Statement and Environmental Impact Assessment are based on the provision of around 365 new dwellings. That application is currently being considered.

There are two smaller parcels of land in separate ownership on land east of Whitsbury Road forming part of Site 17 but there are no applications submitted on those parcels as yet.

Added to the proposals for Site 17 there is another current application on hold for Site 16 and Members will recall dealing with the Metis Homes proposal at the February

2021 Committee which forms part of Site 18. Finally, PFH have also submitted an application for Site 18 for a further 400+ dwellings. The details of these and other more recently submitted new applications for site 18 are listed for information in the planning history section above.

Many of the letters of objection raise the issue of greenfield development and the Government's latest reported comments on avoiding such development but those comments are not material in a case such as this where the adopted Development Plan specifically allocates the site for housing.

### Housing Land Supply

The Council cannot at this point in time demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. The updated housing land supply position remains below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a new estate development of 64 units which will make a valuable contribution to housing supply in the District.

The July 2021 NPPF states the following

*For **decision-taking** this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The remainder of this report will now turn to other environmental and sustainable development factors to be balanced against this government advice to Local Planning Authorities.

### Design and site layout

Policy ENV3 of the Local Plan states that development should contribute positively to local distinctiveness, quality of life and enhance the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate in appearance and attractive. New development should be accessible for those with different needs with realistic levels of car parking, and attractive and appropriate green spaces. The Local Plan includes a concept Masterplan on which any new developments that come forward should be based unless the developer can show any changes are improvements or equal in quality. The Council's draft SPD

guidance on masterplanning sites is also to be afforded some weight. Added to this local policy the Government has now revised its NPPF in July 2021, and this together with the Governments Design Guidance provides further advice in achieving improved standards of design in layout and house types.

### Site Layout

Pre application proposals were submitted for a total of 100 new dwellings covering the whole site from the northwest to the southeast along Whitsbury Road. The applicants agreed to scale back their development to that more broadly shown in the concept Masterplan contained in the adopted Local Plan and to reduce the number of dwellings to 64. In particular the need to ensure a green corridor along the eastern, south-eastern and south- western boundaries has now been maintained helping the local landscape to assimilate the new development. The Local Plan required this part of Site 17 to form a new recognisable hamlet based on Tinkers Cross. The development as now shown has concentrated its focus on the Tinkers Cross whilst maintaining an attractive buffer to the other rural boundaries.

The Local Plan Strategic Site 17 policy and concept masterplan suggest a total of 60 units on the land at Tinkers Cross and the parcel of land directly opposite to the east of Whitsbury Road. That said, the overall number of new dwellings expressed for Site 17 was a minimum rather than a ceiling. Any increase in numbers must demonstrate the development is still of good design quality and that contributions required can be provided.

The highest part of the site in the northeast near the junction of Puddleslosh Lane and Whitsbury Road provides a range of low-level bungalows and a traditionally designed pair of two storey dwellings which reflect the traditional two storey dwelling which forms a prominent corner at the junction of Whitsbury Road and Fryern Court Road. The new estate successfully addresses the main access road coming into the site and provides some attractive street scenes. The impact to Puddleslosh Lane has for the most part been well addressed – retaining the lane-side hedgerows and trees along with a sensitive screening and treatment of high boundaries should protect this important rural edge to the site.

Similarly, the street scene to the southern boundary forms an attractive edge to this important rural fringe area of the site. The woodland edge is not harmed by the location of drainage basins in this area helping to keep an open buffer between the southern housing edge and the landscape features of trees and water meadows to the river. The inclusion of -the south-eastern part of the site as further POS and ANRG land further helps to retain the countryside edge nature of the existing site.

Within the site itself the new houses will front onto a number of new streets arranged around short cul de sacs with native hedgerows and trees providing soft planting as per the latest government advice on introducing street trees.

Members are referred to the site layout plans including the illustrative masterplan, site landscape plan and the other more detailed plans for further information with particular reference to the final amended version of these plans dated 9 December 2021. These matters will be referred to in the Case Officer's presentation at Committee.

The amended plans are now considered to be acceptable in terms of site layout. There have been a number of improvements in the layout which have improved design quality. Whilst there are still some missed opportunities to improve design yet further, and other issues such as landscaping to resolve, the latter can be conditioned. There are overall no significant site layout issues that now prevent a

positive recommendation. Some of the plans are still it is considered for illustrative purposes or such that they need to be amended so they will not be appropriate to include in any list of approved plans.

### House designs

Turning to individual house design matters, the original submission provided a series of house designs which very much reflected the earlier permission granted to PFH for the Augustus Park development in 2018. Whilst the earlier scheme was considered acceptable at the time this was prior to the new policies included in the more recently adopted Local Plan as well as recent Government advice set out in their Design Guidance to LPAs. The emphasis now is to provide quality design and beautiful places that reflect local character rather than be more generic in design terms. This is further emphasised and underlined by the recent version of the NPPF approved in July this year. This advice adds the need to ensure not only well-designed places but also that such developments make room for trees.

**Amended plans** - Detailed discussions between the applicant and officers have now taken place following the initial submission. Those discussions have culminated in an updated set of house types which demonstrate some better-quality house designs which are more reflective of local vernacular. The proposal now includes a range of house types which are considered acceptable subject to further fine details being agreed at condition stage. It is considered that the housing designs now put forward broadly support that local and national aspiration although there are a number of missed opportunities to improve design further such as in the courtyard section of the development where the applicant has resisted further design changes apart from some swapping of house types.

Overall, the quality of the scheme has now been improved to an acceptable level. Members will note the original comments of the Town Council and their more recent comments on the amended plans. The latest November and December submissions build on those changes with further improvements. The application details are now overall considered acceptable subject to conditions on details covering matters such as the need for finalised working drawings to be agreed.

### Landscaping and tree planting

The applicants have submitted a series of landscaping plans ranging from an overall masterplan, landscape framework plan and more detailed tree planting schedules and landscaping proposals for each part of the site. These plans however are not yet at a stage where they can be approved but they do form a good basis for the final plans to be worked up by condition. Landscaping is not just about tree planting however as it must cover ongoing maintenance not just for those areas close to the new dwellings but also the areas further afield within the ANRG and SINC areas as well. Landscaping must also cover hard landscaping i.e., materials to be used and details for all hard surfaced areas and boundaries.

The Council's urban design and landscape officers have made some detailed comments and these comments must be used by the applicants to form the basis of the finalised landscaping schemes. There is one significant missed opportunity relating to tree planting within the rear garden areas of dwellings which the applicants refuse to entertain as they contend those trees will be removed by future occupiers once the usual 5-year maintenance period has passed. Your officers do not agree that is necessarily the case and consider that on certain plots there is the space available and the opportunities to plant smaller suitable garden trees to reduce the impact of new houses and boundary fences when seen in close proximity to each other. The government advice on planting trees is pertinent and forms part of creating

'beautiful' places as set out in the Government Design Guide.

### Provision of play equipment

The development includes one locally equipped area for play (LEAP) which is to be fenced, with other more informal 'doorstep' type play facilities with natural play equipment such as balance logs and earth mounding elsewhere within the site. This combines a number of different types of play equipment both metal and wooden as well as a formed landscape that encourages natural play.

The main LEAP is situated within the south-eastern part of the site close to the main ANRG area but separated and fenced off from it so as to provide a secure play park for a variety of ages with no access to dogs. Your officers have been keen to ensure that the details of the LEAP and the actual play equipment to be provided at the very least are submitted now rather than be left to condition. The applicants however have declined to do so quoting the need to ensure that any equipment used is in line with the standards applicable at the time of delivery. Whilst it would have been preferred to see the detail at this stage detailed guidance and advice has been provided to the applicant, the developer is expected to follow this advice in agreeing any finalised scheme by condition. What is also crucially important is that the LEAP is completed and open prior to the occupation of the first dwelling having first been signed off as fit for purpose by the Council. Other informal areas for play can be opened on a phased basis and completed prior to the occupation of the final dwelling. Conditions relating to the agreement of a finalised scheme will be worded so that they are agreed with the Council prior to any works taking place on site.

For details of ANRG provision within the site see the section below on Habitat Mitigation.

### Adoption and future maintenance of play areas, POS, ANRG, and SINC

Comments have been made by some objectors regarding a desire to see public areas being maintained by the Council and not the developers. Whilst these comments are not it is not a material planning consideration. The future management and maintenance of these areas together with on-going monitoring will be agreed and secured as part of any Section 106 Agreement together with an appropriate contribution for ongoing maintenance.. The applicant/ developers will not carry out ongoing maintenance of the development. Comments expressed by objectors are incorrect in this regard.

### Highway safety matters

#### Vehicular access and highway safety

The position of the proposed new access has been chosen so that it retains as much roadside hedgerow as possible and provides sufficient separation distance between existing and proposed access points on Whitsbury Road. The principal new access road into the site will be to full publicly adoptable standards and provides an adequate and safe means of access subject to a final detailed approval. The Highway Authority are content with this proposal subject to a Section 278 Highway Agreement to govern the works and any planning conditions as appropriate. As for the timing of these works this will be required as a first phase of development so that all construction traffic can safely access the new site compound. Some concerns have been raised by 3<sup>rd</sup> parties with regard to the new access but given the Highway Authority raise no objection there are no sustainable grounds to resist the plan as submitted.

A small secondary access has also been included to serve just three new dwellings near the Puddleslosh Lane junction. This allows for the extreme north-eastern corner of the site to be used to accommodate a small number of dwellings and makes best use of the land available. Again, some concerns have been raised locally but no objections are submitted by the Highway Authority. The scale of use of this private drive does not give rise to any significant sustainable planning harm. The residents of these three dwellings will be able to access other parts of the site internally on foot without having to come out onto Whitsbury Road using the grass verge around the bend.

Vehicular access onto Puddleslosh Lane is not shown in the plans. Whilst Puddleslosh Lane is a public bridleway it is not a public highway so such a vehicular access would be inappropriate. That said there will be a pedestrian and cycle access created onto Puddleslosh Lane (see below). Puddleslosh Lane is currently used by a small number of properties and a farm for access. It connects with Marl Lane to the southwest (bridleway) and whilst it's use for pedestrians and cyclists may increase it is not anticipated that this will generate additional vehicular traffic. In addition, it will be possible for pedestrians to access Puddleslosh Lane and vice versa directly from and into the site in two locations.

See further comments below regarding a potential Traffic Regulation Order requiring a reduction in local speed limits. In coming to a view on the access new junction provision the Highway Authority are content taking into account current above 30mph speeds that the access is safe.

#### Trip generation and impact on local network

The Town Council in their comments have taken on board the concerns raised by local objectors and consider that the development will add to existing congestion and 'rat running' in the town with construction traffic and occupiers of the new dwellings using side roads and other minor roads such as Fryern Court Road to bypass the town centre. Those concerns have been acknowledged by the Highway Authority, but they maintain that the modelling of traffic flows in and around the town and the capacity of various junctions does allow for this modest new estate development. To that end there is no justification in highway safety terms to reject this development.

Other parts of Strategic Site 17 and 18 however will need to be considered on their own merits and Members will be advised at the time those applications come to Committee of any further considerations. The Highway Authority are clearly aware of all the Fordingbridge strategic sites in their assessment of this current application for the Tinkers Cross site. The Case Officer specifically drew the attention of the Highway Authority to the concerns and objections raised by the Town Council.

To allay any local concerns the Highway Authority have recommended a Construction Traffic Management Plan which can assist in controlling construction vehicles and the routes they use. The site will be provided with its own compound for all construction staff and visitors and there should be no issue with highway safety during construction on Whitsbury Road.

#### Car parking layout and Council standards

The Council uses its 2012 Car parking standards SPD to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and other local policy seeking a shift away from cars to more sustainable forms of transport. That said given the site is some distance from the town centre and the likely levels of car ownership from residents occupying the site, it would be prudent to ensure adequate car parking is provided to serve the site. In this case the amended

plans now show a sufficient number of car parking spaces to serve the development and with a small number of visitor spaces also provided. It is considered that the level of car parking provided on site through a mixture of surface parking, open car ports and garages will be adequate to serve the new dwellings subject to some further changes that have been requested. There is a balance to be struck here between providing reasonable levels of car parking and encouraging sustainable transport options rather than always relying on the private motor vehicle.

At this point it should be further noted that the Council has embarked on a review of the SPD and has issued a revised draft which updates in particular the size of parking spaces and the need for electric charging points and the larger spaces needed to accommodate those. Electric charging points can be incorporated into the development and can be covered by condition to require provision to be made prior to occupation. This supports the Government announcement that future legislation will require this for all new houses. Apart from a small number of key locations the size of car parking spaces being drawn as per the current SPD should not create a significant issue on this site subject to the point below on future Permitted Development (PD) restrictions.

It would be considered prudent in this case to ensure that all car ports remain as open structures so that they do not get 'converted' into closed garages at some future date – with the attendant risk that they are not then used for parking. The result of such works may diminish actual car parking spaces if those garages then are used solely for household storage. Similarly, any dwellings which have integral garages should have PD rights withdrawn to ensure those garages are not converted into additional ancillary living accommodation without the need for a further planning permission. Planning conditions are recommended to control these matters. Finally, any detached garage buildings within individual plots should be retained as buildings which are capable of being used for car parking rather than being converted into outbuildings with an ancillary domestic use. The negative side of not providing enough car parking is that it will encourage indiscriminate parking on soft verges and even pavements which would be contrary to good design principles and create dangers for both vehicular and pedestrian users and visitors to the site.

### Sustainable transport

Local Plan policy and NPPF guidance both require that new dwellings are provided with a number of sustainable transport initiatives. The Highway Authority note the submission of a Full Travel Plan for the site and require this to be incorporated into any planning permission and S106 agreement. The Travel Plan will encourage sustainable transport initiatives. Other works such as the improvement of a short stretch of Public Footpath 83 which links Tinkers Cross with the entrance onto Augustus Park from this public footpath will be secured through either a monetary contribution payable to the County Council who are responsible for the maintenance and upkeep of the public path, or a requirement that the works are carried out by the developer under license.

Members may recall the Metis Homes scheme (20/10228) which would complete the improvement of Footpath 83 meaning that Salisbury Road and Tinkers Cross would be connected with a new widened and re-surfaced path giving ready access to both the primary and secondary school for parents and children. In addition, the existing public footpath that runs from Tinkers Cross and connects with the entrance to Augustus Park on the eastern road verge of Whitsbury Road is to be widened and re-surfaced. This provides a further improved link for parents taking their children to the junior and infants' school. Finally, new footpath links are provided within the site that connect to the Ford 1 SANG area to the south and via that to the new farm shop without needing to use the highway verge. This network of routes will also connect to

the wider Site 17 site to the south via a new pedestrian bridge over the river as well as the main bridge river crossing. It is considered important this pedestrian bridge is created as part of the Tinkers Cross development and ready for opening to the wider Site 17 application to the south of Sweatfords Water when that development comes to fruition. The bridge will be conditioned accordingly as part of this development.

### Traffic Regulation Order (TRO)

As part of the proposal, it has been recommended to the developers that they apply for a TRO to reduce the speed limit of the site frontage from 40 mph to 30 mph. At the present time the speed limit along Whitsbury Road changes from 30 mph to 40 mph at the point just to the south of the earlier northern edge to the built-up area. This changes back to 30mph at Tinkers Cross hamlet just to the south of the fork junction between Whitsbury and Fryern Court Roads. This makes no sense now bearing in mind that Site 17 and the new estate development at Ford 1 effectively will fill the gap between the earlier built-up area of the town and Tinkers Cross. This coupled with the fact that there will be significant numbers of pedestrians seeking to cross Whitsbury Road from the Site 17 development to access the schools at Burgate (secondary) and Fordingbridge Junior and Infants (primary) to the east of Augustus Park means that it will be safer if the 30-mph zone is extended to include all of Whitsbury Road up to and including the hamlet of Tinkers Cross.

The applicants have agreed to apply for a TRO and to pay for the necessary implementation and signage infrastructure should this be successful. As for timing a TRO application cannot be made before planning permission is granted. Whilst there is no guarantee of success it is hoped that both the local Police and the Town Council will support such an application. The TRO application submission can be included as part of the clauses of the S106 agreement.

Members are referred to the final comments of the Highway Authority. Whilst the concerns raised by the Town Council are noted both in respect of the capacity of local roads and details such as the pedestrian crossing point, there are no sustainable reasons to refuse the application in this case.

### Ecology

#### On Site Biodiversity and protected species

The Wildlife and Countryside Act 1981 protects wildlife on development sites and confirms it is an offence to injure, kill or disturb wildlife species and their nests or habitats. Development Plan policy government advice and emerging legislation all require an enhancement to on-site biodiversity wherever possible. In accordance with policy DM2: Nature conservation "*Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site.*"

The Council's ecologist in his latest comments makes various recommendations with regard to protected species which can be dealt with by condition.

#### Biodiversity Net Gain (BNG)

Members will be aware that the recent Royal Assent of the 2021 Environment Act formally requires new developments to provide for biodiversity net gain for all housing developments (not just major schemes). Whilst secondary legislation is not yet in place it is considered that policy STR1 of the Development Plan can require a 10% improvement in biodiversity post development compared to pre-development and that



this improvement should be secured over a minimum 30-year time horizon which will then be subject to Secretary of State extension of that time period potentially subject to regulations.

With regard to this site the requirement for BNG is complicated by the presence of part of the site being classed as having local nature interest and designated as a Site of Interest for Nature Conservation (SINC). The Council's ecologist has raised issues with respect to the extent of Alternative Natural Recreational Greenspace (ANRG) and how this might impact on the SINC's nature conservation value e.g., use by dogs and walkers could have an adverse impact on ecological value. The latest plans now show the SINC retained within the site but protected from ANRG use by appropriate fencing with limited public rights of access through that area.

The ecologist also points out the concept of 'additionality' which must be resolved. Additionality is defined as where areas of the same site are being utilised for other activities e.g., ANRG or SINC, it is necessary to demonstrate how the biodiversity net gains are additional to other provisions which would be made irrespective of the biodiversity net gain requirement.

Any BNG that is secured must be managed and monitored to ensure its continued function over a minimum 30-year time frame. The regime for such management and monitoring will be subject to further consideration through the Section 106 Agreement and planning conditions. A biodiversity monitoring and management plan will be critical to successful achievement and maintenance of BNG. This can be conditioned as per the ecologist's advice.

As well as land-based improvements to secure BNG such as trees, shrubs and grassland habitats, the dwellings themselves should also all be fitted with bird and bat boxes prior to occupation. This can be secured by condition.

The further ecological details submitted on 9 December have now been considered and the Council's Ecologist is content to allow the development to proceed subject to conditions. On this basis it is considered that the proposal does meet with both national legislation on BNG as well as local policy guidance on protection of species. The future management of ANRG, SINC and other public areas will be crucial to ensure long term ecological benefits are retained. This will be achieved via a combination of management plans to be submitted by condition, protection during construction works, lighting strategy details, and future maintenance and monitoring which will be secured by a Section 106 agreement.

#### Habitat Mitigation and recreational impact on protected areas and species

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.

The Strategic Site policy requires sufficient on site ANRG areas be provided to divert recreational trips away from protected areas. In this case there is a large new dog walking and exercise area provided in the southern part of the site as well as further use of the area surrounding the SUDs basins which are to be provided with circular pathways. Added to this the site will link directly with a new footpath to the existing Ford 1 SANG area provided as part of the Augustus Park development (note – this

area is not affected by the new roundabout proposal on Whitsbury Road). The two areas will be contiguous with a footpath link allowing existing residents and new residents to benefit from this additional facility. The Tinkers Cross ANRG area will also link directly with Puddleslosh Lane and other public rights of way which in turn will provide access to other planned areas of ANRG on both Site 17 and Site 18. It will be noted above that public footpath 83 in particular will be improved to allow better use for dog walkers and other users.

Finally, when Site 17 is developed there will be a new footpath pedestrian bridge link across the river connecting off road the Tinkers Cross site with the larger Site 17 ANRG and POS areas further extending such dog exercise opportunities. The policy requirements for the current application site are fully met with the new ANRG area planned taken in combination with the improved linkages to other public rights of way and other areas of ANRG to be provided on both Site 17 and Site 18. The future maintenance and management of these areas in perpetuity will form part of the Section 106 Agreement.

### Phosphate neutrality and impact on River Avon SAC

The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation.

However, following the end of the interim period on 31st March 2020, the Council has been advised by Natural England and the Environment Agency that existing measures to offset the amount of phosphorous entering the River Avon, as set out in the Hampshire Avon Nutrient Management Plan, will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter, the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. As this interim period has now passed, at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Local Plan policy.

In July 2020, the Council adopted the Local Plan 2016-2036 Part One: Planning Strategy. The Local Plan recognises that the Planning Authorities in the River Avon will work with Wessex Water, Natural England and the Environment Agency to identify suitable mitigation of offsetting measures to enable development to achieved phosphate neutrality, including any update of measures set out in the River Avon Nutrient Management Plan. This work is ongoing. The principle of requiring all new development to contribute to mitigation measures in proportion to its likely impact on the European sites is set out in policies of the Local Plan 2016-2036 Part 1: Planning Strategy, namely Policies ENV1, ENV3 and ENV4.

The proposed development therefore may by itself and in combination with other developments, have an adverse effect on the integrity of European sites due to the impacts of additional phosphate loading on the River Avon SAC, the River Avon SPA and the River Avon Ramsar site, having regard to their conservation objectives. Without mitigating these adverse effects through the future implementation of mitigation projects these impacts would be unacceptable and therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Local Plan policy

The applicants have indicated they are working towards a private off-setting and mitigation scheme and are in discussion with both the Council and Natural England. It is anticipated that there will be more certainty over this scheme in the near future at which time the Council could use a Grampian style condition. The applicants are happy to accept a Grampian style condition which requires a mitigation scheme to be finalised and agreed as well as secured in the long term to deliver the necessary mitigation, prior to commencement of development. Any such project for mitigation will also have to pass the Appropriate Assessment test taking into account the views of Natural England.

#### Air Quality mitigation

Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. This is currently set at a flat rate fee of £85 per dwelling. The contribution will be used to ensure that impacts on international nature conservation sites are adequately mitigated, with a financial contribution required to put towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other international designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. The contribution can be collected via a S106 Agreement.

#### **Flood risk, foul and surface water drainage**

##### Flood Risk

Whilst the site lies close to the Sweatfords Water which falls within flood zones 2 and 3, none of the residential element of the scheme lies outside zone 1 which is the lowest risk of land liable to flood. Nevertheless, the applicants have submitted a flood risk assessment and the comments of the Environment Agency are set out above confirming they have no objections. The policy requirement in this case is for the development not to exacerbate flood risk elsewhere outside the site. The Environment Agency and Hampshire Local Lead Flood Authority are both content that the development will not do so subject to the works being carried out in accordance with the drainage strategy and plans submitted and the mitigation measures put forward, with such measures being maintained into the future.

##### Surface Water

Local and national guidance now encourage sustainable urban drainage solutions (SUDS) to deal with surface water. In this case the site does not lend itself to infiltration (water soaking in) of surface water and consequently such surface water will need to be managed and the run-off rates slowed to existing green field run off rates before entering the Sweafords Water so as to prevent further off-site flood risk downstream. Added to this it is important to ensure that such drainage features are appropriate in both design terms (how they look) and in ecological terms to encourage improved biodiversity.

The current application now includes two linear basin features which will act as reservoirs during times of excess rainfall. These basins are designed so that they are shallow features which can look attractive with and without water. Added to this the basins can also be part of the ANRG recreation offer on the site and can extend dog walking opportunities. Further enhanced biodiversity opportunities may also exist with appropriate species planting of the SUDs basins.

Both the Hampshire County Council LLFA and your officers are satisfied that the drainage basins will be acceptable in their re-designed form subject to any further fine detailing being dealt with by condition. The concerns raised by the ecologist and tree officer have also been addressed.

Other parts of the site will also be used to slow down surface water and reduce any surface water run off onto public highways or pathways by the use of permeable materials.

It is considered overall that the surface water drainage strategy now put forward will be effective in dealing with surface water run-off and will be acceptable both in design and ecological terms as well.

It is important that the management of these drainage structures is clear. This will also include the management of soft planting and measures to ensure the safe availability of access for occupiers to use the area around the basins recreationally. The design of drainage basins is illustrated in this case as being shallow basins which could allow for use as amenity areas as well as for their primary purpose of surface water retention as well as attenuation (i.e. regulation and rate of flow of water) of surface water flow rates to the river. Such management arrangements can be dealt with as part of any Section 106.

### Foul water drainage

Wessex Water who are the sewerage undertaker have been consulted on the application and have no objections. Whilst there are issues with the current sewerage system in the town there is sufficient capacity within the current system to accommodate the relatively small number of additional dwellings that would be brought forward with this scheme. Their comments refer to the high-level strategy now in place to manage further large-scale developments in the town. This includes two large foul water storage tanks to be placed on land adjoining Whitsbury Road and Station Road. All the Fordingbridge strategic site developers have now signed a Memorandum of Understanding to confirm they will collaborate and work together to resolve the sewerage issues.

The larger developments associated with strategic sites 16, 17 and 18 will trigger the construction of the storage tanks, but for the time being provided there is no surface water entering the foul system from the new dwellings then there are no objections to the Tinkers Cross scheme.

The development of the larger separate site 17 application at Whitsbury Road (21/10052) makes provision for the location of one of the storage tanks within its site. In brief the purpose of the holding tanks is to delay the release of effluent from the new development areas into the existing sewer network until there is capacity to do so without risk to properties 'downstream', at times when the sewer system is affected by flood water ingress or other overload risks. Post 2025 it is likely that the Fordingbridge Sewage Treatment works will be upgraded. The tanks provide an interim solution to allow the strategic sites to come forward in advance of those works taking place.

### **Residential and wider amenity impact**

The development of this site will have an effect on the wider population in the town who may currently enjoy the countryside views afforded from Whitsbury Road as a public benefit. The allocation of the site for housing however will inevitably have to set this loss aside, albeit this is tempered with the soft landscaping and open space margins that will be retained around three sides of the residential development and the green backdrop along the southern boundary with Sweatfords Water being retained.

The more immediate impact will be on those local residents living at Tinkers Cross. Some of those residents directly front onto Whitsbury Road and will suffer some loss of amenity through the impact on wider views, and some levels of overlooking as well as additional access and turning movements in and around the site. There will be noise and disruption caused by construction traffic and construction on the site itself.

With regard to loss of privacy and light there are no significant issues given the small number of dwellings that directly front Whitsbury Road in the north-eastern corner. These dwellings are far enough away from the front elevations of Tinkers Cross properties (25-45 metres wall to wall). There is no direct overlooking and the relationship of the site to Tinkers Cross is acceptable in amenity terms. Similarly, any impact from construction can be adequately managed through a Construction Traffic Management Plan and Construction Environmental Management Plan.

The stated objection on highway safety grounds to an individual access in the northern corner of the site and the impact this might have on other residents' turning manoeuvres is not supported by the Highway Authority and there are no grounds either based on amenity or highway safety to resist this minor private drive access.

The location of any play areas is also far enough away from the existing residents so as not cause any undue loss of amenity with the principal play area being located in the south-eastern corner of the site. A small natural play area in the northern section of the site will not cause such harm as to warrant a refusal of permission.

The proposal is therefore considered acceptable in residential amenity terms.

### **Affordable Housing including viability assessment**

#### **Background, local policy and national guidance**

The delivery of affordable housing (AH) is a key corporate priority for the Council, and this is reflected in the Council's Corporate Plan.

With regard to Local Plan Policy HOU2 the policy requirement in this case is for 50% of the units to be affordable, and those units to have a split tenure mix with 70% being affordable homes for rent (with an equal split between social and affordable rent) with

the remaining 30% of units to be intermediate/shared equity homes.

The Policy states that the viability of development will be taken into account in applying this policy as set out in Policy IMPL1: Developer Contributions, Starter homes or what are referred to as Discount Market Units (DMUs) are not considered to be affordable in terms of the Development Plan policy. First Homes are not considered to comply with Local Plan policy either, but they are now officially recognised as an affordable housing product by Government who have recently published new guidance on First Homes (see below).

The policy requirement in this case is therefore that the development should provide 33 units as affordable resulting in 22 dwellings being split between social and affordable rent, and 11 units provided on a shared equity basis as intermediate.

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

**The Planning Practice Guidance ('PPG')** which accompanies the NPPF defines viability assessment as *"a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return."*

**The RICS Guidance 'Financial viability in planning' states that:**

A viability appraisal is taken at a point in time, taking account of costs and values at that date. A site may be purchased some time before a viability assessment takes place and circumstances might change. This is part of the developer's risk. Land values can go up or down between the date of purchase and a viability assessment taking place; in a rising market developers benefit in a falling market they may lose out. A developer may make unreasonable/over optimistic assumptions regarding the type and density of development or the extent of planning obligations, which means that it has overpaid for the site'.

Land Values

The revisions to the Viability Planning Policy Guidance 3 and the National Planning Policy Framework (updated 19th February 2019 and further updated to July 2021 in other respects) now very clearly advise that land value should be based on the value of the existing use plus an appropriate level of premium or uplift to incentivise release of the land for development from its existing use. Regarding how land value should be defined for the purpose of viability assessment, it states: 'To define land value for any viability assessment, a benchmark land value (BLV) should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner' *[to encourage that landowner to allow the land to come forward for development]*.

The guidance defines existing use value (EUV) as: 'the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses.

Existing use value is not the price paid and should disregard 'hope' value. Existing use values will vary depending on the type of site and development types. EUV can

be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.'

It states that a Benchmark Land Value should:

- be based upon existing use value
- allow for a premium to landowners (including equity resulting from those building their own homes)
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and
- be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.'

The guidance further states that:

*'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.'* It goes on to state: *'Policy compliance means that the development complies fully with up-to-date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan. A decision maker can give appropriate weight to emerging policies. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement).'*

In this case it is a matter of fact that the land was purchased for a sum well below that of the suggested benchmark land values put forward by the applicant. Whilst this is not a determinative matter it should not be lightly set aside.

## OFFICER ASSESSMENT

### First offer on affordable housing

The application as originally submitted proposed to deliver 8 no. affordable housing units with the following mix.

- 1 x two bed house - affordable rent
- 2 x one bed flats - affordable rent
- 1 x two bed house - shared ownership
- 1 x 2 bed flat - shared ownership
- 3 x 2 bed flats - First Homes

*(Officer explanatory note - First Homes is a new Government scheme designed to help local first-time buyers and key workers onto the property ladder, by offering*

*homes at a discount of 30% compared to the market price. Whilst the discounts will apply to the homes forever, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold, the price paid after discount currently set at £250k outside London will rise with inflation etc. The Government guidance allows LPAs to develop and adopt their own criterion on such matters as the level of discount, and any local occupancy requirements. As yet these have not been formulated by the Council).*

*NB – discount market units or starter homes are not officially recognised as an affordable housing product so can be ignored for the purposes of this planning report. In addition, whilst the offer referred to First Homes it was not made on that strict model basis for this first offer.*

This first offer equates to a 13% level compared to a policy compliance target of 50%. The tenure mix did not match policy requirements either.

As this application does not propose to deliver the full level of affordable housing required by policy a Viability Assessment report has been submitted. This economic viability assessment (Financial Viability Assessment as termed by the applicant - FVA) considers all the development costs including any abnormal site related costs, build cost of the units and the site (using national standards), developer profit, and the price of the land with a sufficient incentive to the owner to bring the site forward. An FVA was submitted with the original application for 63 units.

The Council's assessor advised that the the level of affordable housing being offered could be greater and in particular took issue with the benchmark land value set by the developer which the Council's assessor found to be too high and not in line with the above advice. Added to this the level of developer profit was also considered to be too high. The assessment is available to view online dated 15 April 2021 with the summary of this advice set out on page 34 of that report.

#### Second Offer – 16 August 2021 Amended Plans and revised FVA

Since the slight increase in the number of units to 64, to meet design and other objections, the FVA has now been updated and amended to reflect the amended proposals. As part of this resubmission the applicants amended their offer to 3 discount market units (80% value of open market units) 3 x affordable rented units, and 3 x shared ownership units. This offer was made on the basis of no education authority contribution being made.

Following on from the Education Authority's recent request for a contribution towards future funding of additional child places for both the Fordingbridge Infant and Junior school the applicants have reduced their affordable housing offer to **NIL** indicating the development of the site is not viable if affordable housing is included. It is not considered appropriate to trade off the required and necessary education contribution to allow the re-instatement of the earlier offer.

#### NFDC Assessor comments

On receipt of a non-compliant affordable housing offer the Council now uses an independent consultant to assess the FVA provided and provide an independent assessment report to the Council. As required under the current PPG both the FVA and the Council's independent assessor report are included on the web site. See report dated 23 November 2021 in draft form.



There are three clear differences of opinion between the Council's consultant and the applicant's position.

- Benchmark land value – should be reduced from £375,000 per acre to around £200,000 per acres
- Profit level should be reduced from 20% to 17.5%
- Sales values undervalued need to be increased

These three factors will improve viability and the ability to provide affordable housing.

In addition, the actual tenure of any affordable housing that is provided should reflect the Council's policy as set out in the Development Plan i.e., 70% should be for rent and 30% as intermediate model of housing such as shared ownership. The Discount Market Units referred to by the applicants are not considered to comply with this policy. The Government's First Homes policy has now been published but at the present time this is not considered to warrant consideration and to outweigh the Council's own adopted Development Plan policy.

#### Third offer – 9 December 2021

The latest position on this following discussion with the applicants is an improved offer as taken from their letter dated 9 December which states the following -

*There remains disagreement in respect of the views of Pennyfarthing Homes viability consultant BNP Paribas, and Dixon Searle the council's advisor. A response to the most recent comments is submitted (letter dated 3 December 2021) responding to those points most recently raised.*

*However, notwithstanding this disagreement, Pennyfarthing are proposing to provide a without prejudice affordable housing offer of 14 dwellings (22 %). This consists of:*

- 10 affordable rent dwellings  
(4 x two-bedroom apartments, 3 x one-bedroom apartments,  
2 x two-bedroom houses, 1 three-bedroom house)
- 4 x shared ownership dwellings (all three-bedroom houses)

*This 22% provision is in line with the percentage affordable housing secured through the Metis homes scheme.*

*We would also note that the Dixon Searle report in respect of the viability information for the Metis Homes scheme did not include allowance for any S106 costs, yet 22% was accepted as the maximum provision. For the Tinkers Cross scheme various S106 items are required including an education contribution, yet the proposal being made by the applicant is the same level of affordable.*

Added to this the applicants have updated this information with a further letter dated 7 January 2022 and supporting documents all of which can be viewed on the web site.

#### NFDC assessor's comments on third offer

The NFDC consultant comments as follows -

*Whilst we may now assume that S106 costs and other abnormal costs are agreed, there is still disagreement about Benchmark Land Value. We consider that BLV should be reduced to no more than £200k per acre (£500k per ha) which is more in*

*line with other recent schemes with which we are familiar.*

*We consider on this basis that a minimum further headroom of £700k could be found which could release a further 6-8 units of affordable housing without adversely impacting on viability. We would need to leave the discussion on which units and tenure mix to the Council to take forward with the applicant. This would result in an offer in excess of 30% which whilst still being well below the policy threshold is in our view, taking into account all the circumstances of this case, a reasonable position to take.*

*We have had to make assumptions with regard to build costs and sales values so if no further improvement can be made on the AH offer then a review mechanism should be considered to allow the Council to re-visit this at a future date once costs and values are better known. It would however be preferable if a settled agreed position could be found now.*

#### Fourth offer – 27 January 2022

Following on from a further meeting between officers and the applicants they have now improved their offer to the following -

The affordable mix now proposed is as follows:

- 7 no. affordable rent homes (3 no. 1-bed apartments: plots 21, 23, 25 and 4 no. 2 bed apartments: plots 19, 20, 22, 24)
- 7 no. shared ownership homes (2no. 2-bed houses: plots 26, 27 and 5no. 3-bed houses: plots 40, 41, 42, 43, 44)
- 5 no. First Homes (5 no. 2-bed houses: plots 7, 8, 56, 57, 60) (assuming 30% discount on market value, with local occupancy)

This equates to an offer which is rounded up to 30%

In doing so the applicant's wish to make the following points in their letter dated 27 January 2022 which can be read in full online.

*We must stress that Pennyfarthing and its advisors do not agree with the assumptions behind the Dixon Searle viability analysis. As you are aware the main disagreement is in respect of the benchmark land value (BLV). The applicant considers that it has put forward robust evidence as to why the BLV should be at the level in the submitted viability appraisal, with local examples of land being purchased. Dixon Searle has not provided evidence of local values to justify their assumptions. However, in the unique circumstances of this site, being in the freehold ownership of Pennyfarthing, and the desire to commence construction and avoid further delay or a public inquiry, Pennyfarthing have considered your suggestion, and is prepared to make an improved (without prejudice) offer, by altering the mix of the affordable, and by introducing a new tenure, that of First Homes.*

*The revised offer comprises altering the tenure of the 14 affordable homes which had been proposed so that half are affordable rent and half are shared ownership. This enables the provision of a further five two-bedroom affordable homes, in the tenure of First Homes. First Homes are a relatively new affordable tenure, which are offered at a discount of 30% from open market value, capped at £250k. The discount is recycled and maintained for any further future purchasers. We understand the district would look to secure a local occupancy clause that would have effect both on the first and future purchasers.*

## CASE OFFICER CONCLUSIONS

Your officers have taken into consideration the amended fourth offer alongside the advice of the Council's assessor.

The revised improved offer is still below the policy requirement of 50%. Clearly in cases where the applicant can prove, and this is supported by an independent assessment, that the 50% target cannot be achieved alongside a viable scheme, the LPA can set aside this policy requirement and accept a lower % of affordable housing.

The applicant's offer also includes 5 no. First Homes. Set out above is a description of this new affordable housing model. The recently published Government guidance clearly sets out that such properties should be restricted as follows

- Minimum discount of 30% on open market values
- Maximum first sale price after discount applied to be no more than £250k
- Discount recycled and applied to future purchasers – does allow for market value of house to be increased however in line with inflation etc.
- First and future purchasers also need to be first time buyers
- First and future purchasers also subject to a local occupancy clause giving the opportunity for the property to be offered first for a reasonable time period to those with local occupancy status or a strong local connection usually through employment or family for example.

In addition, guidance to be produced by NFDC recommends that following the 25% of any affordable element being First Homes then the remainder should be to the proportions set out in the Local Plan (see section {a} above). Consequently, the offer now made by the applicants is not in line with that proportion so it should be emphasised that this should not be seen as a precedent for how the Council deals with future schemes which involve First Homes. Switching tenures will mean in this particular case less affordable housing overall on the scheme. On balance therefore it is considered that the mix as put forward is acceptable albeit it is not strictly in accordance with emerging guidance.

It will also be important to consider the open market value of any First Homes offered prior to the 30% reduction such that the values of those homes are not inflated to match the £250k Government threshold post the application of the 30% reduction e.g., the Harwood 2 bed house type is shown as having a market value of £265k based on build costs and size in the applicant's 7 January 2022 supporting information. This would result in the 30% discount reducing the price of this unit to £185,500. The Council reserves the right to check the value put forward as part of the assessment of these units and will use the values shown in the applicant's 7 January 2022 supporting information as the starting point. Any inflation of that value will need to be clearly justified.

Whilst the tenure mix is not strictly compliant with Local Plan Policy and emerging advice officers consider it acceptable to widen the variety of tenure and increase the number of units and on this occasion, taking into account all matters in relation to the delivery of this sensitive site, and have no objection to the variation in tenure mix.

The conclusion reached in this case is that there are sound reasons for the development not achieving a policy compliant 50% level and that the revised offer of 30% with the tenure mix set out is acceptable subject to securing all affordable units through a S106 agreement.

The Council does however retain its position on Benchmark Land Values.

### **Section 106 Obligation and developer contributions**

Following assessment of this application and taking into consideration the requirements as set out in the Local Plan and Infrastructure Development Plan the following are the proposed Heads of Terms for a Section 106 Obligation/Agreement. The Agreement will need to be completed prior to the issue of any planning permission.

- **Affordable Housing (AH)** –19 units = 30% of 64-unit total with 7 no. affordable rent, 7 no. shared ownership and 5 no. First Homes. Phasing delivery of units to be agreed, and long-term retention as affordable
- **Biodiversity net gain (BNG)** long term management/maintenance plan and provisions to safeguard against failure and setting up monitoring arrangements. Monitoring charges. 30-year minimum time span for BNG on site.
- **Education** - contribution of £272,517 towards expansion of Fordingbridge Junior and Infants School payable prior to commencement
- **ANRG on site provision and maintenance** and long-term management/maintenance plan, monitoring costs are required.
- **Habitat mitigation for access and management** – non infrastructure costs associated with ranger and management based on number and size of dwellings proposed.
- **SINC** – implementation of approved ecological management and maintenance plan. Clauses as for ANRG future private management of maintenance contribution.
- **POS provision and maintenance** –
- **Formal open space** - financial contribution towards off-site formal open space to be confirmed. Contribution to be proportionate across all three Fordingbridge strategic sites to each site and number of dwellings. Recommended contribution of £1000 per dwelling i.e., £64k to be paid prior to commencement of development.
- **Internal roads not to be adopted** –
- **Provision of on-site drainage** – management arrangements of on-site drainage including SuDS basins if not publicly adopted.
- **Air quality assessment** monitoring contribution in line with Local Plan policy.
- **Off-site highway works** for new junction and works – S278 Highways Agreement, crossing points for Whitsbury Road, and provision of widened footpath on eastern side of Whitsbury Road from Tinkers Cross to Augustus Park.
- **Footpath 83 improvements** – widening and improvement of FP83 between Tinkers Cross and entrance to Augustus Park estate either under license agreement and carried out by developer or with cost of works contribution. Works to be completed prior to first occupation.

- **Traffic Regulation Order** Application to be made for a TRO to reduce local speed limit to 30 mph prior to commencement and if successful that any measures required are implemented within a timescale to be agreed and no later than first occupation.

## 11 CONCLUSION AND PLANNING BALANCE

The site forms part of allocated site SS17 in the Local Plan which establishes the principle of development on this greenfield site. The site now lies within the established settlement boundary of Fordingbridge. The initial submission led to objections from officers and a number of consultees and other interested parties on a number of points. These objections have now been largely overcome to the extent to allow a positive recommendation on all matters including the level of affordable housing.

The proposal as amended is now considered to be generally in line with Local Plan policy and national guidance, creates an attractive scheme releasing much needed housing including affordable housing, and other public benefits and contains within it a number of environmental benefits such as the securing of land for ANRG purposes as well as other land of nature conservation interest. Notwithstanding some remaining concerns from Fordingbridge Town Council and other objections from interested parties the overall planning balance on this occasion is therefore one of approval subject to a S106 Obligation/Agreement to achieve the contributions and other benefits set out above and the planning conditions as set out below.

## 12 OTHER CONSIDERATIONS

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	7204.10	0	7204.10	7204.10	£80/sqm	£738,143.17*
Dwelling houses (Affordable)		0	0	0	£80/sqm	£0.00 *

Subtotal:	£738,143.17
Relief:	£0.00
Total Payable:	£738,143.17

### Crime and Disorder

The proposed development has been designed so as to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are considered to be well designed and safe.

## 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.

## Working with the applicant

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was the subject of significant negotiations and the submission of amended plans this has led to a recommendation of approval subject to conditions and a S106 Obligation/Agreement.

## 13 RECOMMENDATION

Delegated Authority be given to the Executive Head for Planning, Regeneration and Economy to **GRANT PERMISSION** subject to being able to use a Grampian condition for phosphates

- i) the completion by end of 2022, of a planning obligation entered into by way of a Section 106 Agreement to secure the following contributions and other benefits
- **Affordable Housing (AH)** –19 units with a tenure split of 7 Affordable rent and 7 shared ownership and 5 First Homes. Phasing delivery of units to be agreed, and long-term retention as AH.

- **Education** - financial contribution of £272,517 towards expansion of Fordingbridge Junior and Infants School payable prior to commencement to Hampshire CC.
  - **Biodiversity net gain (BNG).**
  - **ANRG provision and maintenance**
  - **Habitat mitigation for recreational impact** – non infrastructure access and management contributions per dwelling as per standard formula = £46,142.00
  - **SINC enhancement and maintenance scheme** – as per the ANRG clauses above with contribution level TBC
  - **POS provision and maintenance including play spaces** – triggers for implementation, management arrangements to ensure long term public access and proper management and maintenance of those areas.
  - **Formal open space (playing pitches and infrastructure)** contribution towards off-site formal open space and new playing facilities for the town to be confirmed. £1000 per dwelling =i.e. £64k.
  - **Internal roads not to be adopted –**
  - **Provision of on-site drainage – Air quality assessment** monitoring contribution of £5440.00 in line with Local Plan policy.
  - **Off-site highway works** for new junction and works and other crossing points as well as footpath highway verge widening and improvement along Whitsbury Road– under S278 Highways Act agreement
  - **Footpath 83 improvements** – widening and improvement of FP83 between Tinkers Cross/Whitsbury Road junction and entrance to Augustus Park estate either under license/agreement with HCC and carried out by developer or with full cost of works payment. Works to be completed prior to first occupation. The applicants have calculated the cost of these works as circa £67,000 to be checked by HCC Countryside Team.
  - **Provision of a full Travel Plan** with bond, monitoring fees and approval fees.
  - **Traffic Regulation Order** - Application to be made prior to commencement for a TRO to reduce local speed limit to 30 mph alongside Whitsbury Road between the existing 40mph sign to the south and the 30mph sign to the north at Tinkers Cross. If TRO successful any measures required are implemented within a timescale to be agreed and no later than first occupation.
  - Monitoring contributions
- ii) Delegated authority be given to the Executive Head of Planning, Regeneration and Economy to include the conditions as set out in this report together with any further additions, and amendments to conditions as appropriate

#### **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:

**Site plans**

P0001	Site location plan
P011 Rev H	House unit types plan
L010 Rev D	ANRG Dimensions
P012 Rev H	Site Levels Parking and Access Plan 1
P013 Rev H	Site Levels Parking and Access Plan 2
P014 Rev G	Site Levels Parking and Access Plan 3
D001 Rev P03	Surface water drainage strategy

**House unit materials**

P015 Rev H	External materials plan 1
P016 Rev H	External materials plan 2
P017 Rev H	External materials plan 3
P018 Rev A	Materials for typical house types
P019 Rev A	Materials for special house types

**House unit plans**

P301 Rev A	A2S Floor plans
P302 Rev B	A2S Elevations
P303 Rev C	A3S Floor Plans
P304 Rev D	A 3S Elevations
P305 Rev A	Harwood Floor Plans
P306 Rev C	Harwood Elevations
P307 Rev B	Hatchwood Floor Plans
P308A Rev C	Hatchwood Elevations
P309 Rev A	Knightswood Floor Plans
P310 Rev C	Knightswood Elevations
P311 Rev A	Amberdale Bungalow Elevation and Floor Plans
P312 Rev A	Bolderbury Floor Plans



P313 Rev B Bolderbury Var 1 Elevations  
 P314 Rev B Bolderbury Var 2 Elevations  
 P315 Rev B Poundwood Floor Plans  
 P316 Rev B Poundwood Elevations  
 P317 Rev C Fernwood Floor Plans  
 P318 Rev B Fernwood Elevations  
 P319 Rev D Whitsbury Floor Plans  
 P320 Rev D Whitsbury Elevations  
 P321 Rev A Riverdale Bungalow Elevations and Floor Plans  
 P322 Rev B 11 00 Sq Ft Bungalow Elevations and Floor Plans  
 P323 Rev C Aldbury Floor Plans  
 P324 Rev C Aldbury Elevations  
 P325 Rev B Fletchbury Floor Plans  
 P326 Rev B Fletchbury Elevations  
 P328 Rev B –Rushbury Floor Plans  
 P329 Rev B Rushbury Elevations  
 P353 Rev A Ashbury Bay Floor plans  
 P354 Rev B Ashbury Bay Elevations

### **Special house types**

P330 Rev D Special House Type 1 Floor plans  
 P331 Rev D Special House Type 1 Elevations  
 P332 Rev E Special House Type 2 Floor plans  
 P333 Rev E Special House Type 2 Elevations  
 P334 Rev C Special House Type 3 Floor plans  
 P335 Rev D Special House Type 3 Elevations **Apartment and courtyard plans**  
 P341 Rev G Apartments Ground floor plan  
 P342 Rev H Apartments First and second floor plan  
 P343 Rev G Apartments Elevations  
 P344 Rev A Apartment block courtyard elevations **Garage/car ports**  
 P350 Single garage details  
 P351 Double garage details

**Tree protection**

19364-4 Tree Protection Plan

Reason: To ensure satisfactory provision of the development in accordance with New Forest Local Plan policies 2016-2036

3. Notwithstanding the details as shown on plan SK016 rev P05 and prior to the commencement of development, a full site proposed levels plan shall be submitted to and agreed in writing with the LPA. The development shall be carried out in accordance with the final proposed site levels.

Reason: To ensure that proposed levels are agreed and consistent with other approved plans in the interests of the appearance of the development in accordance with Local Plan policy ENV3

4. Prior to the commencement of any part of the development including any site clearance and demolition works, a detailed phasing plan showing all on and off-site works, including all landscaping, public open spaces, recreation facilities, and all on and off-site foul and surface water drainage and highway works, shall be submitted to and agreed in writing with the LPA. The phasing plan as so agreed shall be implemented in full unless any written variation has been agreed beforehand in writing with the LPA.

Reason: To ensure the development is fully completed in an acceptable timetable and in accordance with the approved plans.

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

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

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

Reason: To comply with Local Plan policies STR1 and ENV3

6. Prior to the commencement of any part of the development (including any site clearance or demolition works), a detailed landscape masterplan and all final landscape details (planting and hard landscape), shall be submitted to and agreed in writing with the LPA. This shall follow an approved landscape framework to be agreed.

Notwithstanding details already submitted, such plans and details shall show all new planting of shrubs, hedgerows and trees including any necessary tree pits or root barrier systems. The plan shall show all streetlights, pipe ways and other underground service details in proximity to tree planting.

The landscape masterplan shall include a detailed phasing plan for all landscape works. Details will include all planting schedules, quantities, densities, sizes, mulching and irrigation features as well as hard landscape details for boundary treatments, surfaces, play equipment, furniture and features.

Reason: In the interests of the appearance and character of the development and area and to comply with New Forest Local Plan policy ENV3

7. The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed framework, masterplan, details, management and maintenance plans and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March). If any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting, they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season.

Following such an initial establishment period, all planting, shall then be maintained in accordance with the long-term landscape and maintenance provisions approved as part of this permission, including any relevant clauses set out in the accompanying Section 106 Agreement attached to this permission.

Reason: In the interests of the appearance and character of the development and area and to comply with New Forest Local Plan policy ENV3

8. The trees and hedgerows 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 Arboricultural Assessment and Method Statement Barrell Tree Consultancy ref 19364-AA3-CA.

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

9. No development, demolition or site clearance shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

- A plan showing the location of service routes, including the position of soak away s;
- A plan showing the location of site compound and mixing areas;
- Tree Planting Schedule and Tree Plan specific for tree planting including (tree species, size, spacing, form, planting method and location) in accordance with BS 8545: 2014

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

10. Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days' notice shall be given to the Local Planning Authority Tree Officer to attend the pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites V2 .1 SGN 1 : Monitoring tree protection to inspect all tree protection measures and confirm that they have been installed to provide sufficient protection for the retained trees on site.

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

11. Prior to the commencement of any development including site clearance an ecological management and maintenance plan shall be submitted to and agreed in writing with the LPA covering all ANRG, POS and SINC areas of the site. The management and maintenance of these areas shall be carried out in accordance with the plan so approved.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2

12. No above ground works (including vegetation clearance) shall take place until a Biodiversity Net Gain (BNG) Monitoring and Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The Plan shall incorporate the requirements set out in the informative note at the end of this permission. The Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA annually for the first five years after completion and at 5-year intervals thereafter until year 30. The development shall be completed in accordance with the BNG Monitoring and Management Plan prior to the occupation of the last dwelling on the site.

Reason: In the interests of the protection of ecological assets on site and their continued protection and enhancement in accordance with Local Plan policies STR1, ENV3 and DM2

13. Prior to commencement of development above slab level of any of the dwellings a scheme for the placement of bird and bat boxes and swallow bricks for each dwelling shall be submitted to and agreed in writing with the LPA. The details as may be agreed shall be completed for each house prior

to occupation and maintained as such thereafter.

Reason: In the interests of increasing biodiversity on the site in accordance with Local Plan policies STR1, ENV3 and DM2

14. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with the Building Regulations 2021.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

15. Prior to the occupation of any of the dwellings hereby permitted detailed proposals for the management and future maintenance of all public open space (including flood detention and SuDs basins), play areas, ANRG and SINC areas within the site should these not be formally adopted by the Council shall be submitted to and agreed in writing with the LPA.

Reason: To ensure that such areas are properly managed and maintained as public open spaces and ecological assets in the public interest.

16. Prior to any works taking place above slab level of any of the dwellings hereby approved a detailed specification of all new play equipment and street furniture to be provided within the main LEAP and within the site including any facilities such as benches, bins, interpretation boards in connection with ANRG or POS areas, together with a specification for illustration and interpretation boards relating to the ecological value of the SINC and adjoining Sweatfords Water area shall be submitted to and agreed in writing with the LPA. There shall be a minimum of one ANRG board and two boards in relation to the SINC in positions to be agreed with the LPA.

The details and facilities as may be agreed shall be provided and made available for use prior to the first dwelling being occupied or in line with a phasing plan of provision to be agreed as part of this condition. All play equipment and street furniture, and other facilities in connection with the use of the ANRG and SINC shall be kept available for the public use in perpetuity and maintained in accordance with any provisions set out in other conditions or as part of any Section 106 Agreement accompanying the application.

Reason: In the interests of the proper provision, design and retention of play facilities and other public and ecological interest areas to serve the development in accordance with saved Core Strategy policy CS7 and Local Plan Policies ENV 3 and ENV13

17. The drainage system shall be constructed in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy; ref: 2078-FRA-001.

Surface water discharge to the watercourse shall be limited to 6.9 l/s and in accordance with any detailed drawings submitted as part of other conditions applied to this permission. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations. The development shall be completed in accordance with the Drainage Strategy and any other approved plans prior to occupation according to the phasing plan as may be agreed with the LPA.

Reason: To ensure an adequate drainage system and to prevent and minimise flood risk

18. Prior to the commencement of development final detailed drawings of all SuDS retention basins together with any headwalls and outflow details including cross sections both long and short shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed and in any event prior to the first occupation of any dwelling on the site.

Reason: To ensure that the design of such basins is appropriate and acceptable in the interests of the visual appearance of the development so as to comply with Local Plan policy ENV 3

19. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials (including manufacturer names, type and colour) to be used on all dwellings based on the external materials plans submitted i.e. facing bricks, wall renders, weatherboarding, tile hanging including finish and colours, roofing materials, eaves boards, ridge tiles, together with the materials for all hard surfaced areas including any roadways, pavements and footway/cycleways, fences and walls (with typical elevation sections including straights and where there are changes in alignment supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3

20. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted the material and colours of all new windows with typical joinery and reveal details, external doors, garage doors, and rooflights (including flashings to be used with flush fitting preferred) shall be submitted to and agreed in writing with the LPA together with the details of opening of windows with all windows to be sash or casement rather than top hung except for fanlights. The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy

### ENV3

21. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted details of all rainwater goods, soil and vent pipes, ridge flues and meter boxes (including their position on the building and intended colour finish), shall be submitted to and agreed in writing with the LPA. The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with New Forest Local Plan policy ENV3.

22. Notwithstanding the details as shown on plan SK016 rev P05 and prior to the commencement of development, a full site proposed levels plan shall be submitted to and agreed in writing with the LPA. The development shall be carried out in accordance with the final proposed site levels.

Reason: To ensure that proposed levels are agreed and consistent with other approved plans in the interests of the appearance of the development in accordance with Local Plan policy ENV3.

23. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

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

24. Prior to the installation of any street lighting or lighting to be placed on the dwellings hereby permitted such details (including the design of lanterns and lighting standards and the lux levels of lighting) shall be submitted to and agreed in writing with the LPA. No other street lighting or on building lighting shall be erected including any security lighting without the further written approval of the LPA.

Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential

amenity, wildlife protection, and so as to promote dark skies and to accord with Local Plan policy ENV3.

25. Prior to the commencement of development full drawing details of the two footpath connection points between the site and Puddleslosh Lane shall be submitted to and agreed in writing with the LPA. The details as may be agreed shall be fully implemented prior to any occupancy of the dwellings and maintained as such thereafter to provide a permanent link for public use.

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

26. Prior to the commencement of any part of the development above dwelling slab level full details of a new pedestrian bridge over the Sweatfords Water located near to the western boundary of the site as shown in the approved plans shall be submitted to and agreed in writing with the LPA. The bridge details as may be agreed shall be completed in two phases with the first phase providing a viewing platform on the southern side of the Sweatfords Water being completed prior to any occupation of any units on the Tinkers Cross site, and the second phase providing an open pedestrian link onto land forming the remaining part of Strategic Site 17 prior to first occupancy of any dwelling on that site.

Reason: To ensure that adequate provision is put in place for the necessary crossing point of the watercourse at an early stage and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

27. No occupancy of any of the dwellings shall take place until the proposed accesses and highway works as shown on drawings ITB12264-GA-035 and ITB12264-GA-043 or in accordance with any final plans that may be agreed are completed to the required standard.

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

28. The development hereby permitted shall not be brought into use until visibility splays as shown on drawings ITB12264-GA-035 and ITB12264-GA-043 have been provided at the accesses, crossing points and the public highway. Nothing over 0.6m in height above the level of the carriageway shall be placed or permitted to remain within the visibility splay.

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

29. No development hereby permitted shall commence until a Construction



Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

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

30. Prior to the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

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

31. Prior to the occupation of any of the dwellings hereby permitted, the detailed design of all cycle parking facilities including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

32. All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages and car ports hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles. All car ports shall be retained in perpetuity as open structures and shall not be fitted with external doors other than those shown on the approved plans.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that order, no access, vehicular or pedestrian, other than that shown on the approved plan, or as may be agreed in connection with the conditions of this permission, shall be formed onto Puddleslosh Lane.

Reason: In the interests 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.

34. 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, no extensions, dormer windows or upward extensions of bungalow units 2,3 and 15-18 shall take place without express planning permission first having been granted.

Reason: In view of the design and layout of these specific plots, their reduced plot sizes and location in an elevated part of the site, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual character and appearance of the dwellings and amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

35. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority (LPA) in writing. The scheme shall include appropriate research questions; and:
- 1) The programme and methodology of site investigation and recording
  - 2) The programme for post investigation assessment
  - 3) Provision to be made for analysis of the site investigation and recording
  - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - 5) Provision to be made for archive deposition of the analysis and records of the site investigation
  - 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under section (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in

accordance with the programme set out in the Written Scheme of Investigation approved under section (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

36. With specific regard to special house types 1,2 and 3 and the Whitsbury house type and apartment units on plots 19-25 and 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 design and layout of these specific plots the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual character and appearance of the dwellings and amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

**Further Information:**

Stephen Belli

Telephone: 023 8028 5430



# New Forest DISTRICT COUNCIL

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

Claire Upton-Brown  
Executive Head of Planning,  
Regeneration and Economy  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

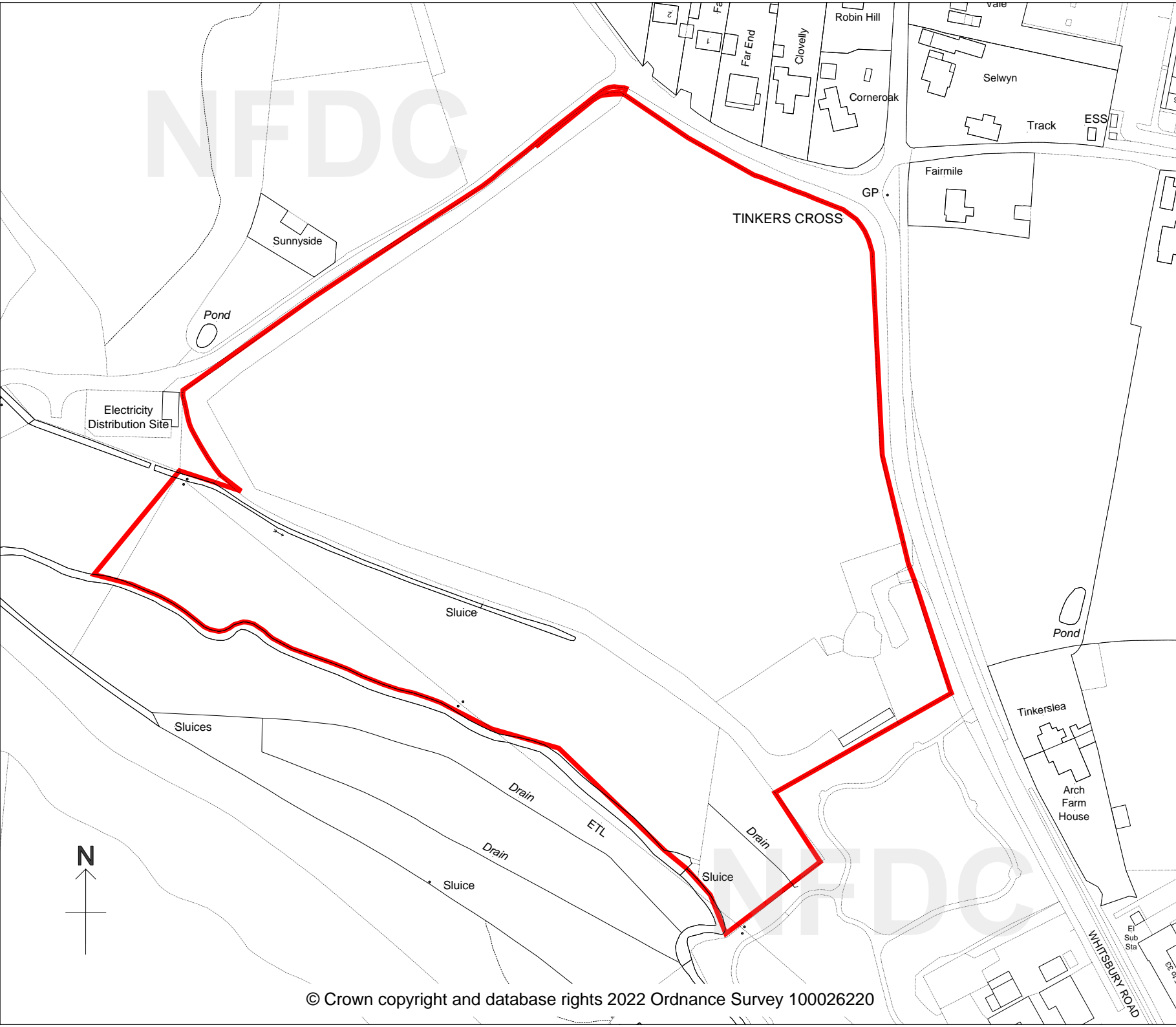
## PLANNING COMMITTEE

February 2022

LAND AT TINKERS CROSS  
WHITSBURY ROAD, TINKERS CROSS  
FORDINGBRIDGE SP6 1NQ  
20/11469

Scale 1:2000

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



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