

**Application Number: 21/11237** Full Planning Permission

**Site:** LAND WEST OF BURGATE, SALISBURY STREET,  
FORDINGBRIDGE SP6 1LX

**Development:** Hybrid planning application comprising: Outline planning application (all matters reserved except means of access only in relation to new points of vehicular access into the site) for residential development and change of use of land to Alternative Natural Recreational Greenspace, together with a community hub (to comprise a mix of some or all of; local food retail, local non-food retail, community use and business use) and all other necessary on-site infrastructure. Full planning application for the first phase of development comprising 112 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure (AMENDED PLANS / AMENDMENTS TO ENVIRONMENTAL STATEMENT DETAILS)

**Applicant:** Pennyfarthing Homes

**Agent:** Terence O'Rourke Ltd

**Target Date:** 10/01/2022

**Case Officer:** Stephen Belli

**Extension Date:** 12/10/2022

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development including 5-year land supply and tilted balance, and settlement boundary implications
- 2) Site layout, number of dwellings overall, design of dwellings (detailed phase), and impact on the character and appearance of the area including matters relating to hard and soft landscaping and public open space areas including play.
- 3) Impact on setting of Listed Buildings at Fryern Court Road and Salisbury Road
- 4) Access and highway safety, trip generation and local road capacity, sustainable transport opportunities, car parking provision, and timing of road infrastructure

- 5) Ecology - on site impact on protected species, Biodiversity Net Gain (BNG), Recreational Habitat Mitigation and provision of Alternative Natural Recreational Greenspace (ANRG), phosphate impact on River Avon SAC (nutrient neutrality)
- 6) Flood risk, surface, and foul water drainage
- 7) Impact on residential amenities of neighbours, in terms of light, outlook and privacy
- 8) Environmental health considerations
- 9) Minerals safeguarding and sustainable use of minerals on site
- 10) Community use hub
- 11) Affordable housing policy, application submission
- 12) S106 contributions and Heads of Terms in the event of an approval

## **2 SITE DESCRIPTION**

The site comprises an area of approximately 35 hectares (87 acres) of agricultural land situated to the north of the current built up extent of Fordingbridge and which comprises the bulk of strategic site 18 as set out in the New Forest 2016-2036 Local Plan.

Site 18 represents the most northerly part of the strategic site housing expansion planned for the town with sites 17 and 16 situated to the south and west. (See planning history below for details of site history and other strategic site applications). A composite plan of all three strategic sites can be seen along with the specific policies for Site 18 by following the web link set out below (see pages 161-175).

[Local\\_Plan\\_2016-2036\\_Part\\_One\\_FINAL.pdf \(newforest.gov.uk\)](https://www.newforest.gov.uk/Local_Plan_2016-2036_Part_One_FINAL.pdf)

The site is bounded to the south by Footpath 83 and the applicant's earlier housing development at Augustus Park (see permission reference 17/10150); to the west by development strung alongside the unclassified public highway known as Fryern Court Road; to the north by Fryern Court Road; and to the east by the Salisbury to Ringwood Road A338.

The site has a boundary to the east with another parcel of Site 18 at Middle Burgate (see new application 22/11268 for 46 dwellings) submitted by a separate developer (Mr B Currie). Further south beyond Footpath 83 lies another parcel of Site 18 currently being developed by Metis Homes under their permission 20/10228 for 63 new dwellings. The site has a short boundary with four existing dwellings fronting onto Salisbury Road with three of these dwellings currently in the ownership of the applicant with the southernmost of these dwellings in a separate ownership, and finally the site borders another dwelling in the north-eastern corner.

Currently access to the site for agricultural purposes is via Fryern Court Road along the northern boundary, with a further access point near Burgate Cross (the junction of Fryern Court Road with Salisbury Road) and a further minor access point from the east via the Fairgate Centre. There are no current access points to the site from the south or west.

The applicants also own another 0.85 ha. (2.1 acres) parcel of land along the western boundary with this parcel of land included in the main strategic site allocation but not included in this application. This parcel allows for a pedestrian link

(not currently a public right of way) to Fryern Court Road. In the south-western corner of the site there is a boundary with the range of office and workshop buildings known collectively as Glass House Studios.

The southern and central parts of the site are in use for agricultural grazing purposes with the northern part of the site containing two large poultry units along with a large bank of solar panels. A further set of farm buildings lies in the north-eastern corner.

The site is predominantly flat with a gentle slope upwards from the south to the north. There is little tree cover on the site but there are trees along the northern boundary with a central dividing hedgerow and some further hedgerows on the southern boundary in particular. The site contains no other buildings or distinctive features.

With regard to protected landscapes Cranborne Chase AONB lies approximately 2 kms to the west, whilst the New Forest National Park boundary runs along the A338 immediately to the east of the site boundary.

### **3 PROPOSED DEVELOPMENT**

#### Introduction

This is a planning application in hybrid form for a total of 404 new dwellings together with access infrastructure works, public open space including play areas (POS), alternative natural green spaces (ANRG) and drainage basins throughout the site. The southern part of the development and the two main points of intended access from Salisbury Road and Augustus Park included along with the first housing phase of 112 dwellings in detail form. The detailed section of the proposal also includes a stretch of the road line alongside the detailed first housing phase culminating in a raised embanked causeway.

The remainder of the application site is in outline form and includes two further intended phases of residential development totalling 292 dwellings together with dedicated POS and ANRG areas. The remainder of the access road is shown in outline form until the point of access onto Salisbury Road. This detailed section of the highway works includes a new roundabout on Salisbury Road.

The application also includes a new community hub containing a range of retail and other office and community based potential uses. This element is included in the second phase (see below and section of report).

The application has been accompanied by an Environmental Statement (ES) setting out the key environmental impacts. Some of the original ES material has been amended and updated over the course of the application.

#### Amended plans

The application initially validated in September 2021 has, following discussion with officers been amended in September 2022, and then more recently in November 2022, with final landscape based amendments received on 19 December 2022. A full re-consultation with all consultees and neighbours took place in September with a more targeted consultation but which included all neighbours in November.

#### Access proposals

The access proposals are split between those parts shown in detail being a new roundabout on the A338 Salisbury Road, a new link access from the southern

boundary of the site through Augustus Park estate, and the section of road from that point up to and including an elevated causeway across an area of land liable to surface water flooding. The remaining parts of this link road through the site connecting the causeway and the roundabout are shown in illustrative outline form. The roundabout on the A338 in its originally submitted form had a small segment of the roundabout within the New Forest National Park (NFNPA) area. Consequently, a separate planning application has been made to the NFNPA to cover that part of the works. The more recent amendments to the roundabout have moved the roundabout to the west and made it smaller such that the applicant now considers all the substantive works of the roundabout lie outside the National Park and within the jurisdiction therefore of the District Council as Local Planning Authority. The latest comments are set out below based on the amended plans. Whilst the roundabout and approach road now lies outside the Park there may be some minor road accommodation verge and ditch works that still lie within the Park.

### Masterplan and parameter plans

A series of plans has been submitted setting out an illustrative masterplan covering the whole site, and parameter plans identifying land uses, density of residential buildings, height of buildings and access for the outline section of the application.

### Phasing of development

The development site is split into three phases

- **Phase 1** being the detailed phase in the southern section of the site bordering the recent Augustus Park estate development for a total of 112 dwellings. Should planning permission be granted this part of the development could proceed in effect in advance of the two later phases to the east and north. POS and ANRG areas along with drainage basins are shown in detailed form.
- **Phase 2** is shown in outline and will include a mixed development of 102 dwellings, with what is described as a community hub with some potential retail and business and community use comprising a central hub and new village central square to the east of the first phase. The phase will include further POS areas as well as ANRG and drainage basins.
- **Phase 3** being all residential development for some 190 dwellings together with the remaining section of the link road joining up with the roundabout and its spur coming into the site from the east. This area includes its own dedicated POS area and further drainage basins

For clarity the above phases are sometimes shown on drawings as phases 3, 4 and 5 with phase 1 being Augustus Park, phase 2 being Tinkers Cross and phase 3 being the detailed phase of 112 dwellings noted above. Both Augustus Park and Tinkers Cross are also Pennyfarthing Homes developments. Augustus Park is now complete with Tinkers Cross having just started work in December 2022 and due for completion in 2025.

## **4 PLANNING HISTORY**

Several applications relating to the agricultural use of the land which are not reproduced here as they are not relevant to the current application.

- 15/11430** Continued siting of mobile home for agr.worker – granted 28/01/16
- 14/10493** Installation of 436 solar panels and meter cabinet – granted 09/06/14

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

Application withdrawn 22/04/22

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 –

29/09/2022 – Committee resolution to approve subject to S106 being completed

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

Planning permission granted 14 April 2022 – work commenced July 2022.

- 22/11268** Hybrid Application – (Outline) matters of access, layout and scale for approval with appearance and landscaping reserved. Development of land comprising the erection of 41 dwellings, demolition and removal of redundant agricultural structures, works to access, landscaping and provision of public open space/ANRG, and (Full) Conversion of an Existing Building to form 5 flats and a Community Use at Ground Floor Level (46 Dwellings Total)

SS 18 MIDDLE BURGATE HOUSE, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX

Application valid 15 November 2022 and out to consultation

## 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 SS18: Land at Burgate, Fordingbridge

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

- SPD Mitigation Strategy for European Sites 2021
- SPD Parking standards 2022
- 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
- First Homes 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

### Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.  
S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

### 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
- Section 16 Conserving and enhancing the historic environment

### National Design Guide 2021

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

### January 2022

All Councillors present recommended REFUSAL under PAR4, because

- the area is liable to flooding and the current arrangements to prevent flooding are inadequate,
- the ANRG will be under water for much of the year,
- the movement of the site up towards Fryern Court Road at Burgate is incorrect; we must keep that gap otherwise the hamlet of Burgate will be connected to the main town of Fordingbridge (urban sprawl).

## October 2022

The Town Council recommends refusal of the application under PAR4 for the following reasons.

- The proposed development site does not adhere to the Local Plan. The areas proposed for housing do not conform with those detailed in the agreed Local Plan.
- There is no formal open space on the site for residents.
- The proposed level of affordable housing is deemed to be too low.
- Queries have been raised regarding the proposed phosphate mitigation project at Bickton Fish Farm by a knowledgeable and well qualified local resident. Given those queries, further information and comfort is required in relation to the efficacy of the proposed phosphate mitigation scheme.
- Further information is awaited from Highways regarding the roundabout and the scheme generally – It is not possible to make an informed decision without this information.
- Further detail and comfort is required in relation to the proposed construction access from the A338.
- The bat and badger surveys are outstanding.

As you are already aware, if the site is developed, the Town Council has previously said that the roundabout access from the A338 and the road through the site should be delivered at as early a stage as possible.

## December 2022

Recommend REFUSAL under PAR4 as the proposed development does not adhere to the local plan, issues have not been addressed including the issue of affordable housing which has not been addressed adequately, there are no plans for how the construction traffic will access the site and there is no formal open space for residents.

### **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. Comments listed below have been received following the most recent amended plans submissions in September and November. Earlier comments can be viewed on the web site.*

#### **Cranborne Chase AONB Partnership**

Our dark sky advisor has reviewed the additional lighting material and I forward the following comments to you.

The new Lighting Assessment states that the streetlighting will have 0% upward light ratio. That is good news, but it does put the onus on NFDC to ensure the specified lighting is installed, and correctly so. Some of the housing appears to have roof lights; your comments in your earlier response therefore still apply.

Tetra Tech say they based their baseline lighting conditions on “previously undertaken surveys”, and concluded that this zone is ILP Zone E2 (SQM 15-20).



They don't state what their SQM readings were, but our nearby readings range from 20.43 to 20.81. That means the area falls into Zones E1 and E0 of the ILP Environmental Lighting Zones, not E2.

Furthermore, it turns out that Tetra Tech's "previously undertaken survey" is flawed; it was done on 1st June 2021. On this date, there is all-night twilight, so SQM readings should not be taken for zone categorisation purposes – you're unlikely to get anything higher than 19.

I do, therefore, have to strongly advise you that the lighting consultants have been working on a false premise, and that the lighting specifications do need to be enhanced if your Council is to meet its dark skies obligations.

Other concerns raised regarding lack of mitigation to counter additional recreational trips from the development to the AONB.

### **Environment Agency**

No objections

### **National Park Authority (Planning)**

Initially objections raised to impact on National Park from roundabout. Concerns about lack of mitigation, impact on ecology, and lighting and other infrastructure works having a detrimental impact on designated area.

Later comments received 8 December summarised as follows

Noted roundabout made smaller and moved away from NP boundary lessening impact. Welcome these changes and understand now that there is no substantive work planned within the National Park area.

Noted the additional tree planting mitigation. Lack of planting in roundabout disappointing but understandable given reduced size of roundabout and drainage requirements. Lighting report shows low impact lighting which must be followed through by condition to prevent any standard light columns being introduced at a later date. Welcome further green infrastructure planting around roundabout. Would support NFDC ecology comments about lighting and impact on wildlife. Noted works to drainage ditch. Important to ensure water quality in ditch does not affect ecological value. No further comments regarding other changes shown in November plans.

### **National Park Authority (Archaeology)**

Following earlier trench work and substantial archaeological investigation no substantive archaeological sites have been identified and such limited archaeological evidence as has been encountered would not merit the burden of further archaeological work across the entire site. However, the proposed targeted excavation within Area 4, *[phase 2 part of this proposal]* as outlined in ES6 - Cultural Heritage para 6.122 to 6.126, with the inclusion of community involvement is fully endorsed with an aim being of preservation by record of the only datable archaeology within the Site.

To that end it is recommended that an archaeological condition be included if Planning Permission were to be granted.

## **Natural England**

In order to mitigate adverse effects and make the development acceptable, the following mitigation options should be secured:

- Appropriate mitigation to ensure the proposals are nutrient neutral
- Provision of on-site recreational mitigation land and contribution to access management and monitoring within the New Forest in line with your adopted SPD
- Appropriate financial contribution to the strategic air quality monitoring strategy
- A Construction Environment Management Plan to address impacts from the construction phase of the development.
- A SUDS proposal to avoid surface water impacts to water quality

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Any avoidance or mitigation measures specifically intended to avoid risks to European Sites should be considered in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

## **NFDC Conservation**

I still could not support the proposed scheme as presented for the reasons given above *[see detailed comments on the web site dated 18 October 2022 for full text of response and later response dated 19 December 2022]*. The setting and context of the designated and non-designated heritage assets must be responded to in a more responsive way. In terms of the lack of space afforded to the setting of these rural heritage assets the harm will be perceptible in views when looking towards and away from them. It is noted that the allocation itself causes some harm but the extension beyond the settlement boundary increases this impact. I would suggest that the combination of the close proximity of the proposed housing and the dominant roundabout design lead to harm to the setting and context of the identified designated heritage assets.

At present my judgement under the NPPF is a finding of less than substantial harm to the setting of the listed buildings and their context. In particular the collection of heritage assets within Upper Burgate highlighting the most harm to LB6 Cross Cottage and LB5 Burgate Cross Farmhouse.

This identified harm gives rise to a strong presumption against planning permission being granted. The presumption against planning permission is a statutory one and the authority must be conscious of the presumption in favour of preservation. It should therefore demonstrably apply that presumption to the proposal it is considering. The NPPF allows public benefits of the scheme to be assessed and balanced against this harm.

## **Final amended plans**

I have reviewed the resubmitted information and have visited the site as part of this application and previous pre-application submissions. This submission has made some changes to the housing along the northern edge and some tweaks to the roundabout layout. After further consideration of the proposals these changes are seen as more minor in nature and therefore the concerns raised previously still remain

## **NFDC Ecology**

See detailed update comments on web site dated December 2022.

I am happy to support the application subject to my detailed suggestions for conditions dealing with protected species, habitat mitigation, phosphate mitigation, BNG including future maintenance and management being incorporated. Further survey work required for bats and badgers but this can be incorporated into the detailed road application which is anticipated in the New Year.

## **NFDC Environmental Health (Contaminated Land)**

A Phase I and II Geo-Environmental Site Assessment dated August 2021 undertaken by Omnia Environmental Consulting has been submitted with the application. The initial CSM identified plausible pollutant linkages. Therefore, a site investigation was carried out and soil analysis results showed no elevated levels of contaminants. The site is classified as CS1 for ground gas therefore no gas protection measures are necessary. In conclusion, the site poses no significant risk to the identified receptors of the site.

It is recommended that standard planning condition 14h is imposed. This is to ensure that any potential contamination that could pose risks to human health and/or the environment found during the proposed development on this site will be dealt with, in accordance with the Environment Agency's technical guidance

## **NFDC Environmental Health (Pollution)**

**Noise** – recommends conditions such as a CEMP to deal with construction noise. Long term noise impacts are acceptable for detailed element. Recommend further conditions to deal with impact from community hub noise to nearby dwellings and on outline elements of the scheme.

**Lighting** – recommends conditions to deal with impact of street lighting

**Air quality** conclusions of the applicant's reports are agreed. It should be noted that should the applicant amend the developmental phasing scheme advised in the application (including reference to the development of SS17), the potential impact on local air quality should be reconsidered by the applicant and if required a further air quality assessment undertaken. Environmental Health (pollution) supports the applicant's reference to the New Forest District Council Air Quality Assessments in New Development SPD and noted intended mitigation measures as stated in paragraph 5.3.2 of the air quality assessment.

In conclusion Environmental Health (pollution) has no objection to the application subject to conditions as advised.

## **NFDC Strategic Housing Manager**

Guidance is provided on Local plan policy requirements regarding the number and tenure split of affordable housing.

It is disappointing that the full application for 112 new dwellings currently fails to meet affordable housing policy in terms of the number and tenure mix of the affordable housing proposed. Where proposals don't meet the policy requirements, we would expect this to be justified and if it's viable this should be demonstrated through a viability assessment.

### **NFDC Open Spaces**

See detailed comments on web site dated December 2022. Some concerns regarding details of open space, play equipment and drainage basins but anticipate that these matters can be further clarified as part of any detailed conditions.

### **NFDC Trees**

There is limited tree cover across this site with the majority of trees situated along field boundaries. The John Shutler Tree Protection plan and BS5837 Report. This is sufficient for me to be able to identify which trees will be impacted by this proposal. The construction of the roundabout will result in the loss of 5x Ash trees, all of low quality and showing signs of Ash dieback disease. A mixed species group of trees/hedge will also be lost (identified as G1 in the John Shutler Tree Report). The loss of these trees will not have a significant impact on amenity.

I have no objections on tree grounds to the above proposal. If you are minded to grant consent please condition regarding tree protection measures for the rest of the site.

### **NFDC Environmental Design**

See detailed comments on web site which include comments on urban design, layout, landscaping, and other matters relating to POS and ANRG.

Amended plans received 21 November 2022 address many of our earlier concerns regarding both the detailed and the outline phases of the development. There are a few issues which I've noted in my update which need to be addressed now.

Detailed comments also supplied with regard to the new roundabout and other road infrastructure as well as the landscape and urban design impact of the development associated with the northern edge of the development near Burgate Cross.

Overall, subject to the suggested changes being incorporated the Environmental Design Team are happy to support the application.

### **NFDC Waste Management**

Need to consider requirements of new waste strategy in detailed plans.

### **Hampshire Constabulary**

Refer to standing advice on the design of buildings and new estates. Recommend conditions requiring full Secure by Design accreditation be secured and further details of any lighting scheme.

### **Hampshire County Council (Countryside Services)**

Upgrading of FP 84 welcomed but will need contribution to cover cost and maintenance payments for both this work and earlier works carried out to FP 83 to which Site 18 also has a frontage. Recommends these matters are included and the contributions duly sought.

### **Hampshire County Council (Education)**

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. Details of the forecasting methodology used, along with the current pupil numbers in the Fordingbridge primary schools and at The Burgate School can be found at Appendix A.

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 **£2,536,799** (this relates to the full development of 400 dwellings). This is based on the provision of accommodation for a half form expansion, 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. The initial 112 dwellings are expected to generate 34 primary age children which equates to an initial **£701,535** contribution.

### **Hampshire County Council (Fire and Rescue)**

Refers to standing advice on fire standards required for buildings and development sites

### **Hampshire County Council Highway Authority**

The Highway Authority confirms it has **no objections** subject to the applicant entering into a S106 to provide for the contributions and details set out below [*see Access and Highways section of this report*]. In addition conditions are recommended to cover construction management and mud from constructors vehicles being deposited on the highway. [*Members are referred to the detailed letter dated 14 December 2022 on the web site for the full response*].

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

**Phase 3** [referred to as phase 1 being the first detailed phase]  
Detailed drainage layouts have been provided with supporting calculations and technical note. This has addressed concerns and clarifications raised previously and further detail can be covered by condition. As such we recommend the conditions are applied:

In relation to the infrastructure works namely the roundabout and bridge structure between phases 3 and 4, we have no issues with the proposals but note that works to the watercourse at suitable locations as opposed to providing radii in the pipework. Chambers should be a maximum of 80m spacing to allow for future maintenance.

No objections subject to conditions being applied.

### **Hampshire County Council (Minerals)**

The Minerals Statement, submitted in support of the application, has concluded that incidental extraction can take place as part of the development and that any minerals extracted will be re-used on site. Hampshire County Council would like to highlight the importance of capturing and recording the amount of minerals that is removed from the ground and put to beneficial use, and therefore request the following conditions to be included in any permission for this planning application. These should be delivered through submitted construction management plans

### **Hampshire County Council (Public Health)**

Welcome provision of open spaces, sustainable transport links and other measures to control air and noise pollution. Encourages good design and affordable housing.

### **Scottish and Southern Power**

Advice provided on apparatus affecting site.

### **Southern Gas Networks**

Standing advice on working with or close to pipelines

### **Wessex Water Authority**

The Phase 3 drawing shows the main foul sewer serving Phase 3 draining from F01 in the north through to the pumping station at the south of the site. We require confirmation that the sewer is a minimum 3 metres distance from buildings and the edge of the infiltration basins to allow future access for maintenance and repair by the adopting Authority. The sewer must not pass-through back gardens.

The Surface Water Strategy philosophy is outlined in supporting document ES Addendum to technical appendix J: Water environment where it is advised that the surface water components could be adopted by Wessex Water, the Local Authority or a private management company. As advised below Wessex Water will adopt components that conform with the Water Industry's Design and Construction Guide and Wessex Waters SuDS adoption guidance. It is suggested the applicant discusses arrangements with Wessex Water now rather than risk the need to redesign components at a later date to conform with our codes (e.g., access requirements to infiltration basins).

I understand we are still awaiting the evidence to support the need for two pumping stations as opposed to sewers laid at greater depth. Consideration must be given as to the lifetime energy and environmental costs of both options.

Further comments received to confirm that the justification for two pumping stations is still required but this can be covered by condition. This is the only remaining concern.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

50 letters of objection received. (This number however does not represent the number of households as there are some respondents who have objected more than once).

A summary of comments received are as follows which are generally grouped in subject areas

- Concerns about loss of buffer zone at Upper Burgate contrary to comments of Town Council and impact on setting of listed buildings – contrary to local plan settlement boundary policy and requirements.
- Development comes too close to Fryern Court Road and impacts on character of this important group - destruction of a unique rural and historic part of the town
- Fordingbridge is losing its small-town charm and character

- Loss of green fields and water meadows highly regrettable.
- Fordingbridge will end up as a dormitory town given lack of local employment
- Insufficient recreational facilities being provided
- Needs more retail as there is insufficient in the town to cope with existing demand
- More crime and anti-social behaviour.
- Community hub should be included as part of the permission but there is a concern that it will not be viable and may end up as a white elephant
- Town cannot cope at present with pressure on local services – this development will only make matters worse
- Concerns about impact of surface water flooding – history of local flooding and this will be exacerbated. Where is the surface water flooding betterment required by policy.
- Impact of roundabout on listed buildings unacceptable
- Reduction of roundabout in size and position is not good enough
- No consideration of alternatives to roundabout such as a T junction
- Impact from roadworks on fabric of listed building
- Roads are too narrow to cope with extra traffic – impact on Fryern Court Road already being used as a ‘rat run’.
- Concerns about construction traffic accessing residential roads
- Impact on Augustus Park residents who were assured their road would not be a through road as now planned.
- Concerns about wider traffic in the town on local estate roads all trying to bypass the town centre.
- Impact of other developments in the area such as Alderholt have not been taken into consideration.
- Proposed bus route should not be taken through this site – roads not wide enough.
- Link road traffic will be a danger to children and pets on Augustus Park estate.
- Adverse impact on local wildlife
- Potential impact on loss of light and privacy for nearest properties from dwellings and footpaths
- Increase in light pollution
- Increase in noise pollution
- Design of proposed first phase is unacceptable in architectural terms. Just a huge extension of Augustus Park
- Insufficient reference to climate change – dwellings do not make use of latest technology such as air source heat pumps, photo voltaic panels, electric charging
- Density and number of dwellings is unacceptable
- Where is the relief road promised by the Local Plan? This should be built up front.
- What about a temporary haulage road for construction traffic?

## 10 PLANNING ASSESSMENT

### Introduction

The key planning policy that covers this site is set out in SS18 taken from the adopted Local Plan 2016-2036 and is reproduced in full below. The supporting text

for the policy is set out on pages 172-174 of the Local Plan and a concept masterplan showing the suggested distribution of land uses is shown on page 175, this plan being the starting point for consideration.

- i) **Land at Burgate, Fordingbridge**, as shown on the Policies Map is allocated for residential-led mixed use development and open space comprising
  - Residential development of at least 400 homes and public open space, dependent on the form, size and mix of housing provided
  - A community focal point including ground floor premises suitable for community use to the west of Lower Burgate, and local shopping and service facilities subject to market demand
  - Retention of existing employment and service uses, and additional employment provision near to the A338 subject to demand
  
- ii) **The masterplanning objectives** for the site as illustrated in the Concept Master Plan are to provide a well-designed extension to Fordingbridge that minimises its impacts upon the countryside and the wider landscape setting of the town and provides enhanced flood risk management for the wider town, by:
  - a. Creating a distinctive landscape and townscape that respects the characteristics of the Avon Valley landscape and maintains the distinctive rural and historic character of Upper Burgate and Fryern Court.
  - b. Providing a comprehensive ground and surface water management system for the site, benefiting the town as a whole including a central north-south corridor of management of fluvial, surface and groundwater flood risk into the landscape.
  - c. Creating at least two access points onto the A338 to serve the development, with internal connections for local traffic through the site to Site 17: Land at Whitsbury Road.
  - d. Focusing new neighbourhoods upon a central corridor of streets and spaces connecting Whitsbury Road to the A338 Salisbury Road, providing opportunities to accommodate some higher density development.
  - e. Providing a community focal point in a prominent location near the schools including ground floor premises suitable for community use, linking to or as part of a mixed-use opportunity area in Lower Burgate.
  - f. Redefining the rural edge by providing naturally managed areas of recreational mitigation space along the northern and western parts of the site, and locating predominantly low-rise dwellings at lower densities close to these margins, maintaining the separate identity of Upper Burgate and Tinkers Cross.
  - g. Provide pedestrian and cycle links between the new residential areas, the community focal point and the schools
  
- iii) **Site-specific Considerations to be addressed include:**
  - a. Conserving and enhancing the setting of the listed buildings in Upper and Lower Burgate.
  - b. No part of the development is to be directly accessed by car from Fryern Court Road.



- c. Retain the Grade II listed Lower Burgate Farmhouse within the development area to provide an appropriate setting so that its significance can be appreciated.
- d. The developers of Strategic Site 16: Land to the north of Station Road, Strategic Site 17: Land at Whitsbury Road, and Strategic Site 18: Land at Burgate will be required to work cooperatively with each other and with Wessex Water to deliver a suitable foul sewer connection to the Fordingbridge treatment works.

## **PRINCIPLE OF DEVELOPMENT AND POLICY CONSIDERATIONS**

The principle of development here is firmly established by the allocation in the Local Plan. In addition, the following land supply and government guidance needs to be taken into account.

The Council cannot at this point in time demonstrate a five-year supply of deliverable housing land and the Council's 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 342 dwellings 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 7; 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.

## **SITE LAYOUT, NUMBER OF DWELLINGS, DESIGN, AND IMPACT ON LOCAL CHARACTER AND LANDSCAPE**

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 to that concept masterplan 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.

The hybrid nature of this application requires an assessment of the detailed first phase and a further assessment of those matters shown only in outline form. Broadly speaking the first phase shown includes 112 dwellings, the two main points of access and the causeway across the central area subject to surface water flooding. The second two phases are shown in the outline element of the scheme.

The proposal for 404 dwellings in total indicates a number of dwellings in excess of the anticipated minimum yield referred to in the Local Plan policy of 400 dwellings over the whole of Site 18. To date permission has been granted for 63 dwellings on the Metis Homes site (20/10228) and a further current application for 46 dwellings on the Middle Burgate site. Adding these all together gives a total quantum of 509. This represents an uplift of 105 dwellings or an increase of around 21%. Apart from a very small parcel of land to the north of Middle Burgate the current submission and these two applications represents the total residential zones for development. A parcel of land on the western side of Site 18 near a property called Bramble Ridge comprising some 0.85ha. in area is excluded from the site application but this land is shown as open space in the concept masterplan lying as it does outside the new settlement boundary (more on which below).

The density of housing across the site represents an average of 30 dwellings per hectare (dph) with a significantly lower figure of 20-25 dph along the northern boundary and between 27-30 dph on other rural edges. The concept Masterplan was expecting a slightly lower density overall but 30 dph is by no means an excessive result and is acceptable taking into account the sensitive nature of the site. The density put forward still however achieves a reasonable use of land a point emphasised in Government NPPF policy set out above.

The Local Plan however emphasises that the number of dwellings is a minimum and not a maximum. The Local Plan indicates that the concept masterplan sets out the starting point for the consideration of any application but does not rule out an increase in the number of dwellings or changes to the concept masterplan provided the proposal still exhibits sufficient quality and complies with other policies set out in the Plan unless material considerations indicate otherwise.

Added to this Government policy set out in the NPPF encourages all Local Planning Authorities to make best use of land alongside advice on good design and placemaking.

#### **a) Outline elements of scheme**

Members are referred to the detailed comments of the Environmental Design Team as well as that submitted by the POS Officer dated December 2022. These comments cover both the outline and detailed elements of the scheme.

To assist the Council the applicants have submitted an overall masterplan showing the anticipated development over the whole site together with a series of parameter plans indicating land uses, building heights, density zones, and access proposals. In addition, the outline element of the scheme is supported by a detailed Design and

Access Statement which has been updated and amended following discussions with officers. A number of other landscaping and drainage plans also covers the outline part of the development.

### **Informal open space and ANRG**

Sufficient land is provided for informal open space including play equipped areas and other doorstep play facilities throughout the site. ANRG spaces are provided north of the causeway road link as well as along the whole of the north western boundary of the outline site and part of the northern boundary. In addition, an informal kick about grassed area measuring some 100m x 30m is provided in the northern part of the site in response to the comments made about the character of this edge and also in addressing the comments of the Town Council previously about the lack of formal playing pitches on the site. The details of these areas will come through as part of the future phases of reserved matters.

### **Protected landscape impact**

In landscape terms the site sits between two protected landscapes namely the New Forest National Park to the east and the Cranborne Chase AONB to the west. The impact of the site on both protected landscapes was previously considered at draft Local Plan stage prior to the sites being allocated. A landscape impact assessment has been submitted as part of the Environmental Statement. Policy STR2 of the Local Plan emphasises that development should not have an unacceptable impact on the special qualities and purposes and their settings. This policy is further supported by NPPF guidance and in a statutory duty on all public bodies to have regard to National Park and AONB purposes.

#### Cranborne Chase Area of Outstanding Natural Beauty (AONB)

With regard to the impact on Cranborne Chase AONB the protected landscape is some distance from the western boundary of Site 18 and the overall landscape impact is considered to be acceptable subject to restrictions covering light pollution in particular given the International Dark Skies Reserve status of the area. The impact of light glow from the new development therefore does need to be assessed and controlled. This can be dealt with by way of a planning condition requiring the submission of a lighting scheme together with appropriate controls over security lighting on individual houses. Neither is it considered that the impact of the development on the setting of the AONB is harmed. The AONB Partnership support this general view on landscape impact.

With regard to the Partnership's other point regarding the impact of additional recreational trips this is not supported by officers and there is no policy requirement in the Local Plan to make contributions. The on-site mitigation provided to deter trips to the National Park will also benefit and reduce trips to the AONB. Furthermore, there is no evidence that recreational pressure arising from the development site will adversely affect the AONB. Finally, no evidence or justification is put forward that would satisfy Community Infrastructure Levy tests.

#### New Forest National Park (NFNPA)

The impact on the New Forest National Park is however more marked. In particular the impact of the new roundabout on the A338 as this part of the new road infrastructure on original submission actually crossed the National Park boundary triggering a need for a separate planning application to the New Forest National Park Authority (NFNPA) as Local Planning Authority. That requirement however has now been negated by the amended plans which move the roundabout to the west and

make it smaller. Officers now consider that the works that may lie in the National Park are of such a minor nature and in any event lie within the publicly adopted highway that a separate planning application is no longer needed.

The setting of the National Park is also affected by the new road infrastructure much more so than the housing development. The first phase of housing development is at some distance from the boundary and whilst the second and third phases are closer to the Park boundary the overall impact on the setting of the Park is considered acceptable. The second phase includes some taller 3 storey buildings, but these are located in a part of the site where they will be seen in context with the Fairfield industrial estate at a lower part of the site.

The northern part of the site is also where the settlement boundary has been breached. Regarding the housing development, this part of the site has the most effect on the National Park setting because of its greater proximity to the boundary. The impact is however reduced both in density and in height taking into account the more sensitive nature of this part of the site. The policy considerations relating to Site 18 require the new settlement boundary to take into account landscape change and impact on Listed Buildings but don't specifically mention any impact on designated landscapes. That said from high ground within the National Park the new edge of the town coming closer to Burgate Cross may be more noticeable but overall, this will not be so marked as to warrant a refusal on the impact on the setting of the designated landscape.

The setting of the Park will change significantly in that the development of this greenfield site will be noticeable from high land within the Park, but this impact would have been taken into account in allocating the site. There is an in-principle acceptance that the setting of the National Park in this location will change but it is considered that the housing proposal being interspersed with large areas of open space, split into three distinctive phases, and with tree planting will sufficiently mitigate against any significant harm. Again, lighting will be important to control particularly in relation to road infrastructure. This can be dealt with by the same planning condition referred to above.

With regard to the impact of the roundabout and the associated road infrastructure changes to the existing A338 at this point, this is considered to be the most marked of all the impacts on the National Park designated landscape. Both the District and the County Council have a statutory duty to take into account the impact of development on the setting of the National Park. Before considering the impact of the roundabout in more detail however it is important to emphasise that the provision of a roundabout at this location formed part of the discussion at the time the Local Plan draft was being considered. The outcome of those discussions which included the Highway Authority, and the applicants was a preference on their part for a roundabout as opposed to a signalised junction based on Burgate Cross or further to the south. A signalised crossing would still have introduced a negative urbanising impact on designated heritage assets, and would not have been approved by the Highway Authority.

The applicants have taken part in various discussions with officers which have included officers from the National Park Authority. These discussions have resulted in amended proposals which have made the roundabout a smaller feature, moved it out of the National Park area apart from some minor verge works, and have introduced as much new tree planting as possible bearing in mind the need to avoid drainage installations, street lighting and visibility splays. Drainage requirements, in particular how to deal with surface water drainage and the policy requirements for flood relief betterment (see below under Flood section of report), has meant that it is not possible to plant trees within the roundabout. This coupled with a need to

maintain visibility through the roundabout for traffic approaching from all directions means the planting within the roundabout has to be low level and promoted more for biodiversity value rather than for screening. The NFNPA have been consulted on the recent changes to the plans and their views are set out above. Their latest comments effectively withdraws their earlier objections subject to controlling lighting, implementing landscape mitigation and other planting, and ensuring ecology is not harmed through adverse water quality impacts.

The latest landscaping plan for the roundabout received on 2 December 2022 has been the subject of a further detailed discussion with officers from the County Council and the NFNPA and now puts forward a proposal with a reasonable level of mitigation, which is on balance acceptable taking into consideration that a roundabout is the best option. Added to this the Highway Authority have shown a willingness to be flexible in reducing their normal safety standards and to allow the use of sensitive lighting. A total of 26 new trees will be planted in the immediate road corridor around the roundabout. It is physically not possible to plant more trees on the eastern side of the road alongside or within the National Park because of constraints on land ownership this being outside the control of the applicant. Added to this planting, there is also scope for more substantial planting to the northwest of the roundabout with a new orchard and more substantial larger species planting. This will provide a soft backdrop to the roundabout albeit it will not screen it from the designated protected landscape. Street lighting will be reduced to that which is acceptable from a highway safety point of view as well as noting the impact on dark skies which is a point of consideration for both protected landscapes. Given the site constraints it is not physically possible to move the roundabout further westwards away from the National Park without impacting severely on the three houses to the south of the roundabout (such that they would need to be part or fully demolished) as well as the potential for the residential use of this northern part of the development site.

Officers now consider that the latest plans are the best that can be achieved and that all alternatives have been carefully considered. On balance your officers are satisfied that the impact on the National Park has been addressed and maximum mitigation has been allowed for.

### **Settlement boundary**

In comparing the applicant's submitted masterplan and parameter plans against the concept masterplan set out in the Local Plan there can be seen a distinct and marked difference between the two plans with regard particularly to the relationship of the housing edge to the hamlet at Upper Burgate. This section of the report deals with the overall landscape impact. The impact on designated heritage assets is dealt with below. Similarly, any impact on residential amenity is dealt with below in that section.

The edge of the housing zone as shown in the Local Plan varies but at its greatest distance represents a gap of some 140 metres from the edge of Fryern Court Road development and the new urban edge shown on the concept masterplan. On the original submission this gap has been eroded by some 60-70 metres significantly reducing the buffer area referred to by the objectors to about 75 metres.

There is also a smaller breach of the settlement boundary for the first detailed phase, but this impact is much more marginal and is discussed below under the detailed element section. In February 2022 officers wrote to the applicant expressing an opinion that this would not be acceptable, and there was insufficient justification to support such a breach of the boundary – noting that the southern boundary breach was much less concerning.

Policy STR2 of the Local Plan says this about settlement boundaries

*Beyond locations where site-specific policies apply and the built-up area boundary of settlements (as defined on the Policies Map), the primary objectives are to conserve and enhance the countryside and natural environment. Development will generally be restricted unless the development proposed is appropriate in a rural setting in accordance with Saved Policy CS21: Rural economy [officer note – this policy applies to strategic sites as well as other sites]*

However, the Local Plan contains the following supporting text advice to the SS18 policy

***The precise location of the northern settlement boundary will be agreed through the planning application process, in a position that retains a clear open space and landscape gap between the development, Burgate Cross and Fryern Court Road (case officer emphasis).***

This supporting text does therefore allow an opportunity for the published line of the settlement boundary to be further discussed and agreed as part of the planning application process, rather than what could be argued as a slavish adherence to the published line of the boundary on the Local Plan Proposals Map. The issue here then is to what extent has the published settlement boundary been breached with this proposal, what environmental considerations are there, and what other mitigating facts or other policy considerations should be weighed in the balance. It is not enough to simply rely on the published line. Any refusal needs to be backed up with evidence on harm and further that any harm created is not outweighed by other material planning considerations such as overall public benefit.

The latest plans marginally reduce the dimensional breach of the settlement boundary bringing the gap to around 90m from Fryern Court Road to the edge of the new development.

When assessing landscape impact, it is important to consider not just the visual impact but also the impact on landscape character. This area at present has very much an agricultural feel albeit it is punctuated by two very large poultry units and a large solar panels array. These two features will however be removed as part of this development.

Members are referred to the Design and Access Statement (DAS) addendum (see section 6) submitted on 12 September 2022 which address this issue. Added to this the latest masterplan supported by an addendum DAS submitted 21 November seeks to address the northern edge of the development in a number of ways. First the height of the buildings on this northern edge has been reduced to limit development to a maximum of 1.5 storeys as opposed to 2 storeys as shown previously. Secondly, the edge of the development has been 'loosened' to present less of a uniform line of houses but more of a varied edge with smaller courtyard style dwelling groups punctuated by green spaces, shown in more detail in the DAS. The western edge of the development can also be limited to bungalows which again reduces the impact. Breaking up the linear nature of the development edge can successfully assist in avoiding what could be considered a harsh urban cliff edge facing Fryern Court Road. Added to this further structural landscaping has been added along Fryern Court Road. Third the remaining open space in character terms should be less formalised and remain more agricultural in its feel which the DAS amendments now recognises and incorporates.

In wider landscape terms the reduction of this gap is marginal in its impact. The reduction of the gap will be noticeable closer to the site bringing the development that much closer to Fryern Court Road. That said Fryern Court Road already has a linear line of trees and hedgerows bordering the development site. This feature will be retained and strengthened.

Overall, in wider landscape views and landscape character terms as well as impact on the National Park it is not considered there is sufficient justification to withhold planning permission on landscape grounds bearing in mind the mitigation and points set out in the revised DAS.

As required by policy a clear open space between the development edge, Burgate Cross and Fryern Court Road has been maintained albeit less than originally envisaged. A balanced view is also needed taking into account other public benefits arising from the development including the potential for the release of much needed housing supply, an element of which will be affordable housing, significant new areas of public open space that are not currently available and making best use of an allocated housing site whilst still considering environmental concerns that may be raised, as required by Government NPPF policy.

The impact of the breached settlement boundary on designated heritage assets and local residential amenity is discussed below in those sections.

The report now turns to the impact of the more detailed phase of the development for the first 112 houses in the south-western portion of the site.

#### **b) Detailed elements – first phase 112 dwellings**

The first phase has the following housing mix spread across a range of single storey bungalows, two storey houses, and 2.5 storey apartment blocks.

10 x one bed apartments  
35 x two bed units  
50 x three bed units  
17 x four bed units

To go with the first phase there will be 3.6 hectares of ANRG land required for habitat mitigation, and 1.7 hectares of POS including one large, equipped play area (LEAP) with other smaller doorstep areas for play within the site. The detailed phase includes a number of drainage basins running north to south along the eastern edge of the residential phase.

The latest amended plans for this first phase were received on 21 November 2022, with amended landscape plans submitted on 19 December 2022 all of which can be viewed on the web site.

#### **Site layout**

The site is laid out in two major housing blocks separated by an area of open space running east west across the site. The housing blocks are bordered on the south, west and northern boundaries by open space and ANRG areas. The housing is for the most part two storey but with some taller blocks housing apartments and flats in the central and southern parts of the site, and some bungalows on the upper northern part of the site. To the east of the housing blocks are arranged a series of shallow ground depressions which will be used to collect surface water during times of highest rainfall but which for the most part will be dry and accessible for recreational purposes.

### House designs

The proposals exhibit a range of house types previously seen on the recent Tinkers Cross permission and Augustus Park but with some bespoke units which have been developed for this new site. The apartment blocks, Block 1 containing 14 units and Block 2 with 7 units, in particular follow a different design and pattern to that used on the Tinkers Cross site. The materials used are facing brick with some render under either tiled or slated roofs. These will blend appropriately with the Augustus Park development to the south but improves on that scheme with a greater range of house types and special bespoke buildings designed for the site.

### Landscaping and tree planting

The development includes a significant amount of new tree planting both within the public open space areas but also within rear house gardens where space permits. A full landscaping plan has been submitted with the application. All new roads within the site will have trees alongside. Some of the hard and soft landscaping details will need further firming up by condition. Conditions will also be applied seeking long term landscape maintenance in all public areas rather than the usual 5 year limit on maintenance.

### Provision of play equipment

This first detailed phase shows one main locally equipped play area (LEAP) and three small doorstep play spaces (LAP) with these play spaces linked by a series of pathways separated from the main vehicular roads. The details of play equipment at present are not clearly shown and the submitted details will need to be supplemented with further information to be submitted through a planning condition. There is however sufficient quantum of play areas in policy terms.

### Public open space and ANRG areas

Added to the play areas will be informal POS areas amounting to some 1.7 hectares which will be available for the residents and wider public to use. To serve the first phase of development an area of 3.6 hectares of ANRG land for dog walking and recreation will also be available prior to first occupation. The details of all these areas can be seen on the plan dated 19 December 2022 DR L 019 rev C on the web site. This plan indicates the dedicated ANRG areas for the first phase south of the causeway and in the north western corner of the site. Members will note the large area of open space to the north of the causeway amounting approximately to some 2.4 hectares. The applicants have offered to make this available on final occupation of the first residential phase albeit it is not required to serve that land in policy terms. This is a significant gain in terms of the phasing of the release of open space and ANRG land within the scheme as a whole as technically this northern area does not need to be made available until prior to first occupation on the next phase. In total the first phase and other local residents will have access to POS and ANRG amounting to nearly 8 hectares of land.

Members are referred also to the section on surface water flood risk below and how this might impact on the useability of the ANRG during periods of high rainfall. This is a critical factor if the ANRG is to meet with policy requirements. A separate technical note has been provided by the applicants (see website report received 12 September 2022). The use of shallow basins, dry walking routes and a east-west boardwalk together with raised footways in other areas all supported by a robust drainage strategy will ensure that these areas are useable at all times of the year for dog exercise purposes. The basins will be added to by areas of lowered land levels or



scrapes of between 10cms and 50cms upstream and downstream of the road layout so as to manage surface water to these lowered areas and to ensure areas outside of this will remain dry except in the most extreme events.

#### Formal open space

The Local Plan Policy covering both this site and Site 16 require provision for on site formal open space i.e., playing pitches. There is a shortfall of playing pitch provision in the town according to evidence gathered during the local plan process.

The Town Council have objected on the grounds that there is no formal open space on the site (i.e. playing pitches). Officers would respond and confirm that detailed consideration has been given as to the appropriateness of having formal playing pitches on this site as anticipated by the Local Plan. In landscape and access terms neither this site nor Site 16 where the same policy requirement applies are considered appropriate. The sensitivity of the site in landscape terms, and in relation to dark skies would make a floodlit pitch in this area unacceptable. Added to this there is no direct public access or car parking facilities associated with such a playing pitch provision and to do so would further impact on the design and layout and attractiveness of the site.

Consequently, given these wider considerations which have come to the fore with the detailed consideration of the strategic site applications it has been deemed more appropriate to collect a reasonable contribution from each new dwelling proposed to enable an off-site provision to be made.

#### Access and highway related matters.

See the relevant section below under this separate sub-heading.

#### Case officer comments on design and layout.

The scheme layout differs significantly from the Local Plan concept masterplan layout particularly in relation to the central section between this phase and the next phase to the east. The concept masterplan showed a pinch point between these two phases but that arrangement has had to be amended to take account of potential surface water issues and to allow more space for SUDs basins. This has resulted in the development being pushed closer to the western boundary and the adjoining office block complex known as the Glass House Studios. This in itself is not a serious issue however as in landscape terms there will still be an element of open space separating the two building blocks.

The open space area in the north-western part of the site is also less than was anticipated in the Local Plan as the applicants have not included all the land that was shown in the concept Masterplan, and which was included in the allocation for Site 18. The missing parcel near a property called Bramble Ridge was shown as open space land and lies outside the development boundary however which normally prohibits any built development. There can be no guarantee that this parcel will not become the subject of development proposals in the future. That said the applicants consider the land is not included because there is more than enough POS and ANRG land in policy terms to satisfy the first phase requirements, and say they have no plans at present to propose any built development. Officers are concerned but cannot force the applicants to include this parcel at this stage. The pinching of the central gap in landscape terms is not considered to be an issue and will actually have the effect of providing better separation between the first and second phases.

The first phase will be accessed directly from the south and the earlier now completed Augustus Park development. This phase will however be separated from Augustus Park by a narrow open space area fronting onto a public right of way footpath which will have its surfacing improved as part of the Tinkers Cross permission.

The design and layout of the scheme is considered to have improved significantly from the first submission following a series of meetings with the NFDC officer team. The latest house designs are considered acceptable and will provide an attractive range of housing units with a variety of materials, roof heights and finishes. The apartment blocks have been specially designed to fit into those two areas of the site which can best accommodate these taller buildings. As the elevation of the site increases running northwards the density of the housing decreases and the introduction of bungalows and lower ridge heights will help to assimilate the scheme into the local landscape. The site layout in terms of landscaping and open space is also considered to be acceptable and will provide a measure of framing the development in an open landscape as is required by the Local Plan. The very minor breach of the Local Plan development boundary in this northern part of the site is not material and has no short view or wider view landscape impact.

The Environmental Design Team and POS officer have raised some issues, but these are all addressed by the latest 19 December amended plans. In conclusion it is considered that the design and layout of this first phase is acceptable subject to conditions seeking further details as set out below.

## **IMPACT ON DESIGNATED HERITAGE ASSETS**

Members are referred to the detailed comments of the Conservation Officer which can be viewed on the web site dated 18 October 2022 and 19 December 2022. The Conservation Officer concludes his comments thus -

*'This identified harm gives rise to a strong presumption against planning permission being granted. The presumption against planning permission is a statutory one and the authority must be conscious of the presumption in favour of preservation. It should therefore demonstrably apply that presumption to the proposal it is considering. The NPPF allows public benefits of the scheme to be assessed and balanced against this harm'.*

### Case officer comments and assessment

The principal impact of the development on heritage assets is twofold; first the impact arising from the proposed highway works on the A338 Salisbury Road and associated infrastructure; and secondly the impact on those heritage assets arranged around Burgate Cross and on Fryern Court Road resulting from the residential element and proximity of the scheme to those heritage assets.

Heritage assets can be designated as in the case of listed buildings or non-designated as in the case of unlisted buildings which have some historic value and/or architectural value. In this case there six listed buildings clustered around Burgate Cross with some historic cottages interspersed between them which could be considered to be non-designated assets. There are other listed buildings in the wider area but these are less directly affected by the development. The following legislative background must be considered as part of the case officer's and Committee's assessment of this proposal.

## Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or it's setting etc.  
S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

The advice set out in the NPPF in Section 16 must also be taken into consideration 'inter alia'

*Para 195 – 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).....'*

*Para 202 – 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.....'*

In both cases below the impact on heritage assets primarily affects the setting and significance of those assets and how they are experienced and their character in that regard and how this may be affected by the development. Setting in this sense does not just include the way in which the development is seen against the heritage assets and a crude measure of the distance between the development and the heritage asset, but also how they are *experienced* in their wider setting and character. In physical terms none of the heritage assets are affected by works directly to or in close proximity except perhaps for Corner Cottage on the A338.

### i) Impact of highway works

The Conservation Officer sets out in detail his concerns regarding the impact on setting in particular on Cross Cottage and The Old Farm House, as well as more widely in respect of the listed buildings and heritage assets at Burgate Cross.

There can be no doubt that the introduction of a major new traffic junction on the A338 with a roundabout and associated highway infrastructure works will harm the setting of heritage assets. Corner Cottage in particular is the closest to the roundabout. That said the impact has now been lessened in a number of ways. The roundabout has been moved westwards and made smaller. The impact of lighting has been lessened as far as possible. The movement of the roundabout westwards has resulted in a lower than standard visibility splays which has had to be agreed by the Highway Authority as a variation from standard. The introduction of 26 newly planted trees will alleviate some of the harm. The former proposals for retaining walls has been removed with more sympathetic low fencing. The Conservation Officer explores other harms such as wider landscape harm, but these are not supported by those expert landscape officers on this occasion. Neither are there any objections from the Highway Authority to the way in which pedestrians and cyclists are catered for.

Other alternatives to a roundabout were considered both at draft Local Plan stage and prior to this application submission. For example, a signalised junction based either at Burgate Cross or further to the south would have resulted in significant traffic signs , traffic lights and other paraphernalia directly at the junction around which most of the heritage assets are clustered or further to the south; would have

interrupted the free flow of traffic; and crucially from the Highways point of view would have resulted in significantly higher maintenance costs. The Highway Authority expressed a strong preference for a roundabout which would resolve these issues.

Secondly the position of the roundabout was considered in detail with a number of scenarios tested. A move southwards or further westwards would have resulted in demolition of the dwellings immediately to the south of the roundabout which would have placed greater economic pressure on the development which is already having to take on board significant costly infrastructure works. It would also have resulted in greater earth works given the old railway line is at a reduced level to the road and would have impacted adversely on the development site itself reducing the housing yield available. The applicants prior to the submission and to ensure that visibility splays to the roundabout were protected purchased three properties along Salisbury Road all of which would have had to be demolished with any further westwards move of the roundabout away from the heritage assets. This was put to the developers, but they were not able to agree for the reasons set out above.

ii) Impact on setting of Burgate Cross/Fryern Court Road

The Conservation Officer sets out how the northern edge of the development is now planned to be closer to the heritage assets and the fundamental issues being the erosion of the green space directly to the rear of these buildings. These buildings enjoy a setting within an agricultural landscape which is historic in its nature. The Conservation Officer considers the proximity will compromise the historic setting unacceptably. The setting of certain buildings such as The Old Farmhouse are significantly affected given their former relationship with this agricultural land. The Conservation Officer also states that we should not rely on planting which may give some transient relief and protect the setting, but which may not be permanent.

The case officer however does not consider the northern edge is a high-density development. The changes shown in the most recent DAS submitted by the applicants in November 2022 show how this part of the site has been reduced in height, scale, mass and density and now forms a much 'softer' new urban boundary broken up by vegetation and planting. The Parameter plans on building heights has been modified further to reflect this change. The potential for a harsh urban 'cliff face' of buildings has been specifically avoided. Added to that the design of the open space between Burgate Cross and the development has been simplified to retain an agricultural feel rather than urban parkland. The latest plans also do indicate structural longer-term planting along the northern boundary will be put in place to supplement any existing planting that exists. In response the Conservation Officer considers there is still a fundamental objection to the erosion of the green gap and maintains an objection.

There can be no doubt that the development will impact the setting and significance of the heritage assets at Burgate Cross. The impact on the setting was to some extent anticipated when the site was allocated. The policy requirements set out above in particular need to be considered i.e. *Conserving and enhancing the setting of the listed buildings in Upper and Lower Burgate*. The original settlement boundary provided more of a buffer to the heritage assets and there is no doubt that area has been eroded in physical terms. However, the applicants have amended their proposals to take these matters into account and have reduced the level of harm in doing so.

### Officer conclusion on balancing harm to heritage assets

It is therefore concluded that there is less than substantial harm to the setting and significance of the heritage assets referred to.

However, it is also necessary to balance this less than substantial harm against the wider benefits i.e., releasing much needed housing with a variety of sizes and tenures, an element of which is affordable, releasing and making available large new areas of public open space and ANRG, providing a new link road, providing improved sustainable travel options such as local footpath improvements and a new bus service and travel plan, a new community hub in the second phase, providing surface water betterment for the town, providing significant improvements in overall tree planting cover and landscaping of the site, increased levels of biodiversity on the site which suffers at present from an agricultural mono culture of low value, and significant levels of investment money through CIL and other S106 funding streams including £2.5m for education and £404,000 for formal playing pitch improvements.

Overall, it is considered that the public benefits arising from the scheme outweigh the less than substantial harm on this occasion.

### **ACCESS AND HIGHWAY CONSIDERATIONS**

Members are referred to the detailed comments of the Highway Authority dated 14 December 2022 which can be viewed on the web site. There are multiple highway elements which are set out below some of which cover the whole site and some the detailed element of the site which also includes the roundabout, access from Augustus Park and the elevated causeway.

#### Trip generation and impact on local road network

The Highway Authority in their response have considered in detail the applicant's updated traffic modelling illustrating how the development could impact on local roads. There have been significant local objections to the development and concerns expressed about the impact on local roads, but these are not supported by the expert consultee. There is therefore no evidence before the Council to substantiate these objections. The opening of the Link Road will have significant benefits in terms of the amount of any additional traffic on local roads particularly those being used to avoid the town centre.

#### New junction safety

**A338 roundabout** - The Highway Authority in their response confirm they have no objection to the latest plans showing a smaller roundabout than initially planned and one which is moved westwards to avoid the National Park land. The Highway Authority in agreeing to the latest plans are likely to agree to a minor reduction in safety standards caused by a slight impingement on the visibility splay leading to the roundabout when travelling north. In addition, the lighting columns and drainage details have been agreed in principle albeit a S278 Highways Agreement and more detailed engineering drawings will need to be submitted for final approval. That said the Planning Authority would expect and will condition the lighting standards and details shown in the lighting strategy will follow through to the final plans given the impact on landscape and wildlife that could result in larger or brighter lighting columns and lights. The Highway Authority have also agreed the latest landscaping plan revision J which shows 26 trees to be planted around the roundabout.

**Access to Augustus Park** – The Highway Authority raise no objection to the use of Augustus Park as part of the planned link road and no objection to the use of the new estate for construction traffic with a trigger of the link road being completed prior to the occupation of the 59<sup>th</sup> dwelling. The objections raised by local residents are not supported by the expert consultee.

### Sustainable transport options

**Walking and cycling** - The Parameter Plans and more detailed first phase plans indicate movement through the site with a network of roads, footways and cycleways with many new routes being provided. This plan forms a basis for the first phase and future Reserved Matters application going forward and the details of these internal links will need to be more fully shown. Linkages are shown with Fryern Court Road to the west and north and to Salisbury Road to the east. The Fryern Court Road link to the west needs to be more explicitly stated and an amended plan will be sought to provide those details. This can be covered by a Grampian condition as whilst the link is shown to be outside the application site it is on land currently owned by the applicants so is under their control. They have agreed to provide the link at this stage rather than at some future time.

In addition to on-site provision there is a requirement to provide sustainable transport links on foot or cycle to the wider strategic site network and beyond. In this regard the site is well located and served by a public right of way along the southern boundary linking Salisbury Road and Tinkers Cross via public footpath 83 which is being upgraded as part of the Metis Homes permission, with the cost of those works needing a contribution from the current development for future maintenance based on a proportional contribution linked to the number of dwellings per site to be split between the three developers fronting this part of FP83. This footpath will have a direct new link from the site in two places linking it to a safe route to school for children attending the Burgate Secondary School via the recent approval for Metis Homes. Via FP83 the site will have a direct improved off-road link to Site 17 via Tinkers Cross and Puddleslosh Lane. In addition, the site will have a direct linkage through Augustus Park to a second link to the Junior and Infants school through a lit site.

Furthermore, FP83 also has a T junction with FP84 running south to the primary and infant's school. It will be expected that this development will pay for the upgrading of that right of way (widening and resurfacing but not lighting) as far as the entrance to the junior school and for future maintenance costs of the improved route. The applicants will provide a costed estimate for the work which will form the basis of a contribution delivered to the Highway Authority for them to carry out these works. As a point of clarity, the response from HCC is incorrect in that it has wrongly assumed that other unnamed developers will also have a requirement to contribute both to the upgrading and maintenance cost for this work. It is considered that there is a case to be made that the current application should pay for the whole of that upgrading of FP 84 bearing in mind the size of the development and its direct site frontage to the junction of FP84 with FP83. All these contributions will be sought as part of the S106 agreement.

One of the most significant improvements locally brought about by the three Strategic Sites in Fordingbridge will be the availability of a new network of sustainable walking and cycling routes brought forward by the housing sites. At the present time Site 16 and Site 18 have no public access with Site 17 only having limited access. These three sites between them will open up a much wider network of walking routes to the benefit of all. Such new opportunities are also designed to prevent and reduce car borne trips to the National Park particularly, but not exclusively, by dog walkers so fits well with the sustainable travel aspirations set out

in the Local Plan policies. Every dwelling will also be provided with secure cycle storage.

**Bus Services** - The Highway Authority in their comments have also asked for an improvement to the X3 bus service which currently runs between Salisbury, Ringwood and Bournemouth.

This service currently has the following stops in the town

- Burgate Cross A338
- Surma Valley restaurant A338
- Waverley Road
- Alexandra Road
- Salisbury Street (town centre)
- Fordingbridge service station

The Highway Authority in their recommendation require the S106 agreement to include:

*Delivery of a public transport strategy prior to commencement, setting out the details of the bus service serving the site; noting this must as a minimum provide a bus service stopping within close proximity to the site access roundabout on Whitsbury Road and provide a bus service with a minimum hourly frequency on Monday – Saturday (excluding bank holidays) between the hours of 07:00 – 19:00 between the development, Fordingbridge Town Centre and Ringwood Town Centre.*

This Service should be provided with a new route which should be re-routed through Site 18 from Salisbury Road along the new link road through Augustus Park and then onto Salisbury Road in the vicinity of the new roundabout and bridge serving Site 17. The existing route stops will also need to be picked up so this may require a new service in addition to the existing service. The existing X3 route running down Salisbury Road and then onto the town centre needs to remain as this is necessary to pick up passengers along Waverley and Alexandra Road and to serve the two Site 18 parcels served directly by the A338 rather than the new link road. Added to this there will be a requirement for new bus stops. The Site 18 application can pick up any stops required within its boundary, and this can be secured through the S106 for both provision and future maintenance. The details of this re-routeing will be agreed in due course and the applicants have agreed to make a £410k contribution towards the running costs of the new bus service to be secured through the S106.

**Travel Plan** - Finally there will be a need for a residential Travel Plan to encourage more sustainable forms of travel. This will need to be monitored with a bond, along with the usual set up fees administered by the County Council. Contributions can be collected via the S106 agreement.

#### Timing of new link road

Perhaps the most crucial question for the Town Council, local residents and officers is at what point the new link road that will connect the A338 Salisbury Road with Whitsbury Road via Augustus Park will be open for use. In discussion with officers the applicants have now confirmed they would be willing to bring forward the completion of the link road initially shown as being completed as part of the final northern parcel residential phase to an earlier point mid-way through the development of the first phase. The Highway Authority in their response make clear that the evidence shows that a trigger is needed to ensure the link road is complete and available for use prior to a certain number of houses being built and occupied. In this case through discussion with the applicants and Highway Authority agreement has been reached that the developers will ensure the link road is fully complete and

available for use prior to the occupation of the 59<sup>th</sup> dwelling on the first phase of this site. This will result in bringing forward the new link road much earlier than initially planned by the applicant who were looking to do so within the 3<sup>rd</sup> phase of this development which could have been some 5 years plus from work starting on the first phase. An early opening of the link road will bring significant other benefits by reducing the impact of development on the town centre. It will also remove any concerns regarding the development of Site 17 which is unlikely to come forward until after the link road is complete.

#### Car parking and access \_

Paragraph 107 of the NPPF specifically addresses car parking. It does not prescribe standards but provides guidance for councils when setting out local standards for residential and non-residential development. It states that any local standards should take into account the accessibility of the development, the availability of and opportunities for public transport and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Local Plan Policy CCC2: 'Safe and sustainable travel' requires new development to provide sufficient car and cycle parking.

The Council uses its 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.

The applicant's Transport Assessment suggests that both car and cycle parking would be provided in accordance with the Council's Parking Standards, as set out in the Parking Standards Supplementary Planning Document April 2022. This would be appropriate. The detailed phase of the scheme shows a minimum of two parking spaces for each property except for the smaller flatted apartment buildings together with a small number of visitor spaces. Where appropriate it is considered that restrictions should be placed on integral garages to prevent them being lost to residential use and secondly that any car ports provided should be restricted so that they are maintained as open fronted buildings which will encourage parking rather than domestic storage use. Officers are satisfied that sufficient car parking and safe access can be made to all residential properties. The majority of main roads through the site will be offered for public adoption to the Highway Authority with only some minor cul de sacs being managed privately.

#### Construction traffic management \_

Construction traffic is planned to access the site from Augustus Park and on wider residential roads which are capable of taking such traffic but bypassing the town centre. The views of the Highway Authority do not raise this as an issue. The applicant however is in discussions with a 3<sup>rd</sup> party that may allow an opportunity for an alternative construction route and this will be investigated as part of the construction management plan condition required by the Highway Authority.

#### **Summary of Highway Authority requirements**

The applicant enters into a S106 agreement to provide for the following

Implementation of highway works extending the Augustus Park spine road to access the detailed element (Phase 3) of this application a prior to first occupation as shown in principle on drawing ITB12264-GA-302 Rev J.



- Implementation of highway works for the remainder of the link road between Augustus Avenue and the A338 and the A338 site access roundabout prior to 58 occupations as shown on drawings ITB12264-GA-302 Rev J (internal access road including foot & cycle paths, pedestrian cycle crossing points), TOR-SK098 SS18 (Illustrative Masterplan) and ITB12264-GA-308 Rev Q (A338 site access roundabout).
- Provision of a Full Travel Plan and associated set-up and monitoring fees and bond;
- Delivery of the bus service as set out above and provision of a Public Transport Strategy prior to commencement of the bus service, setting out the additional details of the bus service serving the site.
- Provision of financial contribution of £183,270 towards improvements or capacity mitigation at the junction of A338/ A31/ B3347.
- No more than 58 dwellings to be occupied until the new link road is completed and open to the public.
- Financial contribution for improvements to footpath 84.
- Financial contribution of £44,601 towards commuted sums associated with footpath 83 improvement work.

The Highway Authority also suggest conditions to cover construction management and ensuring that construction traffic does not create a safety issue through mud deposited on the public highway.

#### Case officer comments \_

Officers would not disagree or question the above recommendation from the Highway Authority except in relation to the bullet point recommending a contribution to the upgrade of the Ringwood roundabout at the junction of the A31/A338. The Officer report on the development at Snails Lane, Ringwood (Strategic site 15 – application 18/11606) included the following comments when the same matter was raised by the Highway Authority.

*Two junctions were assessed as to whether they can acceptably accommodate the additional traffic volume, this included the proposed modified junction at the A338 /Snails Lane and the existing A338 Salisbury Road/A31/B3347 roundabout at Ringwood. The results show that both junctions are expected to operate below their capacity during the agreed future assessment year, 2023, with the development.*

*However, the only exception to this is on the northern arm of the existing A338 Salisbury Road/A31/B3347 roundabout during the 2023 AM peak period when the traffic estimated to be generated by the recently adopted Local Plan allocation sites at Ringwood, Bransgore and Fordingbridge are included within the traffic flows.*

*This means that, when the other allocation sites are included in the traffic flows, and the proposed development, the forecasts show that there will be an increase in queuing on the A338 northern arm of the junction by 24 vehicles and increase the average delay on this arm by approximately 20 secs. Even without the proposed development, the forecast show that the north arm of the roundabout will exceed its capacity. However, it is important to note that the junction is only forecast to operate at over its capacity on the northern arm of the junction only for  $\frac{3}{4}$  of an hour over a full day.*

*Accordingly, it is considered that this level of increase in delay would not be noticeable by drivers during a busy morning commute. It should also be noted that Highways England do not raise any objection in relation to the increase in traffic flows onto the A31.*

Given the above your Officers consider that the current proposal on Site 18 would not justify a contribution to the upgrade of this roundabout at Ringwood. In the report to Planning Committee dated 29 September 2022 in respect of Strategic Site 17 (21/10052) Members did not disagree with this officer conclusion which should therefore be followed through to this report despite the Highway Authority contention that this is a requirement. Your officers consider this level of delay at certain times does not represent a severe impact.

## **ECOLOGY CONSIDERATIONS**

The Council's Ecologist has now commented on the final plans and ecological reports and his comments can be viewed on the web site dated December 2022. In addition the updated comments of Natural England will be taken on board and an updated Habitat Regulations Assessment will be provided prior to Committee. Other elements of this letter are also covered and considered in this report.

### Habitat mitigation against recreational impact

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.

In accordance with Local Plan policy the applicants have put forward a range of on-site ANRG areas to provide areas of recreation for dog walkers including a range of pathways and open areas, making use of the shallow SUDs basins as well as a main off lead exercise area measuring 3.6 hectares with a suitable fence enclosure if required to keep dogs in and prevent uncontrolled access onto the main road carriageways. The site will also form part of a wider strategic network of access including linkages with other parts of Site 18, noting above the applicant's offer to make the area to the north of the causeway available on last occupation of this first phase. Linkages with and improvements to the public rights of way network will provide good quality dog walking opportunities linking further afield to both Sites 16 and 17 to the south when they come on stream but making use of existing public rights of way until that point. In this regard the proposals comply with policy and are sufficient to offset the potential for harmful impact on protected areas within the New Forest National Park. At this point it should be noted that the Cranborne Chase AONB Partnership have raised similar impact issues, but the provision of financial contributions cannot be supported as there is no policy requirement to do so. In any event the points made above will deflect visits away from the AONB it is considered.

Local Plan Policy also requires that all development involving additional dwellings makes a contribution towards New Forest Access Management and Visitor Management Costs (the New Forest People and Wildlife Ranger service). This contribution cannot be calculated exactly due the outline nature of the application; a precise contribution will be calculated through the submission of reserved matters. What is important is that the required mitigation contribution is secured through a Section 106 legal agreement. Payment based on the precise dwelling mix can then be taken at Reserved Matters stage.

Finally, of the above Access Management and Visitor Management costs there is an element which requires that all additional dwellings make a contribution towards monitoring the recreational impacts of development on the New Forest European sites. This contribution is currently sought at a flat rate of £68 per dwelling and included in the contribution noted above.

#### Nutrient neutrality (phosphates) impact and mitigation

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

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

The applicants have now brought forward their own phosphate migration scheme which involves taking an established fish farm at Bickton out of production and revoking any Environment Agency licenses to operate. A standalone Section 106 Agreement has now secured this new scheme which also has the blessing of Natural England and the Environment Agency.

As there is now a 'Project' the Council can use a Grampian style condition and again grant planning permissions within the Avon Valley including the whole of Fordingbridge for residential development. The applicant can use this new scheme to demonstrate Phosphate credits can be used to discharge the Grampian condition. There will be a cost to the applicant in doing so as those credits could have been sold to another developer.

### On site 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 has advised on the need for specific conditions particularly in relation to bats and badgers and also provides advice on other species. These matters can be dealt with by planning conditions. Overall, however, there are no objections regarding impact on protected species.

### Biodiversity Net Gain (BNG)

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. This is 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. Accordingly, the Council’s policy position is clear that new development requires a 10% improvement in biodiversity.

The submitted application is supported by a 'Biodiversity Metric Assessment'. The report sets out whether the proposals will be able to deliver measurable net gain in biodiversity through using a recognised biodiversity metric to calculate the value of the site before and after the development. The principle of additionality has been applied within the calculations. Essentially the report sets out the various proposed measures that will help to deliver Biodiversity Net Gain, which include those mitigation measures along with other enhancement measures.

The Council’s Ecologist is satisfied that there is sufficient BNG within the site to address its own policy requirements seeking a 10% gain. This will be subject to further monitoring and management of the BNG over a 30-year period. A condition is suggested to deal with this.

A financial monitoring contribution to ensure long term performance of BNG based on the April 2022 Cabinet report will need to be included in the S106. For clarity the long-term management of the BNG is a matter likely to be addressed by a management company which will need to be set up for the management of this aspect as well as public open spaces. The applicants will need to fund this ongoing work usually through a service charge on the dwellings.

Other elements of BNG provided through individual bat and bird boxes either built into or attached to the new dwellings are itemised in the applicant’s Construction Ecological Management Plan which is welcomed by the Ecologist and which can be secured by condition.

## Air Quality mitigation

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

The applicant will be required to contribute towards a District wide monitoring programme as part of the S106 contributions in the event of a permission being granted. The current contribution is set at a rate of £91 per dwelling

## **FLOOD RISK, SURFACE, AND FOUL WATER DRAINAGE**

### Flood risk

Local Plan policies CCC1 and the site-specific policies for Site 18 require that flood risk should be dealt with and that a betterment for the town should be sought particularly in respect of avoiding future surface water flooding incidents. Prior to the submission of their application the applicants conducted baseline monitoring through trial pits and undertook hydraulic and ground water modelling to establish the surface water drainage requirements. The site geology shows the majority of the site is underlain by river terrace deposits with underlying bedrock consisting of London Clay. The river terrace deposits comprise sand and gravel. The results of the site investigation indicates that the ground conditions conform to the anticipated geology. The Environment Agency has confirmed that high groundwater is a risk in this catchment and there are records of groundwater flooding at the primary school in 2013/14. So, whilst the site lies wholly within flood zone 1 with the lowest risk of flooding from rivers, there are clearly surface water flooding issues that affect this site with pockets of surface water flood areas in the northern part of the site and along the southern boundary. The risk of surface water flooding arises from an overland flow route from north to south in the central area of the site which comprises a low shallow valley between the higher land to the west and east. This has been the primary cause of the development parcels between the first and second phases being split apart to make more room for flood attenuation measures.

The Local Plan policy also includes this text which needs to be satisfied regarding betterment.

*'Providing a comprehensive ground and surface water management system for the site, benefiting the town as a whole including a central north-south corridor of management of fluvial, surface and groundwater flood risk into the landscape.'*

## Surface water flooding and development proposals

The proposed surface water drainage strategy seeks to demonstrate that the proposed development can be drained in a sustainable manner commensurate with NPPF guidance which requires that flood risk to land and property is not increased from new development.

Existing ground levels at the site are proposed to be changed with levels of the residential blocks being raised by 0.5 to 1 metre across these areas of the site with a rise of 2m in the central part of the site to accommodate the new elevated road causeway. The causeway will be provided with 21 culverts to allow water to flow from north to south.

Rainfall runoff will be infiltrated to ground with attenuation through a series of shallow drainage basins (SUDs) to allow for extreme events. These drainage basins have been dispersed through the site. The new roundabout on the A338 will drain to a shallow attenuation tank before discharge at a controlled rate to the existing highway drainage ditch.

The first detailed phase has been assessed in more detail to confirm the size and depth of SUDs basins.

Within the drainage strategy an allowance has been made for climate change and urban creep creating more impermeable areas (extensions etc.) Shallow swales (linear ditches) along highways will be provided for road run off to improve water quality before it enters any of the SUDs basins. These basins are however intended to be shallow depression type features and not deep ponds and for most parts of the year will be dry with perhaps 30cms of water at times of high rainfall. House drainage will be supplemented by individual soakaways within gardens where infiltration conditions permit. The proposed drainage basins are not deep ponds with steep sides as was the case for the Augustus Park development. The basins are also intended so that they can be used as part of the POS and ANRG proposals as well being planted up to improve biodiversity and do not need to be fenced off for safety purposes.

For the next two phases to the east and north of the site a model has been used to inform the number, size and location of SUDs basins. The slab levels of houses will be set 50cms above the maximum projected water levels in the basins. Again, individual soakaways will be employed in some garden areas.

The on-site drainage has been sized to accommodate the critical duration of the 1% flood event probability plus 40% for climate change. Exceedance flows generated within the proposed development will be directed either towards the central overland flow corridor, contained within open spaces or within the highway boundary, where flows are likely to be collected by highway drainage and drained back into the drainage network, once the storm event clears.

**Betterment** - With regard to the policy requirement for betterment the applicants have submitted a further paper dated 9 August (see web site dated 12 September 2022), which outlines how the scheme will provide an improved surface water regime to limit future flood events. This requirement is in addition to the normal requirement of ensuring the development deals with its own flood issues on site.

The proposed development will provide betterment over the existing groundwater levels by including mitigation in the form of a groundwater drain, which is proposed to the north of the development parcels running west to east and discharging to an existing flow route via a proposed overflow that forms part of the drainage route

towards the River Avon. The purpose of the groundwater drain is to intercept a proportion of the peak groundwater levels which flow towards the site and will help to reduce the risk of groundwater flooding both within the proposed development and downstream of the site. The post development groundwater modelling shows that there would be a reduction in the simulated maximum groundwater levels across the Site when compared to the baseline model.

This new drain feature will need to be managed by a management company to be set up by the applicants through the S106 agreement as none of the public bodies want to be responsible for this feature. There is no reason why a management company cannot look after this feature along with other open land within the site which will be funded by the residents living on the site. This new drain will be installed as part of the second and third phases of the development as is not needed to deal with the first detailed phase.

The surface water drainage strategy itself will also provide a degree of betterment over the existing site as surface water runoff generated on site within the developable area will be managed and controlled through the implemented drainage strategy and into the series of infiltration basins proposed across the site. Currently, surface water runoff generated at the site either infiltrates, during drier periods, or flows to the central north-south overland flow route, during wetter periods. The mitigation measures, including the groundwater drain and raising of ground levels will mean there will be additional infiltration capacity, and the implementation of the drainage strategy will control these flows rather than contributing to the uncontrolled overland flow route.

The proposed surface water drainage strategy also includes two cut off ditches which surround the development parcels within the first phase, intercepting flows from the west. One ditch flows north around the outskirts of the first phase and the second ditch flows south and then east around the edge of this first phase. Previously, it was proposed that both ditches would discharge into the central north-south overland flow route, however, as there is additional capacity within the first phase infiltration basins it is proposed that the cut off ditches are integrated with the surface water drainage and will discharge into the infiltration basins. This means there will be a reduction in the runoff entering the central north-south overland flow route and therefore contributes to the downstream betterment. An overflow from the basins into the central overland flow route will be provided to ensure that there is no flooding of the system above the additional capacity in the basins. This is only required for exceedance events i.e., events larger than the design flooding event (1% AEP plus climate change).

The Environment Agency, Wessex Water, Hampshire Local Lead Flood Authority and Highway Authority are satisfied that the drainage proposals will be acceptable. Given this support from statutory consultees officers consider the proposals have met the policy requirements both in terms of dealing with on site drainage but in providing a betterment solution to limit any future flood events to the south.

#### Foul water and sewerage

Wessex Water (WW) is the sewerage undertaker responsible for the foul sewer network in Fordingbridge. In general, the northern part of Fordingbridge drains via a gravity foul a sewer network which takes flows through the centre of the town, eventually discharging to the Fordingbridge Waste Water Treatment Works (WWTW) at the southern end of Frog Lane. This includes the properties located to the south-east of Site 17. One potential point of connection – the sewer located in Whitsbury Road – has recently been extended northwards as far as the access to Augustus Park, adjacent to the proposed site access. WW has advised that the

existing sewer network has limited capacity and that engineering works to increase the capacity of the network through Fordingbridge would be constrained by the sewer routes, which pass through the town centre. Works to these sewers would require significant traffic management. A new strategic sewer network taking foul flows from the new development to the north of Fordingbridge westwards via a series of gravity sewers, pumping stations and rising mains from SS18 through SS17, and then south through SS16. South of SS16 a new pumping station would direct flows to the WWTW. This strategic solution would bypass the existing sewer network in Fordingbridge and therefore avoid the need for extensive sewer upgrade works within the town itself. WW subsequently confirmed that budget is provided for the strategic sewer in the WW AMP7 investment period from 2022/23 to 2025/26.

WW's strategy is based on the installation of two new storage tanks and pump facilities if required to be installed at key locations to manage flows from new development and avoid a negative impact to the existing network from new development. One storage location would be at Whitsbury Road in the vicinity of the Augustus Park and SS17 access and would manage flows from SS18, Augustus Park and the Tinkers Cross site. The second storage location would be at Station Road and would manage flows from sites SS16 and SS17. There would also be an option for the storage at Whitsbury Road to be sized to manage flows from SS17.

Local Plan policy SS18 requires the developers of Strategic Sites to work cooperatively with each other and with Wessex Water to deliver a suitable foul sewer connection to the Fordingbridge treatment works. A memorandum of understanding has now been signed by all the Fordingbridge developers to ensure that the required cooperation is in place.

To support the development of the NFDC Local Plan Review, WW carried out network modelling to test the impact of the proposed development to the north of Fordingbridge and develop a strategic sewer scheme proposal to serve the allocated sites.

The scheme submitted with this application involves the use of two pumping stations. One near the southern entrance from Augustus Park and included in the first phase of development. A second pumping station is shown in the final phase.

WW have now provided final comments in which they confirm they are satisfied with the drainage strategy subject to further information to justify if there is a need for two pumping stations rather than one.

## **IMPACT ON LOCAL RESIDENTIAL AMENITIES**

This section of the report is split between the outline and the detailed elements of the scheme as the impacts will differ across the site. Any impact on residential amenity also needs to be considered against the backdrop that the site has been allocated and there is an acceptance in principle for residential development.

### Detailed element of first phase

In terms of the impact on residential amenity (privacy and light) this is limited to a small number of dwellings on the northern edge of the Augustus Park development, the nearest of which is 45 metres from the nearest house on the new site. This is considered an acceptable distance with no significant privacy impact arising and no impact on light.



There will clearly be an impact on Augustus Park residents more widely as the current cul de sac highway serving the site will be changed to a new access road linking the A338 Salisbury Road with Whitsbury Road. This was however envisaged right from the start of the draft Local Plan allocation proposals for this site. There have been a number of local objections to this point, but the issue is not one that can now be taken into account provided there are no highway safety issues raised by the Highway Authority in their response. Similarly, the bulk of local resident objections to the loss of the green field of which this site forms a part cannot be given any weight since the allocation in the Local Plan. The Augustus Park development also benefits from open space and allotment land along its northern edge to offset the proximity and impact of the new development now planned.

As with the outline element of the scheme the direct pedestrian linkages from Augustus Park to the new site and its extensive areas of open space and ARNG and play facilities will be a positive result of the development given the land at present is all private farmland.

Another group of residents who front onto Fryern Court Road back onto the western boundary of the first phase of development. The impact of a much wider central area between the first phase and the next centrally located phase of development, so as to take account of surface water issues, has meant that the western built edge of the development is closer to these properties. However, there is a significant landscape buffer and open land gap of around 180 metres plus between properties. There is more than enough to ensure there will no significant amenity impact for these properties.

Overall, the impact of the first detailed phase on adjoining residential amenity is considered acceptable.

#### Outline element for second and third phases

There are a number of properties affected by the outline element of the scheme particularly those at Burgate Cross and on the northern boundary of Fryern Court Road. There are seven properties fronting onto Salisbury Road which back onto the site.

Dealing first with the properties on Fryern Court Road and Burgate Cross the main impact relates to the proximity of the new estate development which is now closer than was envisaged with the Local Plan settlement boundary. That said a distance of around 90 metres is more than enough to ensure that privacy and light to those properties are protected. The local residents will clearly see the new properties at a distance and will lose their green field view but those are not material considerations. In accordance with the Local Plan there is no direct vehicular access from the development onto Fryern Court Road. There is a planned pedestrian path access shown onto this road but the impact of this is minor. On a positive side this access point will give direct access for all those properties on Fryern Court Road access to the recreation and open space areas planned for the northern edge of the site and wider access to the rest of the open space and ANRG areas in the middle part of the site. At the present time this is all private farmland with no access so this will be a new considerable benefit available to those residents.

The recreation and play areas planned for the northern edge of the site are also considered to be acceptable in terms of their impact on the properties affected. The main play area planned for the northern corner is approximately 70 metres from the nearest property boundary. There may be an element of noise disturbance from play along this northern edge but this is not sufficient to warrant a refusal. The Town Council's comments on play are noted and whilst there is a general informal kick

about area planned for the northern edge there is no formal play provision by way of floodlit pitches as envisaged in the concept master plan. Lack of direct vehicular access, parking and landscape concerns have meant this is now being dealt with off-site via a monetary contribution for off-site formal playing pitch improvements.

The properties that front onto Salisbury Road back onto the development site but do so with landscaping and open space providing a significant buffer to protect privacy. The nearest projected back-to-back distance between existing and new dwellings is of the order of 50-60 metres so again there is no substantive privacy loss or light loss. Cross Cottage and the four properties to the south are impacted significantly however by the roundabout and the road infrastructure works. That said the impact of these works set against the existing A road impact is not sufficient to warrant a recommendation of refusal. There is no need for example of any acoustic barrier fence to these properties because of noise issues. Some of these properties such as Cross Cottage and The Old Farm House are listed buildings and that impact is considered further below. Cross Cottage however will benefit from the existing road edge being moved further away with a new pavement being introduced between the property and the road. Middle Burgate house further to the south also backs onto the site but this property again is separated from the development blocks by significant areas of open space. (This property is also the subject of the separate new application for 46 dwellings under reference 22/11268 noted above).

The only other property impacted by the outline element is Keepers Gate located adjacent to Footpath 83 along the southern edge of the site. However, whilst that property will lose its current view over farmland the nearest new dwelling will be approximately 45-50 metre away with a buffer of landscaping. There will also likely be a significant rise in footfall along the improved FP83 but the property has its own screening to prevent undue privacy loss.

Overall, there is no significant impact on residential amenities sufficient to warrant a refusal recommendation.

## **ENVIRONMENTAL HEALTH CONSIDERATIONS**

### Contaminated land

The comments of the NFDC EHO confirm there are no overriding issues with regard to contaminated land, subject to standard contaminated land condition being imposed to deal with unexpected contamination should this be encountered on the site.

### Noise, dust, and light pollution

The Council has assessed the impact of the development in regard to noise and dust pollution.

Noise impact has been evaluated from the development in isolation and also the cumulative impact of all committed development in the Fordingbridge area. A number of receptors were used to measure and model potential noise from additional traffic in particular throughout the town. Noise will be created in two ways, first by construction works, and secondly through increased operational noise once occupation has taken place. The EHO is satisfied that construction noise can be mitigated through a construction environmental management plan (CEMP) governing noise limitations. As for the wider impact on noise in the area the EHO considers these increases will be negligible and not significant.

With regard to light pollution this will be dealt with through conditions on street

lighting to light the new roundabout, causeway and other main internal roads and road works and restrictions on additional lighting on the houses themselves. The latter can be dealt with at reserved matters whilst the impact of road infrastructure lighting can be mitigated by using the latest lighting technology. The impact on dark skies is covered elsewhere in this report as is the impact of lighting on ecological receptors.

### Air quality impact

The submitted air quality assessment (ref: A11338/5.0) models the potential impact on local air quality from different developmental scenarios from the SS18 proposed developments. The impacts are assessed in terms of the potential impact from vehicle emissions from the operation of the proposed development(s) (nitrogen dioxide and particulate matter) and construction operations (dust / particulate matter) on site and on the local road network. The air quality assessment considers a number of developmental and phasing scenarios and takes into account the cumulative impact from other proposed development sites in the vicinity of Fordingbridge. All model outputs are predicted for the year 2025 for comparison purposes rather than 2036 once all developments are predicted to be completed because of the likely drop in air pollution through a ban on petrol and diesel vehicles sales after 2030. This leads to a more conservative view (worst case scenario) if 2025 is chosen as a base year.

The Council's EHO has carefully assessed air quality impact arising from additional motor vehicles but considers there to be no reasons not to grant planning permission subject to conditions covering a dust management plan during construction phase (to be included as part of the CEMP referred to above). Changes in development phases will however trigger a re-assessment at reserved matters stage.

### **MINERALS SAFEGUARDING**

Policies STR1 and STR9 both advocate sustainable development, and the re-use of minerals that might be found on the site will be part of that requirement. The County Council's response confirms it would be uneconomic to excavate all minerals on site prior to development of the housing site but they do suggest a condition requiring a scheme to be drawn up to show how any minerals found can be re-used which could limit the amount of material brought in or removed from the site thereby benefiting construction traffic movement figures.

### **COMMUNITY HUB PROPOSALS**

The Local Plan Policy SS18 sets out the following policy requirement

*'Providing a community focal point in a prominent location near the schools including ground floor premises suitable for community use, linking to or as part of a mixed-use opportunity area in Lower Burgate'.*

The applicants have included an element of commercial development in the second phase of this application proposal comprising a mix of some or all of; local food retail, local non-food retail, community use and business use. The location of these community uses is shown hatched red on the Land Use and Landscape Parameter Plan (see web site dated 12 September 2022).

The application form indicates a floorspace of -

- 766 square metres (8245 sq feet) for local food retail, non-food retail and business use under Class E of the Use Classes Order and

- 150 square metres (1615 sq feet) of other community uses under Class F2 under the Use Classes Order

### **Class E includes**

- E(a) Display or retail sale of goods other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of
  - E(c)(i) Financial services
  - E(c)(ii) Professional services (other than health or medical services)
  - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes

### **Class F comprises**

- F(2)(a) Shops(mostly) selling essential goods, including food where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
- F(2)(b) Halls or meeting places for the principal use of the local community
- F(2)(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
- F(2)(d) Indoor or outdoor swimming pools or skating rinks

Generally, the Use Classes Order allows for a change of use between each main class i.e., any class within Class E can change to another use in Class E, and the same with Class F, but you can't change from Class E to Class F without permission. However, Class E also has some changes of use allowance to residential which would not be appropriate as this would dilute the community hub aspirations. (There will be residential flats above the commercial use however as planned in this application). Class F is not allowed to change to any other use.

### Applicant's supporting information on community hub

*The applicants have pointed to the information set out on pages 69-71 of the original Design and Access Statement which sets out how the community hub could look and what it might contain. (see website dated 31 August 2021 Part 2 Design and Access Statement). They have also provided the following supporting statement.*

*Thought has gone into the proposed uses of the hub using the applicants experience in commercial property locally and so in designing the community hub we were keen to ensure that it was viable and deliverable rather than be a drag on development. The key anchor is focussed around a convenience store and initial conversations have taken place with two leading retailers who have requirements for this area and the store is designed around their size needs of 400 sq m.*

*There will be a further unit or units totalling 216 sq m and these would have a Class E use and so could be let for a variety of uses. Typically, we see these units being let to local/smaller retail, gym or office tenants. The key with the accommodation is that it offers flexibility in terms of use and size of unit to reflect any changes in the market/demand particularly as the centre will not be constructed for several years. The upper floors provide residential and so this helps to make it viable and helps its deliverability. Once outline is approved we will start to talk to a convenience store operator to start working up designs ahead of a reserved matters submission. In terms of ownership of the parade Pennyfarthing have an investment company and so it is likely that we would develop and hold the building whilst the upper parts (in residential use) would be sold off.*

*In respect of the community hub this space extends to 150 sq m and would be available as either a community hall use or if there is no demand office space. Discussions have taken place with the Town Council in terms of their possible interest. The applicants would like to see ownership transferred to a public body if possible. If the use was Class E or F2 this would appeal to a range of potential occupiers. We can deal with the specification and size of the building through the S106 drafting.*

#### Officer comments on community hub

This has the potential to create a new village square and local convenience store which supplemented by other community-based enterprises could be a boost to sustainability and provide a much needed focus for the development site as a whole. This will be complemented potentially by other similar proposals (without a food store) included on the adjoining application (22/11268) to the east.

Given the need to ensure that favoured uses such as shops and other uses which fully support community usage are given primacy it is considered that not all the above uses would be appropriate or acceptable. The uses that would be considered **unacceptable** would be Class F2(c) and Class F(d) as these would be impractical and not fulfil the policy requirements.

It is considered important to limit the uses to those specified above and to require planning permission for a change of use to residential or other less favoured uses. The key is to allow flexibility but to retain an element of control. Restrictions on permitted development rights must be made at outline rather than at reserved matters stage. A condition is included below.

Your officers fully support the community hub proposals and suggest that further discussions on the form and future control/ownership of this feature can be included in the S106 agreement and planning conditions as appropriate.

## **AFFORDABLE HOUSING POLICY**

The policies of the Local Plan seek to ensure that new residential development provides a mix and choice of homes by type, size, tenure and cost. Current evidence suggests that there is a need for a greater proportion of new stock to be smaller-to-medium-sized homes (particularly so in the affordable housing tenures). A table within the Local Plan (Figure 6.1) sets out the need for different house types

within the District.

It is considered important that the mix of development reasonably reflects the identified objectively assessed housing need across the district. Based upon the indicative details provided, the proposal would provide a good number of flats and smaller dwellings which meets the aspirations of the local plan to provide smaller homes but still providing a slightly higher proportion of 3 bed family homes. Overall, 85% of the proposed mix is for smaller or family homes with only 15% larger homes. 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. (Shared ownership falls into this latter category).

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.

The introduction of First Homes postdates the adoption of the Local Plan but they are now officially recognised as an affordable housing product by Government who have recently published new guidance on First Homes. The Council have followed this with their own guidance adopted in June 2022.

*(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. An NFDC First Homes Guidance Note has now been published setting out national requirements and local requirements relating to eligibility criterion etc. Government Guidance goes on to state that where First Homes are provided, they should be at a proportion of 25% of the affordable housing offer with the other 75% of affordable units being based on the Local Plan policy requirements of the LPA).*

Policy HOU2 therefore requires that the development should provide

- 202 units as affordable with
- 142 dwellings being split equally between social and affordable rent, and
- 61 units provided on a shared equity basis as intermediate.

Policy HOU1 further sets out a suggested mix for affordable rental and shared ownership based on further study carried out as part of the exercise to identify objectively assessed need.

Affordable rent 65% to be for 1-2 bed units; around 27% for 3 bed; and around 8% for 4 bed

Affordable home ownership around 60% for 1-2 bed; 33% for 2 bed; 7% for 4 bed  
To ensure that affordable homes address the requirements of the Local Plan local connection mechanisms will be sought for all tenures. Legal undertakings will also be required to ensure the homes for affordable rent and social rent, and where appropriate shared ownership are secured in perpetuity, and will be delivered by New Forest District Council (as a Registered Provider of Social Housing), or an approved Registered Provider partner.

### Applicant's viability assessment and affordable housing offer

As part of the applicants' viability assessment, they have provided the following mix of housing sizes across the three phases of development totalling 404 homes.

36 x 1 bed flats

40 x 2 bed flats

90 x 2 bed houses

188 x 3 bed houses

50 x 4 bed houses

Where the development cannot deliver the level of affordable housing set out in policy it is open to them to submit a viability assessment to demonstrate why a policy compliant scheme cannot be delivered. The applicant has submitted a viability assessment confirming that it is not possible to deliver the level of affordable housing required by policy as there are significant abnormal costs in bringing the site forward such as the cost of road infrastructure, the cost of land rising to deal with flooding, the cost of phosphate solutions and other Section 106 costs.

A viability assessment has been submitted which has been amended several times and at the time of writing the report was being further being considered by the Council's viability consultant. Given the scale and complexity of this development on this occasion the Council has also commissioned advice from a Quantity Surveyor to confirm the infrastructure and build costs.

Due to the need to finalise the Committee agenda early because of the Christmas break there will be a verbal update on this issue at the Planning Committee meeting. All information will be published on the Website in the normal way.

The recommendation set out below is therefore **SUBJECT** to an acceptable offer on affordable housing being agreed and that offer being presented to Committee for their consideration.

### **SECTION 106 REQUIREMENTS AND 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 Agreement. The Agreement will need to be completed prior to the issue of any planning permission and would seek to deliver the following benefits:

**Affordable Housing** – provision of affordable housing including future monitoring costs

**Education** - financial contribution of £2,536,799 towards expansion of Fordingbridge Junior and Infants School payable to Hampshire CC (of which a contribution of **£701,535** is required for the first detailed phase of development.

**Biodiversity net gain (BNG)** long term management/maintenance plan setting up of management company and provisions to safeguard against failure and setting up monitoring arrangements. Monitoring charges. 30-year minimum time span for BNG on site. BNG to cover whole of development site

**ANRG provision and maintenance** and long-term management/maintenance plan, monitoring costs and requirement – potentially privately managed. Structure of management company. Failure safeguards. If managed by public body, then maintenance contributions TBC.

**Habitat mitigation infrastructure and management contributions** based on latest mix of housing across site **£294,304.00**

**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. If to be adopted by public body, future maintenance financial contributions TBC, and monitoring costs

**Long term maintenance** of all public POS and ANRG hard and soft landscaping

**Monitoring charges** – as set out in the April 2022 Cabinet paper relating to affordable housing , BNG, POS, and ANRG

**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 = **£404k**.

**Provision of on-site drainage** – management company to look after on-site drainage including SuDS basins and any underground equipment within POS areas if not publicly adopted.

**Air quality assessment** monitoring contribution of £91 per dwelling = **£36,764.00** in line with Local Plan policy.

**Sustainable travel improvements** including new bus stop(s) on link road, contribution of **£410,000.00** for hourly bus service and re-routing of bus service to Whitsbury Road

**Highway works** for new roundabout junction onto A338, junction with Augustus Park, Footpath 83 crossing points and causeway, and all associated highway works– under S278

**Link Road** - Highway works in connection with new link road being completed prior to occupation of the 59<sup>th</sup> dwelling on the site.

**Footpath 84 improvement** – widening and re-surfacing improvements to the footpath along its length from the junction with Footpath 83 to the entrance to the Fordingbridge Primary and Infants school. Costed scheme to be drawn up and secured through S106 agreement with works to be carried out by Hampshire County Council Highways or Countryside team with funding met by applicant. Funding contribution toward future maintenance TBC

**Footpath 83 improvement** - funding contribution towards future maintenance for improved stretch between Salisbury Road and junction with Augustus Park = **£44,601.00**

**Provision of a full Residential Travel Plan** with bond, monitoring fees and approval fees so as to encourage more sustainable forms of transport other than the private motor car. **£75,185.00**



**Community hub** - future form, control and ownership of this community based and commercial facility to be confirmed as appropriate.

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	6869	0	6869	6869	£80/sqm	£703,808.31 *
Social Housing	4030	0	4030	4030	£80/sqm	£412,920.00 *

Subtotal:	£1,116,728.31
Relief:	£412,920.00
Total Payable:	£703,808.31

## 11 CONCLUSION AND PLANNING BALANCE

The development proposal before Members has come forward as a result of the adopted Local Plan allocation. The proposal has received a number of local objections as well as an objection from Fordingbridge Town Council.

However, many of those objections cover matters of principle which the allocation of the site in the Local Plan makes non material. Other objections submitted are not supported by the technical advice of consultees such as the Highway Authority, Environment Agency, Water Authority and Local Flood Risk Authority. No substantive alternative evidence has been submitted to set aside the views of statutory consultees. The loss of the attractive greenfield site will undoubtedly change and have an impact on local character, but this must be balanced against allocation of the site and the aspirations to deliver new housing including an element of affordable housing.

The tilted balance as set out in the NPPF does apply in this case as the Council cannot demonstrate a 5-year supply of housing land. The tilted balance sets out a presumption in favour of sustainable development and that greater weight should be afforded to the delivery of new housing unless other harmful impacts outweigh that presumption. The development will make a significant contribution to the established open market housing need. In this case Officers consider the balance is in favour of permission.

The question of affordable housing is still to be resolved at the time of writing. This recommendation will need to be subject to an acceptable affordable housing offer being made. Assuming that to be so it is considered the inclusion of affordable housing does weigh in favour of an approval of permission.

The development will have an impact on the setting of designated heritage assets at Burgate Cross, particularly in relation to the reduced buffer area along the northern boundary, and the impact of road infrastructure works, but this must be balanced

against the reduced impact now demonstrated in the latest plans and DAS, the mitigation measures to reduce infrastructure impact, and the considerable public benefits both in economic and social terms.

The ecological impact of the development including that relating to habitat mitigation and protected species has been carefully considered by officers and statutory consultees. The impact on ecological matters of importance is assessed that subject to conditions the development will not result in harm to protected species or areas. The proposal indeed brings forward opportunities for greater protection and further public appreciation of fauna and flora within the site. The Council has carried out an Appropriate Assessment under the Habitat Regulations (as amended) at this stage and concluded that the impact of additional phosphorous entering the River Avon will cause harm but that a scheme of mitigation can be brought forward to neutralise such harm.

The development has evolved since its submission and whilst the earlier scheme was not considered to be acceptable for a number of reasons the amended scheme supported by an updated Design and Access Statement and the other submitted plans showing weighs in favour of a permission. The development is close to the New Forest National Park and there are significant elements of infrastructure which impinge on the setting of the designated area. However, on balance subject to conditions requiring landscaping and the lighting scheme as submitted there is considered to be no overriding wider landscape impact and harm arising from the development on the protected areas of the New Forest National Park

The Council has had careful regard to the submitted Environmental Impact Assessment. Plans and reports with their conclusions have been amended following discussions with officers and these amendments have been the subject of a further round of consultations and consideration of any comments made by statutory and other consultees and interested 3<sup>rd</sup>. parties. The Council considers that the environmental impact of the development proposed has been properly framed and that officers' judgment on the impacts is that the development is acceptable subject to conditions and a S106 Agreement.

Taking the development as a whole the following benefits carry significant weight

- Early delivery of new road link to A338 and new junctions to alleviate traffic from the town
- Significant housing delivery to satisfy local and national requirements
- Provision of a new bus service to SS18
- Community hub building and local convenience store
- Affordable Housing (% TBA)
- Solution to provide an improvement on the flood alleviation/mitigation issues at SS18
- CIL contributions
- Footpath contribution to existing PROW and delivery of cycle ways and footpath connectivity through the site
- Education contribution to directly benefit Fordingbridge primary school

- Formal POS contribution to improve local facilities for sports use
- Significant new areas of ANRG and POS delivery all with public access
- On site LAPs/LEAPS for play
- Recreational Habitat Mitigation over that specified in the Local Plan
- Biodiversity net gain in excess of that required in the Local Plan

Overall given there are no technical objections to the proposal coupled with the benefits including those centred on sustainable development as set out in this report the proposal is considered to be generally in line with local and national policy and guidance and recommended for approval subject to conditions and the applicant first entering into a Section 106 agreement to deliver the benefits as set out above. Officers consider that the planning balance is one of approval. As stated above this recommendation is subject to an acceptable affordable housing offer being secured.

## 12 OTHER CONSIDERATIONS

### 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.

## 13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure those matters set out in this report; such agreement to be completed by end of January 2024
- (ii) the imposition of the conditions set out below and any additional / amended conditions deemed necessary by the Executive Head of Planning, Regeneration and Economy, having regard to the continuing Section 106 discussions.

### **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. **Time Limit for Approval of Reserved Matters**

The first application for the approval of reserved matters shall be made within a period of three years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 5 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. **Reserved Matters Details**

In respect of each future outline phase of development, no development shall commence until the layout, scale and appearance of the development, and the landscaping of the site (herein referred to as the reserved matters, as well as any outstanding conditions set out in this decision notice), insofar as they relate to that phase of development, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

4. **Approved Plans List**

The development permitted shall be carried out in accordance with the following approved plans: (Subject to final check on latest drawing nos).

## **Outline element**

### **Plans to be approved:**

- Land Use and Landscape parameter plan (TOR-PP001 SS18 rev B)
- Building heights parameter plan (TOR-PP002 SS18 rev B)
- Access and Movement parameter plan (TOR-PP004 SS18 rev B)
- Density parameter plan (TOR-PP003 SS18 rev A) (subject to any agreed modifications at reserved matters stage)
  
- Application boundary (TOR-PP005 SS18)

### **Highways plans**

- Proposed site access roundabout from Salisbury Road (ITB12264-GA-308 rev Q)
- Salisbury Road Site Access – Land Plan (ITB12264-GA-322 rev G)
- Salisbury Road Site Access - Long section on approaches to roundabout (ITB12264-GA-333 rev B)
- Cross sections along boundary (ITB12264-GA-354)
- Salisbury Road from Site Access Roundabout to Forest View Cross Sections along Boundary (ITB12264-GA-311 rev K)
- Proposed Site Access Roundabout from Salisbury Road Cross Sections along Boundary (ITB12264-GA-323 rev H)

### **Engineering plans**

- Site Wide surface water drainage strategy (70061334-WSP-18-DR-C-514 - P03)
- Proposed Groundwater Interceptor Drain (70061334-WSP-18-DR-C-515-P04)
- Site wide isopachyte layout (70061334-WSP-18-DR-C-622 - P04)
- A338 Highway Works proposed drainage strategy (70061334-WSP-18-DR-C-631 P04)
  
- **Detailed element for first phase**
  
- Illustrative Masterplan (XX-DR-A-P010 Rev B)
- Illustrative Masterplan (First Resi Phase) (XX-DR-A-P011 rev B)
- Site Layout - Unit Types & Tenure (XX-DR-A-P012 Rev C)

- Site Levels, Parking & Access 1 (XX-DR-A-P013 rev B)
  - Site Levels, Parking & Access 2 (XX-DR-A-P014 rev B)
  - Site Levels, Parking & Access 3 (XX-DR-A-P015 rev B)
  - Site Levels, Parking & Access 4 (XX-DR-A-P016 rev B)
- 
- External Materials 1 (XX-DR-A-P017 rev B)
  - External Materials 2 (XX-DR-A-P018 rev B)
  - External Materials 3 (XX-DR-A-P019 rev B)
  - External Materials 4 (XX-DR-A-P020 rev B)
- 
- Landscape Masterplan (wider) (XX-DR-L-001 rev E)
  - Landscape Masterplan (First Resi Phase) (XX-DR-L-002 rev H)
- 
- Landscape Hardworks & Boundaries 1 (XX-DR-L-003 rev D)
  - Landscape Hardworks & Boundaries 2 (XX-DR-L-004 rev D)
  - Landscape Hardworks & Boundaries 3 (XX-DR-L-005 rev D)
  - Landscape Hardworks & Boundaries 4 (XX-DR-L-006 rev D)
  - Landscape Hardworks & Boundaries 5 (XX-DR-L-007 rev D)
  - Landscape Hardworks & Boundaries 6 (XX-DR-L-008 rev D)
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- Landscape Softworks 1 (XX-DR-L-009 rev D)
  - Landscape Softworks 2 (XX-DR-L-010 rev D)
  - Landscape Softworks 3 (XX-DR-L-011 rev D)
  - Landscape Softworks 4 (XX-DR-L-012 rev D)
  - Landscape Softworks 5 (XX-DR-L-013 rev D)
  - Landscape Softworks 6 (XX-DR-L-014 rev D)
- 
- Landscape Framework Plan (XX-DR-L-016 rev D)
  - Open Space and ANRG Plan (XX-DR-L-017)
  - Landscape Frmk. POS & ANRG Whole Site (XX-DR-L-018 rev E)
  - Landscape Frmk. POS & ANRG Calculations (XX-DR-L-019 rev C)
  - A338 Roundabout Planting Plan (LA/PL/003 rev J)

- House Type A2S/A2M Plans (XX-DR-A-P301 rev A)
- House Type A2S/A2M Elevations (Plot 109-111) (XX-DR-A-P302 rev B)
- House Type Harwood Plans (XX-DR-A-P304 rev B)
- House Type Harwood Elevations (XX-DR-A-P305 rev B)
  
- House Type Hatchwood/Harwood Plans (XX-DR-A-P308 rev B)
- House Type Hatchwood/Harwood Elevs Var 1 (XX-DR-A-P309 rev B)
- House Type Hatchwood/Harwood Elevs Var 2 (XX-DR-A-P310 rev B)
- House Type Hatchwood / Stockwood Plans (XX-DR-A-P314 rev A)
- House Type Hatchwood / Stockwood Elevations (XX-DR-A-P315 rev B)
- House Type Hatchwood Detached Plans (XX-DR-A-P316 rev A)
- House Type Hatchwood Detached Elevations (XX-DR-A-P317 rev B)
  
- House Type Thornwood Terrace Plns (XX-DR-A-P320 rev A)
- House Type Thornwood Terrace Elvs (XX-DR-A-P321 rev B)
  
- House Type Fernwood Plans (XX-DR-A-P322 rev B)
- House Type Fernwood Elevations (XX-DR-A-P323 rev B)
  
- House Type Poundwood Plans (XX-DR-A-P324 rev B)
- House Type Poundwood Elevations (XX-DR-A-P325 rev B)
- House Type Poundwood Elevations Plot 34/35 (XX-DR-A-P325A)
  
- House Type Bolderbury Plans (XX-DR-A-P326 rev A)
- House Type Bolderbury Elevations (XX-DR-A-P327 rev A)
  
- House Type Aldbury Plans (XX-DR-A-P328 rev B)
- House Type Aldbury Elevations (XX-DR-A-P329 rev C)

- House Type Rushbury Plans (XX-DR-A-P330 rev C )
- House Type Rushbury Elevations (XX-DR-A-P331 rev B)
- House Type Ashbury Bay Plans (XX-DR-A-P332 rev A)
- House Type Ashbury Bay Elevations (XX-DR-A-P333 rev A)
  
- House Type Bishopdale (bungalow) (XX-DR-A-P336 rev B)
  
- House Type Whitsbury Plans (XX-DR-A-P337 rev A)
- House Type Whitsbury Elevations (XX-DR-A-P338 rev A)
  
- Special House Type Terrace Plots 26-31 Plans (XX-DR-A-P340 rev B)
- Special House Type Terrace Plots 26-31 Elevs (XX-DR-A-P341 rev A)
  
- Apartment Block 1 Ground Floor Plans (XX-DR-A-P342 rev C)
- Apartment Block 1 First & Second Floor Plans (XX-DR-A-P343 rev C)
- Apartment Block 1 Elevations (XX-DR-A-P344 rev C)
- Apartment Block 1 Elevations (XX-DR-A-P345 rev A)
- Apartment Block 2 Ground Floor Plans (XX-DR-A-P348 rev C)
- Apartment Block 2 First Floor Plans (XX-DR-A-P349 rev C)
- Apartment Block 2 Elevations (XX-DR-A-P350 rev B)
  
- Typical Single Garage (XX-DR-A-P351 rev A)
- Single Garage Pair (XX-DR-A-P352 rev A)
- Typical Carport (XX-DR-A-P353 rev B)
- Double Carports (XX-DR-A-P354 rev A)
  
- House Type Pennbury Plans (XX-DR-A-P360)
- House Type Pennbury Elevations (XX-DR-A-P361)
  
- House Type Knightswood Plans (XX-DR-A-P362)
- House Type Knightswood Elevations (XX-DR-A-P363)



- House Type Hatchwood / Poundwood Plans (XX-DR-A-P364)
- House Type Hatchwood / Poundwood Elevs (XX-DR-A-P365)
- House Type Poundwood Terrace Plans (XX-DR-A-P366)
- House Type Poundwood Terrace Elevs (XX-DR-A-P367)
- Special House Type Plot 105 Plans (XX-DR-A-P368)
- Special House Type Plot 105 Elevations (XX-DR-A-P369)
- Double Garage / Carport (XX-DR-A-P370)

#### Engineering drawings

- Land at Burgate Causeway Section & Elevation (1334-SK-505 P04)
- Land at Burgate – Phase 3 Surface Water Drainage Strategy (70061334-WSP-18-DR-C-653 Rev P04)

Reason: To ensure the development is carried out in accordance with the approved plans and in line with other plans submitted which are subject to final approval in consultation with statutory consultees, and to ensure that the approved plans are based on high standards of urban design to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context in accordance with Local Plan Policy ENV3.

## 5. Dwelling Numbers & Development Mix

The development hereby permitted shall not exceed 404 dwellings.

The detailed designs for the approved development shall accord with the following residential mix over the whole site, or as otherwise may be agreed through the approval of reserved matters:

- 36 x 1 bed flats
- 40 x 2 bed flats
- 90 x 2 bed houses
- 188 x 3 bed houses
- 50 x 4 bed houses
- 

Reason: This reflects the application submission and the basis for affordable housing and is the basis on which the required level of mitigation has been assessed. The Local Planning Authority would wish to properly consider any mix that does not reflect this submitted mix to ensure that housing needs are adequately met and noting that a material change to the residential mix will affect the level of mitigation that would be necessary to offset the development's impacts, and this may not necessarily be achievable.

6. **Site Levels**

Prior to the commencement of any outline phase of the development, details of levels, including finished floor levels for all buildings, existing and proposed levels of public open space areas (including ANRG and all drainage basins and land scrapes), and the existing and proposed site contours for that phase, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that the development takes appropriate account of, and is responsive to, existing changes in levels across the site.

7. **Phasing condition**

Prior to the commencement of any part of the development including any site clearance and demolition works, a detailed phasing plan, the number of reserved matters phases and including all on and offsite works, including all highway and drainage infrastructure works, green infrastructure works, 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 hereby permitted or to be permitted as part of future phases.

8. **Land raising details for each phase**

Before implementing each phase of development approved by this planning permission, no development shall commence in respect of that phase until such time as a scheme for the proposed land raising in that phase has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include precise details of how the land will be raised, together with details of the source of the material to be used to raise levels and how such material will be transported to the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the environmental effects of land raising are appropriately minimised, and to reduce the risk of flooding to the proposed development and its future users.

9. **Final details of road infrastructure**

Prior to the commencement of each outline phase of the development, including any elements of site clearance, the final details of the design for all new road infrastructure works and access roads (including foot & cycle paths, & pedestrian cycle crossing points) shall be submitted for approval by the local planning authority in consultation with the local highway authority. No dwellings shall be occupied until the approved details have been fully implemented in accordance with the agreed phasing plan. The submitted

details shall include a new minimum width 2m wide public footpath between the western boundary of the site and the public highway at Fryern Court Road adjoining land to the south of the property known as The Ingle as shown on the approved plan L009 rev D. All works shall be carried out and completed in accordance with the overall phasing plan of this permission.

Reason: In the interest of highway safety and to meet the sustainable access needs of the development.

#### 10. **Car & Cycle Parking**

Details of the car and cycle parking that is to be provided in association with each future outline, commercial and community use element of floorspace, and residential phase of development, shall be provided with the submission of Reserved Matters to the Local Planning Authority for its written approval, and, prior to the occupation of each dwelling or element of commercial and community use floorspace the approved car and cycle parking arrangements for each plot and commercial/community use unit shall have been provided in accordance with the approved plans, and thereafter retained for their intended purpose at all times.

Reason: To ensure that appropriate levels of car and cycle parking are delivered in association with the development.

#### 11. **Traffic Construction Management Plan**

No development hereby permitted shall commence in respect of each individual phase of development until a Construction Traffic Management Plan for that phase, to include details of provision to be made on site for site compound, contractor's parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details for each phase shall be implemented before the development of that phase is commenced and shall be retained throughout the duration of the construction of that phase.

Reason: In the interests of highway safety

#### 12. **Link Road trigger for completion**

Prior to the occupation of the 59<sup>th</sup> dwelling on the first phase of development the link road, (including the proposed roundabout and associated infrastructure works on the A338), through the site connecting the A338 with Augustus Park estate shall be completed to a standard satisfactory to allow full public usage in accordance with full details that shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that trip generation from this development coupled with other committed developments in Fordingbridge do not create an unacceptable and adverse impact on the local road network and the town centre in accordance with Local Plan policies ENV3, Strategic Site 18, and CCC2.

#### 13. **Vehicle Cleaning**

Prior to the commencement of any part of the development including site clearance and setting up of compounds full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

**14. Electric charging points**

For each phase of the development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve that part of the development 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 the charge points shall be retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability and to ensure that opportunities for the provision of electrical charging points are maximised in line with policy expectations.

**15. Maintenance of car parking spaces, garages and car ports**

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.

**16. Waste Collection Strategy**

Prior to the occupancy of any dwelling hereby permitted a waste collection strategy shall be submitted to and approved in writing with the LPA. The development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory form of development compliant with Local Plan policy ENV3

**17. High Speed Fibre Broadband**

Prior to the occupation of each dwelling in the development hereby approved, the necessary infrastructure required to enable high speed fibre broadband connections shall be provided within the site up to property thresholds, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with local and national planning policy.

**18. Further ecology survey and walk over before each phase**

Prior to the commencement of development for each phase including any site clearance, further supplementary ecological surveys shall be undertaken as necessary (as informed by the pre-commencement walkover) to inform the preparation and implementation of each phase of ecological mitigation measures. This should have regard to CIEEM's April 2019 Advice Note on the lifespan of ecological reports. The supplementary surveys shall be of an appropriate type and survey methods shall follow national good practice guidelines". These details shall be included within any given phase specific Construction Ecological Management Plan (CEcMP).

Reason: In the interests of any necessary mitigation being agreed for protected species in accordance with Local Plan Policy DM2

**19. CEMP and CEcMP**

No development in a given phase shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP for each phase shall be supported by an appended Construction Ecological Management Plan (CEcMP) relevant to each specific Phase of development. The approved CEMP (and accompanying CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered in accordance with Local Plan policies DM2 and ENV 3.

**20. Bat and Bird box details**

In line with the submitted Framework Construction Ecological Management Plan (Reference CSA/3561/04, dated 26/08/2021) and in accordance with the draft BS 42021 (Biodiversity and the built environment: Specification for the Design and Installation of Bird Boxes) a 1:1 ratio between new dwellings and integrated wildlife box features shall be adopted. These shall be split in a ratio of 1:3 of bat roost to bird next boxes. No development of any dwellings above slab level in a given phase shall take place until the

specification for the type, number and location of these features is provided within the corresponding phase specific CEcMP.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered in accordance with Local Plan policies DM2 and ENV3.

## 21. **BNG monitoring and management plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of each development phase has been submitted to and approved in writing by the local planning authority. The Biodiversity Net Gain Monitoring and Management Plan shall include:

- Methods for delivering BNG;
- Roles, responsibilities and competency requirements for delivering BNG – during and after construction;
- Detail legal, financial and other resource requirements for delivery of BNG;
- Description of the habitats to be managed;
- Ecological trends and constraints on site that might influence management;
- Clear timed and measurable objectives in the short, medium and long-term for BNG - Detail objectives for all habitats (target condition) and define key indicators to measure success;
- Define appropriate management options and actions for achieving aims and objectives;
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Preparation of a work schedule;
- Details for a formal review process when objectives are not fully reached;
- Key milestones for reviewing the monitoring;
- Establish a standard format for collection of monitoring data to make it repeatable and consistent including methods, frequency and timing;
- Identify and define set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site; and
- Detail reporting procedures.

The monitoring and associated reports shall be undertaken and provided to the LPA as a minimum in years 2, 5, 10, 20 and 30 from commencement of each separate development phase.

Reason: To ensure the development delivers a minimum 10% uplift in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

## 22. **BNG statement for each phase**

For each Reserved Matters application, an additional Biodiversity Net Gain Statement shall be submitted to the Local Planning Authority for its written approval. The additional Statement shall include a recalculation of the

biodiversity impact of the proposed development, having regard to any changes in the habitats type or condition of the habitats present, and any changes resulting from the detailed layout of the development and the level / nature of the on-site mitigation measures.

Reason: Due to the outline nature of the application and the illustrative nature of much of the supporting information, it is considered necessary to ensure the detailed designs will deliver a minimum 10% uplift in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

### 23. **Lighting scheme for each phase (ecology and dark skies)**

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

- a) identify those areas/features on site that are particularly sensitive for bats (or other ecological receptor) and that are likely to cause disturbance in or around their breeding sites and resting places or along important commuting routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained.
- c) The lighting strategy shall also take into account International Dark Sky Reserve advice and good practice as published by Cranborne Chase AONB Partnership. The scheme shall include the details of all lighting standards for roads and other associated infrastructure including levels of illuminance, lux contours, and height of standards etc. as well as a scheme and details for individual house lighting including a method statement of how light pollution from rooflights, and other house lighting is to be avoided. All rooflights in the first detailed phase and any further rooflights added to the house types shown in the first detailed phase shall be subject to the same requirements as may be agreed in perpetuity.

All external lighting (including any mitigation on house lighting as may be agreed) shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority including any individual house lighting.

Reason: To ensure that all site lighting can be designed, installed and maintained such that it has no adverse impact on wildlife

species of importance, the Cranborne Chase International Dark Sky Reserve, and the setting of the New Forest National Park in accordance with New Forest Local Plan Policies DM2, ENV3 and STR2.

**24. Updated Badger survey**

Prior to the commencement of development including site clearance and the setting up of compounds, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and a Method Statement for Badgers during Construction shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in full accordance with the approved Method Statement.

Reason: To ensure that badgers as a designated wildlife species are afforded adequate protection and any necessary mitigation is carried out so as to comply with Local Plan policy DM2

**25. Water efficiency and phosphate mitigation**

The development hereby approved shall not be occupied unless

- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
  - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;
  - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus



**26. Tree protection**

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 statement.

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

**27. Landscaping for first phase**

Prior to the commencement of development on the first phase, the following outstanding details of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a. Full landscaping details for all species, specification and numbers of trees, shrubs and other soft landscaping to be planted including all areas of woodland planting, with details of protection of all trees, staking methods, irrigation, mulching and any other details relating to shrub and grassland planting.
- b. a specification for the protection and establishment of all new planting, including areas of woodland planting (e.g., temporary fences, rabbit guards, mulching);
- c. details for hard surfacing (where not a part of the highway) and the materials to be used.
- d. details of fences, walls, piers, bollards and all other means of enclosure.
- e. details of all furniture (seats, bins, play equipment etc)
- f. A landscape management plan describing all management operations that will be needed to ensure the establishment and future quality of the designs for all public spaces,
- g. a method statement and programme for hard and soft landscaping implementation
- h. construction and surfacing materials and details for all public area paths and boardwalks including details of how they will remain flood resilient and the arrangements to be made for maintenance in perpetuity of the paths and boardwalks.

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

Reason: To ensure that the development takes place in an appropriate and to comply with Policy ENV3 and the site-specific Policy in the local plan.

**28. Maintenance of landscaping in public areas**

Prior to the occupation of any of the dwellings hereby permitted a long-term management and maintenance scheme to provide for hard and soft landscaping future maintenance in perpetuity for public areas shall be submitted to and agreed in writing with the LPA. The scheme shall include the long-term management and maintenance of all shrub, grasses and tree planting in public areas which includes all public open spaces, ANRG areas, drainage basins and play areas, and the maintenance of other public

facilities including benches and bins and other elements of hard landscaping and public infrastructure works.

Reason: To ensure that the development takes place in an appropriate way and to ensure that such areas are properly managed and maintained as public open spaces and ecological assets in the public interest, and to comply with Policy ENV3 and the site-specific Policy in the local plan.

## 29. **Play equipment and play area details**

Prior to the commencement of development (and notwithstanding the submitted landscape drawings showing play facilities) the outstanding details of the play areas in the first phase of development shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a detailed design of all play areas and its immediate landscape design including all level changes, hard and soft landscape elements, as well as detailed specifications for play equipment, furniture, signage, and any boundary features to be provided.

No development shall take place unless these details have been approved and then only in accordance with those details. Implementation shall be undertaken in accordance with the phasing plan to be submitted with the exception of the main play area (LEAP) which shall be completed prior to first occupation of any with other doorstep play areas completed as per the phasing plan.

The maintenance of all play facilities and play areas shall be carried out in accordance with the other conditions referring to future maintenance set out above and in accordance with any clauses contained in the allied S106 Agreement.

Reason: To ensure the provision of and maintenance of play opportunities as part of a landscape led design in accordance with policies CS7 and ENV3 as well as to ensure that prospective residents are made aware of and have access to the locations for play provision at the earliest opportunity.

## 30. **Minerals safeguarding**

Prior to the commencement of any part of the development a method statement covering the following matters shall be submitted to and agreed in writing with the Local Planning Authority.

- i) a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and,
- ii) a method to record the quantity of recovered mineral (re-use on-site or off-site) and to report this data to the Minerals Planning Authority upon completion of the development.

Reason: To comply with Local Plan policy STR9

**31. Foul sewerage**

Prior to the commencement of development foul sewerage drainage details must be submitted to and agreed in writing with the Local Planning Authority to establish whether the site can be served by one sewage pumping station rather than two as set out in the submitted Foul Drainage Statement. Details must include a statement assessing the whole life cost of the two systems over a period of 40 years.

Reason: To ensure the site is served by a sustainable drainage system with due regard to environmental impact

**32. Drainage details for first phase (SUDS basins)**

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 and Local Plan policy CS7

**33. Drainage details for first phase (all details)**

No development shall begin on any phase of the development until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and supplementary drainage documentation, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Details of swales and cut off drains including exceedance flow routes and any required culverts beneath footpaths.
- c. Confirmation of base levels for soakaways and ponds.
- d. Details of ponds including outfalls, inlets, forebay, wet areas and planting details.
- e. Evidence to demonstrate that imported material for land raising has a suitable level of infiltration in comparison with the existing material.
- f. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure that the final scheme is appropriate to serve the site and complies with best practice

34. **First phase drainage scheme maintenance**

Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include maintenance schedules for each drainage feature type and confirmation of ownership

Reason: To ensure there is a long term strategy to deal with future maintenance of all drainage features on the site.

35. **Drainage details for all phases**

Prior to the commencement of each phase and accompanying future reserved matters applications, a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and supplementary drainage documentation, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- Details of swales and cut off drains including exceedance flow routes and any required culverts beneath footpaths.
- Confirmation of base levels for soakaways and ponds.
- Details of ponds including outfalls, inlets, forebay, wet areas and planting details.
- Evidence to demonstrate that imported material for land raising has a suitable level of infiltration in comparison with the existing material.
- Evidence that urban creep has been included within the calculations
- Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure that the final scheme is appropriate to serve the site and complies with best practice

36. **CEMP (EHO specific)**

No demolition works or development within any development phase, shall commence on site until a Construction Environmental Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include details of –

- (i) The name, e-mail and direct telephone number for the site manager for that phase
- (ii) A programme of works including a plan detailing the extent of the phase to which the CEMP relates
- (iii) The type, volume and frequency of construction traffic movements
- (iv) Construction traffic routing and how will be monitored and enforced
- (v) The proposed point(s) of access/egress for construction traffic
- (vi) Measures to segregate construction traffic from other traffic utilising the site
- (vii) The origin, amount, and nature of any imported soils
- (viii) The maximum number of staff anticipated to be working on site and the number, location, and delineation of parking spaces for site operatives and visitors
- (ix) The location for the loading and unloading of plant and materials (including delivery times and swept path analysis for those vehicles)
- (x) The location, security and means of storage of plant and materials used in constructing the development
- (xi) Measures to control the deposition of mud onto the local road network
  
- (xii) Measures to control the emission of dust, dirt, noise and vibration during construction
- (xiii) Measures to protect watercourses and soil from pollution
- (xiv) Locations and measures to control the emissions where in situ bioremediation or soil washing takes place.
- (xv) Hours and days of working on site
- (xvi) A travel plan for the workforce including the promotion of car sharing
- (xvii) Measures to avoid the inadvertent entrapment of wildlife during construction.

The approved details shall be implemented throughout the duration of construction in that development phase, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the development is carried out in an environmentally appropriate manner without impacting on wider amenity.

### 37. **Unexpected contamination reporting**

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a

condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

**38. Construction: Hours of Operation**

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0700 hours and 1830 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless in the case of any emergency works that may be required urgently.

Reason: To safeguard residential amenities.

**39. Noise assessment reserved matters**

At reserved matters stage, a noise assessment shall be submitted considering noise from the community hub in accordance with BS4142:2014+A1:2019. This shall consider the Rating Level (LAr,Tr) of the noise against the background (LA90) level at the boundary of the nearest residential properties. Where the rating level (LAr,Tr) is found to exceed the background level, mitigation measures shall be proposed. The scheme shall be agreed in writing by the Local Planning Authority and shall be installed, retained, and maintained in accordance with the approved scheme.

Reason: In the interests of the amenity of future and existing residents

**40. Acoustic Design Statement - reserved matters**

At reserved matters stage, a full stage 2 Acoustic Design Statement (ADS) including the four key elements in accordance with ProPG: Planning and Noise shall be submitted to ensure that internal and external noise levels for the residential accommodation shall not exceed the designated minimum standards stated. The scheme shall be approved in writing by the Local Planning Authority and the approved scheme shall be implemented, maintained and retained.

Reason: In the interests of the amenity of future residents of the site

**41. Archaeology**

- 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 in writing. The scheme shall include an assessment of significance and 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 condition (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 condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure any archaeological findings from the site are properly recorded and lodged as formal records.

**42. House details materials first phase**

Prior to the commencement of any works above slab level of any of the dwellings hereby permitted 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.

For the first phase of development the facing, roofing materials as shown in the submitted plans shall be implemented in full. All soil and vent pipes and other flues shall be dark coloured. All electrical meter boxes shall be painted or otherwise coloured to match closely the colour of the facing brickwork or render wall as appropriate.

Reason: In the interests of the appearance and character of the dwellings and to accord with Local Plan Policy ENV3

**43. PD restrictions on certain plots**

With specific regard to special house types (plots 26-31, & 105), the Whitsbury house type, and apartment units on plots 42-55, & plots 77-83, 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 AA, 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 bespoke 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.

**44. Community Hub restrictions on use**

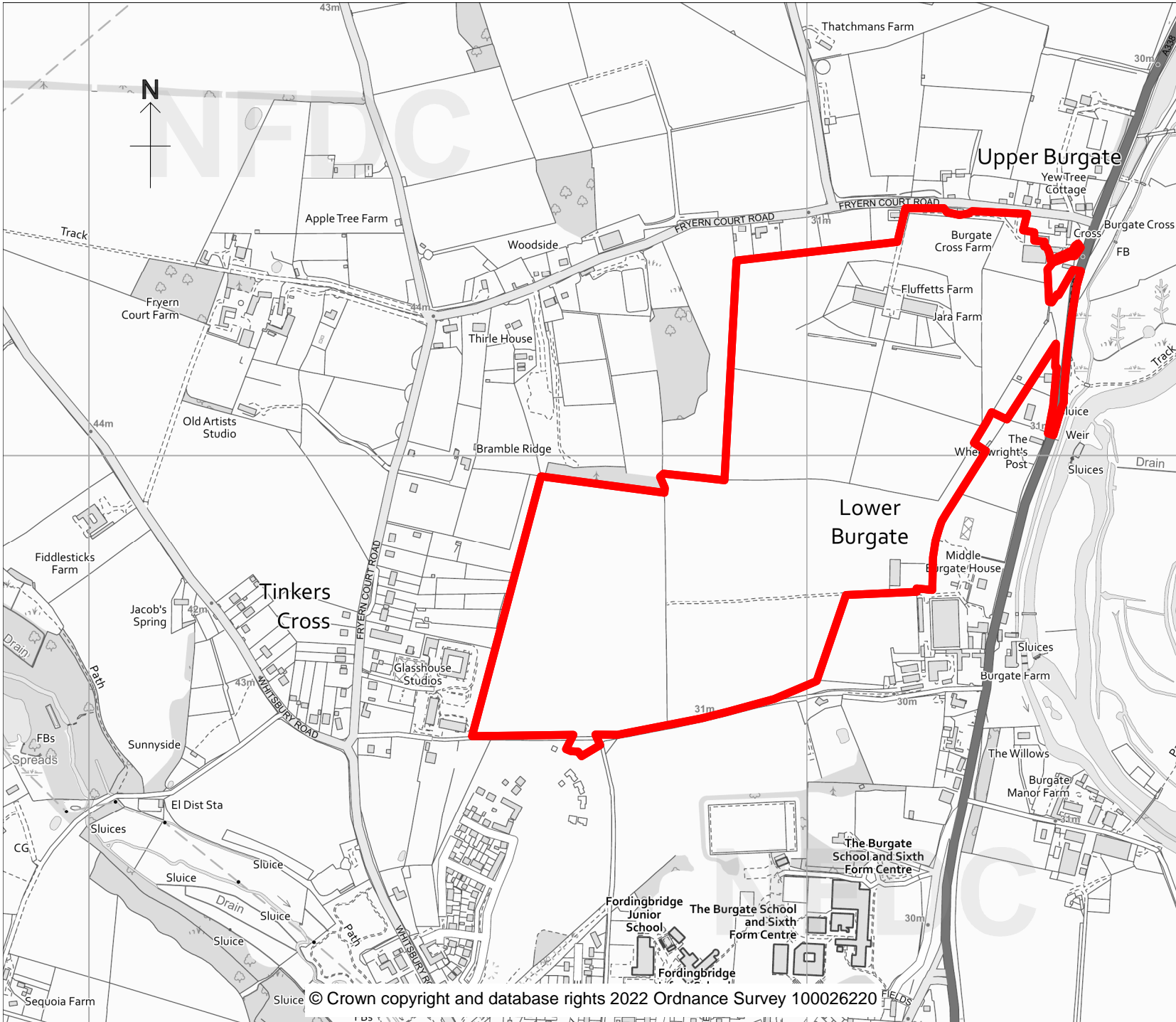
Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 2020 (as amended) the community hub uses shall not include Class F2(c) or F2(d). Any such change to these uses shall not take place without a specific grant of planning permission. In addition, there shall be no change of use from any Class E or Class F use to a residential use without a further grant of planning permission.

Reason: To ensure the community uses are vibrant and/or support community usage without undermining Local Plan policy requirements, reducing local sustainability and causing other planning or amenity issues in accordance with Local Plan policies STR1, STR8, ENV3 and SS18.

**Further Information:**

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# New Forest

DISTRICT COUNCIL

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 SO43 7PA

## PLANNING COMMITTEE

January 2023

Land West of Burgate  
 21/11237

Scale 1:7500

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